



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1977
FIRST SESSION
March 1, 1977 to April 28, 1977

A. M. PEARSON
COMMISSIONER

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EXPLANATORY NOTE

The Legislative Assembly adjourned April 28th, 1977. Any additional legislation that may be enacted prior to prorogation of the 1977 First Session will be contained in subsequent volumes of the sessional Ordinances for the 1977 First Session.

ORDINANCES OF THE YUKON TERRITORY

1977

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- (a) on behalf of an insurer or an insured, for compensation, directly or indirectly solicits the right to negotiate the settlement of or investigate a loss or claim under a contract or a fidelity, surety or guarantee bond issued by an insurer, or investigates, adjusts or settles any such loss or claim, or
- (b) hold himself out as an adjuster, investigator, consultant or adviser with respect to the settlement of such losses or claims, but does not include,
 - (c) a barrister or solicitor acting in the usual course of his profession,
 - (d) a trustee or agent of the property insured,
 - (e) a salaried employee of a licensed insurer while acting on behalf of such insurer in the adjustment of losses,
 - (f) a person who is employed as an appraiser, engineer or other expert solely for the purpose of giving expert advice or evidence, or
 - (g) a person who acts as an adjuster of marine losses only;

"agent"

"agent" means a person who, for compensation, not being a duly licensed insurance broker or not being a person acting under the authority of subsection 216.(15), (16) or (17), solicits insurance on behalf of an insurer or transmits, for a person other than himself, an application for or a policy of insurance to or from such insurer or offers or assumes to act in the negotiation of such insurance or in negotiating its continuance or renewal;

"aircraft insurance"

"aircraft insurance" means insurance against loss

of or damage to an aircraft and against liability for loss or damage to persons or property caused by an aircraft or by the operation thereof;

"appeal" includes a judicial revision or review of a judgment, decision, order, direction, determination, finding or conviction, and a case stated or reserved, and a removal of proceedings by law of *certiorari* or otherwise;

"appeal"

"automobile" includes a self-propelled vehicle and the trailers, accessories and equipment of automobiles, but does not include railway rolling stock that runs on rails, watercraft or aircraft;

"automobile"

"automobile insurance" means insurance

"automobile insurance"

- (a) against liability arising out of
 - (i) bodily injury to or the death of a person, or
 - (ii) loss of or damage to property, caused by an automobile or the use or operation thereof, or
- (b) against loss of or damage to an automobile and the loss of use thereof

and includes insurance otherwise coming within the class of accident insurance where the accident is caused by an automobile or the use or operation thereof, whether liability exists or not, if the contract also includes insurance described under employers' liability insurance;

"Automobile Insurance Plan" means an organization of insurers undertaking automobile insurance in the Territory formed for the purpose of allocating automobile insurance risks so as to ensure the availability of insurance coverage to owners and drivers wishing to purchase automobile insurance;

"Automobile Insurance Plan"

"boiler and machinery insurance"	"boiler and machinery insurance" means insurance against loss of or damage to persons or property and against liability for loss or damage to persons or property through the explosion, collapse, rupture or breakdown of, or accident to, boilers or machinery of any kind;
"broker"	"broker" means a person who, for compensation, not being a licensed agent or not being a person acting under the authority of subsection 216.(15), (16), or (17), acts or aids in any manner in negotiating contracts of insurance or placing risks or effecting insurance or in negotiating the continuance or renewal of such contracts for a person other than himself;
"chief agency"	"chief agency" means the principal office or place of business in the Territory of any licensed insurer having its head office out of the Territory;
"contract"	"contract" means a contract of insurance, and includes a policy, certificate, interim receipt, renewal receipt, or writing evidencing the contract, whether sealed or not, and a binding oral agreement;
"credit insurance"	"credit insurance" means insurance against loss to the insured through the insolvency or default of a person to whom credit is given in respect of goods, wares or merchandise;
"disability insurance"	"disability insurance" means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay insurance money or to provide other benefits in the event that the person whose life is insured becomes disabled as a result of bodily injury or disease;
"due application"	"due application" includes such information, evi-

dence and material as the Superintendent requires to be furnished, and also the payment of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Ordinance;

"employers' liability insurance" means insurance, not being insurance incidental to some other class of insurance defined by or under this Ordinance, against loss to an employer through liability for accidental injury to or death of an employee arising out of or in the course of his employment;

"employers' liability insurance"

"endowment insurance", as applied to a fraternal society, means an undertaking to pay an ascertained or ascertainable sum at a fixed future date if the person whose life is insured is then alive, or at his death if he dies before such date;

"endowment insurance"

"fire insurance" means insurance, not being insurance incidental to some other class of insurance defined by or under this Ordinance, against loss of or damage to property through fire, lightning or explosion due to ignition;

"fire insurance"

"foreign jurisdiction" means a jurisdiction other than the Territory;

"foreign jurisdiction"

"fraternal society" means a society, order or association incorporated for the purpose of making with its members only, and not for profit, contracts of life, accident or sickness insurance in accordance with its constitution, by-laws and rules and this Ordinance;

"fraternal society"

"guarantee insurance" means the undertaking to perform an agreement or contract or to discharge a trust, duty or obligation upon default of the person liable for such performance or discharge or to pay money upon such default or in lieu of

"guarantee insurance"

such performance or discharge, or where there is loss or damage through such default, but does not include credit insurance;

"head office"

"head office" means the place where the Chief executive officer of an insurer transacts his business;

"inland transportation insurance"

"inland transportation insurance" means insurance other than marine insurance, against loss of or damage to property,

(a) while in transit or during delay incidental to transit, or

(b) where, in the opinion of the Superintendent, the risk is substantially a transit risk;

"insurance"

"insurance" means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event;

"insurance fund"

"insurance fund" or "insurance funds", as applied to a fraternal society or as applied to a corporation not incorporated exclusively for the transaction of insurance, includes all money, securities for money and assets appropriated by the rules of the society or corporation to the payment of insurance liabilities or appropriated for the management of the insurance branch or department or division of the society, or otherwise legally available for insurance liabilities, but does not include funds of a trade union appropriated to or applicable for the voluntary assistance of wage earners unemployed or upon strike;

"insurance money"

"insurance money" means the amount payable by an

insurer under a contract, and includes all benefits, surplus, profits, dividends, bonuses and annuities payable under the contract;

"insurer" means the person who undertakes or agrees or offers to undertake a contract;

"insurer"

"life insurance" means insurance whereby an insurer undertakes to pay insurance money,

"life insurance"

- (a) on death, or
- (b) on the happening of an event or contingency dependent on human life, or
- (c) at a fixed or determinable future time, or
- (d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes accidental death insurance but not accident insurance;

"licence" means a licence granted under this Ordinance by the Superintendent;

"licence"

"live stock insurance" means insurance, not being insurance incidental to some other class of insurance defined by or under this Ordinance, against loss through the death or sickness of or accident to an animal;

"live stock insurance"

"marine insurance" means insurance against,

"marine insurance"

- (a) liability arising out of,
 - (i) bodily injury to or death of a person, or
 - (ii) the loss of or damage to properties;
 or
- (b) the loss of or damage to property,

occurring during a voyage or marine adventure at sea or on an inland waterway or during delay incidental thereto, or during transit otherwise than by water incidental to such a voyage or marine adventure;

"mortgage insurance"

"mortgage insurance" means insurance against loss caused by default on the part of a borrower under a loan secured by a mortgage upon real property, a hypothec upon immovable property or an interest in real or immovable property;

"motor vehicle liability policy"

"Motor vehicle liability policy" means a policy or part of a policy evidencing a contract insuring,

- (i) the owner or driver of an automobile, or
- (ii) a person who is not the owner or driver thereof where the automobile is being used or operated by his employee or agent or any other person on his behalf,

against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by an automobile or the use or operation thereof;

"mutual insurance"

"mutual insurance" means a contract of insurance in which the consideration is not fixed or certain at the time the contract is made and is to be determined at the termination of the contract or at fixed periods during the term of the contract according to the experience of the insurer in respect of all similar contracts, whether or not the maximum amount of such consideration is predetermined;

"non-owner's policy"

"non-owner's policy" means a motor vehicle liability policy insuring a person solely in respect of the use or operation by him or on his behalf of an automobile that is not owned by him;

"officer"

"officer" includes a trustee, director, manager, treasurer, secretary or member of the board or committee of management of an insurer and a person appointed by the insurer to sue and be sued in its behalf;

<p>"owner's policy" means a motor vehicle liability policy insuring a person in respect of the ownership, use or operation of an automobile owned by him and within the description or definition thereof in the policy and, if the contract so provides, in respect of the use or operation of any other automobile;</p>	<p>"owner's policy"</p>
<p>"plate glass insurance" means insurance, not being insurance incidental to some other class of insurance defined by or under this Ordinance, against loss of or damage to plate, sheet or window glass, whether in place or in transit;</p>	<p>"plate glass insurance"</p>
<p>"policy" means the instrument evidencing a contract;</p>	<p>"policy"</p>
<p>"premium" means the single or periodical payment under a contract for insurance, and includes dues, assessments, administration fees paid for the administration or servicing of such contract, and other considerations;</p>	<p>"premium"</p>
<p>"property" includes profits, earnings and other pecuniary interests, and expenditure for rents, interest, taxes and other outgoings and charges and in respect of inability to occupy the insured premises, but only to the extent of express provisions in the contract;</p>	<p>"property"</p>
<p>"property damage insurance" means insurance against loss of or damage to property that is not included in or incidental to some other class of insurance defined by or under this Ordinance;</p>	<p>"property damage insurance"</p>
<p>"public liability insurance" means insurance against loss or damage to the person or property of others that is not included in or incidental to some other class of insurance defined by or under this Ordinance;</p>	<p>"public liability insurance"</p>
<p>"salesman" means a person who is employed by a</p>	<p>"salesman"</p>

licensed insurance agent or broker on a stated salary that is not supplemented by commission, bonus or any other remuneration to solicit insurance or transact, for a person other than himself an application for a policy of insurance, or to act in the negotiation of such insurance or in negotiating its continuance or renewal, or collects and receives premiums on behalf of his employer only, but does not include a licensed insurance agent, broker or employee engaged solely in office duties for an agent or broker or a person acting under the authority of subsection 216.(15) or (16);

"sickness insurance"

"sickness insurance" means insurance by which the insurer undertakes to pay insurance money in the event of sickness of the person or persons insured, but does not include disability insurance;

"sprinkler leakage insurance"

"sprinkler leakage insurance" means insurance against loss of or damage to property through the breakage or leakage of sprinkler equipment or other fire protection system, or of pumps, water pipes or plumbing and its fixtures;

"Superintendent"

"Superintendent" means the Superintendent of Insurance and includes the Deputy Superintendent of Insurance;

"theft insurance"

"theft insurance" means insurance against loss or damage through theft, wrongful conversion, burglary, house-breaking, robbery or forgery;

"title insurance"

"title insurance" means insurance against loss or liability for loss due to the invalidity of the title to any property or of any instrument, or to any defect in such title or instrument;

"upon proof"

"upon proof", as applied to any matter connected with the licensing of an insurer or other person, means upon proof to the satisfaction of the Superintendent;

PART I

SUPERINTENDENT AND HIS DUTIES

- | | | |
|--------|---|---|
| 3. (1) | The Commissioner shall appoint a Superintendent of Insurance who shall exercise the powers and perform the duties vested in or imposed upon him by this or any other Ordinance, shall have the general supervision of the business of insurance in the Territory and shall see that the laws relating to the conduct thereof are enforced and obeyed. | Superintendent |
| (2) | The Superintendent may designate a person in his office to act as Superintendent during the absence or inability of the Superintendent. | Acting Superintendent |
| 4. (1) | For the purposes of his duties and in the exercise of his powers under this Ordinance or under any other Ordinance relating to insurance, the Superintendent may require to be made and may take and receive affidavits, statutory declarations and depositions, and may examine witnesses upon oath, and he has the same power to summon persons to attend as witnesses, and to enforce their attendance, and to compel them to produce books, documents and things, and to give evidence as any court has in civil cases. | Evidence |
| 5. (1) | An oath required by this Ordinance to be taken may be administered and certified to by the Superintendent or by any person authorized to administer oaths in the Territory. | Oaths |
| 6. (1) | Neither the Superintendent nor any person in his office shall be interested as a shareholder, directly or indirectly, in any insurance company doing business in the Territory. | Independence of Superintendent and Officers |

- Superintendent may bring actions, etc 7. (1) The Superintendent may bring actions and institute proceedings in his name of office for the enforcement of any provision of this Ordinance or for the recovery of any fee or penalty payable under this Ordinance.
- Leave (2) No action or proceeding for the recovery of any fee or penalty payable under this Ordinance shall be commenced without the leave of the Superintendent.
- Records of Superintendent 8. (1) The Superintendent shall keep a register of all licences, in which shall appear the name of the insurer, the address of the Head Office, the address of the principle office in Canada, the name and address of the chief agent in the Territory, the number of the licence issued, particulars of the classes of insurance for which the insurer is licensed and such other information as the Superintendent considers necessary.
- Inspection (2) The register referred to in subsection (1) shall be open to inspection at such times and upon payment of such fees as are prescribed.
- Annual publication in Gazette 9. (1) The Superintendent may cause to be published annually in the Yukon Gazette a list of the insurers licensed at the date of the list, and may from time to time cause notice of the licence of an insurer not theretofore licensed and notice of suspension or cancellation or revivor of licence to be given by publication in the Yukon Gazette.
- Certificate of Superintendent is evidence (2) A certificate under the hand and seal of office of the Superintendent that on a stated day an insurer mentioned therein was or was not licensed under this Ordinance or that any insurer was originally granted a licence, or that the licence of

- any insurer was renewed, suspended, revived, re-
voked or cancelled on a stated day, is admissible
evidence as *prima facie* proof of the facts stated
in the certificate.
- (3) A certificate of the filing of any document in
the office of the Superintendent is admissible
in evidence as *prima facie* proof of the filing
if signed or purporting to be signed by the Super-
intendent. Evidence,
filing of
documents
10. (1) Every decision of the Superintendent upon an appli-
cation for a licence shall be in writing and notice
thereof shall be forthwith given to the insurer. Decision of
Superinten-
dent
- (2) The insurer or any person interested is entitled
upon payment of the prescribed fee, to a certified
copy of a decision of the Superintendent.
- (3) The evidence and proceedings in any matter before
the Superintendent may be reported by a stenogra-
pher sworn before the Superintendent to faithfully
report the same. Stenographic
report
11. (1) An applicant for a licence under this Ordinance
or any person who considers himself aggrieved by
a decision of the Superintendent may appeal there-
from to the Court of Appeal. Appeal
- (2) The appeal shall be set down for argument at the
first sitting of the Court of Appeal that commences
after the expiration of thirty days from the deci-
sion complained of. When to be
set down
- (3) The practice and procedure upon and in relation
to the appeal shall be the same as upon an appeal
from a judgment of a judge of the Supreme Court
in an action. Procedure
- (4) The Superintendent shall certify to the Registrar
of the Court of Appeal the decision appealed from, Certificate

his reasons therefor and the documents, inspection reports and evidence, if any, and such other information as he had before him in making his decision.

Consequences of failure to answer inquiries

12. (1) The Superintendent may direct to an insurer any inquiry touching the contracts or financial affairs of the insurer, and the insurer shall make prompt and explicit answer to any such inquiry, and, in case of refusal or neglect to answer, is guilty of an offence.

Access to books

13. (1) The Superintendent or any person authorized under his hand or seal of office, shall, at all reasonable times, have access to all books, securities and documents of an insurer, agent or broker that related to control of insurance, and any officer or person in charge, possession, custody or control of such books, security or documents who refuses or neglects to afford such access is guilty of an offence.

Duty to furnish information on request

14. (1) It is the duty of the officers and agents of a licensed insurer, and of persons licensed under this Ordinance, and of any insured, to furnish the Superintendent on his request with full information relating to any contract of insurance issued by the insurer or to the insured or relative to any settlement or adjustment under any such contract.

Inspection

(2) The Superintendent may visit the head office or chief agency from which the contract was issued, or the office of the adjuster, and inquire into such contract or settlement, and section 13 applies *mutatis mutandis* to such inquiry.

Annual inspection of insurers

15. (1) The Superintendent or any person authorized by

him may visit the head office or chief office of a licenced insurer, and he may examine the statements of the condition and affairs of each such insurer and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its contracts as they mature and whether or not it has complied with all the provisions of this Ordinance applicable to its transactions.

(2) The officers and agents of an insurer shall cause the books and records of the insurer to be opened for the inspection of the Superintendent and shall otherwise facilitate such examination so far as it is in their power.

Duties of officers and agents

(3) In order to facilitate the inspection of the books and records of an insurer, the insurer may be required by the Superintendent to produce the books and records at the head office or chief office of the insurer or at such other convenient place as the Superintendent directs, and the officer or officers of the insurer who have custody of the books and records are entitled to be paid by the insurer for the actual expenses of such attendance.

Production of books at head office or as Superintendent directs

(4) The Superintendent may cause abstracts to be prepared of the books and vouchers and a valuation to be made of the assets or liabilities of any such insurer and the cost thereof upon the certificate of the Superintendent shall be paid by the insurer.

Examination of affairs of an insurer

(5) Where the office of an insurer at which an examination is made under this section is out of the Territory, the insurer shall pay the account in connection with such examination upon the certificate of the Superintendent.

Expenses of examination

Service of 16. (1) Where the head office of a licensed insurer is notice or process on Superintendent situated out of the Territory, notice or process in any action or proceeding in the Territory may be served upon the chief agent of the insurer in the Territory or where no appointment of a chief agent is then in effect notice may be served upon the Superintendent and such service shall be deemed service upon the insurer in the case of a corporation and upon members of the insurer in the case of an unincorporated body or association.

Insurer to file address (2) Every licensed insurer shall file in the office of the Superintendent notice of a postal address to which any such notice or process may be forwarded by the Superintendent and shall from time to time notify the Superintendent of any change in the address so filed.

Superintendent to forward notice of process 17. (1) The Superintendent shall forthwith after the receipt of any notice or process referred to in section 16 forward it to the insurer by registered mail addressed in the manner last notified to him for this purpose by the insurer.

Publication by Superintendent 18. (1) The Superintendent may publish from time to time notices, reports, correspondence, results of hearings, decisions and any other matter considered by the Superintendent to be in the public interest.

PART II

GENERAL PROVISIONS APPLICABLE

TO INSURERS

Application of Part 19. (1) This Part applies to insurance undertaken in the Territory and to all insurers carrying on business in the Territory.

Undertaking insurance (2) An insurer undertaking a contract that under this

Ordinance is deemed to be made in the Territory, whether the contract is original or renewed, except the renewal from time to time of life insurance policies, shall be deemed to be undertaking insurance in the Territory within the meaning of this Part.

- (3) An insurer undertaking insurance in the Territory or that in the Territory, Carrying on business
- (a) displays or causes to be displayed a sign containing the name of an insurer,
 - (b) maintains or operates, either in its own name or in the name of its agent or other representative, an office for the transaction of the business of insurance either in or out of the Territory.
 - (c) distributes or publishes or causes to be distributed or published any proposal, circular, card, advertisement, printed form or like document,
 - (d) makes or causes to be made any written or oral solicitation for insurance,
 - (e) issues or delivers any policy of insurance or interim receipt or collects or receives or negotiates for or causes to be collected or received or negotiated for any premium for a contract of insurance or inspects any risk or adjusts any loss under a contract of insurance, or
 - (f) prosecutes or maintains in the Territory an action or proceeding in respect of a contract of insurance shall be deemed to be an insurer carrying on business in the Territory within the meaning of this Ordinance.
- (4) Any club, society or association incorporated

or unincorporated that receives, either as trustees or otherwise, gratuities or benefits which are paid directly or indirectly upon the death of its members, of any of them, shall be deemed to be an insurer carrying on business in the Territory within the meaning of this Ordinance.

Licences

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| Necessity for license | 20.(1) | Every insurer undertaking insurance in the Territory or carrying on business in the Territory shall obtain from the Superintendent and hold a licence under this Ordinance. |
| Prohibition | (2) | Every insurer undertaking insurance or carrying on business in the Territory without having obtained a licence as required by this section is guilty of an offence. |
| Prohibition against person acting on behalf of unlicensed insurer | (3) | A person who in the Territory does or causes to be done any act or thing mentioned in sub-section 19. (3) or (4) on behalf of or as agent of an insurer not licensed under this Ordinance or who receives directly or indirectly any remuneration for so doing is guilty of an offence. |
| Exception | (4) | The following shall not be deemed insurers within the meaning of this Ordinance or required or entitled to be licensed as such, namely; <ul style="list-style-type: none"> (a) pension fund societies or employees' mutual benefit societies incorporated in the Territory; (b) corporations mentioned in paragraphs 215. (3) (a) and (b). |
| Reinsurance with unlicensed insurer | 21.(1) | Nothing in this Ordinance prevents a licensed insurer who has lawfully effected a contract of insurance in the Territory from reinsuring the risk or part thereof with an insurer |

transacting business out of the Territory and not licensed under this Ordinance.

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| 22.(1) | <p>Upon due application and upon proof of compliance with this Ordinance, the Superintendent may issue a licence to undertake contracts of insurance and carry on business in the Territory to any insurer coming within one of the following classes, namely:</p> <ul style="list-style-type: none"> (a) joint stock insurance companies; (b) mutual insurance corporations; (c) cash-mutual insurance corporations; (d) fraternal societies; (e) companies duly incorporated to undertake insurance contracts and not within classes (a) to (d); (f) underwriters or syndicates of underwriters operating on the plan known as Lloyds; (g) pension fund associations. | <p>What insurers may be licensed for</p> |
| (2) | <p>A licence authorizes the insurer named therein to exercise in the Territory all rights and powers reasonably incidental to the carrying on of the business of insurance named therein that are not inconsistent with this Ordinance or with its Act or instrument of incorporation or organization.</p> | <p>Effect of licence</p> |
| 23.(1) | <p>The Commissioner may make regulations determining and defining classes of insurance and classes of licences for the purposes of this Ordinance.</p> | <p>Classes of insurance</p> |
| (2) | <p>Subject to the provisions of the Parts of this Ordinance that particularly relate to the classes</p> | <p>Licence to carry on insurance business</p> |

of insurers mentioned in section 22, a licence may be granted to an insurer to carry on any one or more of the classes of insurance defined in section 2 and such other classes as are prescribed.

Determination of classes of insurance by Superintendent

- (3) For the purposes of this Ordinance, the Superintendent may determine the class or classes of insurance into which the circumstances or conditions in any case may bring any insurance granted or that may be granted in respect thereto, and the policy form to be used for that class of insurance.

Limited or conditional licence

- (4) Any licence may be issued subject to such limitations and conditions as the Superintendent may specify.

Conditions of automobile insurance licence

- 24 (1) A licence to carry an automobile insurance in the Territory is subject to the following conditions:
- (a) in any action in the Territory against the licenced insurer or its insured arising out of an automobile accident in the Territory, the insurer shall appear and shall not set up any defence to a claim under a contract made outside the Territory, including any defence as to the limit or limits of liability under the contract, that might not be set up if the contract were evidenced by a motor vehicle liability policy issued in the Territory and such contract made outside the Territory shall be deemed to include the benefits set out in the Schedule;
- (b) in any action in a province of Canada against the licenced insurer or its insured arising out of an automobile

accident in that province, the insurer shall appear and shall not set up any defence to a claim under a contract evidenced by a motor vehicle liability policy issued in the Territory, including any defence as to the limit or limits of liability under the contract, that might not be set up if the contract, were evidenced by a motor vehicle liability policy issued in that province.

- (2) Any insurer undertaking automobile liability insurance in the Territory shall be and remain a party to the Agreement establishing the Automobile Insurance Plan and shall comply with the requirements of the Automobile Insurance Plan as to rates to be charged for business placed through the Automobile Insurance Plan.
- (3) The Automobile Insurance Plan shall publish a rate manual but such rate manual and any changes to it shall be submitted to the Superintendent and shall not be used unless approved by him.
- (4) A licence may be cancelled when the holder commits a breach of condition as set out in subsection (1).

Insurance Plan

Penalty for breach

25.(1) Every insurer licensed for the transaction of life insurance may, under the authority

Scope of Life insurance licence

of its licence, unless the licence expressly provides otherwise,

- (a) include in any policy of life insurance, in respect of the same life or lives insured thereby, disability insurance and accidental death insurance; and
- (b) transact annuities of all kinds and insurance providing for the establishment of accumulation or endowment funds.

Scope of fire insurance

26.(1) Every insurer licensed to carry on fire insurance may, subject to its Act of incorporation and subject to the restrictions prescribed by the licence, insure or reinsure any property in which the insured has an insurable interest against loss or damage by fire, lightning or explosion and may insure or reinsure the same property against loss or damage from falling aircraft, earthquake, windstorm, tornado, hail, sprinkler leakage, riot, malicious damage, weather, water damage, smoke damage, civil commotion and impact by vehicles and any one or more perils falling within such other classes of insurance as are prescribed.

Insurance of automobiles

(2) An insurer licensed to carry on fire insurance may insure an automobile against loss or damage under a policy falling within Part IV of this Ordinance.

Application of other Parts

27.(1) A licence shall not be granted to an insurer except upon proof that it has complied with the provisions of this Ordinance and the regulations applicable to it.

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| (2) | Where the head office of an applicant for a licence under this Ordinance is situate out of the Territory, a licence shall not be granted except upon proof of its ability to provide for the payment at maturity of all its contracts, but the Superintendent may accept as sufficient the fact that it is licensed by any other government in Canada. | Evidence by insurer when head office outside of the Territory |
| (3) | A licence shall not be granted to a corporation that is incorporated under the law of a province unless its head office and chief place of business is situate in that province. | Licence of extra-provincial corporation |
| 28.(1) | The Superintendent shall require such notice of the application for a licence to be given by publication in the Yukon Gazette and elsewhere as he considers necessary. | Information preliminary to licence |
| 29.(1) | Every insurer shall, when applying for a licence, file in the office of the Superintendent the following documents: | Documents to be filed by applicants for licence |
| | (a) a certified copy of its Act or other instrument of incorporation or association and of its constitution and by-laws and regulations verified in a manner satisfactory to the Superintendent; | |
| | (b) a certified copy of its last balance sheet and auditor's report thereon; | |
| | (c) if the head office of the insurer is out of the Territory, notice of the place where the chief office of the insurer in the Territory is to be situate; | |

- (d) if the head office of the insurer is out of the Territory an executed copy of a power of attorney from the insurer to the chief agent resident in the Territory;
- (e) copies of all policy forms and forms of application for insurance proposed to be used by the insurer in the Territory;
- (f) any evidence or documents required by other Parts of this Ordinance.

Execution of power of attorney

- (2) A power of attorney filed pursuant to paragraph (1)(d) shall be under the seal of the insurer, and shall be signed by the president and secretary or other proper officers of the insurer in the presence of a witness who shall make oath as to its due execution.

Contents of power of attorney

- (3) A power of attorney filed pursuant to paragraph (1)(d) shall declare in what place in the Territory the chief agency of the corporation is and shall expressly authorize the chief agent to receive service of process in all actions and proceedings against the insurer in the Territory for any liability incurred by the insurer therein, and also to receive from the Superintendent all notices that the law requires to be given, or that it is thought advisable to give and shall declare that service of process for or in respect of such liability on the chief agent is legal and binding on the insurer.

- (4) The production of a copy of the power of attorney certified by the Superintendent is sufficient evidence for all purposes of the power and authority of the person therein named to act on behalf of the insurer in the manner and for the purposes set forth in the certified copy.

Effect of copy and evidence

- (5) Where the insurer changes its chief agent in the Territory it shall, within seven days of the appointment file with the Superintendent a similar power of attorney stating the change and containing a similar declaration as to service of process and notices.

Changes in chief agent

- (6) After the power of attorney is filed, any process in any action or proceeding against the insurer for liability incurred in the Territory may be validly served on the insurer upon its chief agent but nothing in this section renders invalid service in any other modes in which the corporation may be lawfully served.

Service of process thereafter

- (7) An applicant for a licence shall furnish evidence satisfactory to the Superintendent that the requirements of this Ordinance have been complied with and that the applicant is entitled to the licence applied for.

Evidence

- (8) When the Superintendent considers it necessary to conduct an examination of the affairs of an applicant for a licence, the applicant shall pay the costs of the examination upon receiving a statement thereof certified by the Superintendent.

(9) Every licensed insurer shall file in the office of the Superintendent certified copies of every amendment, revision or consolidation of its Act or other instrument of incorporation or association and of its constitution, by-laws and regulations verified in a manner satisfactory to the Superintendent within thirty days after the passing or adoption of the amendment, revision or consolidation.

Forms of licence

30.(1) A licence shall be in such form or forms for the different classes of insurers as may be determined from time to time by the Superintendent and a licence shall specify the business to be carried on by the insurer.

Terms of licence

(2) Every licence expires on the thirtieth day of June in each year, subject to renewal by the Superintendent on or before that date.

Conditions of licence

(3) Any licence may be issued or renewed subject to such limitations or conditions as the Superintendent considers appropriate.

Variation of licence

(4) Notwithstanding subsections (2) and (3), the Superintendent may at any time and in respect of any licence of an insurer,
(a) reduce the term for which the licence was issued or renewed;
(b) impose any conditions or limitations relating to the carrying on of the insurer's business that he considers appropriate; or
(c) vary, amend or revoke any condition or limitation to which the licence is then subject,

but the Superintendent may not exercise any power granted under this subsection until he has given the insurer notice of his intention to exercise such power and has afforded the insurer a reasonable opportunity to be heard with respect thereto.

- 31.(1) Where written notice has been served on the Superintendent and upon proof of an undisputed claim arising from loss insured against in the Territory remaining unpaid for sixty days after being due or of a disputed claim after final judgment in the regular course of law and tender of a legal, valid discharge being unpaid, the Superintendent may suspend or cancel the licence.
- (2) The licence may be revived and the insurer may again transact business if, within six months after notice to the Superintendent of the failure of the insurer to pay an undisputed claim or the amount of a final judgment as provided in this section, the undisputed claim or final judgment upon or against the insurer in the Territory is paid and satisfied.
- 32.(1) If the Superintendent, upon examination, or from annual statements or upon other evidence, finds
- (a) that the assets of an insurer are insufficient to justify its continuance in business or to provide proper security to persons effecting insurance with it in the Territory, or
- Failure to pay undisputed claim
- Revival of licence
- Insufficiency of assets to be reported by Superintendent

(b) that an insurer has failed to comply with any provision of law or with its Act or instrument of incorporation or association,

he may suspend or cancel the licence of the insurer.

Notice

(2) Notice of suspension or cancellation under this section shall be published in the Yukon Gazette and elsewhere as the Superintendent directs and thereafter any person transacting business on behalf of the insurer except for winding-up purposes is guilty of an offence.

Limited or conditional licence

(3) In the case mentioned in subsection (1) the Superintendent may in lieu of suspending or cancelling the licence of the insurer, issue such modified, limited or conditional licence as he considers necessary for the protection of persons in the Territory who have effected or effect contracts of insurance with the insurer.

Application to licensees of any government in Canada

(4) Upon the suspension or cancellation of the licence of an insurer by any government in Canada, the Superintendent may suspend or cancel the licence of such insurer under this Ordinance.

Appeal

(5) An insurer may appeal a suspension or cancellation of his licence by the Superintendent pursuant to subsection (1) or the decision of the Superintendent to issue a modified, limited or conditional licence issued pursuant to subsection (3), to the Court of Appeal

and the provisions of section 11 apply to the appeal *mutatis mutandis*.

- 33.(1) Every licensed insurer that carries on in the Territory the business of automobile insurance, fire insurance, property damage insurance, or sprinkler leakage insurance shall prepare and file, when required, with the Superintendent or with such statistical agency as he may designate such statistical return of the experience of such business as the Superintendent may require and in such form and manner and according to such system of classification as he may approve.
- (2) The Superintendent may require any agency designated under subsection (1) to compile the data so filed in such form as he may approve, and the expense of making the compilation shall be apportioned among the insurers whose data is compiled by such agency by the Superintendent who shall certify in writing the amount due from each insurer and it is payable by the insurer to such agency forthwith.
- (3) If at any time it appears to the Superintendent that the insurer's record of premium income and claims paid are not kept in such manner as to show correctly the experience of the insurer for the purposes of the statistical return, the Superintendent may nominate an accountant to proceed under his direction to audit the books and records of the insurer and to give such instructions as will enable the officers
- Statistical returns
- Compilation of data
- Audit and direction where records not duly kept

of the insurer to keep the records correctly thereafter.

Expenses of audit

(4) The expense of an audit under subsection (3) shall be borne by the insurer and the account shall, when certified and approved under the hand of the Superintendent, be paid by the insurer forthwith.

Offence

(5) Any insurer that contravenes this section and the principal officer in the Territory of any such insurer are guilty of an offence.

Annual statement

34.(1) Every licensed insurer shall prepare annually and deliver to the Superintendent on or before the fifteenth day of March of each year, a statement of the condition of affairs of the insurer as at the 31st day of December immediately preceding, which statement shall be in a form prescribed by the Superintendent and shall exhibit the assets, liabilities, receipts and expenditures of the insurer for the calendar year ending on such date, and shall also exhibit particulars of the business done in the Territory during such year and such other information as the Superintendent considers necessary from time to time, and such statement shall be verified in such manner as may be prescribed by the Superintendent.

Who may verify statement

(2) In the case of a corporation, a statement under subsection (1) shall be verified by the president, vice-president or managing director or other director appointed for the

purpose by the board of directors and by the secretary or manager of the corporation.

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| (3) | An insurer shall, when required by the Superintendent, make prompt and explicit answer in reply to any inquiry directed to the insurer by him in relation to the statement or in relation to the transactions of the insurer in the Territory. | Prompt reply to inquiries |
| (4) | Subject to subsection (5), in the case of all classes of insurance, other than life insurance, and in the case of all insurers, the statement shall show as a liability of the insurer not less than eighty percent of the actual portions of unearned premiums on all business in force on the 31st day of December immediately preceding or not less than eighty percent of fifty percent of the premiums written in its policies and received in respect of contracts having one year or less to run and <i>pro rata</i> on those for longer periods. | Unearned premiums a liability |
| (5) | In the case of non-cancellable accident and sickness insurance, the statement shall show as a liability of the insurer a reserve computed on such bases and in accordance with such methods as will place an adequate value on the liabilities thereunder, but in no case shall the value placed upon the benefits under any policy be less than the value placed upon the future premiums. | Reserve liability on non-cancellable accident and sickness insurance |
| (6) | The statement shall not show as assets the unpaid balances owing by agents or other | Certain agents' balances, unauthorized securities etc., must not show as assets |

insurers in respect of business written before the 1st day of October in the next preceding calendar year, or bills receivable on account of the same, or unpaid capital or premium on subscribed shares of capital stock, or investment in office furnishings or equipment, nor shall such statements include as assets any investments not authorized by any special or general Act or Ordinance to which the insurer is subject.

Valuation of securities

- (7) Every licensed insurer may, in its annual statement or in any valuation of its securities required to be made, value all of its securities having a fixed term and rate and not in default as to principal or interest according to the following rule: if purchased at par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made; but the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase, and the Superintendent has full discretion in determining the method of calculating values according to the foregoing rule.

Published statements

- 35.(1) No statement purporting to show the financial condition of an insurer that differs from the financial condition shown by the statement filed with the Superintendent, and no balance sheet or other statement that differs in form from the form prescribed by the regulations.

shall be published or circulated, and every insurer publishing such a statement is guilty of an offence.

36.(1) Every person who represents orally or in writing that the issue of a licence to an insurer or the printing or publication of an annual statement in any report or publication of the Superintendent or any other circumstance of the supervision or regulation of the business of the insurer by law or the Superintendent is a warranty or guarantee of the financial standing of the insurer or of its ability to provide for the payment of its contracts at maturity is guilty of an offence.

Statements that financial standing guaranteed by government prohibited

37.(1) Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

Separate accounts

Insurance With Unlicensed Insurers

38.(1) Notwithstanding anything in this Ordinance any person may insure property situated in the Territory against fire with an unlicensed insurer, if such insurance is effected outside the Territory and without any solicitation whatsoever directly or indirectly on the part of the insurer, and any property insured or to be insured under this section may be inspected and any loss incurred in respect thereof adjusted.

Insurance with unlicensed insurers

General

39.(1) Any person, other than an insurer or its duly

Trafficking in life insurance policies prohibited

authorized agent, who advertises or holds himself out as a purchaser of life insurance policies or of benefits thereunder, or who trafficks or trades in life insurance policies for the purpose of procuring the sale, surrender, transfer, assignment, pledge or hypothecation thereof to him or any other person, is guilty of an offence.

Privileged information

40.(1) Any information, document, record, statement or thing made or disclosed to the Superintendent concerning a person licensed or applying for a licence under this Ordinance is absolutely privileged and shall not be used as evidence in any action or proceeding in any court brought by or on behalf of such person.

Insurer to file form of policy

41.(1) The Superintendent may require an insurer to file with him a copy of any form of policy or of the form of application for any policy issued or used by the insurer.

Prohibit issue of policy

(2) Where the Superintendent finds that an insurer has issued a policy or used an application that is unfair, fraudulent, or not in the public interest the Superintendent may, after giving the insurer an opportunity to be heard and make representations, prohibit the insurer from issuing or using such form of policy or application and any insurer, that after being so prohibited issues such policy or uses any such application is guilty of an offence.

- (3) An insurer who considers himself aggrieved by a decision of the Superintendent pursuant to subsection (1) may appeal therefrom to the Court of Appeal and the provisions of section 11 shall apply *mutatis mutandis*. Appeal

- 42.(1) Unless the contract otherwise provides, a contravention of any criminal or other law in force in the Territory or elsewhere does not, *ipso facto*, render unenforceable a claim for indemnity under a contract of insurance except where the contravention is committed by the insured, or by another person with the consent of the insured, with intent to bring about loss or damage but in the case of a contract of life insurance this section applies only to disability insurance undertaken as part of the contract. Effect of violation of law on claim for indemnity

- 43.(1) Where an insurer wrongfully withholds payment of any sum of money due to an insured under a contract of insurance, the insurer shall be liable to pay to the insured interest on the said sum from the date it became due and payable at a rate to be prescribed. Where insurer withholds payment

Penalties

- 44.(1) Unless otherwise provided, every person who knowingly,
 - (a) furnishes false information in any application under this Ordinance or in any statement, return or answer required to be furnished under this Ordinance or the regulations, General penalty

- (b) fails to comply with any order, direction or other requirement made under this Ordinance, or
- (c) contravenes any provision of this Ordinance or the regulations,

and every director or officer of an insurer who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a term of not more than one year or both.

Penalty to insurer

- (2) Where an insurer is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the insurer is twenty-five thousand dollars and not as provided therein.

Suspension of licence

- (3) In addition to the penalty set out in subsection (2) where an insurer contravenes the prohibitions or fails to comply with the requirements of this Ordinance the Superintendent may suspend or cancel the licence of the insurer.

Penalty for carrying on business without a licence

- (4) Every person who
 - (a) undertakes insurance or carries on business as an insurer in the Territory,
 - (b) acts on behalf of an insurer in the Territory, or
 - (c) does or performs any one or more of the acts constituting the business of insurance,

in relation to any class of insurance without being licenced for that class, is guilty of an offence and on summary conviction is liable to a fine of not more than twenty-five thousand dollars.

- (5) In case of default in making a return required by this Ordinance to be made within a limited time, the insurer or the person required by this Ordinance to make the return shall, in addition to the fine provided by subsection (1), incur a further fine of one hundred dollars for every month or part thereof during which such insurer or person neglects to file the return so required.

Penalty for default in making returns

- (6) In any prosecution under this Ordinance, whenever it appears that the accused has done any act or been guilty of any omission in respect of which he would be liable to some penalty under this Ordinance or the regulations, unless he is duly licensed, it is incumbent upon him to prove that he is duly licensed.

Burden of proof of licence

Fees and Regulations

- 45.(1) The Commissioner may make regulations,
 - (a) requiring the payment of fees for licences and renewals of licences and in respect of any function performed by the Superintendent under this Ordinance and prescribing the amounts thereof;
 - (b) extending the provisions of this Ordinance or any of them to a system or class

Regulations

of insurance not particularly mentioned in this Ordinance;

- (c) governing group insurance contracts or schemes, or any class thereof including prescribing and regulating their terms and conditions, qualifications for membership in groups and regulating the marketing of group insurance contracts or schemes;
- (d) governing the advertising of insurance contracts or any class thereof including prescribing and regulating the form and content of advertisements and requiring their filing;
- (e) amending or altering the terms, conditions, provisions, exclusions and limits set forth in the Schedule; and
- (f) generally for the better administration of this Ordinance.

PART III

INSURANCE CONTRACTS IN THE TERRITORY

- 46.(1) Except where otherwise provided and where not inconsistent with other provisions of this Ordinance, this Part applies to every contract of insurance made in the Territory, other than contracts of
 - (a) accident and sickness insurance;
 - (b) life insurance;
 - (c) marine insurance; and
 - (d) workers' compensation insurance.

Contracts deemed made in the Territory

- 47.(1) Where the subject matter of a contract of insurance is property in the Territory or an

insurable interest of a person resident in the Territory, the contract of insurance, if signed, countersigned, issued or delivered in the Territory or committed to the postal office or to any carrier, messenger or agent to be delivered or handed over to the insured, his assign or agent in the Territory, shall be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof, and all moneys payable under the contract shall be paid at the office of the chief officer or agent in the Territory of the insurer in lawful money of Canada.

- 48.(1) All the terms and conditions of the contract of insurance shall be set out in full in the policy or by writing securely attached to it when issued, and, unless so set out, no term of the contract or condition, stipulation, warranty or proviso modifying or impairing its effect is valid or admissible in evidence to the prejudice of the insured or beneficiary.
- (2) Subsection (1) does not apply to an alteration or modification of the contract agreed upon in writing by the insurer and the insured after the issue of the policy.
- (3) Whether the contract does or does not provide for its renewal, but it is renewed by a renewal receipt, it is a sufficient compliance with subsection (1) if the terms and conditions of the contract are set out as provided by that

Terms, etc., of contracts invalid unless set out in full

Exception

Contents of renewal receipt

subsection and the renewal receipt refers to the contract by its number or date.

What regard to be given to proposal

- (4) The proposal or application of the insured shall not as against him be deemed a part of or be considered with the contract of insurance except in so far as the court determines that it contains a material misrepresentation by which the insurer was induced to enter into the contract.

Contract not to be invalidated by erroneous statement in application unless material

- (5) No contract of insurance shall contain or have endorsed upon it, or be made subject to, any term, condition, stipulation, warranty or proviso providing that such contract shall be avoided by reason of any statement in the application therefor, or inducing the entering into of the contract by the insurer, unless such term, condition, stipulation, warranty or proviso is and is expressed to be limited to cases in which such statement is material to the contract, and no contract shall be avoided by reason of the inaccuracy of any such statement unless it is material to the contract.

Materiality, now decided

- (6) The question of materiality in a contract of insurance is a question of fact for the jury, or for court if there is no jury, and no admission, term, condition, stipulation, warranty or proviso to the contrary contained in the application or proposal for insurance, or in the instrument of contract or in any agreement or document relating thereto, has

any force or validity.

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| (7) | This section does not apply to contracts of fire or automobile insurance. | Application |
| 49.(1) | An insurer shall upon request furnish to the insured a true copy of his application or proposal for insurance. | Copy of proposal to be furnished to insured |
| 50.(1) | No insurer shall make a contract of insurance inconsistent with this Ordinance. | No contract shall be inconsistent with Ordinance |
| (2) | An act or omission of the insurer resulting in imperfect compliance with any of the provisions of this Ordinance does not render a contract invalid as against the insured. | Rights of insured |
| 51.(1) | Every policy shall contain the name of the insurer, the name of the insured, the name of the person or persons to whom the insurance money is payable, the amount, or the method of determining the amount, of the premiums for the insurance, the subject matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue, the date upon which the insurance takes effect and the date it terminates or the method by which the latter is fixed or to be fixed. | Contents of policy |
| (2) | This section does not apply to contracts of guarantee insurance. | Application of section |
| 52.(1) | This section applies to a contract containing a condition, statutory or otherwise, providing for an appraisal to determine specified mat- | Application |

ters in the event of a disagreement between the insured and the insurer.

- Appraisals (2) The insured and the insurer shall each appoint an appraiser, and the two appraisers, so appointed, shall appoint an umpire.
- Appraisers (3) The appraisers shall determine the matters in disagreement and, if they fail to agree, they shall submit their differences to the umpire, and the finding in writing of any two determines the matters.
- Costs (4) Each party to the appraisal shall pay the appraiser appointed by him and shall bear equally the expense of the appraisal and the umpire.
- (5) Where
- (a) a party fails to appoint an appraiser within seven clear days after being served with written notice to do so,
 - (b) the appraisers fail to agree upon an umpire within fifteen days after their appointment, or
 - (c) an appraiser or umpire refuses to act or is incapable of acting or dies,
- a judge of the Supreme Court may appoint an appraiser or umpire, as the case may be, upon the application of the insured or of the insurer.
- Relief from forfeiture 53.(1) Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or other matter or thing required to be done or omitted by the

insured with respect to the loss and a consequent forfeiture or avoidance of the insurance in whole or in part and the court considers it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it considers just.

54.(1) Insurance money is payable in the Territory in lawful money of Canada. How policy payable

55.(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is stated in writing and signed by a person authorized for that purpose by the insurer. Waiver of term or condition

(2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or the delivery and completion of proofs or to the investigation or adjustment of any claims under the contract.

56.(1) Where a person (a) incurs a liability for injury or damage to the person or property of another, (b) is insured against such liability, and (c) fails to satisfy a judgment awarding damages against him in respect of his liability, Right of claimant against insurer where execution against insured returned unsatisfactory and an execution against him in respect thereof is returned unsatisfied, the person entitled to the damages may recover by action against

the insurer the amount of the judgment up to the face value of the policy, but subject to the same equities as the insurer would have if the judgment had been satisfied.

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| Exception | (2) | This section does not apply to motor vehicle liability policies. |
| Consolidation of actions | 57.(1) | Where several actions are brought for the recovery of money payable under a contract or contracts of insurance, the court may consolidate or otherwise deal therewith so that there is but one action for and in respect of all the claims made in such actions. |
| Where infants are entitled to insurance money | (2) | Where an action is brought to recover the share of one or more infants, all the other infants entitled, or the trustees, executors or guardians entitled to receive payment of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be determined in one action. |
| Apportionment of sums directed to be paid | (3) | In all actions where several persons are interested in the insurance money, the court or judge may apportion among the persons entitled any sum directed to be paid, and may give all necessary directions and relief. |
| When payee is domiciled or resident abroad | (4) | Where the person entitled to receive money due and payable under a contract of insurance, except insurance of the person, is domiciled or resides in a foreign jurisdiction and payment valid according to the law of such jurisdiction, is made to such person, such payment |

is valid and effectual for all purposes.

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| 58.(1) | Where the policy has been delivered, the contract is as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who had no authority to deliver it. | Effect of delivery of policy |
| (2) | The insurer may sue for any unpaid premium and may deduct the amount thereof from the amount for which he is liable under the contract of insurance. | Right of insurer in respect of unpaid premium |
| (3) | Where a cheque, bill of exchange or promissory note is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note is not honoured according to its tenor, the insurer may terminate the contract upon giving written notice by registered mail to the insured. | Where note or cheque for premium not honoured |
| 59.(1) | An insurer, immediately upon receipt of a request, and in any event not later than sixty days after receipt of notice of loss, shall furnish to the insured or person to whom the insurance money is payable forms upon which to make the proof of loss required under the contract. | Insurer to furnish forms |
| (2) | An insurer who neglects or refuses to comply with subsection (1) is guilty of an offence, and in addition section 60 is not available to the insurer as a defence to an action brought, | Offence |

after such neglect or refusal, for the recovery of moneys alleged to be payable under the contract of insurance.

Furnishing of forms not an admission

- (3) The furnishing by an insurer of forms to make proof of loss shall not be taken to constitute an admission by the insurer that a valid contract is in force or that the loss in question falls within the insurance provided by the contract.

When action may be brought under contract

- 60.(1) No action should be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract,
 - (a) of the loss, or
 - (b) of the happening of the event upon which the insurance money is to become payable, or of such shorter period as is fixed by the contract of insurance.

Insurance as Collateral Security

Mortgagee not to receive commission from insurer

- 61.(1) No mortgagee shall accept or be entitled to receive either directly or through his agent or employee, and no officer or employee of such mortgagee shall accept or receive, any commission or other remuneration or benefit in consideration of effecting a contract of insurance or renewal thereof under which contract loss, if any, is payable to him as mortgagee.

Payment of commission prohibited.

- (2) No insurer or agent or broker shall pay, allow or given any commission or other remuneration or benefit to a mortgagee or to any person in his employ or on his behalf in consideration

of effecting a contract of insurance or renewal thereof under which contract loss, if any, is payable to him as mortgagee.

(3) Every insurer or other person who contravenes the section is guilty of an offence. Offence

62.(1) Where an insured assigns the right to refund of premium that may accrue by reason of the cancellation or termination of a contract of insurance under the terms thereof and notice of the assignment is given by the assignee to the insurer, the insurer shall pay any such refund to the assignee notwithstanding any condition in the contract, whether prescribed under this Ordinance or not, requiring the refund to be paid to the insured or to accompany any notice of cancellation or termination to the insured. Right to refund of premium on termination of contract

(2) Where the condition in the contract dealing with cancellation or termination by the insurer provides that the refund shall accompany the notice of cancellation or termination, the insurer shall include in the notice a statement that in lieu of payment of the refund in accordance with the condition the refund is being paid to the assignee under this section.

Contracts of Title Insurance

63.(1) Every contract of title insurance shall be in writing, and, in addition to the other requirements prescribed by this Ordinance, shall expressly limit the liability of the insurer to a sum stated in the contract. Contracts of title insurance

- (2) If a question arises as to the validity of the title insured or as to the liability of the insurer, the insured or the insurer or any person entitled to proceed in right of either may apply in a summary way to the Supreme Court to have such question determined and the court may make such order upon the application as may be considered just.

General

- 64.(1) Where an insurer cannot obtain a sufficient discharge for insurance money for which it admits liability, the insurer may apply to the court *ex parte* for an order for the payment thereof into court, and the court may order the payment into court to be made upon such terms as to costs and otherwise as the court may direct, and may provide to what fund or name the amount shall be credited. Payment into Court
- (2) The receipt of the proper officer of the court is sufficient discharge to the insurer for the insurance money so paid into court, and the insurance money shall be dealt with according to the orders of the court. Discharge to insurer

PART IV

FIRE INSURANCE

- 65.(1) This Part applies to insurance against loss of or damage to property arising from the peril of fire in any contract made in the Territory except, Application of Part
 - (a) insurance falling within the classes of aircraft, automobile, boiler and

machinery inland transportation, marine, plate glass, sprinkler leakage and theft insurance;

- (b) where the subject matter of the insurance is rents, charges or loss of profits;
- (c) where the peril of fire is an incidental peril to the coverage provided; or
- (d) where the subject matter of the insurance is property that is insured by an insurer or a group of insurers primarily as a nuclear risk under a policy covering against loss of or damage to the property resulting from nuclear reaction or nuclear radiation and from other perils.

(2) Notwithstanding subsection (1), this Part applies to insurance of an automobile as provided in subsection 26.(2). Automobiles

66.(1) Subject to subsection (4) of this section and to paragraph 72.(1)(a), in any contract to which this Part applies the contract shall be deemed to cover the insured property Extent of coverage by contract

- (a) against fire, whether resulting from explosion or otherwise, not occasioned by or happening through,
 - (i) in the case of goods, their undergoing any process involving the application of heat,
 - (ii) riot, civil commotion, war, invasion, act of foreign enemy, hostilities (whether war be declared or not) civil war, rebellion,

revolution, insurrection or military power;

- (b) against lightning, but excluding destruction or loss to electrical devices or application caused by lightning or other electrical currents unless fire originates outside the article itself and only for such destruction or damage as occurs from such fire;
- (c) against explosion not occasioned by or happening through any of the perils specified in subparagraph (a)(ii) of natural, coal or manufactured gas in a building not forming part of a gas works, whether fire ensues therefrom or not.

Radioactive contamination

- (2) Unless a contract to which this Part applies otherwise specifically provides, it does not cover the insured property against loss or damage caused by contamination by radioactive material directly or indirectly resulting from fire, lightning or explosion within the meaning of subsection (1).

Extent of coverage by contract

- (3) Where property insured under a contract covering at a specified location is necessarily removed to prevent loss or damage or further loss or damage thereto, that part of the insurance under the contract that exceeds the amount of the insurer's liability for any loss incurred covers, for seven days only or for the unexpired term of the contract if less than

seven days, the property removed and any property remaining in the original location in the proportions that the value of the property in each of the respective locations bears to the value of the property in them all.

(4) Nothing in subsection (1) precludes an insurer giving more extended insurance against the perils mentioned therein, but in that case this Part does not apply to the extended insurance.

Extended insurance

(5) An insurer licensed to carry on fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of livestock insured against death or injury caused by fire or lightning, the word "lightning" is deemed to include other electrical currents.

Power to extend meaning of "lightning" in livestock contracts

67.(1) After an application for insurance is made, if it is in writing, any policy sent to the insured shall be deemed to be intended to be in accordance with the terms of the application, unless the insurer points out in writing the particulars wherein it differs from the application, in which case the insured may, within two weeks from the receipt of the notification, reject the policy.

Form of contract

68.(1) Where the loss, if any, under a contract has, with the consent of the insurer, been made payable to a person other than the insured.

Mortgagees and other payees

the insurer shall not cancel or alter the policy to the prejudice of that person without notice to him.

(2) The length of time for any manner of giving the notice under subsection (1) is the same as notice of termination to the insured under the statutory conditions in the contract.

Statutory conditions

69.(1) The conditions set forth in this section shall be deemed to be part of every contract in force in the Territory and shall be printed on every policy with the heading "Statutory Conditions" and no variation or omission of or addition to any statutory condition is binding on the insured.

Interpretation

(2) In this section, "policy" does not include interim receipts or binders.

STATUTORY CONDITIONS

Misrepresentation

1. If a person applying for insurance falsely describes the property to the prejudice of the insurer, or misrepresents or fraudulently omits to communicate any circumstance that is material to be made known to the insurer in order to enable it to judge of the risk to be undertaken, the contract is void as to any property in relation to which the misrepresentation or omission is material.

Property of others

2. Unless otherwise specifically stated in the contract, the insurer is not liable for loss or damage to property owned by any person other

than the insured, unless the interest of the insured therein is stated in the contract.

3. The insurer is liable for loss or damage occurring after an authorized assignment under the *Bankruptcy Act (Canada)* or change of title by succession, by operation of law, or by death. Change of interest

4. Any change material to the risk and within the control and knowledge of the insured avoids the contract as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent, and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the contract, or may notify the insured in writing that, if he desires the contract to continue in force, he must, within fifteen days of the receipt of the notice, pay to the insurer an additional premium, and in default of such payment the contract is no longer in force and the insurer shall return the unearned portion, if any, of the premium paid. Material changes

5. This contract may be terminated, Termination
 - (a) by the insurer giving to the insured fifteen days' notice of termination by registered mail or five days' written notice of termination personally delivered;

- (b) by the insured at anytime on request.
- (2) Where this contract is terminated by the insurer,
- (a) the insurer shall refund the excess of premium actually paid by the insured over the pro rata premium for the expired time, but, in no event, shall the pro rata premium for the expired time be deemed to be less than any minimum retained premium specified; and
 - (b) the refund shall accompany the notice unless the premium is subject to adjustment or determination as to amount, in which case the refund shall be made as soon as practicable.
- (3) Where this contract is terminated by the insured, the insurer shall refund as soon as practicable the excess of premium actually paid by the insured over the short rate premium for the expired time but in no event shall the short rate premium for the expired time be deemed to be less than any minimum retained premium specified.
- (4) The refund may be made by money, postal or express company money order or cheque payable at par.
- (5) The fifteen days mentioned in clause (a) of subcondition (1) of this condition commences to run on the day following the receipt of the registered letter at the post office to which it is addressed.

- 6.(1) Upon the occurrence of any loss of or damage to the insured property, the insured shall, if the loss or damage is covered by the contract, in addition to observing the requirements of conditions 9, 10 and 11,
- Requirement
after loss
- (a) forthwith give notice thereof in writing to the insurer;
 - (b) deliver as soon as practicable to the insurer a proof of loss verified by a statutory declaration,
 - (i) giving a complete inventory of the destroyed and damaged property and showing in detail quantities, costs, actual cash value and particulars of amount of loss claimed,
 - (ii) stating when and how the loss occurred, and if caused by fire or explosion due to ignition, how the fire or explosion originated so far as the insured knows or believes,
 - (iii) stating that the loss did not occur through any wilful act or neglect or the procurement, means or connivance of the insured,
 - (iv) showing the amount of other insurances and the names of other insurers,
 - (v) showing the interest of the insured and of all others in

the property with particulars of all liens, encumbrances and other charges upon the property,

(vi) showing any changes in title, use, occupation, location, possession or exposures of the property since the issue of the contract,

(vii) showing the place where the property insured was at the time of loss;

(c) if required, give a complete inventory of undamaged property and showing in detail quantities, cost and actual cash value;

(d) if required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers verified by statutory declaration and furnish a copy of the written portion of any other contract.

(2) The evidence furnished under clauses (c) and (d) of subparagraph (1) of this condition shall not be considered proofs of loss within the meaning of conditions 12 and 13.

Fraud

7. Any fraud or wilfully false statement in a statutory declaration in relation to any of the above particulars, vitiates the claim of the person making the declaration.

Who may give notice and proof

8. Notice of loss may be given and proof of loss may be made by the agent of the insured named

in the contract in case of absence or inability of the insured to give the notice or make the proof, and absence or inability being satisfactorily accounted for, or in the like case, or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

- 9.(1) The insured, in the event of any loss or damage to any property insured under the contract, shall take all reasonable steps to prevent further damage to such property so damaged and to prevent damage to other property insured hereunder including, if necessary, its removal to prevent damage or further damage thereto.
- (2) The insurer shall contribute pro rata towards any reasonable and proper expenses in connection with steps taken by the insured and required under subparagraph (1) of this condition according to the respective interests of the parties.
10. After loss or damage to insured property, the insurer has an immediate right of access and entry by accredited agents sufficient to enable them to survey and examine the property, and to make an estimate of the loss or damage, and, after the insured has secured the property, a further right of access and entry sufficient to enable them to make appraisalment or particular estimate of the loss or damage, but
- Salvage
- Entry, Control, Abandonment

the insurer is not entitled to the control or possession of the insured property, and without the consent of the insurer there can be no abandonment to it of insured property.

Appraisal

11. In the event of disagreement as to the value of the property insured, the property saved or the amount of the loss, those questions shall be determined by appraisal as provided under the *Insurance Ordinance* before there can be any recovery under this contract whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

When loss payable

12. The loss is payable within sixty days after completion of the proof of loss, unless the contract provides for a shorter period.

Replacement

13.(1) The insurer, instead of making payment, may repair, rebuild, or replace the property damaged or lost, giving written notice of its intention so to do within thirty days after receipt of the proofs of loss.

(2) In that event the insurer shall commence to so repair, rebuild, or replace the property within forty-five days after receipt of the proofs of loss, and shall thereafter proceed with all due diligence to the completion thereof.

14. Every action or proceeding against the insurer for the recovery of a claim under or by virtue of this contract is absolutely barred unless commenced within two years next after the loss or damage occurs.

Action

15. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Territory. Written notice may be given to the insured named in the contract letter personally delivered to him or by registered mail addressed to him at his latest postal address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

Notice

70.(1) A contract containing,
(a) a deductible clause; or
(b) a co-insurance, average or similar clause; or
(c) a clause limiting recovery by the insured to a specified percentage of the value of any property insured at the time of loss, whether or not that clause is conditional or unconditional,
shall have printed or stamped upon its face in red ink the words "This policy contains a clause that may limit the amount payable", failing which the clause is not binding upon the insured.

Limitation of liability

71.(1) Where on the happening of any loss or damage to property insured there is in force more than

Rateable contribution

one contract covering the same interest, each of the insurers under the respective contracts is liable to the insured for its rateable proportion of the loss, unless it is otherwise expressly agreed in writing between the insurers.

Effect of policy may not be postponed

(2) For the purpose of subsection (1), a contract shall be deemed to be in force notwithstanding any term thereof that the policy will not cover, come into force, attach or become insurance with respect to the property until after full or partial payment of any loss under any other policy.

Certain restrictions valid

(3) Nothing in subsection (1) affects the validity of any divisions of the sum into separate items, or any limits of insurance on specified property, or any clause referred to in section 70 or any contract condition limiting or prohibiting the having or placing of other insurance.

Ascertainment of rateable proportions

(4) Nothing in subsection (1) affects the operation of any deductible clause and,
(a) where one contract contains a deductible, the pro rata proportion of the insurer under that contract shall be first ascertained without regard to the clause and then the clause shall be applied only to affect the amount of recovery under that contract; and
(b) where more than one contract contains a deductible, the pro rata proportion

of the insurers under those contracts shall be first ascertained without regard to the deductible clauses and then the highest deductible shall be pro rated among the insurers with deductibles and these pro rated amounts shall affect the amount of recovery under those contracts.

(5) Nothing in subsection (4) shall be construed to have the effect of increasing the pro rata contribution of an insurer under a contract that is not subject to a deductible clause. Idem

(6) Notwithstanding subsection (1), insurance on identified articles is a first loss insurance as against all other insurance. Insurance on identified articles

72.(1) Where a contract, Special stipulations
(a) excludes any loss that would otherwise fall within the coverage prescribed by section 66; or
(b) contains any stipulation, condition or warranty that is or may be material to the risk including, but not restricted to, a provision in respect to the use, condition, location or maintenance of the insured property,
the exclusion, stipulation, condition or warranty is not binding upon the insured, if it is held to be unjust or unreasonable by the court before which a question relating thereto is tried.

- Subrogation 73.(1) The insurer, upon making a payment or assuming liability therefor under a contract of fire insurance, is subrogated to all rights of recovery of the insured against any person, and may bring action in the name of the insured to enforce such rights.
- Where amount recovered is not sufficient to indemnify (2) Where the net amount recovered under subsection (1), after deducting the costs of recovery, is not sufficient to provide a complete indemnity for the loss or damage suffered, that amount shall be divided between the insurer and the insured in the proportions in which the loss or damage has been borne by them respectively.

PART V

LIFE INSURANCE

Interpretation

- Interpretation 74.(1) In this Part
- "application" (a) "application" means an application for insurance or for the reinstatement of insurance;
- "beneficiary" (b) "beneficiary" means a person, other than the insured or his personal representative, to whom or for whose benefit insurance money is made payable in a contract or by a declaration;
- "contract" (c) "contract" means a contract of life insurance;
- "court" (d) "court" means the Supreme Court or a judge thereof;

- (e) "creditor's group insurance" means insurance effected by a creditor in respect of the lives of the debtors whereby the lives of the debtors are insured severally under a single contract;
- (f) "declaration" means an instrument signed by the insured,
- (i) with respect to which an endorsement is made on the policy,
 - (ii) that identifies the contract, or
 - (iii) that describes the insurance or insurance fund or a part thereof,
- in which he designates, or alters or revokes the designation of, his personal representative or a beneficiary as one to whom or for whose benefit insurance money is to be payable;
- (g) "family insurance" means insurance whereby the lives of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (h) "group insurance" means insurance, other than creditor's group insurance and family insurance whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person;

"creditor's group insurance"

"declaration"

"family insurance"

"group insurance"

"group life insured"

(i) "group life insured" means a person whose life is insured by a contract of group insurance but does not include a person whose life is insured under the contract as a person dependent upon or related to him;

"instrument"

(j) "instrument" includes a will;

"insurance"

(k) "insurance" means life insurance;

"insured"

(l) "insured",
(i) in the case of group insurance, means, in the provisions of this Part relating to the designation of beneficiaries and the rights and status of beneficiaries, the group life insured, and
(ii) in all other cases, means the person who makes a contract with an insurer;

"life insurance"

(m) "life insurance" includes disability insurance and accidental death insurance;

"will"

(n) "will" includes a codicil.

Application of Part

Application

75.(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to a contract made in the Territory on or after the first day of July, 1967, and subject to subsections (2) and (3), applies to a contract made in the Territory before that day.

- (2) The rights and interests of a beneficiary for value under a contract that was in force immediately prior to the first day of July, 1966 are those provided in Part IV of the *Insurance Ordinance* as it existed immediately prior to that day. **Beneficiary for value**
- (3) Where the person who would have been entitled to the payment of insurance money, if the money had become payable immediately prior to the first day of July, 1967, was a preferred beneficiary within the meaning of Part IV of the *Insurance Ordinance* as it existed immediately prior to that day, the insured may not, except in accordance with that Part,
- (a) alter or revoke the designation of a beneficiary; or
 - (b) assign, exercise rights under or in respect of, surrender or otherwise deal with the contract, but this subsection does not apply after a time at which the insurance money, if it were then payable, would be payable wholly to a person other than a preferred beneficiary within the meaning of that Part. **Preferred beneficiary**
- 76.(1) In the case of a contract of group insurance made with an insurer authorized to transact insurance in the Territory at the time the contract was made, this Part applies in determining, **Group Insurance**

- (a) the rights and status of beneficiaries if the group life insured was resident in the Territory at the time he became insured; and
- (b) the rights and obligations of the group life insured if he was resident in the Territory at the time he became insured.

Issuance of Policy and Contents Thereof

Insurer to issue policy

77.(1) An insurer entering into a contract shall issue a policy.

- (2) Subject to subsection (3), the provisions in
 - (a) the application;
 - (b) the policy;
 - (c) any document attached to the policy when issued; and
 - (d) any amendment to the contract agreed upon in writing after the policy is issued;

constitute the entire contract.

Contract of fraternal society

- (3) In the case of a contract made by a fraternal society, the policy, the Act or instrument of incorporation of the society, its contribution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant constitute the entire contract.

Copy of application

- (4) An insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

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| 78.(1) | This section does not apply to a contract,
(a) of group insurance;
(b) of creditor's group insurance; or
(c) made by a fraternal society. | Exceptions |
| (2) | An insurer shall set forth the following particulars in the policy:
(a) the name or a sufficient description of the insured and of the person whose life is insured;
(b) the amount or the method of determining the amount of the insurance money payable, and the conditions under which it becomes payable;
(c) the amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid;
(d) whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer;
(e) the conditions upon which the contract may be reinstated if it lapses; and
(f) the options, if any,
(i) of surrendering the contract for cash;
(ii) of obtaining a loan or an advance payment of the insurance money; and
(iii) of obtaining paid-up or extended insurance. | Contents of Policy |

Contents of
group policy

- 79.(1) In the case of a contract of group insurance or of creditor's group insurance, an insurer shall set forth the following particulars in the policy:
- (a) the name or a sufficient description of the insured;
 - (b) the method of determining the persons whose lives are insured;
 - (c) the amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable;
 - (d) the period of grace, if any, within which the premium may be paid; and
 - (e) whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.

Contents of
group certificate

- 80.(1) In the case of a contract of group insurance, an insurer shall issue, for delivery by the insured to each group life insured, a certificate or other document in which are set forth the following particulars:
- (a) the name of the insurer and an identification of the contract;
 - (b) the amount or the method of determining the amount of insurance on the group life insured and on any person dependent upon or related to him; and
 - (c) the circumstances in which the insurance terminates and the rights, if any, upon such termination, of the group life

insured or of any person whose life is insured under the contract as a person dependent upon or related to him.

Conditions Governing Formation of Contract

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|--------|---|----------------------------|
| 81.(1) | Subject to subsection (2), where at the time a contract would otherwise take effect the insured has no insurable interest, the contract is void. | Insurable Interest |
| (2) | A contract is not void for lack of insurable interest,
(a) if it is a contract of group insurance;
or
(b) if the person whose life is insured has consented in writing to the insurance being placed on his life. | Exceptions |
| (3) | Where the person whose life is insured is under the age of sixteen years, consent to insurance being placed on his life may be given by one of his parents or by a person standing in <i>loco parentis</i> to him. | Consent of minor |
| 82.(1) | Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and in the life of
(a) his child or grandchild;
(b) his spouse;
(c) any person upon whom he is wholly or in part dependent for or from whom he is receiving support or education; | Insurable interest defined |

- (d) his employee; and
- (e) any person in the duration of whose life he has a pecuniary interest.

Contract taking effect

83.(1)

Subject to any provision to the contrary in the application or the policy, a contract does not take effect unless,

- (a) the policy is delivered to an insured, his assign or agent or to a beneficiary;
- (b) the payment of the first premium is made to the insurer or its authorized agent; and
- (c) no change has taken place in the insurability of the life to be insured between the time the application was completed and the time the policy was delivered.

Delivery to agent

(2)

Where a policy is issued on the terms applied for and is delivered to an agent of the insurer for unconditional delivery to a person referred to in paragraph (1)(a), it shall be deemed but not to the prejudice of the insured to have been delivered to the insured.

(3)

Notwithstanding subsection (1), where an insured dies after payment of the first premium but before delivery of the policy, the policy shall be deemed to be in effect if full information on the life to be insured has been supplied and on the basis of this information a prudent insurer would have issued the policy.

Default in paying premium

84.(1)

Where a cheque or other bill of exchange, or a promissory note or other written promise to pay, is given for the whole or part of a

premium and payment is not made according to its tenor, the premium or part thereof shall be deemed not to have been paid.

- (2) Where a remittance for or on account of a premium is sent in a registered letter to an insurer and is received by it, the remittance shall be deemed to have been received at the time of the registration of the letter.

Payment by registered mail

- 85.(1) Except in the case of group insurance, an assignee of a contract, a beneficiary or a person acting on behalf of one of them or of the insured may pay any premium that the insured is entitled to pay.

Who may pay premium

- (2) Where a premium other than the initial premium is not paid at the time it is due, the premium may be paid within a period of grace of,
 - (a) thirty days or, in the case of an industrial contract, twenty-eight days from and excluding the day on which the premium is due; or
 - (b) the number of days, if any, specified in the contract for payment of an overdue premium,
 whichever is the longer period.

Period of grace

- (3) Where the happening of the event upon which the insurance money becomes payable occurs during the period of grace and before the overdue premium is paid, the contract shall be deemed to be in effect as if the premium had been paid at the time it was due, but the

Contract in force during grace

amount of the premium, together with interest at the rate specified in the contract, but not exceeding six percent per annum, and the balance, if any, of the current year's premium, may be deducted from the insurance money.

Duty to disclose

86.(1) An applicant for insurance and a person whose life is to be insured shall each disclose to the insurer in the application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

Failure to disclose

(2) Subject to section 87, a failure to disclose or a misrepresentation of such a fact renders the contract voidable by the insurer.

Exceptions

87.(1) This section does not apply to a misstatement of age or to disability insurance.

Incontestability

(2) Subject to subsection (3), where a contract has been in effect for two years during the lifetime of the person whose life is insured, a failure to disclose or a misrepresentation of a fact required to be disclosed by section 86 does not, in the absence of fraud, render the contract voidable.

Incontestability in group insurance

(3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact in respect of a person whose life is insured under the contract does not render the contract voidable, but, if evidence

of insurability is specifically requested by the insurer, the insurance in respect of that person is voidable by the insurer unless it has been in effect for two years during the lifetime of that person, in which event it is not, in the absence of fraud, voidable.

- 88.(1) Where an insurer fails to disclose or misrepresents a fact material to the insurance, the contract is voidable by the insured but in the absence of fraud the contract is not by reason of such failure or misrepresentation voidable after the contract has been in effect for two years. Non-disclosure of insurer
- 89.(1) This section does not apply to a contract of group insurance or of creditor's group insurance. Exceptions
- (2) Subject to subsection (3), where the age of a person whose life is insured is misstated to the insurer, the insurance money provided by the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age.
- (3) Where a contract limits the insurable age and the correct age of the person whose life is insured at the date of the application exceeds the age so limited, the contract is, during the lifetime of that person but not later than five years from the date the contract takes effect, voidable by the insurer within sixty days after it discovers the error. Limitation of insurable age

- Misstatement of age in group insurance 90.(1) In the case of a contract of group insurance or of creditor's group insurance, misstatement to the insurer of the age of a person whose life is insured does not of itself render the contract voidable and the provisions, if any, of the contract with respect to age or misstatement of age apply.
- Effect of suicide 91.(1) Where a contract contains an undertaking express or implied that insurance money will be paid if a person whose life is insured commits suicide, the undertaking is lawful and enforceable.
- Suicide and reinstatement (2) Where a contract provides that in case a person whose life is insured commits suicide within a certain period of time the contract is void or the amount payable under it is reduced, if the contract lapses and is subsequently reinstated on one or more occasions, the period of time commences to run from the date of the latest reinstatement.
- Exceptions 92.(1) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.
- Reinstatement (2) Where a contract lapses and the insured within two years applies for reinstatement of the contract, if within that time he
- (a) pays the overdue premiums and other indebtedness under the contract to the insurer, together with interest at the rate specified in the contract, but not exceeding six percent per

annum, compounded annually; and

- (b) produces
 - (1) evidence satisfactory to the insurer of the good health, and
 - (ii) other evidence satisfactory to the insurer of the insurability of the person whose life was insured,

the insurer shall reinstate the contract.

- (3) Subsection (2) does not apply where the cash surrender value has been paid or an option of taking paid-up or extended insurance has been exercised.
- (4) Sections 86 and 87 apply *mutatis mutandis* to reinstatement of a contract.

Exceptions

Designation of Beneficiaries

- 93.(1) An insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money.
- (2) Subject to section 94, the insured may from time to time alter or revoke the designation by a declaration.
- (3) A designation in favour of the "heirs", "next of kin", or "estate" of the insured, or the use of words of like import in a designation, shall be deemed to be a designation of the personal representative of the insured.
- 94.(1) An insured may in a contract or by a declaration other than a declaration that is part of a will, filed with the insurer at its head

Designation of beneficiary

Change in designation

Meaning of "heirs", etc.

Designation of beneficiary irrevocably

or principal office in Canada during the lifetime of the person whose life is insured, designate a beneficiary irrevocably, and in that event the insured, while the beneficiary is living, may not alter or revoke the designation without the consent of the beneficiary and the insurance money is not subject to the control of the insured or of his creditors and does not form part of his estate.

Attempted designation

- (2) Where the insured purports to designate a beneficiary irrevocably in a will or in a declaration that is not filed as provided in subsection (1), the designation has the same effect as if the insured had not purported to make it irrevocable.

Designation in invalid will

- 95.(1) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will.

Priorities

- (2) Notwithstanding the *Wills Ordinance*, a designation in a will is of no effect against a designation made later than the making of the will.

Revocation

- (3) Where a designation is contained in a will, if subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.
- (4) Where a designation is contained in an instrument that purports to be a will, if subsequently

the instrument if valid as a will would be revoked by operation of law or otherwise, the designation is thereby revoked.

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| 96.(1) | An insured may in a contract or by a declaration appoint a trustee for a beneficiary and may alter or revoke the appointment by a declaration. | Trustees for beneficiary |
| (2) | A payment made by an insurer to a trustee for a beneficiary discharges the insurer to the extent of the payment. | Payment to trustee |
| 97.(1) | Where a beneficiary predeceases the person whose life is insured, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by a declaration, the share is payable, | Beneficiary predeceasing life insured |
| | (a) to the surviving beneficiary; | |
| | (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or | |
| | (c) if there is no surviving beneficiary, to the insured or his personal representative. | |
| (2) | Where two or more beneficiaries are designated otherwise than alternatively, but no division of the insurance money is made, the insurance money is payable to them in equal shares. | Several beneficiaries |
| 98.(1) | A beneficiary may enforce for his own benefit, and a trustee appointed pursuant to section 95 may enforce as trustee, the payment of insurance | Right to use |

money made payable to him in the contract or by a declaration and in accordance with the provisions thereof, but the insurer may set up any defence that it could have set up against the insured or his personal representative.

Insurance money free from creditors

99.(1) Where a beneficiary is designated, the insurance money, from the time of the happening of the event upon which the insurance money becomes payable, is not part of the estate of the insured and is not subject to the claims of the creditors of the insured.

Contract exempt from seizure

(2) While a designation in favour of a spouse, child, grandchild or parent of a person whose life is insured, or any of them, is in effect, the rights and interests of the insured in the insurance money and in the contract are exempt from execution or seizure.

Dealings with Contract During Lifetime of Insured

Insured dealing with contract

100.(1) Where a beneficiary,
 (a) is not designated irrevocably; or
 (b) is designated irrevocably but has attained the age of nineteen years and consents, the insured may assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as provided therein or in this Part or as may be agreed upon with the insurer.

Insured entitled to dividends

101.(1) Notwithstanding the designation of a beneficiary irrevocably, the insured is entitled while

living, to the dividends or bonuses declared on a contract, unless the contract otherwise provides.

- (2) Unless the insured otherwise directs, the insurer may apply the dividends or bonuses declared on the contract for the purpose of keeping the contract in force.

102.(1) Notwithstanding the *Wills Ordinance*, where in a contract or in an agreement in writing between an insurer and an insured it is provided that a person named in the contract or in the agreement has, upon the death of the insured, the rights and interests of the insured in the contract,

Transfer of
ownership

- (a) the rights and interests of the insured in the contract do not, upon the death of the insured, form part of his estate; and
- (b) upon the death of the insured, the person named in the contract or in the agreement has the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured.

- (2) Where the contract or agreement provides that two or more persons named in the contract or in the agreement shall, upon the death of the insured, have successively, on the death of each of them, the rights and interests of the insured in the contract, this section applies successively, *mutatis mutandis* to each of such persons and to his rights and interests in the contract.

Successive
owners

Savings

- (3) Notwithstanding any nomination made pursuant to this section, the insured may, prior to his death, assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as if the nomination had not been made, and may alter or revoke the nomination by agreement in writing with the insurer.

Interest of assignee

- 103.(1) Where an assignee of a contract gives notice in writing of the assignment to the insurer at its head or principal office in Canada, he has priority of interest as against,
- (a) an assignee other than one who gave notice earlier in like manner; and
 - (b) a beneficiary other than one designated irrevocably as provided in section 94 prior to the time the assignee gave notice to the insurer of the assignment in the manner prescribed in this subsection.

Effect on beneficiary's rights

- (2) Where a contract is assigned as security, the rights of a beneficiary under the contract are affected only to the extent necessary to give effect to the rights and interests of the assignee.

Assignee deemed to be insured

- (3) Where a contract is assigned unconditionally and otherwise than as security, the assignee has all the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured.

Prohibition against assignment

- (4) A provision in a contract to the effect that the rights or interests of the insured, or in

the case of group insurance, the group life insured, are not assignable is valid.

- 104.(1) A group life insured may in his own name enforce a right given to him under a contract, subject to any defence available to the insurer against him or against the insured.

Group life insured, enforcing rights

Minors

- 105.(1) Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of nineteen years,
 - (a) to make an enforceable contract; and
 - (b) in respect of a contract.

Capacity of minors

- 106.(1) A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of nineteen years to receive insurance money payable to him and to give a discharge therefor.

Capacity of minor beneficiary

Proceedings under Contract

- 107.(1) Where an insurer receives sufficient evidence of,
 - (a) the happening of the event upon which insurance money becomes payable;
 - (b) the age of the person whose life is insured;
 - (c) the right of the claimant to receive payment; and
 - (d) the name and age of the beneficiary, if there is a beneficiary,
 it shall, within thirty days after receiving the evidence, pay the insurance money to the person

Proof of claim

entitled thereto.

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| Place of payment | 108.(1) | Subject to subsection (4), insurance money is payable in the Territory. |
| Dollars | (2) | Unless a contract otherwise provides, a reference in a contract to dollars means Canadian dollars. |
| Payment outside the Territory | (3) | Where a person entitled to receive insurance money is not domiciled in the Territory, the insurer may pay the insurance money to that person or to any other person who is entitled to receive it on his behalf by the law of the domicile of the payee. |
| Exception for group insurance | (4) | In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group life insured was resident at the time he became insured. |
| Action in the Territory | 109.(1) | Notwithstanding where a contract was made, an action on it may be brought in a court by a resident of the Territory if the insurer was authorized to transact insurance in the Territory at the time the contract was made or at the time the action is brought. |
| Limitation of action | 110.(1) | Subject to subsection (2), an action or proceeding against an insurer for the recovery of insurance money shall not be commenced more than two years after the furnishing of the evidence required by section 107 or more than six years after the happening of the |

event upon which the insurance money becomes payable, whichever period first expires.

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| (2) | Where a declaration has been made under section 112, an action or proceeding to which reference is made in subsection (1) shall not be commenced more than two years after the date of the declaration. | Exception |
| 111.(1) | Until an insurer receives at its head or principal office in Canada an instrument or an order of a court affecting the right to receive insurance money, or a notarial copy, or a copy verified by statutory declaration, of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there was no such instrument or order. | Documents affecting title |
| (2) | Subsection (1) does not affect the rights or interests of any person other than the insurer. | Saving |
| 112.(1) | Where an insurer admits the validity of the insurance but does not admit the sufficiency of the evidence required by section 107 and there is no other question in issue except a question under section 114, the insurer or the claimant may, before or after action is brought and upon at least thirty days' notice, apply to the Court for a declaration as to the sufficiency of the evidence furnished, and the Court may make the declaration or may direct what further evidence shall be furnished and on the furnishing thereof may make the declaration or, in special circum- | Declaration as to sufficiency of proof |

stances, may dispense with further evidence.

Declaration as to pre- sumption of death	113.(1)	Where a claimant alleges that the person whose life is insured should be presumed to be dead by reason of his not having been heard of for seven years and there is no other question in issue except a question under section 114, the insurer or the claimant may, before or after action is brought and upon at least thirty days' notice, apply to the Court for a declaration as to presumption of the death and the Court may make the declaration.
Court may make order	114.(1)	Upon making a declaration under section 112 or 113, the Court may make such order respecting the payment of the insurance money and respecting costs as it deems just and subject to section 116, a declaration or direction or order made under this subsection is binding upon the applicant and upon all persons to whom notice of the application has been given.
Payment under order	(2)	A payment made under an order made under subsection (1) discharges the insurer to the extent of the amount paid.
Stay of proceedings	115.(1)	Unless the Court otherwise orders, an application made under section 112 or 113 operates as a stay of any pending action with respect to the insurance money.
Appeal	116.(1)	An appeal lies to the Court of Appeal from any declaration, direction or order made under section 112, section 113, or subsection 114(1).
Power of Court	117.(1)	Where the Court finds that the evidence furnished

under section 107 is not sufficient or that a presumption of death is not established, it may order that the matters in issue be decided in an action brought or to be brought or may make such other order as it deems just respecting further evidence to be furnished by the claimant, publication of advertisements, further inquiry or any other matter or respecting costs.

- 118.(1) Where an insurer admits liability for insurance money and it appears to the insurer that,
- (a) there are adverse claimants; or
 - (b) the whereabouts of a person entitled is unknown; or
 - (c) there is no person capable of giving and authorized to give a valid discharge therefor, who is willing to do so,
- the insurer may, at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, apply to the Court *ex parte* for an order for payment of the money into court, and the Court may upon such notice, if any, as it thinks necessary make an order accordingly.

Payment
into Court

- 119.(1) Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 97(1) as if the beneficiary had predeceased the person whose life is insured.

Simultaneous
deaths

Insurance
money payable
in instalments

120.(1) Subject to subsections (2) and (3), where insurance money is payable in instalments and a contract or an instrument signed by the insured and delivered to the insurer, provides that a beneficiary has not the right to commute the instalments or to alienate or assign his interest therein, the insurer shall not, unless the insured subsequently directs otherwise in writing, commute the instalments or pay them to any person other than the beneficiary, and the instalments are not in the hands of the insurer, subject to any legal process except an action to recover the value of necessaries supplied to the beneficiary or his infant children.

Commutation
by beneficiary

(2) A Court may, upon the application of a beneficiary and upon at least ten days' notice, declare that in view of special circumstances,
(a) the insurer may, with the consent of the beneficiary, commute instalments of insurance money; or
(b) the beneficiary may alienate or assign his interest in the insurance money.

Commutation
after death
of beneficiary

(3) After the death of the beneficiary, his personal representative may, with the consent of the insurer, commute any instalments of insurance money payable to the beneficiary.

Interpretation

(4) In this section, "instalments" includes insurance money held by the insurer under section 121.

- 121.(1) An insurer may hold insurance money,
 - (a) subject to the order of an insured or a beneficiary; or
 - (b) upon trusts or other agreements for the benefit of the insured or the beneficiary,
 as provided in the contract, by an agreement in writing to which it is a party, or by a declaration, with interest at a rate agreed upon therein or, where no rate is agreed upon, at the rate declared from time to time by the insurer in respect of insurance money so held by it.

Insurer holding insurance money

- (2) The insurer is not bound to hold insurance money as provided in subsection (1) under the terms of a declaration to which it has not agreed in writing.

Exception

- 122.(1) Where an insurer does not within thirty days after receipt of the evidence required by section 107 pay the insurance money to some person competent to receive it or into court, the court may, upon application of any person, order that the insurance money or any part thereof be paid into court, or may make such other order as to the distribution of the money as it deems just, and payment made in accordance with the order discharges the insurer to the extent of the amount paid.

Court may order payment

- 123.(1) The court may fix without taxation the costs incurred in connection with an application

Costs

or order made under section 119 or 123, and may order them to be paid out of the insurance money or by the insurer or the applicant or otherwise as it deems just.

Where beneficiary minor

124.(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of giving and authorized to give a discharge therefor, who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable pay the money, less the applicable costs mentioned in subsection (3) into court to the credit of the minor.

Costs

(2) The insurer may retain out of the insurance money for costs incurred upon payment into court under subsection (1) the sum of ten dollars where the amount does not exceed one thousand dollars, and the sum of fifteen dollars in other cases, and payment of the remainder of the money into court discharges the insurer.

Procedure

(3) No order is necessary for payment into court under subsection (1), but the proper officer of the court shall receive the money upon the insurer filing with him an affidavit showing the amount payable and the name, date of birth and residence of the minor, and, upon such payment being made, the insurer shall forthwith notify the Public Administrator and deliver to him a copy of the affidavit.

125.(1) Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid.

Beneficiary under disability

Miscellaneous Provisions

126.(1) No officer, agent or employee of an insurer and no person soliciting insurance, whether or not he is an agent of the insurer, shall, to the prejudice of the insured, be deemed to be the agent of the insured in respect of any question arising out of a contract.

Presumption against agency

127.(1) An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

Insurer giving information

PART VI

AUTOMOBILE INSURANCE

128.(1) In this Part

(a) "contract" means a contract of automobile insurance;

(b) "insured" means a person insured by a contract whether named or not and includes any person who is stated in a contract to be entitled to benefits payable under the insurance mentioned in section 159, subsection 160(1) or

Interpretation

subsection 161(1) whether described therein as an insured person or not.

Application of part

129.(1) This Part applies to contracts providing automobile insurance made or renewed in the Territory on or after the coming into force of this section.

(2) Part V of the *Insurance Ordinance* as it existed immediately before the coming into force of this section continues to apply to contracts of automobile insurance made before that day until the contract expires or is cancelled or renewed.

Exception

(3) This Part does not apply to contracts insuring only against

- (a) loss of or damage to an automobile while in or on described premises;
- (b) loss of or damage to property carried in or upon an automobile; or
- (c) liability for loss of or damage to property carried in or upon an automobile.

(4) This Part does not apply to a contract providing insurance in respect of an automobile not required to be registered under the *Motor Vehicles Ordinance* unless it is insured under a contract evidenced by a form of policy approved under this Part.

(5) This Part does not apply to a contract insuring solely the interest of a person who has a lien upon, or has as security legal title

to, an automobile and who does not have possession of the automobile.

Approval of Forms

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| 130.(1) | No insurer shall use a form of application, policy, endorsement or renewal or continuation certificate in respect of automobile insurance other than a form approved by the Superintendent. | Approval of forms by Superintendent |
| (2) | An insurer may require additional information in an approved application form, but such additional information does not constitute part of the application for the purposes of section 133. | Insurer requiring additional information |
| (3) | Where, in the opinion of the Superintendent, any provision of this Part, including any statutory condition, is wholly or partly inappropriate to the requirements of a contract or is inapplicable by reason of the requirements of any Ordinance, he may approve a form of policy, or part thereof, or endorsement evidencing a contract sufficient or appropriate to insure the risks required or proposed to be insured, and the contract evidenced by the policy or endorsement in the form so approved is effective and binding according to its terms notwithstanding that those terms are inconsistent with, vary, omit or add to any provision or condition of this Part. | Approval of policies in special cases |
| (4) | Except as to matters mentioned in section 143, the Superintendent may, if he considers it to be in the public interest, approve a form of motor vehicle liability policy or endorsement thereto that extends the insurance beyond that prescribed in that part. | Approval of extensions |

Standard owner's policy

(5) The Superintendent may approve a form of owner's policy containing insuring agreements and provisions in conformity with this Part for use by insurers in general and which, for the purposes of section 132 shall be the standard owner's policy.

Revocation of approval

(6) The Superintendent may revoke an approval given under this section, and, upon notification of the revocation in writing, no insurer shall thereafter use or deliver a form that contravenes the notification.

Reason for decision

(7) The Superintendent shall, on request of any interested insurer, specify in writing his reasons for granting, refusing or revoking an approval of a form.

(8) An insurer that issues or delivers an owner's policy in the Territory, or any renewal thereof, or any evidence of the continuation of the policy, shall issue to the insured a card evidencing the insurance, and the card shall be in a form approved by the Superintendent.

Application and Policy

Persons forbidden to act as agent

131.(1) No person carrying on the business of financing the sale or purchase of automobiles and no automobile dealer, insurance agent or broker and no officer or employee of such a person, dealer, agent or broker shall act as the agent of an applicant for the purpose of signing

an application for automobile insurance.

- 132.(1) A copy of the written application, signed by the insured or his agent, or, if no signed application is made, a copy of the purported application, or a copy of such part of the application or purported application as is material to the contract, shall be embodied in, endorsed upon or attached to the policy when issued by the insurer. **Copy of application in policy**
- (2) If no signed written application is received by the insurer prior to the issue of the policy, the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, a form of application to be completed and signed by the insured and returned to the insurer. **Policy issued where no signed application**
- (3) Subject to subsection (5), the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, the policy or a true copy thereof and every endorsement or other amendment to the contract. **Insured entitled to copy**
- (4) Where a written application signed by the insured or his agent is made for a contract, the policy evidencing the contract shall be deemed to be in accordance with the application unless the insurer points out in writing to the insured named in the policy in what respect the policy differs from the application, and, in that event, the insured shall be deemed to

have accepted the policy unless within two weeks from the receipt of the notification he informs the insurer in writing that he rejects the policy.

Certificate of policy

- (5) Where an insurer adopts the standard owner's policy it may, instead of issuing the policy, issue a certificate in a form approved by the Superintendent which when issued is of the same force and effect as if it was in fact the standard owner's policy, subject to the limits and coverages shown thereon by the insurer and any endorsements issued concurrently therewith or subsequent thereto but at the request of an insured at any time, the insurer shall provide a copy of the standard owner's policy wording as approved by the Superintendent.

Application

- (6) Where a certificate is issued under subsection (5), subsection (8) of this section, and section 157 apply *mutatis mutandis*.

Proof of term of policy

- (7) Where an insurer issues a certificate under subsection (5), proof of the terms of the policy may be given by production of a copy of the form of standard owner's policy approved by the Superintendent.

Endorsement on forms

- (8) Upon every application form and policy, there shall be printed or stamped in conspicuous type a copy of subsection 133(1).

Misrepresentation or violation of conditions renders claim invalid

133.(1)

- Where,
(a) an applicant for a contract,

- (i) gives false particulars of the described automobile to be insured to the prejudice of the insurer, or
 - (ii) knowingly misrepresents or fails to disclose in the application any fact required to be stated therein;
 - (b) the insured contravenes a term of the contract or commits a fraud; or
 - (c) the insured wilfully makes a false statement in respect of a claim under the contract,
- a claim by the insured is invalid and the right of the insured to recover indemnity is forfeited.
- (2) No statement of the applicant shall be used in defence of a claim under the contract unless it is contained in the signed written application therefor or, where no signed written application is made, in the purported application, or part thereof, that is embodied in, endorsed upon or attached to the policy.
 - (3) No statement contained in a purported copy of the application, or part thereof, other than a statement describing the risk and the extent of the insurance, shall be used in defence of a claim under the contract unless the insurer proves that the applicant made the statement attributed to him in the purported application, or part thereof.

Use of application as defence

- Statutory
Conditions
134. (1) Subject to subsection 130 (3), section 135 and section 157;
- (a) the conditions set forth in this section are statutory conditions and shall be deemed to be part of every contract and shall be printed in every policy with the heading "Statutory Conditions"; and
- (b) no variation or omission or addition to a statutory condition is binding on the insured.

- Interpretation
- (2) In this section, "policy" does not include an interim receipt or binder.

STATUTORY CONDITIONS

In these Statutory Conditions, unless the context otherwise requires, the word "insured" means a person insured by this contract whether named or not.

- Material
change in
risk
1. (1) The insured named in this contract shall promptly notify the insurer or its local agent in writing of any change in the risk, material to the contract and within his knowledge.
- (2) Without restricting the generality of the foregoing, the words "change in the risk material to the contract" include:
- (a) any change in the insurable interest of the insured named in this contract in the automobile by sale, assignment or otherwise, except through change of title by succession, death or proceedings under the *Bankruptcy Act (Canada)* and in respect of insurance against loss of or damage to the automobile,
- (b) any mortgage, lien or encumbrance effecting the automobile after the application for this contract;
- (c) any other insurance of the same interest, whether valid or not, covering loss or damage insured by this contract or any portion thereof.

2. (1) The insured shall not drive or operate the automobile,
- Prohibited
use by
insured
- (a) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or
 - (b) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile;
or
 - (c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
 - (d) for any illicit or prohibited trade or transportation;
or
 - (e) in any race or speed test.
- (2) The insured shall not permit, suffer, allow or connive at the use of the automobile;
- Prohibited
use by
others
- (a) by any person,
 - (i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile, or
 - (ii) while that person is under the age of sixteen years or under

such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or

- (b) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or
- (c) for any illicit or prohibited trade or transportation or
- (d) in any race or speed test.

Requirements where loss or damage to persons or property

- 3. (1) The insured shall,
 - (a) promptly give to the insurer written notice, with available particulars, of any accident involving loss or damage to persons or property and of any claim made on account of the accident;
 - (b) verify by statutory declaration, if required by the insurer, that the claim arose out of the use or operation of the automobile and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured under this contract; and
 - (c) forward immediately to the insurer every letter, document, advice

or writ received by him from
or on behalf of the claimant.

- (2) The insured shall not,
 - (a) voluntarily assume any liability
or settle any claim except at
his own cost; or
 - (b) interfere in any negotiations
for settlement or in any legal
proceeding.
- (3) The insured shall, whenever requested
by the insurer, aid in securing information
and evidence and the attendance of any witness
and shall co-operate with the insurer, except
in a pecuniary way, in the defence of any action
or proceeding or in the prosecution of any appeal.

- 4. (1) Where loss of or damage to the automobile
occurs, the insured shall, if the loss
or damage is covered by this contract,
 - (a) promptly give notice thereof
in writing to the insurer with
the fullest information obtain-
able at the time;
 - (b) at the expense of the insurer,
and as far as reasonably possible,
protect the automobile from fur-
ther loss or damage;
 - and
 - (c) deliver to the insurer within
ninety days after the date of the
loss or damage a statutory declara-
tion stating, to the best of his

Requirements
where loss or
damage to
automobile

knowledge and belief, the place, time, cause and amount of the loss or damage, the interest of the insured and of all others therein, the encumbrances thereon, all other insurance, whether valid or not, covering the automobile and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured.

- (2) Any further loss or damage accruing to the automobile directly or indirectly from a failure to protect it as required under subcondition (1) of this condition is not recoverable under this contract.
- (3) No repairs, other than those that are immediately necessary for the protection of the automobile from further loss or damage, shall be undertaken and no physical evidence of the loss or damage shall be removed,
 - (a) without the written consent of the insurer; or
 - (b) until the insurer has had a reasonable time to make the examination for which provision is made in statutory condition 5.
- (4) The insured shall submit to examination under oath and shall produce for examination at such reasonable place and time as is designated

Examination
of insured

by the insurer or its representative all documents in his possession or control that relate to the matters in question, and he shall permit extracts and copies thereof to be made.

- (5) The insurer shall not be liable for more than the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to that actual cash value with proper deduction for depreciation, however caused, and shall not exceed the amount that it would cost to repair or replace the automobile, or any part thereof, with material of like kind and quality, but, if any part of the automobile is obsolete and out of stock, the liability of the insurer in respect thereof shall be limited to the value of that part at the time of loss or damage, not exceeding the maker's latest list price.
- (6) Except where an appraisal has been made, the insurer, instead of making payment, may, within a reasonable time, repair, rebuild or replace the property damaged or lost with other of like kind and quality if, within seven days after the receipt of the proof of loss, it gives written notice of its intention to do so.
- (7) There shall be no abandonment of the automobile to the insurer without the insurer's consent. If the insurer exercises the option

Insurer liable
for cash value
of automobile

Repair or
replacement

No abandonment;
salvage

to replace the automobile or pays the actual cash value of the automobile, the salvage, if any, shall vest in the insurer.

In case of disagreement

- (8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under the *Insurance Ordinance* before there can be recovery under this contract, whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

Inspection of automobile

5. (1) The insured shall permit the insurer at all reasonable times to inspect the automobile and its equipment.

Time and Manner of payment of insurance money

6. (1) The insurer shall pay the insurance money for which it is liable under this contract within sixty days after the proof of loss has been received by it or, where an appraisal is made under subcondition (8) of statutory condition 4, within fifteen days after the award is rendered by the appraisers.

When action may be brought

- (2) The insured shall not bring an action to recover the amount of a claim under this contract unless the requirements of statutory conditions 3 and 4 are complied with nor until the

amount of the loss has been ascertained as there-
in provided or by a judgment against the insured
after trial of the issue or by agreement between
the parties with the written consent of the in-
surer.

(3) Every action or proceeding against the insurer Limitation
under this contract in respect of loss or
damage to the automobile or in respect of
loss or damage to persons or property shall
be commenced within two years from the time
when the loss or damage was sustained and not
afterwards.

7. (1) Notice of claim may be given and proof of Who may give
claim may be made by the agent of the insured notice and
named in this contract in case of absence proof of
or inability of the insured to give the notice claim
or to make the proof, such absence or inability
being satisfactorily accounted for or, in
the like case or if the insured refuses to
do so, by a person to whom any part of the insurance
money is payable.

8. (1) This contract may be terminated, Termination
(a) by the insurer giving to the insured
fifteen days' notice of termination
by registered mail or five days'
written notice of termination personally
delivered;
(b) by the insured at any time on request.

(2) Where this contract is terminated by the
insurer,

- (a) the insurer shall refund the excess of premium actually paid by the insured over the pro rata premium for the expired time, but in no event shall the pro rata premium for the expired time be deemed to be less than any minimum retained premium specified; and
 - (b) the refund shall accompany the notice unless the premium is subject to adjustment or determination as to the amount, in which case the refund shall be made as soon as practicable.
- (3) Where this contract is terminated by the insured, the insurer shall refund as soon as practicable the excess of premium actually paid by the insured over the short rate premium for the expired time, but in no event shall the short rate premium for the expired time be deemed to be less than any minimum retained premium specified.
- (4) The refund may be made by money, postal or express company money order or cheque payable at par.
- (5) The fifteen days mentioned in clause (a) of subcondition (1) of this condition commences to run on the day following the receipt of the registered letter at the post office to which it is addressed.

9. (1) Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Territory. Written notice may be given to the insured named in this contract by letter personally delivered to him or by registered mail addressed to him at his latest postal address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada. Notice
- 135.(1) Except as otherwise provided in the contract, the statutory conditions set forth in section 134 do not apply to insurance coming within section 159, 160 or 161. Exceptions respecting statutory conditions
- (2) Where a contract does not insure against liability for loss or damage to persons and property, statutory condition 3 in section 134 is not a part of the policy and may be omitted from the printing of the conditions in the policy. Idem
- (3) Where a contract does not insure against loss of or damage to the automobile, statutory condition 4 in section 134 is not a part of the policy and may be omitted from the printing of the conditions in the policy. Idem
- Motor Vehicle Liability Policies
- 136.(1) Every contract evidenced by an owner's policy insures the person named therein and every other person who with his consent personally drives an automobile owned by the insured named in the contract and within the description Coverage of owner's policy specific automobile

or definition thereof in the contract against liability imposed by law upon the insured named in the contract or that other person for loss or damage,

- (a) arising from the ownership, use or operation of any such automobile; and
- (b) resulting from bodily injury to or the death of any person and damage to property.

Idem, other automobile

- (2) Where the contract evidenced by an owner's policy also provides insurance against liability in respect of an automobile not owned by the insured named in the contract, an insurer may stipulate in the contract that the insurance is restricted to such persons as are specified in the contract.

Death of person named in owner's policy

- (3) Where the insured named in an owner's policy dies, the following persons shall be deemed to be the insured under the policy:
 - (a) the spouse of the deceased insured if residing in the same dwelling premises at the time of his death; and
 - (b) in respect of the described automobile, a newly-acquired automobile that was acquired by the deceased insured prior to his death and a temporary substitute automobile, all as defined by the policy,
 - (i) any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,

(ii) the personal representative
of the deceased insured.

137. (1) Every contract evidenced by a non-owner's policy insures the person named therein and such other person, if any, as is specified in the policy against liability imposed by law upon the insured named in the contract or that other person for loss or damage,
- (a) arising from the use or operation of an automobile within the definition thereof in the policy, other than an automobile owned by him or registered in his name; and
 - (b) resulting from bodily injury to or the death of any person and damage to property.
138. (1) For the purposes of this Part, a person shall not be deemed to be the owner of an automobile for the reason only that he has a lien on the automobile or has legal title to the automobile as security.
139. (1) Insurance under sections 136 and 137 applies to the ownership, use or operation of the insured automobile within Canada and the United States of America and upon a vessel plying between ports of those countries.
140. (1) Any person insured by but not named in a contract to which section 136 or 137 applies may recover indemnity in the same manner and to the same extent as if named therein as the insured,

Coverage of
non-owner's
policy

Persons deemed
not owners

Territorial
limits

Rights of
unnamed
insurer

and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

- 141.(1) Every contract evidenced by a motor vehicle liability policy shall provide that, where a person insured by the contract is involved in an accident resulting from the ownership, use or operation of an automobile in respect of which insurance is provided under the contract and resulting in loss or damage to persons or property, the insurer shall,
- (a) upon receipt of notice of loss or damage caused to persons or property, make such investigations, conduct such negotiations with the claimant and effect such settlement of any resulting claims as are deemed expedient by the insurer;
 - (b) defend in the name and on behalf of the insured and at the cost of the insurer any civil action that is at any time brought against the insured on account of loss or damage to persons or property;
 - (c) pay all costs taxed against the insured in any civil action defended by the insurer and any interest accruing after entry of judgment upon that part of the judgment that is within the limits of the insurer's liability; and
 - (d) where the injury is to a person, reimburse the insured for outlay for such

**Additional
agreements**

medical aid as is immediately necessary at the time.

Liability
from owner-
ship

142.(1) Liability arising from contamination of property carried in an automobile shall not be deemed to be liability arising from the ownership, use or operation of such automobile.

Exceptions
from
liability

143.(1) The insurer is not liable under a contract evidenced by a motor vehicle liability policy for any liability,

- (a) imposed by any workmen's compensation law upon any person insured by the contract;
- (b) resulting from bodily injury to or the death of,
 - (i) the daughter, son, wife or husband of any person insured by the contract while being carried in or upon or entering or getting on to or alighting from the automobile, or
 - (ii) any person insured by the contract;
- or
- (c) resulting from bodily injury to or the death of any employee of any person insured by the contract while engaged in the operation or repair of the automobile.

Exceptions
from lia-
bility

144.(1) The insurer may provide under a contract evidenced by a motor vehicle liability policy, in either or both of the following cases, that it shall not be liable,

- (a) to indemnify any person engaged in the business of selling, repairing, maintaining, servicing, storing or parking automobiles for any loss or damage sustained while engaged in the use or operation of or

while working upon the automobile in the course of that business unless the person is the owner of the automobile or is his employee;

- (b) for loss of or damage to property carried in or upon the automobile or to any property owned or rented or in the care, custody or control of the insured.

145. (1) Subject to the limitations and exclusions of the endorsement, the insurer may provide by endorsement to a contract evidenced by a motor vehicle liability policy that it shall not be liable for loss or damage resulting from the ownership, use or operation of any machinery or apparatus, including its equipment, mounted on or attached to the automobile while such automobile is at the site of the use or operation of that machinery or apparatus.

Exceptions
from
liability

146. (1) The insurer may provide under a contract evidenced by a motor vehicle liability policy, in one or more of the following cases, that it shall not be liable while,

Exceptions
from liability

- (a) the automobile is rented or leased to another person;
- (b) the automobile is used to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto;
- (c) the automobile is used as a taxi-cab, public omnibus, livery, jitney or sight-seeing conveyance or for carrying passengers for compensation or hire;

- (d) where the insured vehicle is an automobile, other than a trailer, it is used for towing a trailer owned by the insured unless like indemnity is also provided by the insurer in respect of the trailer;
- (e) where the insured vehicle is a trailer, it is towed by an automobile owned by the insured unless like indemnity is also provided by the insurer in respect of the automobile.

Interpretation

- (2) In paragraph (1)(b), "radioactive material" means,
 - (a) spent nuclear fuel rods that have been exposed to radiation in a nuclear reactor;
 - (b) radioactive waste material;
 - (c) unused enriched nuclear fuel rods; or
 - (d) any other radioactive material of such quantity and quality as to be harmful to persons or property if its container were destroyed or damaged.

Exception

- (3) Paragraph (1)(a) does not include the use by an employee of his automobile on the business of his employer and for which he is paid.

Certain rules
excepted

- (4) Paragraph (1)(c) does not include,
 - (a) the use by a person of his automobile for the carriage of another person in return for the former's carriage

in the automobile of the latter;

- (b) the occasional and infrequent use by a person of his automobile for the carriage of another person who shares the cost of the trip;
- (c) the use by a person of his automobile for the carriage of a temporary or permanent domestic servant of the insured or his spouse; or
- (d) the use by a person of his automobile for the carriage of a client or customer or a prospective client or customer; and
- (e) the occasional and infrequent use by the insured of his automobile for the transportation of school children to or from school or school activities conducted within an educational program.

147.(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of not less than fifty thousand dollars, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

Minimum liability under policy

(2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

Priorities

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of forty-five thousand dollars over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of five thousand dollars over claims arising out of bodily injury or death.

Minimum limits where separate limits designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least fifty thousand dollars, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least fifty thousand dollars, exclusive of interest and costs, against liability for loss of or damage to property.

Variation of limits

- (4) Nothing in this Part precludes an insurer, with respect to a limit or limits in excess of those specified in subsection (1) or (3) from increasing or reducing the limit or limits specified in the contract with respect to the use or operation of the automobile by a named person, but no reduction is effective for a limit less than that required under subsection (1) or (3).

Stipulation in motor vehicle liability policy

- 148.(1) Every motor vehicle liability policy issued in the Territory shall provide that, in the case of liability arising out of the ownership,

use or operation of the automobile in any province of Canada,

- (a) the insurer shall be liable up to the minimum limit prescribed for that province if those limits are higher than the limits prescribed by the policy;
- (b) the insurer shall not set up any defence to a claim that might not be set up if the policy were a motor vehicle liability policy issued in that province; and
- (c) the insured, by acceptance of the policy, constitutes and appoints the insurer his irrevocable attorney to appear and defend in any province of Canada in which an action is brought against the insured arising out of the ownership, use or operation of the automobile.

(2) A provision in a motor vehicle liability policy in accordance with paragraph (1)(c) is binding on the insured.

Power of attorney binding

149.(1) Nothing in this Part precludes an insurer from providing insurance under a contract evidenced by a motor vehicle liability policy restricted to a limit in excess of that provided by another designated contract evidenced by a motor vehicle liability policy, whether the designated contract is a first loss insurance or an excess insurance.

Excess insurance

(2) Where the contract designated as the excess contract terminates or is terminated, the excess

Termination of excess insurance

contract is also automatically terminated.

Agreement for
partial payment
of claim by
insured

150.(1) Nothing in this Part precludes an insurer from entering into an agreement with its insured under a contract evidenced by a motor vehicle liability policy providing that the insured will reimburse the insurer in an agreed amount in respect of any claim by or judgment in favour of a third party against the insured, and the agreement may be enforced against the insured according to its tenor.

Interpretation

151.(1) In this section, "nuclear energy hazard" means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act (Canada)*.

Liability when
nuclear energy
contract also
in force

(2) Where an insured is covered, whether named therein or not, under a contract evidenced by a motor vehicle liability policy for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a contract evidenced by a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to the loss or damage,

(a) the motor vehicle liability insurance is excess to the nuclear energy hazard liability insurance, and the insurer

under the contract of motor vehicle liability insurance is not liable to pay beyond the minimum limits prescribed by section 146, and

(b) the unnamed insured under the contract of nuclear energy liability insurance may, in respect of such loss or damage, recover indemnity under that contract in the same manner and to the same extent as if named therein as the insured, and for that purpose he shall be deemed to be a party to the contract and to have given consideration therefor.

(3) For the purpose of this section, a contract of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

When contract deemed in force

152.(1) Where an insurer makes a payment on behalf of an insured under a contract evidenced by a motor vehicle liability policy to a person who is or alleges himself to be entitled to recover from the insured covered by the policy, the payment constitutes, to the extent of the payment, a release by the person or his personal representative of any claim that the person or his personal representative or any person claiming through or under him or by virtue of the *Fatal Accidents Ordinance* may have against the insured and the insurer.

Advance payments and release by claimant

- Idem (2) Nothing in this section precludes the insurer making the payment from demanding, as a condition precedent to such payment, a release from the person or his personal representative or any other person to the extent of such payment.
- Payment to be taken into account (3) Where the person commences an action, the court shall adjudicate upon the matter first without reference to the payment but in giving judgment the payment shall be taken into account and the person shall only be entitled to judgment for the net amount, if any.
- Intention (4) The intention of this section is to permit payments to a claimant without prejudice to the defendant or his insurer, either as an admission of liability or otherwise, and the fact of any payment shall not be disclosed to the judge or jury until after judgment but before formal entry thereof.
- Defence where more than one contract 153.(1) Where a person is insured under more than one contract evidenced by a motor vehicle liability policy, whether the insurance is first loss insurance or excess, and a question arises under paragraph 141(b) between an insurer and the insured or between the insurers as to which insurer shall undertake the obligation to defend in the name and on behalf of the insured, whether or not any insurer denies liability under its contract, the insured or any insurer may apply to the Supreme Court, and the Court shall give such directions as may appear proper with respect to the performance of the obligation.

- (2) On an application under subsection (1), the only parties entitled to notice thereof and to be heard thereon are the insured and his insurers, and no material or evidence used or taken upon such an application is admissible upon the trial of an action brought against the insured for loss or damage to persons or property arising out of the use or operation of the automobile in respect of which the insurance is provided. Hearing
- (3) An order under subsection (1) does not affect the rights and obligations of the insurers in respect of payment of an indemnity under their respective policies. Order
- (4) Where indemnity is provided to the insured under two or more contracts and one or more of them are excess insurance, the insurers shall, as between themselves, contribute to the payment of expenses, costs and reimbursement for which provision is made in section 141 in accordance with their respective liabilities for damages awarded against the insured. Contribution
- 154.(1) Any person who has a claim against an insured for which indemnity is provided by a contract evidenced by a motor vehicle liability policy, notwithstanding that such person is not a party to the contract, may, upon recovering a judgment therefor in any province of Canada against the insured, have the insurance money payable under the contract applied in or towards satisfaction of his judgment and of any other judgments or claims against the insured covered Application of insurance money under motor vehicle liability policy

by the contract and may, on behalf of himself and all persons having such judgments or claims, maintain an action against the insurer to have the insurance money so applied.

Limitation

(2) No action shall be brought against an insurer under subsection (1) after the expiration of one year from the final determination of the action against the insured, including appeals if any.

Other creditors excluded

(3) A creditor of the insured is not entitled to share in the insurance money payable under any contract unless his claim is one for which indemnity is provided for by that contract.

Insurer absolutely liable

(4) The right of a person who is entitled under subsection (1) to have insurance money applied upon his judgment or claim is not prejudiced by,

(a) an assignment, waiver, surrender, cancellation or discharge of the contract, or of any interest therein or of the proceeds thereof, made by the insured after the happening of the event giving rise to a claim under the contract;

(b) any act or default of the insured before or after that event in contravention of this Part or of the terms of the contract; or

(c) any contravention of the Criminal Code (Canada) or a statute of any province of Canada or of any state or the District of Columbia of the United States of America

by the owner or driver of the automobile,

and nothing mentioned in paragraph (a), (b) or (c) is available to the insurer as a defence in an action brought under subsection (1).

(5) It is not a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer and alleged by a party to the action to be such a policy is not a motor vehicle liability policy, and this section applies *mutatis mutandis* to the instrument.

Section applicable to purported policy

(6) The insurer may require any other insurers liable to indemnify the insured in whole or in part in respect of judgments or claims to which reference is made in subsection (1) to be made parties to the action and contribute according to their respective liabilities, whether the contribution is rateable or by way of first loss or excess insurance, as the case may be, and the insured shall on demand furnish the insurer with particulars of all insurance covering the subject matter of the contract.

Contribution among insurers

(7) Where any person has recovered a judgment against the insured and is entitled to bring action under subsection (1) and the insurer admits liability to pay the insurance money under the contract and the insurer considers that,
(a) there are or may be other claimants; or
(b) there is no person capable of giving and authorized to give a valid discharge for payment who is willing to do so,

Payment into court

the insurer may apply to the court *ex parte* for an order for payment of the money into court, and the court may, upon such notice, if any, as it thinks necessary, make an order accordingly.

Effect of
Order

- (8) The receipt of the proper officer of the court is sufficient discharge to the insurer for the insurance money paid into court under subsection (7), and the insurance money shall be dealt with as the court may order upon application of any person interested therein.

Defence re
excess limits
relating to
section 147
coverage

- (9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 146, but the insurer is not liable to a claimant with respect to such coverage in excess of the limits mentioned in section 147.

Defence where
coverage under
sections 144,
145

- (10) Where one or more contracts provide for coverage of a type mentioned in section 144 or 145, except as provided in subsection (12), the insurer may,
- (a) with respect to that type of coverage; and
 - (b) as against a claimant,
- avail itself of any defence that it is entitled to set up against the insured, notwithstanding subsection (4).

Defence where
excess limits

- (11) Where one or more contracts provide for coverage in excess of the limits mentioned in section 147, except as provided in subsection (12), the insurer may,

(a) with respect to the coverage in excess of those limits; and

(b) as against a claimant,

avail itself of any defence that it is entitled to set up against the insured, notwithstanding subsection (4).

(12) Where a contract provides coverage of the type mentioned in paragraph 145 (1)(a) in respect of an automobile operated in the business of carrying passengers for compensation or hire and insured for that purpose, the insurer may,

Defence where vehicle used in business of carrying passengers

(a) with respect to that type of coverage; and

(b) as against a claimant,

only avail himself of a defence that it is entitled to set up against the insured in respect of that part of the coverage, if any, that exceeds,

(c) the limits mentioned in section 148; or

(d) the minimum limits required for that type of coverage by or under any other Ordinance;

whichever is the greater.

(13) The insured shall reimburse the insurer upon demand in the amount that the insurer has paid by reason of this section and that it would not otherwise be liable to pay.

Insurer's liability to reimburse insurer

(14) Where an insurer denies liability under a contract evidenced by a motor vehicle liability policy, it shall, upon application to the court,

Insurer may be made third party

be made a third party in any action to which the insured is a party and in which a claim is made against the insured by any party to the action in which it is or might be asserted that indemnity is provided by the contract, whether or not the insured enters an appearance or defence in the action.

Rights of insurer (15) Upon being made a third party, the insurer may

- (a) contest the liability of the insured to any party claiming against the insured;
- (b) contest the amount of any claim made against the insured;
- (c) deliver any pleadings in respect of the claim of any party claiming against the insured;
- (d) have production and discovery from any party adverse in interest; and
- (e) examine and cross-examine witnesses at the trial,

to the same extent as if it were a defendant in the action.

Idem (16) An insurer may avail itself of subsection (15) notwithstanding that another insurer is defending in the name and on behalf of the insured an action to which its insured is a party.

Insured to give notice of action 155.(1) Every insured against whom an action is commenced for damages occasioned by an automobile shall give notice thereof in writing to the insurer within five days after service of every notice or process in the action.

- (2) Every insured against whom an action is commenced for damages occasioned by an automobile shall, upon recovery of a judgment against the insured, disclose to a judgment creditor entitled to the benefit of any motor vehicle liability policy particulars of such contract within ten days after written demand therefor.

Insured to disclose insurance

Physical Damage Cover

- 156.(1) Subject to subsection 130(1), the insurer may provide in a contract such exclusions and limitations, in respect of loss of or damage to or the loss of use of the automobile, as it considers necessary.

Stipulations in physical damage cover

- 157.(1) A contract or part of a contract providing insurance against loss of or damage to an automobile and the loss of use thereof may contain a clause to the effect that, in the event of loss, the insurer shall pay only,
 - (a) an agreed portion of any loss that may be sustained;
 - or
 - (b) the amount of the loss after deduction of a sum specified in the policy,
 and in either case not exceeding the amount of the insurance.

Partial payment of loss clause

- (2) Where a clause is inserted in accordance with subsection (1), there shall be printed or stamped upon the face of the policy in conspicuous type the words: "This policy contains a partial payment of loss clause."

Stamping required

Claims to be
adjusted with
insured

158.(1) Where a claim is made under any contract other than a contract evidenced by a motor vehicle liability policy, the insurer shall, notwithstanding any agreement, adjust the amount of the claim with the insured named in the contract as well as with any person having an interest indicated in the contract.

Exception

(2) Where notice is given or proof of loss is made by a person other than the insured, because the insured cannot be located or neglects or refuses or is unable to give notice and makes claim under statutory conditions 4 and 7 in section 134, the insurer may, notwithstanding subsection (1) but in any event not earlier than sixty days from delivery of the proof required under clause (c) of sub-condition 1 of the said statutory condition 4, adjust and pay the claim to the other person having an interest indicated in the contract.

Limited Accident Insurances

Uninsured
motorist cover

159.(1) Where an insurer provides in a contract insurance against loss resulting from bodily injury to or the death of a person insured arising out of an accident involving an automobile where,
(a) there is legal liability of another person for the injury or death; and
(b) the other person has no insurance against his liability therefor or that person cannot be identified,
that insurance applies only in respect of

- (c) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from the described automobile in respect of which automobile liability insurance, is provided under the contract; and
- (d) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

159.(2) The insurance mentioned in subsection (1) does not apply in respect of a person specified therein who has a right of recovery under an unsatisfied judgment fund or a similar fund in any province or Territory of Canada or of any state or the District of Columbia of the United States of America. Limitation

160.(1) Every contract evidenced by a motor vehicle liability policy shall provide the benefits set forth in subsection (1) of the Schedule subject to the limits, terms and conditions set forth in the Schedule. Medical and funeral benefits

(2) Where an insurer makes a payment under a contract of insurance referred to in subsection (1), the payment constitutes, to the extent of such payment, a release by the insured person or his Release by claimant

personal representatives of any claim that the insured person or any person claiming through or under him or by virtue of the *Fatal Accidents Ordinance* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection (1), but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

First loss
and excess
insurance

- (3) The insurance mentioned in subsection (1) is a first loss insurance and any other automobile insurance of the same type available to the injured person or in respect of a deceased person in excess insurance only.

Excess
insurance

- (4) The insurance mentioned in subsection (1) is excess insurance to any other insurance not being automobile insurance of the same type indemnifying the injured person or in respect of a deceased person for the expenses.

Idem

- (5) The insurance mentioned in subsection (1) is excess insurance to any other insurance indemnifying the injured person or in respect of a deceased person for the expenses.
- (6) All contracts evidenced by motor vehicle liability policies made or renewed before and subsisting on the coming into force of this section shall be deemed to contain the benefits, limits, terms and conditions set forth in the Schedule,

but in respect only of motor vehicle accidents occurring on or after that date.

- 161.(1) Every contract evidenced by a motor vehicle liability policy shall provide the death and total disability benefits set forth in subsection (2) of the Schedule in the terms, conditions, provisions and exclusions and subject to the limits as set forth in the Schedule. Death and disability benefits
- (2) Where an insurer makes a payment under a contract of insurance to which subsection (1) refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of the *Fatal Accidents Ordinance* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection (1), but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person. Release by claimant
- (3) All contracts evidenced by motor vehicle liability policies made or renewed before and subsisting on the coming into force of this section shall be deemed to contain the benefits, limits, terms and conditions set forth in the Schedule.

but in respect only of motor vehicle accidents occurring on or after that date.

Demand for particulars of insurance

- 162.(1) Where a person is injured or killed in an accident in the Territory involving an automobile, that person or his personal representative may serve,
- (a) a demand by registered mail on the owner of the automobile; or
 - (b) a demand by registered mail on the insurer of the owner of the automobile, requiring the owner or insured, as the case may be, to state in writing to the person making the demand whether or not that owner has insurance of the type mentioned in sections 160 and 161, or either of them, and, where the demand is made under paragraph (a), requiring the owner, if he has such insurance, to state the name of the insurer.

Offence

- (2) An owner or insurer who does not, within ten days after receiving a demand made under subsection (1) comply with the demand is guilty of an offence.

Rights of unnamed insured

- 163.(1) Any person insured by but not named in a contract to which section 159, 160 or 161 applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

- 164.(1) Where a person entitled to benefits provided by insurance under section 160 and section 161 or either of them, First liability
- (a) is an occupant of a motor vehicle involved in an accident, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for payment of the benefits provided by the insurance; or
 - (b) is a pedestrian and is struck by a motor vehicle, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for the payment of the benefits provided by the insurance.
- (2) Nothing in this section affects the operation of subsections 160 (2) to (5) and subsection 161 (2).
- 165.(1) Where an insurer admits liability for insurance money payable under sections 159, 160 or 161 and it appears that, Payment into court
- (a) there are adverse claimants,
 - (b) the whereabouts of an insured person entitled is unknown, or
 - (c) there is no person capable of giving and authorized to give a valid discharge therefor who is willing to do so,
- the insurer may, at any time after thirty days after the date upon which the insurance money becomes payable, apply to the Court *ex parte* for an order for payment of the money into court,

and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

- (2) The receipt of the proper officer of the court is sufficient discharge to the insurer for the insurance money paid into court, and the insurance money shall be dealt with as the court orders.

Limitation of action

- 166.(1) Every action or proceeding against an insurer under a contract in respect of insurance provided under sections 159, 160 or 161 shall be commenced within the limitation period specified in the contract, but in no event shall the limitation period be less than two years after the happening of the accident.

Claimant's obligation to inform

- 167.(1) Where any person makes a claim for damages in respect of bodily injury or death sustained by the person or any other person while driving or being carried in or upon or entering or getting onto or alighting from or as a result of being struck by an automobile, he shall furnish the person against whom the claim is made full particulars of all insurance available to the claimant under contracts falling within the scope of sections 160 or 161.

Release by claimant of benefits under Schedule

- (2) Where a claimant is entitled to the benefit of insurance as provided in the Schedule, this, to the extent of payments made or available to the claimant thereunder, constitutes a release by the claimant of any claim against

the person liable to the claimant or his insurer.

- 168.(1) Subject to subsection 130 (1), an insurer may in a policy,
 - (a) provide insurance that is less extensive in scope than the insurance mentioned in section 159; and
 - (b) provide the terms of the contract that relate to the insurance mentioned in section 159.

Terms of certain insurances

Other Insurance

- 169.(1) Subject to section 151, insurance under a contract evidenced by a valid owner's policy is in respect of liability arising from or occurring in connection with the ownership, use or operation of an automobile owned by the insured named in the contract and within the description or definition thereof in the policy, a first loss insurance and insurance attaching under any other valid motor vehicle liability policy is excess insurance only.
- (2) Subject to sections 151, 160 and 161 and to subsection (1) of this section, if the insured named in a contract has or places any other valid insurance, whether against liability for the ownership, use or operation of or against loss of or damage to an automobile or otherwise, of his interest in the subject matter of the contract or any part thereof, the insurer is liable only for its rateable proportion of

Other insurance

Idem

any liability, expense, loss or damage.

Rateable
proportion
defined

- (3) "Rateable proportion" as used in subsection (2) means,
- (a) if there are two insurers liable and each has the same policy limits, each of the insurers shall share equally in any liability, expense, loss or damage;
 - (b) if there are two insurers liable with different policy limits, the insurers shall share equally up to the limit of the smaller policy limit;
 - (c) if there are more than two insurers liable, paragraphs (a) and (b) apply *mutatis mutandis*.

Subrogation

Subrogation

- 170.(1) An insurer who makes any payment or assumes liability therefor under a contract is subrogated to all rights or recovery of the insured against any person and may bring action in the name of the insured to enforce those rights.

Pro-rating
recovery

- (2) Where the net amount recovered whether by action or settlement is, after deduction of the costs of the recovery, not sufficient to provide complete indemnity for the loss or damage suffered, the amount remaining shall be divided between the insurer and the insured in the proportion in which the loss or damage has been borne by them.

- (3) Where the interest of an insured in any recovery is limited to the amount provided under a clause in the contract to which section 157 applies, the insurer shall have control of the action. Action when S.158 applies
- (4) Where the interest of an insured in any recovery exceeds that referred to in subsection (3) and the insured and the insurer cannot agree as to,
- (a) the solicitors to be instructed to bring the action in the name of the insured;
 - (b) the conduct and carriage of the action or any matters pertaining thereto;
 - (c) any offer of settlement or the apportionment thereof, whether action has been commenced or not;
 - (d) the acceptance of any money paid into court or the apportionment thereof;
 - (e) the apportionment of costs; or
 - (f) the launching or prosecution of an appeal,
- either party may apply to the court for the determination of the matters in question, and the court shall make such order as it considers reasonable having regard to the interests of the insured and the insurer in any recovery in the action or proposed action or in any offer of settlement.
- (5) On an application under subsection (4) the only parties entitled to notice and to be heard thereon are the insured and the insurer, and no material or evidence used or taken upon the application is admissible upon the trial of an action brought by or against the insured or the insurer. Idem

- Concurrence
in settlement
or release
- (6) A settlement or release given before or after an action is brought does not bar the rights of the insured or the insurer, as the case may be, unless they have concurred therein.

PART VII

ACCIDENT AND SICKNESS INSURANCE

- Interpretation 171.(1) In this Part
- "application" (a) "application" means a written application for insurance or for the reinstatement of insurance;
- "beneficiary" (b) "beneficiary" means a person designated or appointed in a contract or by a declaration, other than the insured or his personal representative, to whom or for whose benefit insurance money payable in the event of death by accident is to be paid;
- "blanket insurance" (c) "blanket insurance" means that class of group insurance that covers loss arising from specific hazards incident to or defined by reference to a particular activity or activities;
- "contract" (d) "contract" means a contract of insurance;
- "creditor's group insurance" (e) "creditor's group insurance" means insurance effected by a creditor whereby the lives or well-being, or the lives and well-being, of a number of his debtors are insured severally under a single contract;
- "declaration" (f) "declaration" means an instrument signed by the insured,

- (i) with respect to which an endorsement is made on the policy, or
- (ii) that identifies the contract, or
- (iii) that describes the insurance or insurance fund or a part thereof, in which he designates or alters or revokes the designation of his personal representative or a beneficiary as one to whom or for whose benefit shall be paid the insurance money that is payable in the event of death by accident;
- (g) "family insurance" means insurance whereby the lives or well-being, or the lives and well-being, of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured; "family insurance"
- (h) "group insurance" means insurance other than creditor's group insurance and family insurance, whereby the lives or well-being, or the lives and well-being, of a number of persons are insured severally under a single contract between an insurer and an employer or other person; "group insurance"
- (i) "group person insured" means a person who is insured under a contract of group insurance and upon whom a right is conferred by the contract, but does not include a person who is insured thereunder as a person dependent upon or related to him; "group person insured"

- "instrument" (j) "instrument" includes a will;
- "insurance" (k) "insurance" means accident insurance, sickness insurance, or accident insurance and sickness insurance;
- "insured" (l) "insured",
(i) in the case of group insurance means, in the provisions of this Part relating to the designation of beneficiaries or of personal representatives as recipients of insurance money and their rights and status, the group person insured, and
(ii) in all other cases means the person who makes a contract with an insurer;
- "person insured" (m) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, insurance money is payable under a contract, but does not include a group person insured;
- "will" (n) "will" includes a codicil.
- Application of Part 172.(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to contracts made in the Territory on or after the coming into force of this section.
- Idem (2) In the case of contracts made before and in effect on the coming into force of this section,
(a) this section and sections 171, 173, 174, 183, 186, 187, 188, 192 and sections 194 to 210 in this Part apply; and
(b) sections 143 to 147, 153 and 153 (c) of the *Insurance Ordinance*, as it existed

immediately before the coming into force of this section, continue to apply.

- | | | |
|---------|--|--------------------|
| (3) | This Part does not apply to, | Exceptions |
| | (a) accidental death insurance; or | |
| | (b) creditor's group insurance; or | |
| | (c) disability insurance; or | |
| | (d) insurance provided under sections 159, 160 and 161. | |
| 173.(1) | In the case of a contract of group insurance made with an insurer authorized to transact insurance in the Territory at the time the contract was made, this Part applies in determining, | Group Insurance |
| | (a) the rights and status of beneficiaries and personal representatives as recipients of insurance money, if the group person insured was resident in the Territory at the time he became insured; and | |
| | (b) the rights and obligations of the group person insured if he was resident in the Territory at the time he became insured. | |
| 174.(1) | An insurer entering into a contract shall issue a policy. | Issue of policy |
| 175.(1) | This section does not apply to, | Exceptions |
| | (a) a contract of group insurance; or | |
| | (b) a contract made by a fraternal society. | |
| (2) | An insurer shall set forth the following particulars in the policy: | Contents of policy |

- (a) the name or a sufficient description of the insured and of the person insured;
- (b) the amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable;
- (c) the amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid;
- (d) the conditions upon which the contract may be reinstated if it lapses;
- (e) the term of the insurance or the method of determining the day upon which the insurance commences and terminates.

Confinement clauses void

176.(1) Where a contract of accident insurance or sickness insurance issued on or after the coming into force of this section includes a provision that a benefit is payable to an insured on account of his disability and payment is conditional on the confinement of the insured, the provision does not bind the insured.

Contents of group policy

177.(1) In the case of a contract of group insurance, an insurer shall set forth the following particulars in the policy:

- (a) the name or a sufficient description of the insured;
- (b) the method of determining the group persons insured and the persons insured;
- (c) the amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable;

- (d) the period of grace, if any, within which the premium may be paid;
- (e) the term of the insurance or the method of determining the day upon which the insurance commences and terminates.

178.(1) Where a contract of group accident and sickness insurance, or a benefit provision therein, is terminated the insurer continues to be liable to pay to or in respect of any group person insured under the contract benefits under the contract relating to,

- (a) loss of income because of disability;
- or
- (b) death; or
- (c) dismemberment,

arising from an accident or sickness that occurred before the termination of the contract or benefit provision as though the contract or benefit provision had remained in full force and effect; but the insurer is not liable to pay a benefit for loss of income because of disability in respect of the recurrence of disability arising from an accident or sickness that occurred before the termination of the contract or benefit provision if the recurrence occurs after the termination of the contract or benefit provision and after a period of ninety days, or such longer period as is provided in the contract, during which the group person insured was not disabled.

(2) Where a contract of group accident and sickness insurance (herein referred to as the "replacing contract") is entered into within thirty-one days of the termination of another contract of group

Continuation of accident and sickness insurance where contract terminated

Preservation of rights where contract replaced

accident and sickness insurance (herein referred to as the "other contract") and insures the same group or a part of the group insured under the other contract,

- (a) the replacing contract shall provide or shall be deemed to provide that any person who was insured under the other contract at the time of its termination is insured under the replacing contract from and after the termination of the other contract if;
 - (i) the insurance on that person under the other contract terminated solely by reason of the termination of the other contract, and
 - (ii) the person is a member of a class eligible for insurance under the replacing contract;
- (b) every person who was insured under the other contract and who is insured under the replacing contract is entitled to receive credit for satisfaction of any deductible earned before the effective date of the replacing contract; and
- (c) no person who was insured under the other contract shall be excluded from eligibility under the replacing contract solely because of not being actively at work on the effective date of the replacing contract.

Contents of
group
certificate

179.(1) Except as provided in subsection (2), in the case of a contract of group insurance an insurer shall issue for delivery by the insured to each group

person insured a certificate or other document in which are set forth the following particulars:

- (a) the name of the insurer and a sufficient identification of the contract;
- (b) the amount or the method of determining the amount of insurance on the group person insured and on any person insured;
- (c) the circumstances under which the insurance terminates, and the rights, if any, upon such termination of the group person insured and of any person insured.

(2) This section does not apply to a contract of blanket insurance or to a contract of group insurance of a non-renewable type issued for a term of six months or less. Exception

180.(1) Subject to section 181 and except as otherwise provided in this section, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction, or under a heading such as "Exceptions or Reductions". Exceptions or reduction

(2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision. Idem

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction. Idem

- (4) The exception or reduction mentioned in section 193 need not be set forth in the policy.
- (5) This section does not apply to a contract made by a fraternal society.

Statutory conditions

181.(1) Subject to section 182, the conditions set forth in this section shall be deemed to be part of every contract other than a contract of group insurance, and shall be printed on or attached to the policy forming part of such contract with the heading "Statutory Conditions".

STATUTORY CONDITIONS

The contract

1. (1) The application, this policy, any document attached to this policy when issued, and any amendment to the contract agreed upon in writing after the policy is issued, constitute the entire contract, and no agent has authority to change the contract or waive any of its provision.

Waiver

(2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

Copy of application

(3) The insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

Material facts

2. No statement made by the insured or person insured at the time of application for this contract shall be used in defence of a claim under or to avoid this contract unless it is contained in the application or any other written statements or

answers furnished as evidence of insurability.

3. (1) If after the contract is issued the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this contract, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

Changes in occupation

(2) If the person insured changes his occupation from that stated in this contract to an occupation classified by the insurer as less hazardous and the insurer is so advised in writing, the insurer shall either,

(a) reduce the premium rate; or

(b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks, and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance

Relation of earnings to insurance

contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

Termination
by insured

5. The insured may terminate this contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Territory, or by delivery thereof to an authorized agent of the insurer in the Territory, and the insurer shall upon surrender of this policy refund the amount of premium paid in excess of the short rate premium calculated to the date of receipt of such notice according to the table in use by the insurer at the time of termination.

Termination
by insurer:

6.(1) The insurer may terminate this contract at any time by giving written notice of termination to the insured and by refunding currently with the giving of notice the amount of premium paid in excess of the pro rata premium for the expired time.

(2) The notice of termination may be delivered to the insured or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, fifteen days' notice of termination

shall be given; where it is mailed to the insured, ten days' notice of termination shall be given, and the ten days shall begin on the day following the date of mailing of notice.

7. (1) The insured or a person insured, or a beneficiary entitled to make a claim, or the agent of any of them, shall,

Notice and
proof of claim

(a) give written notice of claim to the insurer,

(i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Territory, or

(ii) by delivery thereof to an authorized agent of the insurer in the Territory,

not later than thirty days from the date a claim arises under the contract on account of an accident, sickness or disability;

(b) within ninety days from the date a claim arises under the contract on account of an accident, sickness or disability, furnish to the insurer such proof as is reasonably possible in the circumstances of the happening of the accident or the commencement of the sickness or disability, and the loss occasioned thereby, the right of the claimant to receive payment, his age, and the age of the beneficiary if relevant; and

(c) if so required by the insurer, furnish a satisfactory certificate as to the cause or nature of the accident, sickness or disability for which claim

may be made under the contract
and as to the duration of such
disability.

Failure to
give notice
of proof

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed by this statutory condition does not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible, and in no event later than one year from the date of the accident or the date a claim arises under the contract on account of sickness or disability if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

Insurer to
furnish forms
for proof of
claim

8. The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim, but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the cause or nature of the accident, sickness or disability giving rise to the claim and of the extent of the loss.

Rights of
examination

9. As a condition precedent to recovery of insurance moneys under this contract,

(a) the claimant shall afford to the insurer an opportunity to examine the person of the person insured when and so often as it reasonably requires while the claim hereunder is pending; and

(b) in the case of death of the person insured the insurer may require an autopsy subject to any law of the applicable jurisdiction relating to autopsies.

10. All moneys payable under this contract, other than benefits for loss of time, shall be paid by the insurer within sixty days after it has received proof of claim.

When moneys payable other than for loss of time

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payment shall be made thereafter in accordance with the terms of the contract but not less frequently than once in each succeeding sixty days while the insurer remains liable for the payments if the person insured when required to do so furnishes before payment proof of continuing disability.

When loss of time benefits payable

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than two years after the date the insurance money became payable or would have become payable if it had been a valid claim.

Limitation of actions

182.(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Omission or variation of conditions

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

Idem

(3) Statutory conditions 5 and 6 shall be omitted from the policy if the contract does not provide

Idem

that it may be terminated by the insurer prior to the expiry of any period for which a premium has been accepted.

- Idem (4) Statutory conditions, 3, 4, 5, 6 and 9, and subject to the restriction in subsection (5), statutory condition 7, may be varied but, if by reason of the variation the contract is less favourable to the insured, a person insured or a beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 181.
- Idem (5) Clauses (a) and (b) of paragraph (1) of statutory condition 7 may not be varied in policies providing benefits for loss of time.
- Idem (6) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein, and statutory condition 12 may be varied by lengthening the period of time prescribed therein.
- Idem (7) The title of a statutory condition shall be reproduced in the policy along with the statutory condition, but the number of a statutory condition may be omitted.
- Contract by fraternal society (8) In the case of a contract made by a fraternal society,
(a) the following provisions shall be printed on every policy in substitution for paragraph (1) of statutory condition 1:

1. (1) This policy, the Ordinance or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions,

The contract

and

(b) statutory condition 5 shall not be printed on the policy.

183.(1) In the case of a policy of accident insurance of a non-renewable type issued for a term of six months or less or in relation to a ticket of travel, the statutory conditions need not be printed on or attached to the policy if the policy contains the following notice printed in conspicuous type:

Notice of statutory condition

"Notwithstanding any other provision herein contained, this contract is subject to the statutory conditions in the *Insurance Ordinance* respecting contracts of accident insurance."

184.(1) Where a policy evidencing a contract or a certificate evidencing the renewal of a contract is delivered to the insured and the initial premium or in the case of a renewal certificate the renewal premium therefor has not been fully paid,

Termination for non-payment of initial or renewal premium

(a) the contract or the renewal thereof evidenced by the certificate is as binding on the insurer as if such pre-

mium had been paid although delivered by an officer or an agent of the insurer who did not have authority to deliver it; and

- (b) the contract may be terminated for the non-payment of the premium by the insurer upon ten days' notice of termination given in writing to the insured and mailed postage prepaid and registered to the latest address of the insured on the records of the insurer and the ten days shall begin on the day following the date of mailing such notice.

Exception (2) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

Right where premium unpaid 185.(1) An insurer may,

- (a) deduct unpaid premiums from an account that it is liable to pay under a contract; or
- (b) sue the insured for unpaid premiums.

Where cheque or note for premium not paid (2) Where a cheque or other bill of exchange or a promissory note or other written promise to pay is given for the whole or part of a premium and payment is not made according to its tenor, the premium or part thereof shall be deemed never to have been paid.

Exception (3) Paragraph (1)(a) does not apply to a contract of group insurance.

- (4) This section does not apply to a contract made by a fraternal society.
- 186.(1) Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and well-being and in the life and well-being of,
- (a) his child or grandchild;
 - (b) his spouse;
 - (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;
 - (d) his officer or employee; and
 - (e) any person in whom he has a pecuniary interest.
- 187.(1) Subject to subsection (2) where at the time a contract would otherwise take effect the insured has no insurable interest, the contract is void.
- (2) A contract is not void for lack of insurable interest,
- (a) if it is a contract of group insurance; or
 - (b) if the person insured has consented in writing to the insurance.
- (3) Where the person insured is under the age of sixteen years, consent to the insurance may be given by one of his parents or by a person standing in *loco parentis* to him.

Insurable interest

Lack of insurable interest

Exceptions

Consent of minors

Policies on Lives of Minors

Capacity of minors 188.(1) Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of nineteen years,

- (a) to make an enforceable contract; and
- (b) in respect of a contract.

Capacity of minor beneficiary (2) A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of nineteen years to receive insurance money payable to him and to give a valid discharge therefor.

Misrepresentation and Non-Disclosure

Duty to disclose 189.(1) An applicant for insurance on his own behalf and on behalf of each person to be insured, and each person to be insured, shall disclose to the insurer in any application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

Failure to disclose (2) Subject to sections 190 to 193, a failure to disclose or misrepresentation of such fact renders a contract voidable by the insurer.

Group insurance failure to disclose (3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact with respect to a group person insured or person insured under the contract

does not render the contract voidable, but if evidence of insurability is specifically requested by the insurer, the insurance in respect of such a person is, subject to section 198, voidable by the insurer.

190.(1) Subject to section 193 and except as provided in subsection (2),

Incontestability

(a) where a contract, including renewals thereof, except a contract of group insurance, has been in effect continuously for two years with respect to a person insured, a failure to disclose or a misrepresentation of a fact with respect to that person required by section 189 to be disclosed does not, except in the case of fraud, render the contract voidable;

(b) where a contract of a group insurance, including renewals thereof, has been in effect continuously for two years with respect to a group person insured or a person insured, a failure to disclose or a misrepresentation of a fact with respect to that group person insured or person insured required by section 189 to be disclosed does not, except in the case of fraud, render the contract voidable with respect to that group person insured or person insured.

(2) Where a claim arises from a loss incurred or a

Exception

disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection (1) does not apply to that claim.

Application of
incontestability
to reinstatement

191.(1) Sections 189 and 190 apply *mutatis mutandis* to a failure at the time of reinstatement of a contract to disclose a misrepresentation at that time, and the period of two years to which reference is made in section 189 commences to run in respect of a reinstatement from the date of reinstatement.

Pre-existing
conditions

192.(1) Where a contract contains a general exception or reduction with respect to pre-existing disease or physical conditions and the person insured or group person insured suffers or has suffered from a disease or physical condition that existed before the date the contract came into force with respect to that person and the disease or physical condition is not by name or specific description excluded from the insurance respecting that person,

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force continuously for two years immediately prior to the date of loss

incurred or commencement of disability with respect to that person; and

- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part if the disease or physical condition was disclosed in the application for the contract

- 193.(1) Subject to subsections (2) and (3), if the age of the person insured has been misstated to the insurer then, at the option of the insurer, either
 - (a) the benefits payable under the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age; or
 - (b) the premium may be adjusted in accordance with the correct age as of the date the person insured became insured.

Misstatement of age

- (2) In the case of a contract of group insurance, if there is a misstatement to the insurer of the age of a group person insured or person insured, the provisions, if any, of the contract with respect to age or misstatement of age shall apply.

Misstatement of age in group insurance

- (3) Where the age of a person affects the commencement or termination of the insurance, the true age governs.

True age governs

Beneficiaries

- 194.(1) Unless otherwise provided in the policy, an insured may in a contract or by a declaration desi-

Designation of beneficiary

gnate his personal representative or a beneficiary to receive insurance money payable in the event of death by accident and may from time to time alter or revoke the designation by declaration.

Designation
in invalid will

- (2) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will.

Priorities

- (3) A designation in a will is of no effect against a designation made later than the making of the will.

Revocation

- (4) If a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.

Idem

- (5) If a designation is contained in an instrument that purports to be a will and subsequently the instrument, if it had been valid as a will would have been revoked by operation of law or otherwise, the designation is thereby revoked.

Meaning of
"heirs", etc.

- 195.(1) A designation in favour of the "heirs", "next-of-kin" or "estate", or the use of words of like import in a designation shall be deemed to be a designation of the personal representative.

Death of
beneficiary

- (2) Where a beneficiary predeceases the person insured or group person insured, as the case may be, and no disposition of the share of the deceased bene-

beneficiary in the insurance money is provided in the contract or by declaration, the share is payable

- (a) to the surviving beneficiary; or
- (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or
- (c) if there is no surviving beneficiary, to the insured or group person insured, as the case may be, or his personal representative.

(3) A beneficiary designated under section 193 may upon the death by accident of the person insured or group person insured enforce for his own benefit, and a trustee appointed pursuant to section 196 may enforce as trustee, the payment of insurance money payable to him, and the payment to the beneficiary or trustee discharges the insurer to the extent of the amount paid, but the insurer may set up any defence that it could have set up against the insured or his personal representative.

196.(1) An insured may in contract or by a declaration appoint a trustee for a beneficiary, and may alter or revoke the appointment by a declaration.

Trustee for beneficiary

197.(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of any court of competent jurisdiction affecting the right to receive insurance money, or a notarial copy or a copy verified by statutory declaration.

Documents affecting title

of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there was no such instrument or order.

- Saving (2) Subsection (1) does not affect the rights or interests of any person other than the insurer.
- Interest of assignee (3) Where an assignee of a contract gives notice in writing of the assignment to the insurer at its head or principal office in Canada he has priority of interest as against,
(a) any assignee other than one who gave notice earlier in like manner; and
(b) a beneficiary.
- Assignee deemed to be insured (4) Where a contract is assigned unconditionally and otherwise than as security, the assignee has all the rights and interests given by the contract and by this Part to the insured, and shall be deemed to be the insured.
- Prohibition against assignment (5) A provision in a contract to the effect that the rights or interests of the insured, or in the case of a contract of group insurance the group person insured, are not assignable is valid.
- Insurance money free from creditors 198.(1) Where a beneficiary is designated, any insurance money payable to him is not, from the time of the happening of the event upon which it becomes payable, part of the estate of the insured and is not subject to the claims of the creditors of the insured.

- (2) While there is in effect a designation of beneficiary in favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to the accidental death benefits are exempt from execution or seizure. **Contract exempt from seizure**
- 199.(1) A group person insured may, in his own name, enforce a right given by a contract to him, or to a person insured thereunder as a person dependent upon or related to him, subject to any defence available to the insurer against him or such person insured or against the insured. **Group person insured enforcing rights**
- 200.(1) Unless a contract or a declaration otherwise provides, where a person insured or group person insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 196 (2) as if the beneficiary had predeceased the person insured or group person insured. **Simultaneous deaths**
- 201.(1) Where the insurer admits liability for the insurance money or any part thereof and it appears to the insurer that,
- (a) there are adverse claimants; or
 - (b) the whereabouts of the person entitled is unknown; or
 - (c) there is no person capable of giving or authorized to give a valid discharge
- Payment into court**

therefor who is willing to do so, the insurer may apply *ex parte* to the court for an order for payment of money into court, and the court may upon such notice, if any, as it deems necessary, make an order accordingly.

Costs of proceedings

- (2) The court may fix without taxation the costs incurred upon or in connection with any application or order made under subsection (1), and may order the costs to be paid out of the insurance money or by the insurer or otherwise as it deems just.

Discharge of insurer

- (3) A payment made pursuant to an order under subsection (1) discharges the insurer to the extent of the payment.

202.(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of giving and authorized to give a valid discharge therefor who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, pay the money less the applicable costs mentioned in subsection (2) into court to the credit of the minor.

Costs

- (2) The insurer may retain, out of the insurance money for costs incurred upon payment into court under subsection (1), the sum of ten dollars where the amount does not exceed one thousand dollars, and the sum of fifteen dollars in other cases, and payment of the remainder of the money into court discharges the insurer.

- (3) No order is necessary for payment into court under subsection (1), but the accountant or other proper officer of the court shall receive the money upon the insurer filing with him an affidavit showing the amount payable and the name, date of birth and residence of the minor, and upon such payment being made the insurer shall forthwith notify the Public Administrator and deliver to him a copy of the affidavit. Procedure
- 203.(1) Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid. Beneficiary under disability
- 204.(1) Notwithstanding that insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding two thousand dollars to,

 - (a) a relative by blood or connection by marriage of a person insured or the group person insured; or
 - (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a claim against the estate of a person insured Payments not exceeding \$2,000

or the group person insured in relation thereto,

and any such payment discharges the insurer to the extent of the amount paid.

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| Place of payment | 205.(1) | Subject to subsection (2), insurance money is payable in the Territory. |
| | (2) | In the case of a contract of group insurance, money is payable in the Province of Canada in which the group person insured was resident at the time he became insured. |
| Dollars | (3) | Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars whether the contract by its terms provides for payment in Canada or elsewhere. |
| Payment outside the Territory | (4) | Where a person entitled to receive insurance money is not domiciled in the Territory, the insurer may pay the insurance money to that person or to any person who is entitled to receive it on his behalf by the law of the domicile of the payee and any such payment discharges the insurer to the extent of the amount paid. |
| Payment to personal representative | (5) | Where insurance money is by the contract payable to a person who has died or to his personal representative and such deceased person was not at the date of his death domiciled in the Territory, the insurer may pay the insurance money to the personal representative of such person appointed under the law of his domicile, and any such payment discharges the insurer to the extent of the amount paid. |

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| 206.(1) | Regardless of the place where a contract was made, a claimant who is a resident of the Territory may bring an action in the Territory if the insurer was authorized to transact insurance in the Territory at the time the contract was made or at the time the action is brought. | Action in the Territory |
| 207.(1) | An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money. | Insurer giving information |
| 208.(1) | The insurer shall not in the policy give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy. | Under prominence |
| 209.(1) | Where there has been imperfect compliance with a statutory condition as to any matter or thing to be done or omitted by the insured, person insured or claimant with respect to the loss insured against and a consequent forfeiture or avoidance of the insurance in whole or in part, and any court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just. | Relief from forfeiture |

Presumption
against agency 210.(1) No officer, agent, employee or servant of the insurer, and no person soliciting insurance, whether or not he is an agent of the insurer, shall to the prejudice of the insured, person insured or group person insured, be deemed to be the agent of the insured or of the person insured or group person insured in respect of any question arising out of the contract.

PART VIII

LIVE STOCK INSURANCE

Application
of part 211.(1) This Part applies to live stock insurance and to any insurer carrying on the business of live stock insurance in the Territory.

Property
that may
be insured 212.(1) Every insurer licensed for the transaction of live stock insurance, may within the limits and subject to the conditions prescribed by the licence, insure against loss of live stock, by fire, lightning, accident, disease or other means, except that of design on the part of the insured, or by the invasion of an enemy or by insurrection.

Application
of provisions
as to fire
insurance 213.(1) The following provisions of Part IV apply to live stock insurance contracts:
(a) the provisions as to the form and contents of the policy, and
(b) the provisions as to the conditions, including the statutory conditions, except where inapplicable to the nature of the risk.

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| 214.(1) | Contracts of insurance shall not in any case exceed the term of two years. | Term of contract |
| (2) | A contract made for one year or any shorter period may be renewed from time to time at the discretion of the insurer by renewal receipt instead of by policy, on the insured paying the required premium and all payments or renewals must be made, at or before the end of the period for which the policy was granted or renewed, otherwise the policy is void. | |
| (3) | No renewal receipt shall extend the contract beyond two years from the date of the policy. | |

PART IX

FRATERNAL SOCIETIES

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| 215.(1) | No fraternal society shall, without a licence, carry on the business of life insurance in the Territory. | Licencing |
| (2) | The Superintendent may, on such terms and conditions as he considers in the public interest, grant licences to fraternal societies to carry on the business of life insurance in the Territory. | Idem |
| (3) | The following shall be deemed not to be fraternal societies within the meaning of this Part and shall not be required or entitled to be licensed as such: | Societies not deemed to be fraternal societies |
| | (a) a corporation not otherwise provided for in this Ordinance that has by or | |

- under the authority of an Act of Parliament of Canada created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition;
- (b) a corporation not otherwise provided for in this Ordinance that has by or under the authority of an Act of Parliament of Canada an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation;
- (c) a corporation that undertakes or offers to undertake contracts of insurance other than with its own members exclusively, or for more than five thousand dollars payable on the death of any one member other than a funeral benefit, or any contracts of insurance with its members other than
- (i) life insurance,
 - (ii) contracts for the payment of mortuary or funeral benefits, or
 - (iii) old age insurance;
- (d) a corporation in which the insurance fund is used for the purposes of a mercantile or business enterprise, or for mercantile profit, or a society formed on the lodge system, whose insurance fund is held other than as a trust fund for the members insured;

- (e) a society in which the persons insured do not exercise, either directly or through representatives elected for a term not exceeding four years, effective control over the insurance fund of the society, or in which the officers or other persons having the disposition, control or possession of the insurance fund are elected or appointed for a longer period than four years; and
- (f) any corporation that undertakes contracts of insurance but is not formed exclusively for that purpose and that does not for the purpose of such contracts keep distinct and separate funds, securities, books and vouchers.

PART X

AGENTS, BROKERS AND ADJUSTERS
LICENCES OF INSURANCE AGENTS

216.(1) The Superintendent may issue to any person who has complied with this Ordinance a licence authorizing such person to carry on business as an insurance agent subject to this Ordinance, to the regulations and to the terms of the licence.

Licensing agents

(2) Licences issued under subsection (1) shall be of three classes, that is,

Classes of licences

- (a) licences for life insurance, or life and accident insurance, or life and accident and sickness insurance; or
- (b) licences for accident and sickness insurance; or

(c) licences for all classes of insurance other than life insurance.

Issue of licence

(3) Upon written notice to the Superintendent that a licensed insurer has appointed a person to act as his agent in the Territory and upon due application of such person and payment by him of the prescribed fee, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a licence and intends to hold himself out publicly and carry on business in good faith as an insurance agent, issue to the applicant a licence that shall state in substance that the holder is, during the term of the licence, authorized to carry on in the Territory the business of an insurance agent.

Notice of appointment of agent

(4) Such notice of appointment by an insurer shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the insurer to act as agent in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent giving the name, age, residence and present occupation of the applicant and his occupation for the five years next preceding the date of the notice and particulars of any other employment in which he is engaged and such other information as the Superintendent may require.

Limitations of licence

(5) Where the applicant is the appointee of an insurer carrying on in the Territory the business of life insurance or life and accident insurance, or life

and accident and sickness insurance, the licence shall expressly limit the authorization of the agent to the class of insurance for which the insurer is licensed, and, where the applicant is the appointee of an insurer carrying on in the Territory any class or classes of insurance business other than life insurance, the licence shall expressly exclude the business of life insurance, but nothing herein prevents the issue to the same applicant of two licences including all classes of insurance if due application has been made for two licences.

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| (6) | Where the agency, upon notice of which a licence is issued, is terminated, notice in writing shall be forthwith given by the insurer to the Superintendent of the termination with the reason therefor, and thereupon the licence is <i>ipso facto</i> suspended, but it may be revived subject to the approval of the Superintendent upon filing of notice of a new agency appointment and upon payment of the prescribed fee. | Notice of termination of agency |
| (7) | An insurer who fails to notify the Superintendent within thirty days of the termination of an agency appointment as required by subsection (6) is guilty of an offence. | Failure to give notice |
| (8) | A licence issued under this section or section 217 may be revoked by the Superintendent if, after due investigation and a hearing, he determines that the holder of the licence,
(a) has contravened any provision of this Ordinance or the regulations in his | Revocation |

- operations as an insurance agent; or
- (b) has made a material misstatement in the application for the licence; or
- (c) has been guilty of a fraudulent practice; or
- (d) has demonstrated his incompetency or untrustworthiness to transact the insurance agency business for which the licence was granted, by reason of anything done or omitted in or about such business under the authority of the licence; or
- (e) has employed upon salary or otherwise any person whose application for licence as an insurance agent has been refused or whose licence has been revoked or suspended under this Part without having first obtained the written approval of the Superintendent.

Advisory board to hold hearing and report

- (9) In determining the granting or refusal of an application for a licence or renewal of licence, or the revocation of an existing licence under this section or section 217, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of,
 - (a) a representative of insurers;
 - (b) a representative of agents; and
 - (c) a representative of the Superintendent,which shall hold a hearing and make a report to the Superintendent with such recommendation as it considers fit.

- (10) The representative of the Superintendent upon the advisory board shall act as chairman and, for the purposes of his duties in connection with the investigation and hearing contemplated by subsection (9), has the same powers as are vested in the Superintendent by section 4. Chairman of board
- (11) A licence issued hereunder expires at such time as the regulations provide unless automatically suspended by notice under subsection (6), or unless revoked or suspended by the Superintendent, but such licence may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of agency appointment of a licensed insurer and payment of the prescribed fee, without requiring anew the detailed information herein-before specified. Terms and renewal of licence
- (12) The holder of a licence under this section as agent for insurance other than life insurance may, during the term and validity of his licence, act as agent for any licensed insurer within the limits prescribed by his licence, and may act as an insurance broker in dealing with licensed insurers without other or additional licences. Authority of agents
- (13) A life insurance agent may be licensed to act as agent for more than one insurer transacting life insurance, and the name of each insurer shall be specified in the licence, but where such an agent Authority of life insurance agent

is unable to negotiate insurance on behalf of an applicant for insurance with the insurers for which he is the authorized agent, such agent has the right to procure such insurance from another insurer if such other insurer obtains in each case the consent in writing of the insurers for which such agent is the authorized agent, and files a copy of such consent with the Superintendent.

- Collectors (14) A collector of insurance premiums who does not solicit application for or the renewal or continuance of insurance contracts or act or aid in negotiating such contracts or the renewal thereof may carry on such business without a licence therefor if his collection fee does not exceed 5 percent of any amount collected.
- Officers of fraternal societies (15) An officer or a salaried employee of the head office of a duly licensed fraternal society who does not receive commission may, without a licence, solicit insurance contracts on behalf of the society.
- Members of fraternal societies (16) Any member not an officer or salaried employee described in subsection (15) may, without a licence, solicit insurance contracts on behalf of the society unless he devotes or intends to devote more than one-half of his time to soliciting such contracts or has in the previous licence year solicited and procured life insurance contracts on behalf of the society in an amount in excess of twenty thousand dollars.

- (17) Unless the Superintendent otherwise directs, an officer or salaried employee of a licensed insurer who does not receive commissions, may, without a licence, act for such insurer in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts that the insurer may lawfully undertake, but officers or employees whose applications for licences as insurance agents or salesmen have been refused or whose licences have been revoked or suspended may not so act without the written approval of the Superintendent, and, in the cases of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a licence.
- (18) Notwithstanding anything in this Ordinance, the Superintendent may issue a licence to a transportation company authorizing it, by its employees in the Territory to act as an agent for a licensed insurer with respect to accident insurance and such other classes of insurance as he approves.
- (19) The Commissioner may make regulations,
- (a) prescribing requirements, qualifications and conditions for the granting or renewal of licences;
 - (b) providing for the holding of examinations for applicant for licences or renewals of licences;

Salaried
officials,
etc.,
acting
without
licence

Licensing
of
transportation
companies

Regulations

- (c) classifying applicants for licences and restricting or prohibiting the licensing of any class of applicant;
- (d) prescribing the grounds upon which a licence may be revoked, suspended or not renewed;
- (e) regulating the method of handling premiums collected and requiring and regulating accounts and records to be maintained by agents;
- (f) requiring agents to supply information and make returns to the Superintendent;
- (g) requiring an agent to furnish professional liability policy and a bond or other security and fixing the amounts, forms, requirements and terms thereof;
- (h) prescribing fees and forms and providing for their use; and
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this section.

Scope of regulations

- (20) Regulations made under subsection (19) are in addition to the provisions of this section notwithstanding that the regulations concern a matter provided for in this section.

Offence

- (21) Every person who acts as an agent without a licence, or while his licence is suspended, is guilty of an offence.

Licences of Insurance Salesmen

Licences of salesmen

- 217.(1) The Superintendent may issue to any person who has complied with this Ordinance a licence authorizing

such person to act as a salesman on behalf of a licenced insurance agent or broker in negotiating contracts of insurance or in the negotiation of the continuance or renewal of any contracts such agent or broker may lawfully undertake.

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| (2) | Licences so issued shall be for any classes of insurance, other than life insurance. | Type of insurance |
| (3) | Upon written notice to the Superintendent that a licenced agent or broker has appointed a person as a salesman to act on his behalf, and upon due application of such person and payment by him of the prescribed fee, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a licence, and has not been refused a licence as an insurance agent or broker, or had such a licence suspended or revoked, issue to the applicant a licence stating in substance that the holder is, during the term of the licence, authorized to act in the Territory as a salesman of such agent or broker. | Issue of licence |
| (4) | Such notice of appointment by a licensed agent or broker, other than a life insurance agent, shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the agent or broker to act as a salesman in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent giving his name, age, residence, the amount of monthly salary he is to receive for such employment, his present occupation | Form of notice of appointment |

and occupation for the five years next preceding the date of notice, particulars of any other employment in which he is engaged, and such other information as the Superintendent may require.

Licence to
exclude life
insurance

- (5) The licence shall expressly exclude the business of life insurance, but nothing herein prevents the issuance to the same applicant of a licence as a life insurance agent, if due application is made upon written notice of appointment by a licensed insurer.

Notice of
termination
of employment

- (6) Where a licensed salesman ceases to be employed by the appointing agent or broker, notice in writing shall forthwith be given by the agent or broker to the Superintendent of such termination of employment with the reason therefor, and thereupon the licence is *ipso facto* suspended, but such licence may be revived subject to the approval of the Superintendent upon filing a notice of the salesman's appointment by another agent or broker, and upon payment of the prescribed fee.

Failure to
give notice

- (7) An agent or broker who fails to notify the Superintendent within thirty days of the termination of a salesman's appointment as required by subsection (6) is guilty of an offence.

Term and
renewal of
licence

- (8) A licence issued under this section expires on a day fixed by the Superintendent unless automatically suspended by notice under subsection (6) or unless revoked or suspended by the Superintendent, but such licence may, in the discretion of the Superintendent, be renewed for a

succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of a licensed agent or broker respecting the salesman's appointment, and payment of the prescribed fee, without requiring anew the detailed information herein before specified.

(9) The holder of a licence issued under this section may, during the term and validity of his licence, act as a salesman only for the agent or broker by whom he is appointed and within the limits of such agent's or broker's licence for classes of insurance other than life insurance. Who salesman may act for

(10) Every person who acts as a salesman of an insurance agent or broker without a licence, or while his licence is suspended, is guilty of an offence. Offence

Licences of Insurance Brokers

218.(1) The Superintendent may, upon the payment of the prescribed fee, issue to any suitable person resident in Canada a licence to act in the Territory as an insurance broker to negotiate, continue or renew contracts of insurance, other than life insurance, or to place risks or effect insurance with any duly licensed insurer or its agent. Licence of insurance brokers

(2) The applicant for such a licence shall file with the Superintendent a written application under oath upon a form provided by the Superintendent in which the applicant shall state his name, age, residence and occupation at the time of making the application, his occupation for the five years Application

next preceding the date of the application and such other information as the Superintendent may require, and the applicant shall declare that he intends to hold himself out publicly and carry on business in good faith as an insurance broker and he shall furnish a statement as to his trustworthiness and competency signed by at least three reputable persons resident in the Territory.

Superintendent
may issue
licence

(3) If the Superintendent is satisfied with the statement and information required by subsection (2), he shall issue the licence applied for, and the licence expires on a date fixed by the Superintendent in each year unless sooner revoked or suspended.

Renewal of
licence

(4) The licence may, in the discretion of the Superintendent, be renewed upon payment of the prescribed fee for each succeeding year without requiring anew the detailed information hereinbefore specified.

Revocation or
suspension of
licence

(5) The Superintendent may, for cause shown and after a hearing, revoke the licence, or may, suspend it for a period not exceeding the unexpired term thereof, and may for cause shown and, after a hearing revoke the licence while so suspended, and shall notify the licensee in writing of such revocation or suspension and may publish a notice of such revocation or suspension in such manner as he considers necessary for the protection of the public.

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| (6) | Any person, other than a licensed agent, who acts as an insurance broker without licence or during a suspension of his licence is guilty of an offence. | Offence |
| (7) | Subject to section 220, a broker shall not be presumed to be the agent of the insurer or the agent of the insured by reason of the issue to him of a licence under this section. | Licence not to import agency |
| 219.(1) | In addition to issuing insurance brokers' licences giving full authority to the licensee as set forth in the preceding sections, the Superintendent may issue insurance brokers' licences limiting the authority of the licensee to the extent agreed upon with the applicant and set forth in the licence, but in other respects the granting of such licences and the brokers so licensed are subject to this Ordinance. | Licence may be granted limiting authority of licensee |

Provisions Relating to Agents and Brokers

Generally

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| 220.(1) | An agent or broker shall, for the purpose of receiving any premium for a contract of insurance, be deemed to be the agent of the insurer notwithstanding any conditions or stipulations to the contrary. | Agent or broker receiving premiums |
| (2) | This section does not apply to life insurance. | Exception |

Broker's Licenses for Business with

Unlicensed Insurers

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| 220.1 (1) | The Superintendent may upon the payment of the prescribed fee, issue to any suitable person resident in or outside of the Territory a license to act as a special insurance broker to negotiate, continue or renew contracts of insurance in Yukon, other than contracts of life insurance, | ; |
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with insurers not authorized to transact such business in Yukon.

- (2) The applicant for such a license shall file with the Superintendent a written application under oath as prescribed by section 218 (2).
- (3) If the Superintendent is satisfied with the statements and information required by subsection (2), he shall issue the license applied for, and the license expires at such time as the regulations provide unless sooner suspended or revoked.
- (4) The Superintendent may renew a license issued pursuant to this section for each succeeding year upon payment of the prescribed fee without requiring anew the detailed information specified by Section 218.
- (5) A person shall, before receiving such license, execute and deliver to the Superintendent security to the satisfaction of the Superintendent in the sum of not less than \$5,000 that the licensee will faithfully comply with this Ordinance.
- (6) Where sufficient insurance in Yukon cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed to do business in Yukon, the person named in such license may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the risk to be insured and

the amount of insurance required and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Yukon, and the person named in such license shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured, a description of the risk insured, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.

- (7) Such a licensee shall keep a separate account of insurance effected by him under his license in books in the form prescribed by the Superintendent, which shall be open to inspection by the Superintendent or any officer appointed by him.
- (8) Within ten days after the end of each month every such licensee shall make to the Superintendent a return under oath in the form and manner by him prescribed, containing particulars of all insurances effected under the section by the licensee during such month.
- (9) In respect of all premiums on insurance effected under a license, the licensee shall pay to the Commissioner such taxes as would be payable if such premiums had been received by a licensed insurer, and payment thereof shall accompany the monthly return provided for in subsection 8.
- (10) The licensee is entitled to a release or can-

cellation of his security if all insurances effected by him under this section are no longer in force or have been reinsured.

(11) A licensee under this section shall accept applications for insurance with unlicensed insurers only from the insured or another licensee under this section and shall not receive any such application from, or pay or allow compensation or anything of value in respect of such applications to, an agent or broker not licensed under this section and any contract of insurance with an unlicensed insurer made by or through any agent or broker not licensed under this section shall be deemed to be unlawfully made within the meaning of section 222 (1).

(12) The Superintendent may, for cause shown, revoke a licence issued under this section, or may suspend it for a period not exceeding the unexpired term thereof and may for cause shown revoke the licence while so suspended and shall notify the licensee in writing of such revocation or suspension and the cause shown.

(13) A person licensed under this section who contravenes any of its provisions is guilty of an offence and, in addition of any other penalty, shall forfeit his license.

Fraudulent representations

221.(1) An agent or broker who knowingly procures, by fraudulent representations, payment or the obligation for payment of any premium on any insurance policy is guilty of an offence.

222.(1) An agent or broker is personally liable to the insured on all contracts of insurance unlawfully made by or through him directly or indirectly with any insurer not licensed to undertake insurance in the Territory in the same manner as if such agent or broker were the insurer.

Personal liability of agent for unlawful contracts

Licences of Insurance Adjusters

223.(1) The Superintendent may, upon the payment of the prescribed fee, issue to any suitable person a licence to act as an adjuster, but a person licensed as an insurance agent or broker under this Part shall not receive a licence to act as an insurance adjuster.

Licences of insurance adjusters

(2) The applicant for such licence shall file with the Superintendent a written application under oath upon a form provided by the Superintendent in which the applicant shall state his name, age, residence and occupation for the five years next preceding the date of the application and such other information as the Superintendent may require, and the applicant shall furnish a statement as to his trustworthiness and competency signed by at least three reputable persons resident in the Territory.

Application to be filed with Superintendent

(3) If the Superintendent is satisfied with the statements and information required, he shall issue the licence, which expires on a day fixed by the Superintendent in each year unless sooner revoked or suspended.

Licence to be in force one year

- Renewal of licence (4) A licence may, in the discretion of the Superintendent and upon payment of the prescribed fee, be renewed for each succeeding year without requiring anew the detailed information hereinbefore specified.
- Revocation or suspension of licence (5) The Superintendent may, for cause shown and after a hearing, revoke the licence, or may suspend it for a period not exceeding the unexpired term thereof, and may, for cause shown and after a hearing, revoke the licence while so suspended, and shall notify the licensee in writing of the revocation or suspension.
- Application of s. 216 (6) The provisions of subsections 216 (8), (9), and (10), with reference to grounds of revocation of licence, to the appointment of an advisory board and to the power of the chairman thereof in the matter of insurance agents' licences, apply *mutatis mutandis* to applicants and licensees under this section, except that a representative of adjusters shall replace a representative of agents on the board.
- Offence (7) A person who acts as an adjuster without such a licence or during a suspension of his licence is guilty of an offence.
- Prohibition against public adjusters of motor accident claims 224.(1) Subject to subsection (2), no person shall, on behalf of himself or another person, directly or indirectly,
(a) solicit the right to negotiate, or negotiate or attempt to negotiate,

for compensation, the settlement of a claim for loss or damage arising out of a motor vehicle accident resulting from bodily injury to or death of any person or damage to property on behalf of a claimant; or

(b) hold himself out as an adjuster, investigator, consultant or otherwise as an adviser, on behalf of any person having a claim against an insured for which indemnity is provided by a motor vehicle liability policy.

(2) This section does not apply to a barrister or solicitor acting in the usual course of his profession. Exception

Provisions Relating to Agents, Brokers and Adjusters Generally

- 225.(1) A person who, not being duly licensed as an agent, broker or adjuster, represents or holds himself out to the public as being such an agent, broker or adjuster, or as being engaged in the insurance business by means of advertisements, cards, circulars, letterheads, signs, or other methods, or, being duly licensed as such agent, broker or adjuster, advertises as aforesaid or carries on such business in any other name than that stated in the licence, is guilty of an offence. Acting as agent, broker or adjuster without authority
- (2) An agent or broker who acts in negotiating or renewing or continuing a contract of insurance with a licensed insurer, and who receives any Agent to be deemed to hold money in trust for payee under policy

money or substitute for money for payment to a person in respect of the contract of insurance shall be deemed to hold such money in trust for the person entitled thereto, and, if he fails to pay the money over to such person within fifteen days after written demand made upon him therefor, less his commission and any deductions to which he is entitled, such failure is *prima facie* evidence that he has used or applied the money for a purpose other than paying it over to the person entitled.

Agent to be deemed to hold premium in trust for insurer

(3) An agent or broker who acts in negotiating, or renewing or continuing a contract of insurance, other than life insurance, with a licensed insurer, and who receives any money or substitute for money as a premium for such a contract from the insured, shall be deemed to hold such premium in trust for the insurer, and, if he fails to pay the premium over to the insurer within fifteen days after written demand made upon him therefor, less his commission and any deductions to which, by the written consent of the company, he is entitled, such failure is *prima facie* evidence that he has used or applied the premium for a purpose other than paying it over to the insurer.

No compensation to be paid by insurer to person not licenced

226.(1) No insurer, and no officer, employee or agent thereof, and no broker, shall directly or indirectly pay or allow, or agree to pay or allow, compensation or anything of value to any person for placing or negotiating insurance on lives, property or interests in the Territory, or negotiating the continuance or renewal thereof, or for attempting

so to do, who, at the date thereof, is not a duly licensed insurance agent or broker or a person acting under subsection 216 (17) and whoever knowingly contravenes this subsection is guilty of an offence.

- (2) No insurer, and no officer, employee or agent thereof, and no broker shall directly or indirectly make or attempt to make an agreement as to the premium to be paid for a policy other than as set forth in the policy, or pay, allow or give, or offer or agree to pay, allow or give, a rebate of the whole or part of the premium stipulated by the policy, or any other consideration or thing of value intended to be in the nature of a rebate of premium, to any person insured or applying for insurance in respect of life, person or property in the Territory, and an insurer or other person who contravenes this subsection is guilty of an offence.

Agreement as to premium other than as a policy

- (3) Nothing in this section affects any payment by way of dividend, bonus, profit or savings that is provided for by the policy, or shall be construed so as to prevent an insurer compensating a bona fide salaried employee of its head office or branch office in respect of insurance issued by the employing insurer upon the life of such employee or upon the employee's property or interests in the Territory or so as to require that such employee shall be licensed as an agent under this Ordinance to affect such insurance.

Exceptions

Misleading statements, comparisons or coercion prohibited

- 227.(1) A person licensed as an agent for life insurance who,
- (a) makes a false and misleading statement or representation in the solicitation or registration of insurance; or
 - (b) makes or delivers any incomplete comparison of any policy or contract of insurance with that of any other insurer in the solicitation or registration of insurance; or
 - (c) coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a professional or a business relationship or otherwise to give a preference with respect to the policy of life insurance that would not otherwise be given on the effecting of a life insurance contract,
- is guilty of an offence.

Regulations as to replacement

- (2) The Commissioner may make regulations,
- (a) regulating the replacement of an existing life insurance contract by another contract of life insurance;
 - (b) prescribing the duties of insurers and agents in connection with replacement of life insurance contracts.

Return to Superintendent

- 228.(1) Every licensed insurer shall make a return under oath to the Superintendent in such form and at such times as he requires showing all persons, partnerships and corporations to whom it has, within such period as the form of return requires, paid or allowed or agreed to pay or allow, directly

or indirectly, compensation for placing or negotiating insurance on lives, property or interests in the Territory, or negotiating the continuance or renewal thereof, or for attempting to do so.

- 229.(1) If the Superintendent refuses, suspends, or revokes a licence applied for by or issued to a broker, agent or aduster, the Superintendent shall state in writing his reasons therefor and any person who considers himself aggrieved by the decision of the Superintendent may appeal therefrom to the Commissioner by delivering a notice of appeal to the Superintendent setting out in writing the grounds of the appeal within 10 days of the decision. Appeal
- (2) Upon receipt of the appeal the Commissioner shall refer the matter to an appeal board to be established by him and consisting of,
 - (a) a representative of the Commissioner who shall be the chairman;
 - (b) a representative of insurers; and
 - (c) a representative of agents.
 - (3) When an appeal has been taken the decision of the Superintendent shall not take effect until after any hearing and disposition of the appeal.
 - (4) The Board shall consider the matter referred to it and shall, hold a hearing and give the appellant an opportunity to make representation, call evidence, examine any witness or documents produced to the Board and be represented by agent or counsel.
 - (5) The majority of the Board, including the chairman, shall constitute a quorum.
 - (6) The Board may make rules for its own procedure or may adopt any procedural rules established by any predecessor Board.

(7) In conducting a hearing the Board may act informally and shall not be bound by the rules of evidence customarily used by courts but shall carry on its proceedings with due regard to the rules of natural justice.

(8) (a) Upon reaching its decision the Board shall notify the Commissioner of the disposition of the appeal and transmit a copy of this decision to the Superintendent and the appellant.

Limited or
conditional
licence

230.(1) A licence may be issued to an agent or adjuster subject to such limitations and conditions as the Superintendent may prescribe.

PART XI
UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN THE
BUSINESS OF INSURANCE

Interpretation

231.(1) For the purposes of this Part,

(a) "person" means a person engaged in the business of insurance and includes any individual, corporation, association, partnership, member of the society known as Lloyds, fraternal society, agent, broker or adjuster;

(b) "unfair or deceptive acts or practices in the business of insurance" includes,

(i) the commission of any act prohibited under this Ordinance or the regulations;

(ii) any unfair discrimination between individuals of the same class and of the same expectation of life, in the amount or payment or return of premiums, or rates charged by it for contracts of life insurance or annuity contracts, or in the dividends or other benefits payable thereon or in the terms and conditions thereof,

- (iii) any unfair discrimination in any rate or schedule or rates between risks in the Territory of essentially the same physical hazards in the same territorial classification,
- (iv) any illustration, circular, memorandum or statement that misrepresents, or by omission is so incomplete that it misrepresents, the terms, benefits or advantages of any policy or contract of insurance issued or to be issued,
- (v) any false or misleading statement as to the terms, benefits or advantages of any contract or policy of insurance issued or to be issued,
- (vi) any incomplete comparison of any policy or contract of insurance with that of any other insurer for the purpose of inducing, or intending to induce, an insured to lapse, forfeit or surrender a policy or contract,
- (vii) any payment, allowance or gift, or any offer to pay, allow or give, directly or indirectly, any money or thing of value as an inducement to any prospective insured to insure,
- (viii) any charge by a person for a premium allowance or fee other than as stipulated in a contract of insurance upon which a sales commission is payable to such person, or
- (ix) any consistent practice or conduct that results in unreasonable delay

or resistance to the fair adjustment and settlement of claims.

Prohibition	232.(1)	No person shall engage in any unfair or deceptive act or practice in the business of insurance.
Superintendent may investigate	233.(1)	The Superintendent may examine and investigate the affairs of every person engaged in the business of insurance in the Territory in order to determine whether such person has been, or is, engaged in any unfair or deceptive act or practice.
Order of Superintendent	234.(1)	Where it appears to the Superintendent that any person is engaging in any unfair or deceptive act or practice in the business of insurance, the Superintendent may order that such person cease engaging in his business or any part thereof named in the order, and an order under this subsection may be made subject to such terms and conditions as the Superintendent may specify in the order and the order may be revoked when the Superintendent is satisfied that the unfair and deceptive acts or practices are corrected and not likely to recur.
Hearing	(2)	No order shall be made under subsection (1) without a hearing unless in the opinion of the Superintendent the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof or such longer time as is consented to by the person entitled to the hearing.

(3) A notice of every order made under this Part shall be served upon every person named therein and upon such other persons as the Superintendent considers appropriate and thereupon no person shall engage in that part of the business of insurance that is the subject of the order. Service and effect of order

235.(1) Any person who contravenes an order of the Superintendent made under this Part is, in addition to any other consequence or remedy provided by law, guilty of an offence punishable in the same manner as if the person were undertaking insurance or carrying on business in the Territory without holding a licence to do so. Penalty

Repeal

236.(1) The Insurance Ordinance, R.O. 1958, Chapter 57, is repealed. Repeal of R.O. 1958, C.57

(2) Section 141 of the Motor Vehicles Ordinance, is repealed.

Coming Into Force

237.(1) This Ordinance or any provision thereof shall come into force on a day or days to be fixed by order of the Commissioner. Coming into force

SCHEDULEMedical and Funeral Benefits and Accident Benefits
in Motor Vehicle Liability Policies

Accident Benefits Section

The insurer agrees to pay to or with respect to each insured person as defined in this section who sustains bodily injury or death directly and independently of all other causes by an accident arising out of the use or operation of an automobile.

Subsection 1 - Medical Payments and Funeral Benefits

- (1) All reasonable expenses incurred within two years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing, and ambulance service and, in addition for such other services and supplies which are, in the opinion of the insured person's attending physician and that of the insurer's medical adviser, essential for the treatment of said person, to the limit of \$2,000.00 per person.
- (2) Funeral services up to the amount of \$500.00 in respect to the death of any one person.

The insurer shall not be liable under this subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental or hospitalization plan or law or, except for similar insurance provided under another automobile insurance contract, under any other insurance contract or certificate issued to or for the benefit of, any insured person.

Subsection 2 - Death and Total Disability
PART I - Death Benefits

- A. Subject to the provisions of Part I, of this Schedule for death, a payment of Principal sum - based on the age and status at the date of the accident of the deceased in a household where spouse or dependents survive - of the following amount:

Age of deceased at date of accident	Status of deceased at date of accident		
	Head of Household	Spouse in Two-parent Households	Dependent Relative
Up to age 4 years	---	---	\$ 500
5 to 9 years	---	---	1,000
10 to 17 years	\$5,000	\$ 2,500	1,500
18 to 64 years	5,000	2,500	1,000
65 to 69 years	3,000	1,500	1,000
70 years and over	2,000	1,000	500

In addition, with respect to death of head of household,

- (a) where there are two or more survivors - being spouse and/or dependent relatives the principal sum payable is increased 20% for each survivor other than the first; and
- (b) where there are one or more survivors, being spouse and/or dependent relatives, 1% of the total principal sum, payable each week for a period of 104 weeks. Any weekly benefit shall terminate upon death of all such survivors.

FOR THE PURPOSES OF THIS PART I

- (1) "head of household" means that member of a household with the largest income in the year preceding the date of the accident;
- (2) "dependent relative" means a person
 - (a) under the age of 19 years for whose support the head of household or the spouse of the head of household (or both of them) is legally liable and who is dependent upon either or both of them for financial support; or
 - (b) 19 years of age or over and residing in the same dwelling premises as the head of household who, because of mental or physical infirmity, is principally dependent upon the head of household or the spouse of the head of household (or both of them) for financial support;
- (3) the total sum payable shall be paid with respect to death of head of household or spouse to the surviving spouse. If there is no surviving spouse in the household, no amount shall be payable unless there are surviving dependent relatives, and in that event the total sum payable shall be divided equally among the surviving dependent relatives;

- (4) the total amount payable with respect to death due to a common disaster of head of household and spouse shall be paid equally to surviving dependent relatives;
- (5) the sum payable with respect to the death of a dependent relative shall be paid to the head of household or, if he does not survive, to the surviving spouse of the head of household but, if neither the head of household nor the spouse survives, no amount is payable;
- (6) amounts payable under this Part I shall be paid only to a person who is alive 60 days after the death of the insured person;
- (7) the amount payable under this Part I for the death of any person shall be reduced by the amount of any payments made to or for such person with respect to the same accident under Part II, Total Disability.

PART II - TOTAL DISABILITY

A weekly benefit for the period during which the injury shall wholly and continuously disable such insured person, provided

- (a) such person was employed at the date of the accident;
- (b) within 60 days from the date of the accident such injury prevents him from performing any and every duty pertaining to his occupation or employment;
- (c) no benefit shall be payable for the first seven days of such disability or for any period in excess of 104 weeks.

Amount of Weekly Benefit - The weekly benefit payable shall be 80 per cent of the average gross weekly earnings, subject to a maximum of \$50.00 per week and a minimum of \$40.00 per week.

The above benefits shall be subject to the terms of clause (3) below.
For the purpose of this Part II,

- (1) a wife residing in the same dwelling premises as her husband and not otherwise engaged in occupation or employment for wages or profit, if injured, shall be deemed disabled only if completely incapacitated and unable to perform any of her household duties, and while so incapacitated shall receive \$50.00 per week for not more than 26 weeks.

- (2) a person shall be deemed to be employed
 - (a) if actively engaged in occupation or employment for wages or profit at the date of the accident,
 - or
 - (b) if 19 years of age or over, so engaged for any six months during the 12 months preceding the date of the accident.

- (3) where the benefits for loss of time payable hereunder, together with benefits for loss of time under another contract, including a contract of group accident insurance and a life insurance contract providing disability insurance, exceed the money value of the time of the insured person, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts;

- (4) the disability of the insured person shall be certified by a duly qualified medical practitioner, if so required by the insurer.

Subsection 3 -- SPECIAL PROVISIONS, DEFINITIONS AND EXCLUSIONS OF THIS SECTION

- (1) "Insured Person" Defined - In this section, the words "insured person" mean
 - (a) any person while an occupant of the described automobile or of a newly acquired or temporary substitute automobile as defined in this policy;
 - (b) the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either while an occupant of any other automobile; provided that
 - (i) the insured is an individual or are husband and wife;
 - (ii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing or parking automobiles at the time of the accident;
 - (iii) such other automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the insured;

- (iv) such other automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the insured;
- (v) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery;
- (c) in subsection 1 and 2 of this section any person, not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck in Canada, by the described automobile or a newly acquired or temporary substitute automobile as defined in the policy;
- (d) in subsection 1 and 2 of this section the named insured, if an individual and his or her spouse and any dependent relative residing in the same dwelling premises as the named insured, not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by any other automobile provided that
 - (i) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (ii) that automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the named insured;
 - (iii) that automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the named insured;
- (e) if the insured is a corporation, unincorporated association, or partnership, or a sole proprietorship, any employee or partner of the insured for whose regular use the automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while an occupant of any other automobiles; and
- (f) in subsections 1 and 2 of this section only, any employee or partner of the insured, for whose regular use the automobile is furnished, and his or her spouse and any dependent relative of either, residing

in the same dwelling premises as such employee or partner, while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by any other automobile; provided that in respect of (e) or (f) above,

(i) neither such employee nor partner or his or her spouse is the owner of an automobile;

(ii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;

(iii) such other automobile is not owned or regularly or frequently used by the employee or partner, or by any person or persons residing in the same dwelling premises as such employee or partner

(iv) such other automobile is not owned, hired, or leased by the insured or by an employer of any person or persons residing in the same dwelling premises as such employee or partner of the insured

in respect of (e) above only.

(v) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery.

2. Exclusions - (a) The Insurer shall not be liable under clause (1) of subsection 1, nor under Part II of subsection 2 of this section for bodily injury to any person

(i) resulting from the suicide of such person or attempt thereat, whether sane or insane; or

(ii) who is entitled to receive the benefits of any workmens' compensation law or plan as a result of the accident; or

(iii) where the person at the time of the accident is engaged in a race or speed test; or

(iv) caused directly by sickness or disease; or

(v) who is using the automobile for any illicit or prohibited trade or transportation.

(b) The insurer shall not be liable under Part II of subsection 2 of this section for bodily injury

(i) sustained by any person who is convicted of an offence under section 236 of The Criminal Code (driving with more than 80 milligrams of alcohol in 100 millilitres of blood) or under section 234 of

The Criminal Code (driving while ability to drive impaired by alcohol or a drug) occurring at the time of the accident, or

- (ii) sustained by any person driving the automobile who is under the age prescribed by the law of the jurisdiction in which the accident occurs as being the minimum age at which a licence or permit to drive the automobile may be issued to him; or
- (iii) sustained by any person driving the automobile who is not for the time being either authorized by law or qualified to drive the automobile.

3. Notice and Proof of Claim - The insured person or his agent, or the person otherwise entitled to make claim or his agent, shall

- (a) give written notice of claim to the insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the insurer in the Territory, not later than 30 days from the date of the accident, or as soon as practicable thereafter;
- (b) within 90 days from the date of the accident for which the claim is made, or as soon as practicable thereafter, furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby;
- (c) if so required by the insurer, furnish a certificate as to the cause and nature of the accident for which the claim is made and as to the duration of the disability caused thereby from a duly qualified medical practitioner.

4. Medical Reports - The insurer has the right and the claimant shall afford to a duly qualified medical practitioner named by the insurer an opportunity to examine the person of the insured's person when and as often as it reasonably requires while the claim is pending and also, in the case of the death of the insured person, to make an autopsy subject to the law relating to autopsies.

5. Release - Notwithstanding any release provided for under the relevant sections of the *Insurance Ordinance* of the Territory, the insurer may demand, as a condition precedent to payment of any amount under this section of the

policy, a release in favour of the insured and the insurer from liability to the extent of such payment from the insured person or his personal representative or any other person.

6. When Moneys Payable - (a) all amounts payable under this section other than benefits under Part II of subsection 2 hereof shall be paid by the insurer within 60 days after it has received proof of claim. The initial benefits for loss of time under Part II of subsection 2 hereof shall be paid within 30 days after it has received proof of claim, and payments shall be made thereafter within each 30 day period while the insurer remains liable for payments if the insured person, whenever required to do so, furnishes prior to payment proof of continuing disability.
- (b) No person shall bring an action to recover the amount of a claim under this section unless the requirements of provisions 3 and 4 hereof are complied with, nor until the amount of the loss has been ascertained as provided in this section.
- (c) Every action or proceeding against the insurer for the recovery of a claim under this section shall be commenced within two years from the date on which the cause of action arose and not afterwards.

CHAPTER 2
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

CREDIT UNION ORDINANCE

(Assented to April 28, 1977)

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

SHORT TITLE

Short Title	1.(1)	This Ordinance may be cited as the <i>Credit Union Ordinance</i> .
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INTERPRETATION

Definitions "associated corporation"	2.(1)	In this Ordinance, "associated corporation" means a corporation, other than a central credit union, of which more than 50 per centum of the outstanding shares that carry an unqualified right to vote for the directors of the corporation are owned beneficially by 2 or more credit unions;
"auditor"		"auditor" means a accountant, any other person approved by the Registrar and includes a partnership or firm of auditors;
"central credit union"		"central credit union" means a credit union in which membership is restricted to credit unions, other corporations, public bodies, the Government of Yukon, the Government of Canada and the Crown in any other right;
"constitution"		"constitution" means the constitution of a credit union;

"credit union" means a credit union, caisse populaire or caisse d'economie, incorporated under this Ordinance or a former *Credit Union Ordinance*.

"credit union"

"crown corporation" includes:

"crown corporation"

(i) a corporation of which all the directors or members of the governing body are appointed by the Commissioner

(ii) a corporation that is accountable directly or through the Commissioner to the Council for the conduct of its affairs;

"debenture" includes an instrument, secured or unsecured, issued by a credit union where the instrument is

"debenture"

(i) in bearer or registered form;

(ii) evidence of an indebtedness or obligation of a credit union; or

(iii) security for the payment of indebtedness or performance of the obligation of a credit union;

but does not include:

(iv) a receipt or other instrument evidencing a deposit or annuity payment or an investment contract, mutual fund certificate, or similar instrument issued pursuant to this Ordinance;

(v) an assignment of book debts within the meaning of the Assignment of *Books Debts Ordinance*;

(vi) a mortgage of land only;

(vii) an instrument charging personal property only and required to be registered under the *Bills of Sale Ordinance*; or

(viii) a bill of exchange or a promissory note under the *Bills of Exchange Act (Canada)*;

"director"	"director" includes every person by whatever name called or howsoever designated who performs the functions of a director, but does not include a member of a credit committee who has not been elected or appointed a director;
"document"	"document" means a written instrument, including a notice, order, certificate, register, letter, report, return, account, summons, or legal process;
"Federal Act"	"Federal Act" means the <i>Co-operative Credit Association Act (Canada)</i> as amended from time to time;
"general manager"	"general manager" means the person appointed or designated by the directors of a credit union as the senior management officer of the credit union, by whatever name or title;
"housing"	"housing" means accommodation of all kinds suitable for human habitation or capable of being made suitable for human habitation and includes land, improvements, and space appropriate for human habitation and structures, buildings, or land and personal property that are directly or indirectly related to the accommodation or its use;
"loan"	"loan" means a loan made by a credit union;
"member"	"member" means a member of a credit union;
"net earnings"	"net earnings" means the excess of revenue over expenditure after deducting provision for income taxes for the fiscal period;

<p>"net share capital" means the amount of the remainder obtained by subtracting the amount owing to a credit union on loans made by it for the purchase of shares of the credit union from the total amount of paid-up share capital of the credit union;</p>	<p>"net share capital"</p>
<p>"office" means a place of business of a credit union at which the credit union receives money for investment in shares of or on deposit with the credit union or at which it makes loans to its members;</p>	<p>"office"</p>
<p>"officer" includes a president, vice-president, treasurer, secretary, general manager, assistant manager, credit officer, an employee of a credit union who has authority to approve loans, and an employee of a credit union who reports directly to the directors;</p>	<p>"officer"</p>
<p>"public body" means:</p> <ul style="list-style-type: none"> (i) a municipality as defined in the <i>Municipal Ordinance</i>, (ii) a Crown Corporation, (iii) a board, commission or authority which by or under an Ordinance is designated as a public body for purposes of this Ordinance. 	<p>"public body"</p>
<p>"registrar" means the Registrar of Credit Unions;</p>	<p>"registrar"</p>
<p>"resident" includes:</p> <ul style="list-style-type: none"> (i) a corporation which maintains a registered office in the Territory, (ii) a person employed in the Territory with a permanent residence either in the Territory or in any other province of Canada; 	<p>"resident"</p>
<p>"rules" means the rules of a Credit union providing for the governing of its affairs, whether as originally framed or as altered, under this Ordinance;</p>	<p>"rules"</p>

"special
resolution"

"special resolution" means

- (i) a resolution, of which notice has been given specifying the intention to propose the resolution as a special resolution, passed by a majority of not less than two thirds of the members of a credit union, who present in person or where permitted by this Ordinance are represented by persons present and being entitled to vote at a general meeting of the credit union, vote on the resolution; or
- (ii) a resolution, notice of which has been duly given, approved by written affirmative vote of not less than two thirds of the members of a credit union who vote within the time and in the manner prescribed in the regulations or who cast a written vote in the manner and within the time prescribed in the notice the time being not less than the number of days required for the calling of a general meeting;

"subsidiary
corporation"

"subsidiary corporation" means a corporation, other than a central credit union, that is:

- (i) controlled by a credit union;
- (ii) controlled by a credit union and one or more corporations each of which other corporation is controlled by the credit union; or
- (iii) controlled by a credit union and one or more subsidiaries of the credit union,

as determined under section 2;

"trust funds" means all money, property, and security received or held by a credit union as trustee or as agent.

2. A corporation is deemed to be controlled by a credit union or other corporation where,

- (a) shares of the corporation carrying more than 50 per centum of the votes are owned by the credit union or other corporation;
- (b) the votes carried by the shares of the corporation owned by the credit union or other corporation if exercised are sufficient to elect a majority of the directors; or
- (c) the by-laws of the corporation provide or the corporation agrees in writing that a majority of the board of directors must be nominees of the credit union or the other corporation.

PART 1
ESTABLISHMENT AND OPERATION OF CREDIT UNIONS
Purposes

- | 3. (1) | The purposes of a credit union are: | Purposes of credit union |
|--------|---|--------------------------|
| (a) | to raise a fund by subscription of and deposits from the members and by other means permitted by this Ordinance; | |
| (b) | to make loans and investments permitted by this Ordinance; | |
| (c) | to provide housing for use in whole or in part by its members; | |
| (d) | to provide safekeeping facilities and services for personal property; | |
| (e) | to provide services for the collection and payment of moneys from and on behalf of its members; | |
| (f) | to maintain, cause to be maintained, or to participate in programs of life insurance, disability insurance, accidental death insurance, sickness and accident insurance, or any combination of them, with respect to moneys invested in, on deposit with, or lent by, a credit union; | |
| (g) | to provide or arrange for annuities, savings plans, mutual funds and similar arrangements for provident and productive purposes for its members and in that connection to receive periodic payments or contributions; | |
| (h) | to issue investment contracts to its members providing for the payments to or to the credit of the holder of the contract of a fixed or determinable amount at maturity and to receive periodic payments or contributions under the contracts; | |
| (i) | to act as trustee for its members, public bodies, the Government of Yukon, the Government of Canada and the Crown in any other right and such other persons or classes of persons as the regulations designate in respect of annuities, plans, funds, contracts, or arrangements under paragraphs (g) and (h) and for such other purposes as the regulations designate; | |
| (j) | to provide such programs and services for its members as in the opinion of the directors may assist the members to meet their financial or social needs; | |

- (k) to act as agent for its members, other credit unions, public bodies, the Government of Yukon, the Government of Canada and the Crown in any other right and such other persons or classes of persons as the regulations designate; and
 - (l) to provide such other services and perform such other functions as are permitted by this Ordinance.
- (2) The purposes specified in subsection (1) shall not be limited by reference to or inference from the terms of any other purpose and each purpose may be constituted and pursued separately.
 - (3) A credit union may pursue the purposes in subsection (1), (g), (h), (i), (j) and (k) only in accordance with conditions which may be established or made by the registrar.
 - (4) The registrar may make or establish conditions under subsection (3) of a general and continuing or of a specific and limited nature.
 - (5) A credit union has, for the furtherance of its purposes and the conduct of its affairs, all the capacity, rights, powers, and privileges of a natural person.

Incorporation

Application to incorporate

- 4. (1) Any 25 or more persons may apply to form a credit union by subscribing their names to a constitution prepared in accordance with the regulations and rules providing for the matters referred to in the regulations and by delivering 2 signed copies of the constitution and rules to the registrar with
 - (a) a notice of the proposed situation of its registered office and of every other office where it proposes to conduct its business;
 - (b) a statement of the proposed common bond of the credit union;
 - (c) a list of the persons proposed by the subscribers as the first directors of the credit union; and
 - (d) the proposed name of the credit union.
- 5. (1) Where the constitution and rules appear to him to comply with this Ordinance and the regulations, and if he approves the application, the registrar shall
 - (a) issue under his seal of office a certificate certifying that the credit union has been incorporated; and

- (b) return to the applicants one copy of the constitution and rules certified as having been registered by him.
- (2) The registrar shall not approve any application unless he is satisfied that;
 - (a) the subscribers and proposed directors are residents of the Territory and are qualified to establish and conduct a credit union;
 - (b) the formation of the proposed credit union will be for the convenience and advantage of the members;
 - (c) the proposed credit union will be operated in a manner in which the investments and deposits of members will be safeguarded;
 - (d) the proposed common bond complies with this Ordinance.
- (3) A certificate of incorporation given by the registrar in respect of a credit union, whether before or after the coming into force of this Ordinance, is conclusive proof
 - (a) that the requirements of the Ordinance in respect of incorporation have been complied with, and
 - (b) that the credit union is incorporated according to this Ordinance.
- 6. (1) From the date of the certificate of incorporation the subscribers to the constitution and rules and such other persons as may, from time to time, become members of the credit union are a corporation with the name described in the certificate. Members of corporation
- (2) The constitution and rules bind a credit union and its members to the same extent as if signed and sealed by each member and as if containing covenants on the part of each member, his heirs, executors and administrators to observe all the provisions of the constitution and rules.
- 7. (1) A credit union shall not carry on business outside the Territory. Business outside the Territory
- (2) Notwithstanding subsection (1), a credit union has and shall be deemed to have always had capacity to perfect or register outside the Territory a note, mortgage, lien or other instrument evidencing indebtedness or obligation to the credit union and, for that purpose, to accept powers and rights from a lawful authority outside the Territory.

(3) Nothing in this section limits the power of a credit union to receive money on deposit or on account of shares or to borrow money as permitted by this Ordinance.

Registered office

8. (1) A credit union shall, at all times, maintain a registered office in the Territory to which all communications and notices may be addressed.

(2) The directors of a credit union may change the location of its registered office in the Territory by

(a) passing a resolution authorizing the change; and

(b) filing with the registrar a copy of the resolution and 2 copies of the notice of change in the form prescribed by the regulations.

(3) A change in the location of the registered office of a credit union is not effective until subsection (2) is complied with.

Name

Form of name

9. (1) A credit union shall include in its name the words "credit union", "caisse populaire," or "caisse d' economie."

(2) The name of a credit union is subject to the approval of the registrar.

(3) The registrar, before approving a name, shall satisfy himself that the name is not likely to deceive or to be confused with the name of any other credit union.

(4) Unless authorized by the registrar, no person, other than a credit union, shall carry on any business or adopt any name that includes the words "credit union," "caisse populaire," or "caisse d' economie."

(5) A person who contravenes subsection (4) is guilty of an offence, and each day that the contravention continues is a separate offence.

Display of name

10.(1) A credit union shall display its name in legible characters in a conspicuous position,

(a) at every office or place at which it carries on business;

(b) in all notices and other official publications;

(c) on all its contracts, business letters, orders for goods, invoices, statements of accounts, receipts, and letters of credit;

(d) on all bills of exchange, promissory notes, endorsements, cheques and orders for money signed by it or on its behalf; and

- (e) on its common seal.
- 11.(1) A credit union may, by special resolution and with the approval in writing of the registrar, change its name.
- (2) Where a credit union changes its name, the registrar shall issue under his seal of office a certificate that the credit union has changed its name.
- (3) A change of name does not affect any right or obligation of a credit union or render defective any legal proceeding by or against the credit union, and any legal proceeding that might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

Rules

- 12.(1) The rules of a credit union shall contain provisions with respect to the several matters prescribed by the regulations, set forth in the order therein specified, as nearly as may be. Content of rules
- (2) The Commissioner may by regulation make rules applicable to all credit unions, unless the regulation provides that any rule is not to apply to a credit union or class or type of credit union.
- (3) The registrar shall give notice of a rule made under subsection (2) to every credit union affected by it, but no pre-existing right or obligation of a credit union is affected by a rule made under subsection (2).
- (4) Subject to this section, a credit union may, by special resolution, alter or add to its rules, but no alteration or new rule shall take effect until the resolution has been filed with the registrar and the registrar has approved the altered or new rule as complying with this Ordinance and the regulations.

- 13.(1) A credit union shall have at its registered office, available to members, Copies of constitution etc.
 - (a) a copy of its constitution and rules;
 - (b) its certificate of incorporation; and
 - (c) any other certificate issued to it by the registrar,

and shall furnish a copy to any member applying for it and paying whatever sum may be prescribed by the directors.

- (2) A credit union that contravenes subsection (1) is guilty of an offence.

Common Bond

- Common bond 14.(1) The common bond of all credit unions under this Ordinance shall be the common bond of membership of those persons who may be served by the offices of the credit union located in the Yukon Territory.
- Termination of qualification 15. No person shall cease to be a member only by reason of ceasing to hold the qualification by which he became eligible to become a member.

Membership

- Minors as members 16.(1) A person under the age of majority may apply and be admitted as a junior member.
- (2) A junior member is subject to all the obligations of and has the rights of a member of the credit union and has the same capacity as if he were an adult and is liable to suit with respect to his membership and any indebtedness or obligation to the credit union notwithstanding the *Age of Majority Ordinance* or the common law, except that he is not entitled to vote, be a director, or be a member of a committee of the credit union.
- Other members 17.(1) Notwithstanding the common bond of the credit union,
- (a) a person from whom a credit union may receive moneys on deposit under subsection 32 (1) (c) and (d),
- (b) a subsidiary corporation, or
- (c) an associated corporation of which a credit union is a shareholder,
- may be admitted to membership, may be represented and may vote at meetings by a person authorized on its behalf and notwithstanding any other Ordinance has all the necessary capacity, is subject to all obligations and has the rights of a member of the credit union.
- No presumption of membership 18.(1) A person shall not be deemed to be a member of a credit union only by reason of being
- (a) a joint owner of a share or deposit; or
- (b) the beneficiary of a share or a deposit.
- Application for membership 19.(1) An application for membership shall be in writing in a form approved by the directors.
- (2) No person shall be admitted to membership unless his application has been approved by the directors or a committee of the directors, or some person designated by the directors.

- (3) A credit union may charge an admission fee and a membership fee but, unless the rules of the credit union otherwise provide, the admission fee shall not exceed \$1 and the membership fee shall not exceed \$1 a year.
- 20.(1) A member may withdraw from membership in a credit union by giving written notice. Withdrawal from membership
- 21.(1) The directors by a resolution adopted by at least three quarters of the directors at a meeting of which notice has been given to consider the resolution may, subject to subsection (3), terminate the membership of a member. Termination of membership
 - (2) Within 7 days after the date on which the resolution referred to in subsection (1) is adopted, the credit union shall notify the person whose membership is terminated in the same manner as provided for the giving of notice of a meeting.
 - (3) A person whose membership is terminated pursuant to subsection (1) may appeal to the registrar within 14 days after the date the notice is given to him under subsection (2) and
 - (a) where no appeal is taken within the 14 days the membership of that person is terminated at the expiry of that period; but
 - (b) where the person appeals within the 14 days, his membership does not terminate until the registrar determines the appeal of the member.
 - (4) A general meeting may, by special resolution, terminate the membership of a member.
 - (5) A person whose membership has been terminated in accordance with this section shall not again be admitted to membership in the credit union except upon a resolution of a general meeting.
- 22.(1) Where a member is the holder of fewer than the number of paid-up shares required by the rules the directors may in their discretion serve upon him notice in writing that he is required within one month from the date of service of the notice to subscribe and pay in full for the required shares, and where the member fails to comply with the requirement, the directors may by resolution terminate the membership of the member and the credit union shall thereupon serve the person whose membership has been terminated with the notice of the termination. Termination for insufficient subscription

- Refund to
ex - member
- 23.(1) A member who withdraws or whose membership is terminated is entitled to a refund of
- (a) the amount paid up on his shares and dividends credited thereon; and
 - (b) the amount of money he has on deposit and interest credited thereon,
- subject to completion of the term of a term deposit, and subject to any lien or charge that the credit union has against the shares, deposits, dividends and interest and the refund discharges the credit union from all further liability.
- Effect of
withdrawal or,
termination
- 24.(1) Subject to subsection 21 (3) a member who withdraws from membership or whose membership is terminated has no further rights in the credit union, but he is not, by reason of the withdrawal or the termination of membership, released from any liability to the credit union existing at the time of withdrawal or termination.
- Liability where
termination
- 25.(1) No director or member of a credit union is, in the absence of bad faith, liable in his personal or official capacity for any loss or damage suffered by a person whose membership has been terminated pursuant to section 21 or 22.
- Loss of office
- 26.(1) Where a member is a director or a member of a committee at the time of withdrawal or termination of membership, the withdrawal or termination constitutes a resignation from his position as a director and a member of the committee.

Records

- Register of
members
- 27.(1) Every credit union shall keep at its registered office or other place approved by the registrar,
- (a) a record showing the name and address of each member;
 - (b) a record showing the respective amounts invested in shares and on deposit, with such other records and information pertaining to members as may be prescribed by the registrar.
- (2) The record required to be kept under subsection (1) (a) constitutes the register of members and their addresses for the purpose of giving any notice and for such other purposes as may be required by the rules of the credit union.
- (3) A record kept under subsection (1) is *prima facie* proof of the facts stated therein.
- (4) A credit union that contravenes subsection (1) is guilty of an offence.

- 28.(1) With the approval of the registrar and upon payment to the credit union of such amount as the registrar may specify, a member may, for the purpose of requisitioning a meeting, demand and is entitled on reasonable notice either
- (a) to examine the non-financial records of the credit union showing membership and membership addresses; or
- (b) to receive a list of the names and addresses of the members of the credit union, and, except as provided in subsection (2) the credit union shall elect whether the member shall examine the records or receive a list.
- (2) Where the non-financial records of the credit union showing membership and membership addresses are recorded by a system of mechanical or electronic data processing or any other information storage device that requires processing before the information recorded therein is in intelligible form, a member making a demand pursuant to subsection (1) is entitled to receive, at the office of the credit union at which the demand is made and within a reasonable time of the demand, a list of the names and addresses of the members of the credit union.
- 29.(1) Registers or records that are required by this Ordinance to be prepared and maintained by or on behalf of a credit union may be in bound or looseleaf form, or entered or recorded by any system of mechanical or electronic processing, or by any other information storage device from which the credit union is capable of reproducing, within a reasonable time, any required information in intelligible form.
- (2) Minutes that are required by this Ordinance to be kept by a credit union shall be kept in a bound or looseleaf book.
- Shares and Deposits
- 30.(1) The capital of a credit union shall consist of an unlimited number of shares having a denomination of \$1 each and may be of one or more classes with special rights or restrictions attached thereto.
- (2) The rules of the credit union may provide the number of shares for which a member is required to subscribe and pay.

Examination
of recordsForm of
records

Shares

- (3) Shares of a credit union are personal property.
 - (4) Except as permitted by this Ordinance, shares in a credit union may be held only by members.
 - (5) Subject to the rules and upon the approval of the directors, shares in a credit union may be assigned or transferred to any person who is a member of the credit union.
 - (6) A credit union may redeem its shares.
 - (7) A credit union is not required to issue share certificates.
 - (8) A credit union may pay dividends on shares from time to time as may be declared by the directors.
 - (9) No dividend shall be paid on shares except in proportion to the amount paid up thereon.
 - (10) No member is liable in respect of an amount unpaid on his shares.
- Conversion of existing shares 31. Upon this section coming into force, each fully paid share of a credit union issued under the former Ordinance and having a denomination of \$5 is converted into one fully paid share having a denomination of \$1 for each \$1 that has been paid on it and a part payment remaining on a share having a denomination of \$5 is a part payment on an additional share having a denomination of \$1.
- Deposits 32.(1) Except as permitted by this Ordinance, a credit union may receive money on deposit only from, or on behalf of,
- (a) its members;
 - (b) the Government of Canada;
 - (c) the Government of Yukon;
 - (d) a public body;
 - (e) any 2 or more members jointly on behalf of an unincorporated association or partnership where the directors of the credit union are satisfied that a majority of the members of the association or partnership are persons who are eligible or may qualify for membership in the credit union under this Ordinance;
 - (f) a member acting as trustee, whether for a named beneficiary or otherwise;
 - (g) a member in joint ownership with another person;
 - (h) a person, including the credit union, acting as trustee or agent as permitted by this Ordinance; and
 - (i) any other class of persons designated by the regulations;

and may allow interest on deposits at a rate and in the manner prescribed by the directors.

- (2) A deposit permitted pursuant to subsection (1) (e) may be recorded in the books of the credit union in the name of the unincorporated association or partnership and the credit union is not obliged
- (a) to see to the application of the money so deposited or any interest on it, whether or not it has notice of any trust; or
 - (b) to determine the powers of the members, the association or the partnership, and the association or partnership or a member of the association or partnership is not entitled by reason of that membership to notice of, to be represented at, or to vote at meetings of the credit union.
- (3) The claims of depositors shall rank equally with the claims of ordinary unsecured creditors against the assets of the credit union.
- (4) To the extent it is within the jurisdiction of the Commissioner in Council, a person from whom the credit union receives deposits under subsection (1) (c), (d), (e), and (f) has all the necessary capacity and is subject to this Ordinance with respect to the deposits.

- 33.(1) A credit union,
- (a) may, without the authority of any other person, receive moneys on account of shares or on deposit from a member, whatever his age or status and whether or not he is capable at law of entering into ordinary contracts and
 - (b) may, from time to time, pay any of the moneys invested in shares or on deposit and any of the dividends or interest thereon to the order of the member.
- (2) A credit union may receive money for investment in shares from
- (a) a member acting as trustee, whether for a named beneficiary or otherwise;
 - (b) a member in joint ownership with another person;
 - (c) a person, including the credit union, acting as trustee or agent as permitted by this Ordinance; and

Receipt of money for shares or deposit.

- (d) the Government of Canada, the Government of Yukon, the Crown in any other right, a public body and persons or classes of persons designated by the regulations.
- Discharge of credit union 34.(1) In the absence of written notice to the credit union to the contrary from a member, a joint owner of that member's share or deposit, or the survivor of them, payment by the credit union to or to the order of the member, the joint owner, or the survivor of them, of moneys invested in shares or on deposit discharges the credit union from any further liability and the credit union is not bound to see to the application of any money so paid.
- (2) Shares and deposits owned jointly may be charged specifically to secure
- (a) a loan made by the credit union to; or
- (b) an obligation to the credit union of, one or more of the joint owners only with the written consent of all joint owners.
- Shares in trust 35.(1) Unless the instrument of trust permits, deposits with a credit union held by a trustee in trust for a named beneficiary, or otherwise, may not be charged to secure a loan or obligation.
- (2) Except where the credit union is the trustee, a credit union is not bound to see to the execution of a trust, whether express, implied, or constructive, to which shares or deposits are subject.
- Lien on shares 36.(1) Notwithstanding anything in this Ordinance, a credit union has a lien or charge on the shares, deposits and interest of a member or other person to whose credit shares or deposits stand on the records of the credit union, together with dividends and interest thereon, for any indebtedness due or accruing due to it by the member or other person, or for any obligation in respect of the indebtedness, and the shares and deposits may not be redeemed or withdrawn unless the credit union consents.
- (2) A credit union may apply the shares and deposits and dividends and interest thereon on which it has a lien or charge to any indebtedness in default, or to any obligation in respect of the indebtedness, without notice to any person, and the exercise of the lien by application of the shares, deposits, dividends, and interest does not constitute a realization of security within the meaning of any other Ordinance.

- (3) For the purposes of subsection (2), indebtedness shall be deemed to be in default where
- (a) an amount of the principal or interest is not paid on the due date; or
 - (b) there has been a failure to observe or perform any obligation relating to the indebtedness.
- (4) A credit union shall not exercise a lien created by this section by application of shares, deposits, dividends, and interest
- (a) where the shares, deposits, dividends, and interest are owned jointly, unless all the joint owners are indebted in respect of the indebtedness that is in default; or
 - (b) where the shares, deposits, dividends, and interest are held by a trustee with respect to indebtedness of
 - (1) the trustee, unless the trustee would have been permitted to charge them as security for the indebtedness; or
 - (11) a beneficiary, unless the beneficiary or the trustee would have been permitted to charge them for the indebtedness.
- (5) A person,
- (a) to the extent he may charge his deposits and interest thereon for indebtedness to the credit union; and
 - (b) subject to the approval of the registrar, may waive in writing a right to set off with respect to the deposits.
- (6) The approval of the registrar referred to in subsection (5) is not required with respect to deposits with a central credit union and interest thereon.
- (7) Unless the credit union approves, shares of the credit union may not be set off against claims made by the credit union in respect of indebtedness to it.
- 37.(1) Where
- (a) the ownership of shares of, or deposits with, a credit union is claimed in an action or proceeding, to which the credit union is a party; or
 - (b) an injunction or order has been made by a court of competent jurisdiction requiring
- Payment under
court order

the credit union to pay the money invested in shares or on deposit to some person or to the Court, upon payment of the money invested in shares or on deposit to the person specified in the order or to the Court, the credit union is discharged from any further liability with respect to the money.

Payment on
members death

- 38.(1) A credit union may, where a member dies,
- (a) pay an amount owing to the deceased member for his shares and deposits to the executor or trustee named in the will of the deceased member, notwithstanding that the executor or trustee has not received letters probate; or
 - (b) pay an amount owing to the deceased member for his shares and deposits to the declarant upon receiving a statutory declaration stating
 - (i) the date of the death of the member;
 - (ii) that the member died without leaving a will naming an executor or trustee;
 - (iii) that no personal representative has been appointed for the estate of the deceased member; and
 - (iv) that the declarant is the spouse, parent or child of the deceased member and is entitled to receive the amount.
- (2) A payment under subsection (1) shall not exceed an amount to be prescribed.
- (3) A payment by a credit union in accordance with this section is a valid and effectual discharge of the credit union with respect to a demand by a person against the credit union as to the amount so paid.

Unclaimed
money

- 39.(1) Where a claim may be made against a credit union in respect of a bill of exchange, draft, or other instrument that has been certified or accepted by the credit union, or in respect of moneys invested in shares of or deposited with a credit union and the person entitled to receive a statement of account with respect to the claim has not requested or acknowledged a statement of account for a period of 10 years calculated

- (a) from the date on which the last transaction between the credit union and the claimant took place with respect to the claim; or
 - (b) in the case of a deposit made for a fixed term, from the date on which the term expired; or
 - (c) in the case of a bill of exchange, draft, or other instrument, from the date on which the bill of exchange, draft, or instrument was accepted or certified, the credit union shall pay over to the registrar, on a day to be fixed by him, the amount of the bill of exchange, the amount invested in shares; or the amount on deposit, together with any dividends or interest credited on account thereof, and the payment discharges the credit union from all liability with respect to the moneys so paid.
- (2) Subject to the provisions of this Ordinance, where payment has been made to the registrar pursuant to subsection (1) with respect to a debt or instrument, the registrar, if payment is demanded or the instrument is presented to him by the person who, but for subsection (1), would be entitled to receive payment of the debt or instrument, is liable to pay an amount equal to the amount so paid to it.
- (3) The registrar shall pay such interest on money received by him under subsection (1) for the period, not exceeding 20 years from the day on which the payment was received by him until the date of payment to the claimant, at such rate and computed in such manner as may be prescribed if interest was payable in accordance with the terms of the debt or instrument.
- (4) The registrar shall maintain a record of all moneys received by him pursuant to subsection (1).
- (5) The registrar, upon being satisfied that a person is entitled to receive money that has been paid to the registrar pursuant to subsection (1), shall pay the amount thereof together with accrued interest, if any, and the payment discharges him from all liability with respect thereto.

- (6) Any moneys paid to the registrar pursuant to subsection (1) which have not been claimed according to the provisions of this section, within 20 years of the date of which the payment was received by him, shall be transferred to and become part of the Yukon Consolidated Revenue Fund.

No obligation

40.

A credit union is not obliged to receive money from any person whether for investment in shares or on deposit.

No obligation

Authority or direction by member

41.

An authority or direction given to a credit union by a member continues until

Authority or direction by member

(a) the member revokes the authority or direction; or

(b) the credit union receives notice of the member's death,

and no liability attaches to a credit union for payment, or refusal of payment, pursuant to his authority or direction, of money standing to the credit of the member.

Borrowing

Power to borrow

42.(1)

A credit union may borrow money upon such terms and conditions as to interest, time, repayment and security, including security by way of a mortgage, assignment, pledge, hypothecation, or charge upon its real or personal property or the issue of debentures, as the directors determine.

Power to borrow

- (2) Nothing in this section limits the amount that may be received by a credit union on deposit under this Ordinance.
- (3) The directors of a credit union may authorize the borrowing of money for purposes of the credit union, but at no time shall the indebtedness of the credit union for moneys so borrowed exceed one half of the aggregate of
- (a) the net share capital of;
- (b) the total deposits with; and
- (c) the retained earnings of the credit union.
- (4) A resolution of the directors authorizing the borrowing of money that would result in the outstanding indebtedness of the credit union for moneys borrowed pursuant thereto exceeding one quarter of the aggregate of
- (a) the net share capital of;
- (b) total deposits with; and
- (c) the retained earnings of the credit union
- is not effective unless confirmed by special resolution.

- (5) A special resolution required under subsection (4) may be modified at a meeting of the credit union at which it is considered by reducing the total amount to be borrowed.
- (6) A resolution authorizing the borrowing of money by a credit union continues in effect until amended by a further special resolution unless a time is specified in the resolution limiting the time during which the authority may be exercised.
- (7) The registrar may exempt a credit union from subsections (3) and (4) upon such terms and conditions as he may determine and the credit union may, subject to those terms and conditions borrow such amounts as the directors authorize by resolution.
43. (1) Sections 102 to 117 of the *Companies Ordinance* apply, with the necessary changes and so far as they are applicable, to a mortgage or debenture created or issued by a credit union. Companies Ordinance
- (2) Subsection (1) does not apply to a mortgage or debenture created or issued by a credit union before the coming into force of this Ordinance, but notwithstanding any limitation as to time, a credit union may register a mortgage or a debenture created by it before the coming into force of this Ordinance and thereupon those subsections apply to the mortgage or the debenture.

Loans

44. (1) Subject to the regulations, a credit union may lend money to Power to lend
- (a) its members;
- (b) the Government of Canada and the Government of Yukon;
- (c) a public body; and
- (d) any other class of person designated by the regulations.
- (2) The directors shall determine the terms and conditions of loans as to interest and other charges, term, repayment, and any security.
45. (1) The directors of a credit union may appoint
- (a) one or more credit committees; and
- (b) one or more credit officers who must be employees of the credit union.

Prohibited
loans and
guarantees

- (2) The directors may prescribe the duties of a credit committee and a credit officer, but a credit officer who is not the general manager of a credit union shall report to the directors through the general manager.
- (3) The directors may delegate the power to lend money and their powers under subsection 44(1) to a credit committee or a credit officer, subject to any conditions the directors may impose.
46. (1) Except on terms and conditions approved by the registrar
- (a) no credit union shall lend money to a person serving the credit union as its auditor or solicitor, to a public servant concerned by his duties with the affairs of the credit union, and
- (b) no credit union, other than a central credit union, shall lend money to a person
- (1) that is a corporation; or
- (ii) to be used, directly or indirectly for a business purpose
- in an amount exceeding the value of the unencumbered shares and moneys of that person on deposit with the credit union.
- (2) Except on terms and conditions approved by the registrar, no credit union, other than a central credit union, shall guarantee or become surety for the obligation of, indemnify, or endorse for accommodation the note of any person, except that a credit union upon resolution of the directors may
- (a) guarantee or become surety or indemnitor for the obligation of; or
- (b) endorse for accommodation the note of a subsidiary corporation or associated corporation, and the amount so guaranteed, accommodated, or for which the credit union is surety or indemnitor constitutes a part of the indebtedness of the credit union as if for moneys borrowed for the purpose of subsection 42 (3) and (4).
- (3) Except on terms and conditions approved by the registrar no credit union, other than a central credit union, shall

- (a) lend money to; or
 - (b) guarantee, become surety or indemnitor for the obligation of; or
 - (c) endorse for accommodation the note of a subsidiary corporation or associated corporation, if the aggregate amount loaned, guaranteed and accommodated and for which the credit union is surety or indemnitor, together with any amount invested by the credit union in the shares, debentures, bonds, or other evidence of indebtedness of subsidiary corporations and associated corporations, would exceed 10 per centum or the greater amount approved under subsection 51 (2), of the moneys invested in shares of and on deposit with the credit union, excluding deposits that are withdrawable by bill of exchange.
- (4) A central credit union upon resolution of its directors may guarantee the obligations of
- (a) a member; or
 - (b) a corporation with which the central credit union has business dealings; or
 - (c) a corporation of which the central credit union holds shares or debt obligations,
- without regard to the limitations in subsections (2) and (3).
- (5) Unless the registrar approves, no credit union, other than a central credit union, shall make a loan that does not have definitive provisions for repayment which
- (a) will result in the principal and interest being fully repaid within 25 years or such longer time as the regulations prescribe; and
 - (b) require payment by
 - (i) equal blended instalments on account of principal and interest; or
 - (ii) equal instalments on account of principal, together with interest on the outstanding balance of principal and interest, which instalments must be repayable at least annually and must be in amounts sufficient to repay the principal together with interest thereon within the time prescribed by this Ordinance.

- (6) Neither the credit committee nor an officer of a credit union shall authorize a loan to
- (a) a director, officer, member of the credit union; or
 - (b) an employee of a subsidiary corporation; or
 - (c) an employee of a central credit union; or
 - (d) an employee of a subsidiary corporation of a credit union,

where the portion of the loan not secured by shares of, or deposits in, the credit union would exceed \$3,000. without the approval of a majority of the credit committee or, if there is no credit committee, a committee appointed by the directors for that purpose;

and

- (e) where the application for the loan is made by a member of the credit committee, the application shall not be considered or acted upon or the loan approved by the credit committee at a meeting at which he is present; and
- (f) where the loan is granted by the credit committee, the details of it and the security obtained for it shall be reported on in writing to the meeting of the directors following the approval of the loan.

- (7) Nothing in this section invalidates a loan made prior to this section coming into force.

Prohibited
transaction

47. (1) No credit union shall
- (a) lend money to; or
 - (b) guarantee, become surety or indemnitor for the obligation of; or
 - (c) endorse for accommodation the note of a person after the credit union has been notified by the registrar that it may not do so by reason of having failed to comply with subsections (1) and (2) unless the registrar approves or withdraws the notice.

Unauthorized
loan

48. (1) In addition to any other penalty under this Ordinance,
- (a) a person who directly or indirectly receives a loan knowing that it is contrary to this ordinance, or the rules of the credit union, or not in accordance with, or made without, any approval required under this ordinance; and

- (b) a treasurer, credit officer, director, or member of a credit committee who participates in making or renegotiating a loan knowing that it is contrary to this Ordinance, or the rules of the credit union, or not in accordance with, or made without, any approval required under this Ordinance

is guilty of an offence, and they are jointly and severally liable to the credit union for the loan and interest agreed to be paid on it, and the amount of the loan and interest, together with costs, may be recovered forthwith by the credit union or by a member of the credit union on behalf of the credit union by civil action.

- (2) A loan described in subsection (1) is due and payable forthwith and the security therefor enforceable notwithstanding any instrument to the contrary.

Patronage Dividends

- 49. (1) A credit union may pay an allocation to a person
 - (a) in respect of his borrowing in the year, on the terms that he is entitled to or will receive payment thereof, computed at a rate or rates in relation to

Patronage dividends

- (i) the amount of interest payable by the person on money borrowed from the credit union; or
 - (ii) the amount of money borrowed by the person from the credit union,

and the rate or rates shall be the same, as the rate or rates at which amounts were similarly credited in the year to other persons who paid interest to or borrowed money from the credit union with appropriate differences for different types or purposes of borrowings, security and rates of interest payable thereon in the year; and

- (b) in respect of his money on deposit in the year, on the terms that he is entitled to or will receive payment thereon, computed at a rate or rates in relation to
 - (i) the amount of interest payable to the person on money on deposit; or
 - (ii) the amount of money on deposit by the person,

and the rate or rates shall be the same as rates at

which amounts were similarly credited in the year to other persons to whom interest was payable or with money on deposit with the credit union, with appropriate differences for different types or terms of deposits and rates of interest payable thereon in the year.

Insurance

Insurance

50. (1) The directors of a credit union may determine from time to time whether and in what manner and to what extent the credit union will make or participate in or continue to make or participate in contracts of insurance for all or any persons or classes of persons in relation to the amounts invested in shares of the credit union or deposited with the credit union or on loan from the credit union, but no determination shall remove or discontinue a benefit of any insurance with respect to a loan existing at the time of the determination without the written consent of the insured.
- (2) Upon publication in the manner prescribed by the rules of the credit union, a determination of the directors under subsection (1) is binding on every member of the credit union and every person having an interest in the shares, deposits, or loans.
- (3) Notwithstanding anything in this Ordinance, a credit union may make a reasonable additional charge, whether by way of interest, fee, or otherwise with respect to any loan in respect of which any insurance exists.
- (4) The registrar may exempt a credit union, in whole or in part from subsections (1) and (2) where a determination relates to
- (a) a sale and purchase under section 107 or
 - (b) an amalgamation under section 113 whether the determination is made prior to or subsequent to the sale or amalgamation.

Investments

Power to invest

51. (1) Subject to the regulations, a credit union may invest its funds other than trust funds,
- (a) in shares of a central credit union;
 - (b) by way of deposit in a central credit union or chartered bank;
 - (c) in bonds, debentures, or other evidence of indebtedness of a central credit union;
 - (d) in bonds, debentures, or other evidence of indebtedness of the Government of Canada, or a province or bonds, debentures and other evidence of indebtedness, the principal and interest of which are guaranteed by the Government of Canada or a province:

- (e) in bonds, debentures, or other evidence of indebtedness of a public body;
- (f) upon such conditions as the registrar may determine in
 - (i) indebtedness secured by mortgages of land or interest in land, including leasehold of land, in addition to mortgages described in subsection (l) (j) or (k);
 - (ii) registered agreements for sale of land or interests in land, including leaseholds of land;
 - (iii) bills of sale as defined in the *Bill of Sale Ordinance*;
 - (iv) instruments evidencing a conditional sale within the meaning of the *Condiciona! Sale Ordinance*;
 - (v) assignments of book debts as defined in the *Assignment of Book Debts Ordinance*;
- (g) in the shares, bonds, debentures, or other evidence of indebtedness of one or more subsidiary corporations or associated corporations, the business of which is restricted to
 - (i) developing, owning, operating, managing, maintaining, or otherwise providing housing, by whatever means, alone or with another person, for use in whole or in part by members of the credit union, or by members of a credit union which is a shareholder of the subsidiary corporation or associated corporation;
 - (ii) the ownership and management of land, including leaseholds of land for use in whole or in part for conducting the business of the credit union or of the credit unions that are shareholders of the subsidiary corporation or associated corporation;
 - (iii) providing services to the credit union or the members of the credit union, or to credit unions or members of a credit union which is a shareholder of the subsidiary corporation or associated corporation;

- (iv) any other business approved by the registrar;
 - (h) in housing, alone or with any other person for use, in whole or in part, by the members of the credit union;
 - (i) in land, including leaseholds of land, alone or with any other person, for use, in whole or in part, for conducting the business of the credit union;
 - (j) in mortgages of land or interests in land, including leaseholds of land, the repayment of the principal and interest of which is, in whole or in part, insured under a policy of insurance approved by the registrar;
 - (k) upon the approval of the registrar, in loans made by another credit union secured by mortgages of land or interests in land, including leaseholds of land;
 - (l) in such other investments as may be prescribed; and
 - (m) where an investment is made pursuant to paragraphs (a) to (l), in any security or evidence of indebtedness collateral to that investment.
- (2) The aggregate of the amounts
- (a) invested under subsection (1) (g) to (l), and
 - (b) loaned, guaranteed, or accommodated or for which the credit union is surety or indemnitor,
- shall, at the time of the investment, not exceed;
- (c) 10 per centum or a higher percentage that the members of the credit union, by a special resolution, authorize and the registrar approves, of the moneys invested in shares of and on deposit with the credit union, excluding deposits that are withdrawable by bill of exchange.
- (3) A credit union shall not make an investment except an investment permitted under subsection (1) (a) to (d), or such other investment as the Registrar may permit when it is not permitted to lend money under section 46.

Trust fund

52. (1) All trust funds shall at all times be kept in separate accounts, and so marked in the books of the credit union for each particular estate, trust, or agency
- (a) as to be always distinguishable from any other in the registers and books of account kept by the credit union; and

Trust fund

- (b) that every investment of trust funds can be readily identified at any time by any person.
- (2) At no time shall trust funds form part of or be mixed with the general assets of the credit union, except that the credit union may invest trust funds belonging to two or more estates, trusts, or agencies in a general trust fund in the name of the credit union.
- (3) All deposits by a credit union of trust funds shall be deposited as trust funds to its credit as trustee.
- (4) No trust funds received or held by a credit union may be taken, attached, or seized for the debts or obligations of the credit union.
- (5) A credit union may invest trust funds
 - (a) in such securities as are directed by the terms of the trust or agency; or
 - (b) in default of a direction, in securities that are authorized by the terms of the trust or agency or in which trustees may by law invest trust moneys.
- (6) Notwithstanding any other Ordinance or rule of law where a credit union pays the same rate of return on trust funds as it pays on other funds invested on similar terms and conditions and
 - (a) where prior to the coming into force of this subsection a credit union was acting as trustee or agent for a person and was directed or authorized by the terms of the trust or agency to invest the trust funds in deposits, shares, or evidence of indebtedness of a credit union, or was by law permitted to so invest the funds, or
 - (b) where after the coming into force of this subsection a credit union becomes a trustee or agent for a person and is directed or authorized by the terms of the trust or agency or otherwise in writing, to so invest fundsthe credit union may invest the trust funds in its own deposits, shares and evidence of indebtedness, and the credit union is not required to account for any greater return on the funds than the rate paid on the other funds invested on similar terms and conditions.
- (7) The credit union may manage, sell, or dispose of trust funds as the terms of the trust or agency direct, or in the absence of direction, as the

directors may see fit.

- (8) Nothing in this section prevents a credit union from continuing to hold securities which form part of any trust funds coming into its hands, and it may hold those securities subject to the trust and legal obligations attached thereto; but when any such security is realized the proceeds shall only be invested in accordance with subsections (5) or (6).

Common trust fund

- 53. (1) In this section "common trust fund" means a fund maintained by a credit union in which moneys belonging to various estates and trusts in its care are combined for the purpose of facilitating investment.
- (2) Notwithstanding this or any other Ordinance, a credit union may, unless the trust instrument otherwise directs, invest trust moneys in one or more common trust funds of the credit union, and where trust money is held by the credit union as co-trustee, the investment thereof in a common trust fund may be made by the credit union with the consent of its co-trustees whether the co-trustees are individuals or corporations.
- (3) Notwithstanding this or any other Ordinance or law, a credit union maintaining a common trust fund shall within 18 months after the fund is established, and annually thereafter, cause an audit of the fund to be made by a person qualified to be an auditor of the credit union and shall file a copy of the report of the audit with the registrar.
- (4) The Commissioner may make regulations with respect to
 - (a) the establishment and operation of a common trust fund and a general trust fund; and
 - (b) the investment of trust money.

Contravention of s. 51, 52 or 53

- 54. (1) A credit union that makes an investment contrary to or not authorized by section 51, 52, or 53, or the regulations, is guilty of an offence,
- (2) The registrar may direct the credit

- union to dispose of and realize, within the time specified by him, investments made contrary to or not authorized by section 51, 52, or 53 or the regulations.
- (3) Nothing in this section affects an investment authorized by the former Ordinance and made prior to the coming into force of this Ordinance.
55. (1) Subject to subsections (2), (4), and (5), Disposal of a credit union may sell, assign, transfer, Property lease, or otherwise dispose of real or personal property that it owns or in which it has an interest and may, as part of the consideration, accept a mortgage or charge against the property or any other property, real or personal, to secure the payment of the balance of the purchase price and interest.
- (2) A credit union may sell, assign, or transfer, and may permit a subsidiary corporation and an associated corporation to sell, assign, or transfer
- (a) a loan or interest in a loan made by a credit union; or
 - (b) an investment or an interest in an investment acquired under subsection 51 (1) (f); or
 - (c) an agreement for sale of land where a credit union is the vendor, and any security therefor only to
 - (d) an associated corporation; or
 - (e) a subsidiary corporation; or
 - (f) another credit union; or
 - (g) the Government of Canada, the Government of Yukon, a Crown corporation, or an agent of the crown; or
 - (h) an indemnitor, guarantor, or endorser who repays indebtedness with respect to the loan or the security; or
 - (i) a person approved by the registrar, or
 - (j) a person designated by the Commissioner.
- (3) Nothing in subsection (2) limits the power of a credit union to
- (a) dispose of any security taken as consideration under subsection (1); or
 - (b) make or permit a sale, assignment, or transfer by way of security only.
- (4) A sale, assignment, or transfer other than by way of security only, that would

constitute a sale, assignment, or transfer of the whole or substantially the whole of the assets of a credit union shall, unless the registrar waives the necessity therefor, be first approved by a special resolution.

Directors

Directors

- 56. (1) The first directors of a credit union shall hold office until the first general meeting, and thereafter the directors shall be appointed in accordance with the rules.
- (2) A credit union shall have at least 5 directors.
- (3) Only a member of the credit union is eligible to be appointed as a director of a credit union.
- (4) A director ceases to hold office
 - (a) if he ceases to be a member of the credit union; or
 - (b) if he is not, or ceases to be, eligible to be insured as required under this Ordinance; or
 - (c) for such other reasons as the rules may specify.
- (5) A change of directors of a credit union is not effective until the registrar has accepted for filing a notice of the change of directors in the form prescribed by him.
- (6) The acts of a director or an officer are valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.
- (7) The rules may provide for the election of directors to represent a geographic area or class of members specified by the rules and may provide for election of a director by members within the geographic area or class.
- (8) No auditor or solicitor of a credit union, public servant concerned by his duties with the affairs of a credit union, and no corporation, shall be a director or officer of a credit union.

Duties of directors

- 57: (1) Subject to this Ordinance, the regulations and rules, the directors shall manage or

supervise the management of the credit union and may exercise all the powers of the credit union.

- (2) The directors may fix fees for services rendered by the credit union.
- (3) The directors may appoint from their number a committee of directors and delegate to the committee any of the powers of the directors but no committee shall be delegated authority,
 - (a) to submit to the members any question or matter requiring the approval of the members;
 - (b) to fill a vacancy among the directors or the committee;
 - (c) to declare dividends; or
 - (d) to approve a financial statement requiring to be sent to or placed before the members.
- (4) Subject to the rules of a credit union,
 - (a) a majority of the number of directors constitute a quorum of a meeting of directors; and
 - (b) a majority of committee of directors constitutes a quorum of a meeting of that committee.

- 58. (1) Every meeting of directors shall be held in the Yukon.
- (2) Where all the directors consent, a meeting of directors or of a committee of directors may be held by means of telephone or other communications facilities that permit all persons to participate in the meeting, and a person so participating shall be deemed for the purposes of this Ordinance to be present at that meeting.
- (3) A meeting held in accordance with subsection (2) shall be deemed to be held in compliance with subsection (1) if a majority of the directors participating in the meeting are within Yukon at the time of the meeting.
- (4) Unless this Ordinance or the rules require an actual meeting, a resolution of the directors may be passed without a meeting if all the directors consent to the resolution in writing and the consent is filed with the minutes of proceedings of the directors.

Meetings of directors

- 59. (1) The remuneration of directors and members of committees in connection with the business of the credit union and attendance at meetings shall

Remuneration of directors, committee members

be fixed from time to time by the members by resolution in general meeting and the resolution remains in force until varied or rescinded.

- (2) Directors and members of committees may be reimbursed for expenses incurred by reason of the performance of their duties and functions as directors or committee members.
- (3) A director or member of a committee who prior to this Ordinance coming into force received remuneration or payment in connection with the performance of his duties as a director or committee member is not liable to account therefor unless the amount of remuneration was, in the opinion of the registrar, unreasonable.
- (4) A credit union may purchase and maintain insurance for the benefit of any director, member of a committee, officer, or employee against any liability incurred by him while serving the credit union, an associated corporation, or a subsidiary corporation as a director, member of a committee, officer, or employee.

Indemnification
of directors
and officers

- 60. (1) Except in respect to an action by or on behalf of the credit union to procure a judgment in its favour, a credit union may indemnify
 - (a) a director or officer of the credit union;
 - (b) a former director or officer of the credit union;
 - (c) a person who acts or acted at the request of the credit union as a director or officer of a corporation of which it is or was a member or creditor,
 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 the credit union or corporation, if

- (d) the director or officer acted honestly and in good faith with a view to the best interests of the credit union; and
 - (e) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, he has reasonable grounds for believing that his conduct was lawful.
- (2) A credit union may with the approval of a court indemnify a person referred to in subsection (1) in respect of an action by or on behalf of the credit union 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 credit union, against all costs, charges and expenses reasonably incurred by him in connection with such action if he fulfils the conditions set out in subsection (1) (d) and (e).
- (3) Notwithstanding anything in this section, a credit union shall indemnify a person referred to in subsection (1) who has been substantially successful in the defence of a 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 credit union against all costs, charges, and expenses reasonably incurred by him in respect of the action or proceeding.
- (4) A credit union, or a person referred to in subsection (1), may apply to a court for an order approving an indemnity under this section and the court may so order and make any further order it thinks fit.
- (5) An applicant under subsection (4) shall give the registrar not less than 14 days' notice of the application and the registrar is entitled to appear and be heard in person or by counsel.
- (6) Upon an application under subsection (4), 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.
61. (1) Every director, member of a committee, or employee of a credit union having knowledge that the credit union
- (a) is about to enter or has entered into a contract or transaction; or
 - (b) is about to make or has made a loan
- shall disclose to the directors any personal interest, direct or indirect, that he has

Conflict of
interest

in the contract, transaction, or loan and shall refrain from voting upon or otherwise approving the contract, transaction, or loan.

- (2) A person referred to in subsection (1) shall pay to the credit union any profit made as a consequence of a contract, transaction, or loan entered into, performed, or made unless
 - (a) he discloses his interest prior to the contract, transaction, or loan being entered into, performed, or made and complies with subsection (1); or
 - (b) where he was unaware of the contract, transaction, or loan at the time it was entered into, performed, or made by the credit union,
 - (i) he discloses his interest forthwith after the relevant facts come to his knowledge and the directors approve the contract, transaction, or loan by a vote in which the person does not participate; or
 - (ii) the contract, transaction, or loan was reasonable and fair to the credit union at the time it was entered into, performed, or made and after disclosure of his interest the contract, transaction, or loan is approved by resolution at a general meeting of the credit union.
 - (3) A person who contravenes subsection (1) is guilty of an offence.
 - (4) This section does not apply to a loan, no portion of which, not secured by shares of, or deposits in, the credit union would exceed an amount to be prescribed.
62. (1) The directors shall cause minutes to be kept
- (a) of all appointments of officers and committee members made by them;
 - (b) of the names of the directors present at each meeting of directors; and
 - (c) of all resolutions and proceedings at all meetings of the credit union or the directors.
- (2) Each committee of the credit union shall cause minutes to be kept
- (a) of the names of the committee members present at each meeting of the committee, and
 - (b) of all proceedings and resolutions of the committee.

- (3) The directors shall cause true accounts to be kept
- (a) of all sums of money received and expended and the matter in respect of which the receipt and expenditure takes place; and
 - (b) of the assets and liabilities of the credit union.
- (4) A credit union shall keep its minute books and books of account at the registered office of the credit union, or such other place as the registrar approves.
- (5) A person who contravenes this section is guilty of an offence.
63. (1) Every director of a credit union, in exercising his powers and performing his function, shall
- Director's conduct
- (a) act honestly and in good faith and in the best interests of the credit union; and
 - (b) exercise the care, diligence and skill of a reasonably prudent person.
- (2) The provisions of this section are in addition to, and not in derogation of, any enactment or rule of law or equity relating to the duties or liabilities of directors of a corporation.
64. (1) The provisions of a contract, the constitution, or the rules, or the circumstances of his appointment do not relieve a director from the duty to act in accordance with this Ordinance and the regulations, or from any liability that by virtue of any rule of law would otherwise attach to him in respect of any negligence, default, breach of duty, or breach of trust, of which he may be guilty in relation to the credit union.
- Duty not relieved

Management

65. (1) Except upon terms and conditions approved by the registrar no credit union may make, enter into, or participate in a management contract, plan, or scheme except with
- Management contract, etc.
- (a) a central credit union, or an association or Co-operative Credit Society defined in, and an association which holds a certificate granted under the *Federal Tax*; or
 - (b) another credit union approved by the registrar; or
 - (c) a natural person whereby that person provides only his own personal services as treasurer or general manager.
- (2) Except upon terms and conditions approved by the registrar, no credit union shall make, enter,

or participate in an employment or management contract, plan, or scheme under which the remuneration of a person is based in whole or in part

- (a) on the gross income, or the gross interest income, of the credit union;
- (b) upon an increase in the assets of the credit union;
- (c) upon an increase in deposits and shares;
- (d) on a combination of gross income, gross interest income, shares, deposits, or assets, or increases thereof; or
- (e) on any other variable basis.

(3) No credit union shall make, enter, or participate in an employment or management contract, plan, or scheme with a person that is for a duration greater than two years or such longer time as the registrar approves.

(4) A person who contravenes this section is guilty of an offence.

Cancellation
of management
contract

66. (1) The registrar may set aside an employment or management contract, plan, or scheme made, entered into, or participated in by a credit union where

- (a) the credit union is declared subject to the supervision of the registrar; or
- (b) the credit union resolves to go into voluntary liquidation.

(2) Where a person who has an employment or management contract, plan, or scheme with a credit union disobeys an order of the registrar or wilfully exercises his powers contrary to this Ordinance, the registrar may set aside the contract, plan, or scheme, and suspend or discharge the person.

(3) Where the registrar sets aside a contract, plan, or scheme under subsection (1) or (2), the registrar as the case may be, shall give notice in writing of his action to the person and the credit union.

(4) The registrar, by notice to the person and the credit union, may set aside an employment or management contract, plan, or scheme between a person and a credit union.

No damages

67. (1) No person has a claim for damages against the credit union, the registrar, or the Commissioner by reason of an employment or management contract, plan, or scheme with a credit union being set aside or the person being suspended or discharged under section 66.

68. (1) A person affected by the registrar exercising a power under section 66 may, within 15 days of receipt of notice of the exercise of the power, appeal the action of the registrar to the Commissioner, and the Commissioner may modify, confirm, or set aside the decision of the registrar.
- (2) Where the Commissioner modifies or confirms the decision of the registrar, the Commissioner shall determine what amount of money may be recovered by the credit union from a person whose employment or management contract, plan, or scheme has been set aside or modified.
- (3) The Commissioner may extend the time for appeal for a period not exceeding 30 days after the receipt of the notice of the exercise of a power under section 66 .
- (4) The decision of the Commissioner is final and is not subject to appeal.

Right of
appeal

Audit

69. (1) A credit union shall have an auditor.
- (2) The first auditor of a credit union shall be appointed by the members at the first general meeting.
- (3) A credit union shall at each annual general meeting, appoint an auditor to hold office until the close of the next annual general meeting and, if, at that meeting, an appointment is not made, the auditor in office continues as auditor until a successor is appointed.
- (4) The directors may fill a casual vacancy in the office of auditor.
- (5) Where a vacancy occurs in the office of auditor and if the directors fail to fill the vacancy within 30 days, the registrar shall appoint an auditor for the credit union.
- (6) The credit union shall give notice in writing to an auditor of his appointment within 14 days of his appointment.
70. (1) No person shall be the auditor of a credit union if he is not independent of the credit union, its associated corporations and subsidiary corporations, and the directors and officers of them.
- (2) For the purposes of this section, independence is a question of fact, but
- (a) a person is not independent who is a director, officer, or employee of the

Auditor
required

Independence
of auditor

- credit union or of an associated corporation or subsidiary corporation, or who is a partner, employer, or employee of that director, officer, or employee, or who is a member of the immediate family of that director, officer, or employee;
- (b) a person is not independent who is appointed a trustee of the estate of the credit union under the *Bankruptcy Act (Canada)* or who is a partner, employer, or employee of that trustee, or who is a member of the immediate family of that trustee; and
- (c) a person shall not be deemed not to be independent by reason only of being a member or having money invested in shares of or on deposit with a credit union.
- (3) For the purpose of this section,
- (a) the immediate family of a person referred to means
- (i) a spouse, parent, or child of that person; or
- (ii) a relative of
- (a) that person; or
- (b) the spouse of that person who resides with that person, and,
- (b) a partner of the person referred to means a person with whom he carries on in partnership the profession of public accounting.
- (4) Notwithstanding subsection (5), where a person is, at the coming into force of this section, the auditor of a credit union and is disqualified under this Ordinance, he may continue to act as auditor until the next annual general meeting of the credit union is held, but he shall disclose in his report required by section 73 the circumstances that, but for this subsection, disqualify him to act as auditor.
- (5) An auditor of a credit union shall within 60 days after he becomes aware that his appointment as auditor contravenes this section, either
- (a) eliminate the circumstances that cause him to be in contravention; or
- (b) resign as auditor,
- and if he fails to eliminate the circumstances or to resign, the directors or the registrar may remove him as auditor.

71. (1) The remuneration of an auditor shall be fixed
- (a) by the members at each annual general meeting; or
- (b) by the directors, if authorized to do so by the meeting,
- but the remuneration of an auditor appointed to fill a casual vacancy may be fixed by the directors.
72. (1) Within 14 days of an appointment of an auditor and within 14 days of a change of auditor, the credit union shall file with the registrar a notice of the appointment in the form prescribed by the registrar and such information with respect thereto as the registrar requires.
- (2) A credit union that contravenes this section is guilty of an offence.
73. (1) The auditor shall make such examination as will enable him to report to the members as required under this section.
- (2) The auditor shall make a report to the members of the credit union on the financial statements placed before the credit union in general meeting during his term in office and shall state in his report whether, in his opinion,
- (a) the financial statements present fairly the financial position of the credit union and the results of its operations for the period under review;
- (b) the financial statements are in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period; and
- (c) the procedures adopted by the credit union are adequate for the safety of its creditors and members and whether the credit union is in sound financial condition.
- (3) Where a financial statement contains a statement of changes in net assets or a statement of changes in financial position, the auditor shall state in his report whether, in his opinion, the statement of changes in net assets or the statement of changes in financial position presents that information fairly.
- (4) The auditor shall state in his report as of the date of the financial statement
- (a) the total of all loans outstanding to directors, officers, employees and members of a committee of the credit union; and
- (b) that loans made by the credit union to

Remuneration of auditor

Notice to registrar

Annual report by auditor

every director, officer, employee, or member of a committee of the credit union that are more than one month in arrears were granted in accordance with this Ordinance and are fully secured as required by this Ordinance; but if the auditor is unwilling or unable to so state, then each such loan shall be reported in the auditor's certificate.

- (5) Where financial statements are presented in accordance with section 82 (1), the auditor shall state in his report whether, in his opinion, due provision has been made for minority interests.
- (6) Where financial statements are presented in accordance with subsection 82 (2), the auditor shall state in his report whether, in his opinion, the information given therein pursuant to subsection 82 (2) is satisfactory.
- Qualified opinion 74. (1) Where the report of the auditors under section 73 does not contain the unqualified opinion required by that section, the auditor shall state in his report the reason why.
- Consideration of report 75. (1) The directors of a credit union
 (a) may, at any time; and
 (b) shall, at the request of the auditor of the credit union, call a general meeting to consider a report made by the auditor as to any matter arising out of the financial affairs of the credit union.
- Additional information 76. (1) The auditor of a credit union shall submit to the registrar such additional information relating to the financial affairs and operations of the credit union as the registrar requests.
 (2) The registrar, shall within 15 days of receipt of the information requested under subsection (1) communicate the information to the directors of the credit union.
- Access to records 77. (1) The auditor of a credit union is entitled to access at all times to all the records, books, documents, accounts, and vouchers of the credit union and may require from the directors, officers, and employees of the credit union all information and explanations, in his opinion, necessary for the purpose of his duties as auditor.

78. (1) The auditor of a credit union
- (a) is entitled to attend any general meeting of the credit union and to receive every notice and other communication relating to the meeting that a member is entitled to receive; and
 - (b) is entitled to be heard at any general meeting that he attends on any part of the business of the meeting that concerns him as auditor, or that concerns the financial statements of the credit union.
79. (1) An oral or written statement or report made under this Ordinance by the auditor or former auditor of a credit union has qualified privilege.
80. (1) The registrar may, at the expense of a credit union, appoint an auditor to audit the financial statements and accounts of the credit union and may require such reports from him as he considers necessary.
- (2) An auditor appointed under subsection (1) has all the powers and rights conferred on an auditor of a credit union and has the duties directed by the registrar and shall give his report to the registrar.
81. (1) Before a financial statement of a credit union is issued, published, or circulated, it shall be first approved by the directors, with the approval evidenced by the signatures of 2 directors.
- (2) A financial statement issued, published, or circulated by a credit union
- (a) shall, if it is to be presented to an annual general meeting of its members, have attached to it the auditor's report prescribed by this Ordinance;
 - (b) shall have attached to it every auditor's report made in respect to it, and
 - (c) shall not, unless it has been audited and the auditor's report has been made on it, purport to be an audited financial statement.
- (3) A credit union that issues, publishes, or circulates a financial statement that does not comply with this section is guilty of an offence.
82. (1) A credit union may include in the financial statement to be submitted at an annual general meeting a statement of the assets and liabilities and income and expense of one or more of its subsidiary corporations, making due provision for minority interests, and indicating herein that

Right to attend meetings

Qualified privilege

Registrar may direct an audit

Approval of financial statement

Consolidated report

it is presented in consolidated form.

- (2) Where the assets and liabilities and income and expense of one or more subsidiary corporations of a credit union are not included in the financial statement of the credit union the financial statement of the credit union shall include
- (a) the reason why the assets and liabilities and income and expense of the subsidiary corporation or subsidiary corporations are not included;
 - (b) where there is only one subsidiary corporation, the amount of the credit union's proportion of the profit or loss of the subsidiary corporation for the financial period coinciding with or ending in the financial period of the credit union, or, where there is more than one subsidiary corporation, the amount of the credit union's proportion of the aggregate profits less losses, or losses less profits, of every subsidiary corporation for the respective financial periods coinciding with or ending in the financial period of the credit union;
 - (c) the amount included as income from the subsidiary corporations in the statement of profit and loss of the credit union and the amount included as a provision for the loss or losses of the subsidiary corporations;
 - (d) where there is only one subsidiary corporation the amount of the credit union's proportion of the undistributed profits of the subsidiary corporation earned since the acquisition of the shares of the subsidiary corporation by the credit union to the extent that that amount has not been taken into the accounts of the credit union;
 - (e) where there is more than one subsidiary corporation, the amount of the credit union's proportion of the aggregate undistributed profits of the subsidiary corporations earned since the acquisition of their shares by the credit union less its proportion of the losses, if any, suffered by any subsidiary corporation since the

acquisition of its shares, to the extent that that amount has not been taken into the accounts of the credit union; and

(f) any qualifications contained in the report of the auditor of any subsidiary corporation on its financial statement for the financial period to which the report relates, and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in the qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the credit union's financial statement and is material to its members.

(3) Where the directors of the credit union do not, for any reason, obtain the information required under subsection (2), the directors who sign the financial statement of the credit union shall so report in writing to the credit union giving their reasons, and their report shall be included in the financial statement of the credit union.

(4) Where, in the opinion of the auditor of the credit union, adequate provision has not been made in the financial statement of the credit union

(a) where there is only one subsidiary corporation, for the credit union's proportion of the loss of the subsidiary corporation suffered since the acquisition of its shares by the credit union; or

(b) where there is more than one subsidiary corporation, for the credit union's proportion of the aggregate losses suffered by the subsidiary corporations since the acquisition of their shares by the credit union

in excess of the credit union's proportion of the undistributed profits, if any, earned by any of the subsidiary corporations since the acquisition, the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision for the credit union's proportion of the loss.

83. (1) A subsidiary corporation shall have the same financial year end as a credit union of which

Subsidiary
corporation

it is a subsidiary corporation unless another financial year end is approved by the registrar.

- (2) A financial statement of a credit union shall include
- (a) the name of every subsidiary corporation, designating in a distinctive manner those accounts that are consolidated in the financial statement; and
 - (b) where the financial year of a subsidiary corporation does not coincide with that of the credit union, the date of the financial year end of the subsidiary corporation and the reason the financial years do not coincide.
- Financial statement regulations 84. (1) The Commissioner may prescribe the form and contents of financial statements.
- (2) A credit union that contravenes the regulations made under subsection (1) is guilty of an offence.
- Quarterly financial statement 85. (1) A credit union shall, within 30 days of each quarter of the financial year of the credit union, file with the registrar, in the form prescribed, a report on the affairs of the credit union.
- (2) The registrar may extend the time for filing a report under subsection (1).
- Financial year-end 86. (1) The financial year end of a credit union shall be either March 31, June 30, September 30, or December 31 in each year, as the rules of the credit union provide, but if the rules do not otherwise provide then the financial year end is December 31.
- Voting
- Voting 87. (1) No person shall cast more than one vote on a resolution or with respect to an election, except in the case of
- (a) an equality of votes, whether on a show of hands, poll, or written vote, the chairman of the meeting has a deciding or second vote; or
 - (b) a central credit union that adopts a proportional delegate or voting rule pursuant to section 127.
- (2) Subject to subsection (1), a member that is a corporation may be represented at a meeting and may vote by its authorized representative

if written authorization so authorizing a representative duly executed on behalf of the corporation has been deposited with the credit union.

88. (1) No member may vote by proxy. No proxy vote
89. (1) The rules of a credit union may provide for voting by written vote in an election, on a resolution, or as to any other matter. Form of vote

General Meetings

90. (1) The first general meeting of a credit union shall be held within 3 months after the date of incorporation and thereafter an annual general meeting shall be held in each calendar year not later than 120 days after the end of the financial year of the credit union. First general meeting
- (2) Notwithstanding subsection (1), the registrar may authorize the holding of a general meeting required by this section within such extended period as he designates and the authorization may be continuing where he so orders.
91. (1) The rules of a credit union may provide for semi-annual or other periodical meetings. Frequency of meetings
- (2) The rules of a credit union may provide for the credit union to hold a general meeting of members whether annual, semi-annual, periodical, or special by holding 2 or more meetings of members at different times and places, which meetings shall together constitute a single meeting, and
- (a) the total of the votes cast at the meetings shall be counted after the last of the meetings has been held to ascertain whether a resolution, including a special resolution, submitted to the meeting has been adopted or rejected; and
- (b) a resolution shall be deemed to have been passed by the required majority if submitted to all the meetings and if the total of the votes cast in favor of the resolution at the meetings constitutes the required majority of the total votes cast as if it had been effectively done at a single meeting.
- (3) Where a credit union has adopted a rule under subsection (2), every notice convening meetings pursuant to that rule shall state, in addition to any other information required to be contained in it, that the meeting is being held pursuant to the rule.

- Special general meeting 92. (1) The directors may, in their discretion, and shall, upon a written requisition setting forth the object of the meeting
- (a) signed by not less than one twentieth in number of the members or 100 members, whichever is the lesser; and
 - (b) deposited at the registered office,
- call a special general meeting, and if the directors do not call the meeting within 14 days after the deposit of the requisition, the members making the requisition may themselves convene a meeting.
- Notice of general meeting 93. (1) The directors shall give 14 days' notice of every general meeting and every special resolution
- (a) to every member of the credit union; and
 - (b) to the registrar
- unless the rules of the credit union prescribe a longer period of notice, in which case a notice in accordance with the rules shall be given.
- (2) A notice of a general meeting shall specify the place, the day and the hour of the meeting and, in the case of special business, shall specify the general nature of the business.
- Meetings in Yukon 94. (1) Every general meeting of the credit union shall be held in Yukon.
- Statement and reports tabled 95. (1) At an annual general meeting the directors shall place before the credit union
- (a) the audited financial statement of the credit union which shall include the balance sheet of the credit union signed on behalf of the board of directors by 2 directors, a statement of revenue and expenditures of the credit union and such other statements and reports as are referred to in the report of the auditor;
 - (b) a report of the directors of the credit union; and
 - (c) other information as the rules of the credit union require.
- (2) The balance sheet and statement of revenue and expenditure referred to in subsection (1), shall

- be made up to the last day of the immediately preceding financial year.
- (3) Copies of the balance sheet, statements and reports referred to in subsection (1) shall be made available free of charge to every member
- (a) attending the annual general meeting of the credit union; and
 - (b) at each office of the credit union during normal business hours.
96. (1) A credit union shall file with the registrar
- (a) not less than 14 days before an annual general meeting, copies of the statements and reports referred to in section 95 (1); and
 - (b) within 14 days after an annual general meeting, a report of the apportionment of the net earnings for the immediately preceding fiscal year.
- (2) The registrar may extend the time for filing with him.
97. (1) A credit union shall file with the registrar, in duplicate, every special resolution passed by its members, and the registrar shall register one copy and return the other copy certified as having been filed.
98. (1) A notice, return, report, or resolution required to be filed with the registrar shall be signed by an officer of the credit union.
99. (1) Where an omission, defect, error, or irregularity has occurred in the conduct of the business or affairs of a credit union whereby
- (a) a breach of any provision of this Ordinance has occurred;
 - (b) there has been a default in compliance with the constitution or rules of the credit union; or
 - (c) proceedings at or in connection with any general meeting, or meeting of the directors of the credit union, or any assembly purporting to be such a meeting having been rendered ineffective,
- notwithstanding anything in this Ordinance, the registrar, or upon a reference by the registrar, the Court

Copies to registrar

Special resolutions

Documents signed by officer

Illegal acts

- (d) may, either of his or its own motion or on the application of an interested person, make an order to rectify or cause to be rectified or to negate or modify or cause to be modified the consequences in law of the omission, defect, error, or irregularity, or to validate any act, matter, or thing rendered or alleged to have been rendered invalid by or as a result of the omission, defect, error, or irregularity, and may give such ancillary or consequential directions as it considers necessary; but
 - (e) shall, before making an order, consider its effect on the credit union and its directors, officers, members and creditors.
- (2) An order made under subsection (1) does not prejudice the rights of a third party who has acquired those rights for valuable consideration without notice of the omission, defect, error, or irregularity cured by the order.

Reserves

Retained earnings

100. (1) For the purposes of calculating its retained earnings required under subsection (2) a credit union shall reduce its retained earnings by
- (a) an amount equal to the reduction in value, as may be prescribed of
 - (i) loans in default;
 - (ii) property held for resale; and
 - (iii) investments acquired under section 51 (1) (f);
 - (b) an amount equal to the deficit incurred by subsidiary corporations and associated corporations or such part of the deficit as represents the ratio of the common shares of the subsidiary corporations or associated corporations owned by the credit union to all of the issued and outstanding common shares of the subsidiary corporations or associated corporations, the deficit to be based on the net realizable value of the assets of the subsidiary corporations or associated corporations; and
 - (c) an amount equal to the difference between the cost and the market value of all other

investments of the credit union as permitted under section 51 where the market value is less than the cost thereof;

but nothing in this subsection requires a credit union to state in its financial statements the amount of any reduction required to be made under this subsection.

- (2) The retained earnings of a credit union shall be an amount equal to two and one quarter per centum of the amount outstanding on loans of the credit union after the reductions required in subsection (1), but a credit union is not required to maintain retained earnings with respect to
 - (a) a loan made to the Government of Canada or Government of Yukon or a municipality, or a loan guaranteed by any of them; or
 - (b) a loan, or any part of a loan, that is fully secured by a specific charge on shares of or deposits with the credit union.
- (3) Until a credit union has the retained earnings required under this section, the credit union shall, before the payment of dividends each year, transfer to its retained earnings the lesser of
 - (a) the amount necessary to bring the retained earnings of the credit union up to the amount that is required under this section; or
 - (b) an amount equal to one half of one per centum of the amount outstanding on loans except those loans on which it is not required to maintain retained earnings.
- (4) The amount of the retained earnings required to be maintained by a credit union shall be calculated as at the financial year end of the credit union.
- (5) The registrar may excuse a credit union from compliance in whole or in part with subsections (1), (2), and (3) upon terms and conditions prescribed.
- (6) A loan or investment shall not be written off without the approval of the board of directors.
- (7) The retained earnings exceeding the amount required under subsection (2), or such lesser amount as may be prescribed under subsection (5), may be used for payment of dividends, charitable donations and the general purposes of the credit union.

Deposit and
investments

- (8) Upon this section coming into force, the guarantee reserve maintained by a credit union under the former Ordinance shall form a part of the retained earnings of the credit union.
- (9) The directors may establish such other reserves as they consider necessary or advisable.
- (10) This section does not apply to a central credit union.
101. (1) Subject to subsection (2), a credit union, other than a central credit union, shall maintain deposits and investments of the type specified in subsection (3) to an amount of not less than 10 per centum or such greater percentage as the registrar may order not exceeding 12 per centum of the aggregate of its net share capital and the moneys deposited with it and the outstanding amount of moneys borrowed by it pursuant to section 42.
- (2) Except where an order has been made under subsection (1), the registrar on the application of a credit union, may reduce the percentage of deposits and investments required to be maintained by the credit union under subsection (1) to an amount of not less than 8 per centum of the aggregate mentioned in subsection (1) upon such terms and conditions as the registrar determines.
- (3) The types of deposits and investments referred to in subsection (1) are as follows:
- (a) deposits by the credit union on a demand basis with a central credit union or a chartered bank;
 - (b) unpledged term deposits by the credit union with a central credit union or with a chartered bank;
 - (c) unpledged shares of a central credit union, an association or Co-operative defined in, and an association which holds a certificate granted under the *Federal Act* except shares of a central credit union designated by its rules as not qualifying for the purpose;
 - (d) unpledged investments by the credit union in bonds, debentures, or other evidence of indebtedness of the Government of Canada or the Government of the Yukon

or bonds, debentures, and other evidence of indebtedness the principal and interest whereof are guaranteed by the Government of Canada or the Government of the Yukon but no bond, debenture, or other evidence of indebtedness mentioned in this paragraph that is guaranteed by the Government of Canada or the Government of Yukon qualifies if it

(i) is taken by a credit union as security for a loan; or

(ii) is not an investment in which the credit union is permitted

to invest under section 51 (1) (e);

(e) other investments authorized by the regulations.

- (4) Not less than 10 per centum of the amount required to be maintained on deposit or invested under subsection (1) or (2) shall be maintained on deposit by the credit union on a demand basis.
- (5) The Commissioner may prescribe the proportion of the deposits and investments that are required to be maintained under subsection (1) or (2) which must be maintained in deposits or investments with a central credit union, an association or co-operative defined in, and an association which holds a certificate granted under the *Federal Act* except shares of a central credit union designated by its rules as not qualifying for the purpose.
- (6) In determining the amount required to be maintained under subsection (1) or (2), investments shall be valued at market value, and in determining market value reliance may be place on published market quotations.

Dissolution and Winding-up

- 102. (1) Where a credit union has fewer than 25 members, or on other sufficient cause being shown, and upon such conditions and subject to such provisions as he considers proper, the Commissioner may cancel the incorporation of a credit union and declare the credit union to be dissolved. Dissolution
- 103. (1) Upon the liquidation or dissolution of a credit union, Surplus to Territory

any surplus, either in money or in other assets, .
after

- (a) paying all debts of the credit union, including the costs of liquidation;
- (b) repaying deposits with the credit union and all interest accrued thereon;
- (c) paying the amount paid on shares in the credit union; and
- (d) paying a dividend at a rate not exceeding 8 per centum a year on the paid-up share capital for the current fiscal year, or any part thereof, to the members on record as of the date of the resolution determining to liquidate as the resolution provides,

shall be transferred and become part of the Yukon Consolidated Revenue Fund.

- (2) Subsection (i) does not apply to an amalgamation under section 113 or to a credit union that sells all of its assets under section 107 or to a credit union all of the shares of which have been purchased under section 108.

Winding-up
provisions of
companies Ord.

- 104. (1) The provisions of the *Companies Ordinance* relating to the winding-up of companies apply, *mutatis mutandis*, to a credit union subject to the following:

- (a) A reference to the registrar shall be deemed to be a reference to the Registrar of Credit Unions.
- (b) A resolution of a credit union to go into voluntary liquidation shall have no effect unless
 - (i) notice of intention to call the meeting to consider voluntary liquidation and of the special resolution to be considered there at has been served by registered post on the registrar at least 21 days before the meeting is called, unless the registrar, in writing, agrees to shorter notice; and
 - (ii) proof of service of the notice is filed with the registrar together with a certified copy of the special resolution to go into voluntary liquidation,

and the voluntary liquidation shall commence upon the filing of the proof of service and certified copy of the special resolution with the registrar;

- (c) A person designated by the registrar shall be appointed and act as liquidator of a credit union in voluntary liquidation, and
 - (i) he shall, not more than 14 days after the final winding-up, publish in a local newspaper in the area in which the registered office of the credit union is situated a notice that the affairs of the credit union have been wound up; and
 - (ii) he shall file with the registrar his report showing how the winding-up has been conducted and the property of the credit union disposed of and a copy of the newspaper containing the notice;
- (d) The registrar, if satisfied that the winding-up is properly completed, shall publish notice in the Gazette that the credit union has been wound up and upon the publication the credit union is deemed to be dissolved;
- (e) The Court may, on the application of the liquidator or any other person who appears to the Court to be interested, make an order deferring the date on which the dissolution of the credit union is to take effect for such time as the Court thinks fit;
- (f) Where an order is made by the Court deferring the date on which the dissolution of the credit union is to take effect, the liquidator or other person on whose application the order is made shall, within 7 days after the making of the order, file with the registrar a certified copy of the order;
- (g) The registrar may, from time to time, examine the books, records, and affairs of any credit union in voluntary liquidation;
- (h) Where the registrar is of the opinion that a liquidation is being carried on in

an unsafe or unauthorized manner or is being unduly delayed, he may, by writing addressed to the liquidator, remove him from office;

- (i) Where a vacancy occurs by death, resignation, removal, or otherwise in the office of the liquidator in a voluntary liquidation, the registrar may fill the vacancy;
- (j) Notice of every appointment and every change of liquidator shall be filed with the registrar and published by him in the Gazette;
- (k) Where, prior to the date on which the credit union is deemed to be dissolved, the Court finds that a person has not been paid money to which he was entitled upon liquidation of the credit union, any surplus assets of the credit union that have been transferred or vested in the Government of Yukon and any moneys realized therefrom shall be transferred or paid by the Government of Yukon as directed by the Court;
- (l) A liquidator of a credit union may, in consideration of financial assistance by the Government of Yukon to the credit union, transfer and assign all of any assets of the credit union, including a chose in action, to the Government of Yukon;
- (m) The liquidator of a credit union in voluntary liquidation may, with the approval of a meeting of the members,
 - (i) sell all or any part of the assets of the credit union upon complying with section 106; or
 - (ii) sell all of the shares of the credit union upon complying with section 107;and that section applies to the sale except that the liquidator may exercise all of the powers of the directors and officers under it;
- (n) Upon a Credit Union being dissolved pursuant to this Ordinance, the liquidator is, by that fact, discharged, and the registrar may affix the corporate seal of the credit union to and execute any formal documents required,
 - (i) to evidence the passing and vesting of the property of the credit union; or
 - (ii) to evidence satisfaction of a claim

or discharge or release of a security that was satisfied prior to the dissolution notwithstanding that the credit union has been dissolved.

105. (1) Where by agreement with a credit union the Government of Yukon assumes all of the liabilities of the credit union, then Voluntary dissolution
- (a) after publication of a notice of the assumption in the Gazette; and
- (b) after written notice to all members of the credit union, mailed by ordinary post to their addresses appearing on register of members,
- the Government of Yukon is entitled to all of the assets of the credit union and is subrogated to all of its rights which vest in the Government of Yukon forthwith without the necessity for any further act of deed.
- (2) Upon the Commissioner giving to the registrar a certificate stating that the Government of Yukon, pursuant to subsection (1), has
- (a) assumed all of the liabilities of a credit union;
- (b) published a notice in the Gazette; and
- (c) given written notice to the members of the credit union,
- the registrar shall cancel the incorporation of the credit union and fix a date on which the credit union shall be dissolved, but the registrar may affix the corporate seal of the credit union to and execute any formal documents thereafter required to evidence the passing and vesting of the property and rights of the credit union to the Government of Yukon or to evidence satisfaction of a claim or discharge or release of a security that was satisfied prior to the dissolution, notwithstanding the dissolution of the credit union.
- (3) A creditor of the credit union may enforce his claim against the fund by action brought against the Government of Yukon, if the action is commenced within 6 months after the publication

in the Gazette of the notice referred to in subsection (1).

Purchase and Amalgamation

- | | |
|--------------------|--|
| Purchase of assets | <p>106. (1) A credit union may</p> <ul style="list-style-type: none"> (a) sell all or any part of its assets to another credit union; or (b) purchase all or any part of the assets of another credit union in accordance with this section and section 108. <p>(2) A credit union, that purchases assets pursuant to subsection (1), may</p> <ul style="list-style-type: none"> (a) assume, as part of the purchase price, any or all of the liabilities of the selling credit union; and (b) pay the balance in cash or by the issue of shares to the persons who are holders of shares of the selling credit union, whether or not those persons are members of the purchasing credit union. <p>(3) Where the selling credit union has disposed of all its assets under agreement pursuant to subsection (1), it shall cease to carry on business on the effective date of the agreement, and the credit union is thereupon dissolved and</p> <ul style="list-style-type: none"> (a) all property and rights of the dissolved credit union are transferred to and vested in the purchasing credit union without any further act or deed; (b) the purchasing credit union is liable for all the debts and obligations of the dissolved credit union; and (c) the rights of creditors of the dissolved credit union are enforceable against the purchasing credit union. |
| Purchase of shares | <p>107. (1) A credit union may purchase all, but not a part only, of the issued and outstanding shares of another credit union in accordance with this section and section 111.</p> <p>(2) A credit union, that purchases shares pursuant to subsection (1), may pay for them by the issue of shares of the purchasing credit union to the persons from whom the shares of the other credit union are acquired, whether or not those persons</p> |

- are members of the purchasing credit union.
- (3) Where a credit union purchases all of the shares of another credit union pursuant to subsection (1), the assets of the credit union whose shares were so purchased pass to and vest in the purchasing credit union without the need for any further act or deed forthwith after the effective date of the agreement, and the selling credit union shall cease to carry on business and it is dissolved upon the passing and vesting of the assets, and
- (a) the purchasing credit union is liable for all the debts and obligations of the dissolved credit union; and
- (b) the rights of creditors of the dissolved credit union are enforceable against the purchasing credit union.
108. (1) The purchasing credit union shall enter into an agreement Procedure
on
purchase
- (a) with the credit union whose assets it proposed to buy; or
- (b) with the credit union whose shares it proposes to purchase; containing the terms and conditions of the sale, and within one month after the agreement is signed shall file a copy with the registrar for his approval.
- (2) Where the agreement is approved by the registrar,
- (a) the selling credit union; or
- (b) the credit union whose shares are to be purchased,
- shall submit it to its members for approval by special resolution.
- (3) Where an agreement is approved by a special resolution, the secretary of the credit union shall
- (a) certify on the agreement that it has been so approved; and
- (b) forward a copy of the agreement so certified to the registrar,
- and the agreement is binding upon the credit union and all the members of the credit union.
- (4) Where the registrar is satisfied that a sale and purchase does not constitute the sale of the whole or substantially the whole of the assets

of the selling credit union and it is not contrary to the interests of the selling credit union and the purchasing credit union,

- (a) he may waive compliance with subsections (2) and (3) in whole or in part upon such conditions as he may impose; and
- (b) subject to any conditions he imposes; the agreement is binding upon the credit unions on the date of the waiver.

Effective date

109. (1) A sale pursuant to an agreement under section 106 or 107 shall be deemed to have been completed on the effective date of the agreement without the necessity for any further instrument, and on the effective date of the agreement each person who receives or is entitled to receive shares of the purchasing credit union pursuant to the agreement becomes a member of the purchasing credit union unless the agreement otherwise provides or until that member is terminated in accordance with the rules of the purchasing union or the agreement.

- (2) Where the agreement does not specify an effective date or specifies an effective date prior to the date of the agreement the registrar may fix or vary the effective date.

Use of corporate seal by registrar

110. (1) The registrar may affix the corporate seal of a credit union that is dissolved under section 106 or 107 and execute any formal documents thereafter required

- (a) to evidence the passing and vesting of property and titles of the dissolved credit union to and in the purchasing credit union; or
- (b) to evidence satisfaction of any claim or discharge or release of any security that was satisfied prior to the dissolution of the dissolved credit union.

Title to land

111. (1) Upon a purchasing credit union filing under the *Land Titles Act* a copy of the agreement approved by the registrar under section 108, the Land Titles Registrar shall, register in the name of the purchasing credit union any estate or interest of the dissolved credit union in any land registered under the *Land Titles Act*.

112. (1) Two or more credit unions, in this section called "amalgamating credit unions," may amalgamate and continue as an amalgamated credit union by each amalgamating credit union passing a special resolution,
- (a) authorizing its directors, or some of them, to subscribe, jointly with the directors, or some of the directors of the other credit union to
 - (i) a constitution, in the prescribed form; and
 - (ii) rules of the proposed amalgamated credit union,and to deliver to the registrar the constitution, rules and any other information required by section 4; and
 - (b) authorizing its directors to enter into an agreement which has been approved first by the registrar containing the terms and conditions of the amalgamation,
- and obtaining the approval of the registrar under subsection (3).
- (2) With the approval of the registrar and instead of passing a special resolution under subsection (1) an amalgamating credit union may, by resolution of its directors, authorize its directors, or some of them, to carry out the matters referred to in subsection (1) (a) and (b) but where an amalgamating credit union proceeds under this subsection, it shall give notice of the proposed amalgamation to each of its members within 7 days of the adoption of the resolution of the directors, or such longer time as the registrar permits.
- (3) Upon receiving certified copies of
- (a) the special resolution passed by each amalgamating credit union; or
 - (b) where permitted under subsection (2), the resolution of directors,
- together with the constitution, rules, agreement and other information referred to in subsection (1), and if he approves the proposed amalgamation, the registrar shall issue under his seal of office a certificate of amalgamation certifying that the amalgamated credit union has complied with this section.
- (4) Where amalgamating credit union has proceeded

under subsection (2), the registrar shall not issue a certificate of amalgamation

- (a) until 14 days after the last notice required under subsection (2) has been given; or
- (b) where he receives written objection to the amalgamation signed by not less than one twentieth in number of the members or 100 members, whichever is the lesser, of the credit union within the 14 day period.

Effect of
Amalgamation

113. (1) Upon the issue of a certificate of amalgamation, the amalgamating credit unions become amalgamated and shall be continued as the amalgamated credit union.
- (2) Upon the issue of a certificate of amalgamation each member of the amalgamating credit unions becomes a member of the amalgamated credit union until his membership is terminated in accordance with this Ordinance and the rules of the amalgamated credit union.
- (3) The rules adopted by the subscribers to the constitution of the amalgamated credit union are the rules of the amalgamated credit union until the rules are amended in accordance with this Ordinance.
- (4) Upon the issue of a certificate of amalgamation, all property and rights of each amalgamating credit union are transferred to and vested in the amalgamated credit union without any further act or deed, and
- (a) the amalgamated credit union is liable for all debts and obligations of each amalgamating credit union; and
 - (b) the rights of creditors of each amalgamating credit union continue and are enforceable against the amalgamated credit union.

Title to
land

114. (1) Upon the amalgamated credit union filing under the *Land Titles Act* a copy of the certificate of amalgamation certified by the registrar, the Land Titles Registrar shall, register in the name of the amalgamated credit union any estate or interest of each amalgamating credit union in any land registered under the *Land Titles Act*.

Miscellaneous

115. (1) Where an action could be brought against a person by a credit union or by the directors or the members of the credit union for any loss or damage suffered by or any accounting due to the credit union by reason of the negligence of or failure to comply with this Ordinance or the regulations, or conditions imposed thereunder, and
- (a) where the action has not been brought, the registrar may, without leave, bring and maintain the action; or
- (b) where the action has been brought, the registrar may apply to the Court to be added as a plaintiff and to be given the conduct of the action,
- and any money recovered by the registrar shall be held for the benefit of the credit union.
116. (1) A document may be served on a credit union by
- (a) leaving it at, or mailing it by registered post addressed to, the registered office of the credit union; or
- (b) by personally serving an officer, receiver-manager, administrator, or liquidator of the credit union.
117. (1) A notice to a member may be given
- (a) by delivering it to him personally; or
- (b) by mailing it, postage prepaid, addressed to the member at the address of the member in the register of members maintained by the credit union and shall be deemed to be received by the member upon the day following the day on which the notice is mailed; or
- (c) where no mail service is available, by advertising on 2 separate occasions not less than 5 days apart, inclusive of the day of publication, in a newspaper circulating in the area in which the credit union carries on its operations, and shall be deemed to be received by the member upon the day upon which the last publication is made.

Action by
registrar
for
credit union

Service of
documents

Notice to
members

- (2) Where notice has been given in accordance with this section to the members generally,
- (a) an accidental omission of a credit union to give notice of a general meeting or special resolution to a member; or
 - (b) the non-receipt of the notice by a member does not invalidate the meeting or resolution to which the notice relates or any resolution, action, or proceeding at the meeting.
- Application of other legislation 118. (1) Except as provided in this Ordinance, the *Companies Ordinance*, the *Consumer Protection Ordinance*, and the *Securities Ordinance* do not apply to a credit union or to a central credit union.

Part 2

CENTRAL CREDIT UNIONS

- Application of part 119. (1) This Part applies only to a central credit union.
- Incorporation of central credit union 120. (1) A central credit union shall be incorporated in the same manner as a credit union with such variations as may be prescribed, except that the constitution and rules shall be subscribed to by representatives of not less than 3 credit unions proposing to form the central credit union.
- (2) A certificate of incorporation issued by the registrar in respect of a central credit union, whether before or after the coming into force of this Ordinance, is conclusive proof that the central credit union is incorporated according to this Ordinance.
- Powers under federal Act 121. (1) A central credit union may accept and exercise all rights, powers, privileges and immunities conferred on it by the *Federal Act*.
- (2) A restriction, limitation, or regulation imposed on a central credit union under this Ordinance that is inconsistent with, restrictive of, or repugnant to a right, power, privilege, or immunity conferred on it by the *Federal Act*, does not apply to the central credit union and nothing in this Ordinance shall be construed as a restriction or limitation of the exercise of any right, power, privilege, or immunity conferred by the .

- (3) Regulations may provide that any provisions of sections 1 to 118 inclusive do not apply to central credit unions.
122. (1) A central credit union may become a member of, Powers
buy shares in, deposit with, or borrow money from
(a) a central credit union;
(b) a co-operative credit society and an association, as defined in the *Federal Act* and
(c) any like institution incorporated under the laws of Canada or any province.
- (2) The limitation in section 7 does not apply to a central credit union that has exercised its powers under subsection (1) and has become a member or shareholder of an association under the *Federal Act* and been granted a certificate authorizing it to carry on business under the *Federal Act*.
123. (1) A central credit union may act as agent or sub-agent for primary or secondary distribution of Agent for
bonds, debentures, or other evidences of indebtedness bond sales
of or guaranteed by the Government of Canada or any province and for that purpose trade in the bonds, debentures, or other evidences of indebtedness to the extent necessary.
124. (1) A central credit union may make a loan to Loans to
(a) a member; and members
(b) an employee of a member of the central credit union at the request of a member of the central credit union.
125. (1) A central credit union may Other services
(a) provide services to or for its members that, in the opinion of the directors of the central credit union, are incidental or conducive to the sound operation or to the attaining of the purposes of its members;
(b) without restricting the generality of its right to pursue any of its purposes, pursue any of the purposes in paragraphs 3 (1) (c), (e), (g), (h), and (l) for the benefit of its employees and the members and employees of its members;

- (c) exercise any of its powers as principal, or as agent for its members; and
 - (d) provide such other services as may be authorized by the regulations.
- Director and committee member qualifications
126. (1) No person may be or continue as a director of a central credit union or a member of a credit committee of a central credit union unless he is a member of a member of the central credit union.
- (2) Subsections 56 (3) and (4) (a) do not apply to a central credit union.
- Rules
127. (1) The rules of a central credit union may provide
- (a) for the method of appointment or election of directors, including election or appointment
 - (i) to represent a geographic area or a class of members;
 - (ii) by members within a geographic area or class; and
 - (iii) by proportional voting;
 - (b) for a system of attendance at meetings and for voting by delegates, including provision for delegate attendance and voting determined on a proportional basis; and
 - (c) for non-voting members, but the number of non-voting members shall not exceed the number of voting members.
- PART 3
- Supervision
- Supervision of credit union
128. (1) Where
- (a) a credit union is unable to pay a dividend, or
 - (b) the retained earnings of a credit union, after subtracting therefrom any reduction in value required by section 100 (1), are less than an amount equal to 1 per centum of the sum outstanding at the end of the preceding fiscal year on loans, except those loans on which it is not required to maintain retained earnings; or
 - (c) a credit union fails to comply forthwith with an order under section 136 (1); or
 - (d) in the opinion of the registrar, a credit union is conducting its affairs in a manner that is financially unsound or for any other reason the

- credit union ought to be subject to
the supervision of the registrar,
the registrar, may by giving notice in writing
to the credit union, declare the credit union
to be subject to supervision by the registrar.
129. Where the registrar declares a credit union to be subject to supervision, the credit union remains subject to supervision by the registrar until
- Duration of supervision
- (a) the credit union applies, in writing, to the registrar to be released from supervision, stating reasons in support of its application, and the registrar approves the application;
 - (b) the credit union is liquidated or dissolved; or
 - (c) the registrar, by notice to the credit union, releases the credit union from his supervision.
130. (1) Where a credit union is subject to the supervision of the registrar, he may
- Supervision powers
- (a) directly or through his agents, inspect the affairs of the credit union and make inquiries from its officers, members, and employees;
 - (b) order an audit of the affairs of the credit union by an auditor approved by the registrar at the expense of the credit union;
 - (c) require the credit union to correct any practices that in the opinion of the registrar are contributing to the financial difficulties suffered by the credit union or are likely to contribute to the unsound conduct of its affairs;
 - (d) order a credit union and its directors, committee members, officers and employees to refrain from exercising, in whole or in part, such of the powers of the credit union or of its directors, committee members, officers and employees, or any of them, as may be specified in the order, unless approved by the registrar or his authorized agent;

- (e) order the credit union not to declare or pay a dividend or to restrict the amount of dividend to be paid to a rate or an amount fixed by the registrar;
- (f) appoint an administrator of the credit union, at the expense of the credit union, and terminate the appointment;
- (g) direct the credit union to amalgamate with another credit union, or to sell to another credit union all or part of its assets and liabilities or direct that the credit union be liquidated; and
- (h) establish guidelines for the operation of the credit union.

(2) A credit union may appeal to the Commissioner any order under subsection (1) (d) within 15 days after the order has been served upon the credit union or upon a director, committee member, officer, or employee who considers himself aggrieved thereby, and subsections 136 (4), (5), and (6) apply, with the necessary changes and so far as is applicable, to the appeal.

Administrator's powers

131. (1)

- Where the registrar appoints an administrator of a credit union, the administrator
- (a) has the power to carry on, manage, and conduct the operations of the credit union and in the name of the credit union to preserve, maintain, realize, dispose of and add to the property of the credit union, to receive the income and revenues of the credit union and to exercise all the powers of the credit union and of the directors, officers, credit officers, and credit committees;
 - (b) has the power to exclude the directors of the credit union and its officers, committee members, employees, servants, and agents from the property and business of the credit union; and
 - (c) shall report regularly to the registrar.

Administrator

132. (1)

An administrator appointed by the registrar shall, upon his discharge, fully account to the registrar for his administration of the credit union.

- (2) Unless the registrar otherwise orders within 30 days after the accounting, the administrator is, upon completion of the accounting, released from all claims by
 - (a) the credit union or a member; or
 - (b) a person claiming under the credit union or a member, other than claims arising out of fraud or dishonesty.

PART 4

Office of the Registrar

- 133. (1) A Registrar and a Deputy Registrar of Credit Unions shall be appointed by the Commissioner. Registrar
- (2) A Deputy Registrar shall have all the functions and powers of the Registrar in the absence of the Registrar or his inability to act.
- 134. (1) The registrar shall once in each year, and may at any time when in his opinion it is necessary or expedient, visit and examine, personally or by an officer authorized by him, every credit union and its subsidiaries and on every examination, investigation shall be made Inspection of credit unions
 - (a) of the credit union's books, accounts, assets, securities, documents and affairs; and
 - (b) of the condition and resources of the credit union generally;

and upon the examination, inquiries may be made of any of its officers, members and employees.
- (2) Instead of conducting the annual inspection and examination in the manner provided in subsection (1), the registrar may, personally or by an agent authorized by him, inspect the credit union and its subsidiaries by examining the audited financial statement filed with him and may require the auditor to give him a supplementary report and furnish additional information and explanations.
- (3) After each annual inspection the registrar shall forthwith furnish the credit union with a certificate signed by him stating the fact that the annual inspection has been completed.
- (4) The Registrar shall furnish annually to the Commissioner a written inspection report signed by him stating the fact that the annual inspection has been carried out and also stating his findings of such an inspection.
- 135. (1) The registrar may address Inquiry by registrar
 - (a) to a credit union or its subsidiaries or an officer or employee of the credit

- union or its subsidiaries; or
- (b) to any person whose name appears upon the books or records of a credit union as a member, depositor, or borrower, any inquiry connected with the affairs of the credit union or its subsidiaries and every credit union or subsidiary or person so addressed shall reply promptly to the inquiry and, if so required, in writing.

Registrar's powers

136. (1) Where it appears to the registrar from an examination made, or from any information or report received by him respecting a credit union, that a credit union
- (a) has failed to comply with any provision of this Ordinance;
 - (b) is conducting business in an unsafe or unauthorized manner;
 - (c) has failed to meet its obligations; or
 - (d) has refused to submit its books, accounts, securities, documents, or business for examination by him; or
 - (e) has prevented or obstructed an examination,
- he shall, by order under his hand addressed to and served on the credit union, direct the credit union to comply with this Ordinance and discontinue any unsafe or unauthorized practice, and shall send a copy of the order to the Commissioner.
- (2) Where, in the opinion of the registrar, the credit union does not comply forthwith with an order under subsection (1), he may order the credit union to be subject to his supervision.
- (3) A credit union that considers itself aggrieved by an order of the registrar made under this section may appeal therefrom to the Commissioner within 30 days of the notice of decision.
- (4) Where there is an appeal, the registrar shall certify to the Commissioner the decision appealed from, his reasons for it, and the documents, information, and material he has before him in making his decision.

- (5) The Commissioner may sustain, vary, or set aside the decision of the registrar, refer the matter back to him for reconsideration, or make the order which he thinks ought to have been made.
- (6) A credit union that fails to comply with a direction or order given or made under this section is guilty of an offence.
137. (1) Each credit union, other than a central credit union, shall pay to the registrar each year the fees prescribed by the regulations. Fees
138. (1) Subject to the *Income Tax Act (Canada)* the registrar may authorize a credit union, on the authority of its board of directors, to destroy old books, records, vouchers, bills of exchange, applications for loans, evidences of indebtedness or security, and other documents approved by the registrar. Destruction of records
- (2) A copy of extract from a document kept and filed or registered at the office of the registrar, certified to be a true copy under the hand and seal of the registrar, is admissible in evidence as proof of the original document, and it is not necessary to prove the handwriting, seal of office, or official position of the person certifying the copy or extract.
139. An approval, consent, order, or condition to be given or made by the registrar under this Ordinance may be given or made on a general and continuing basis and shall be valid and effective until revoked, amended or varied. Continuing approval

PART 5

GENERAL

140. (1) The Commissioner may make regulations providing for the carrying into effect of the purposes and provisions of this Ordinance, and without limiting the foregoing the Commissioner may make regulations,
- (a) defining, for the purposes of this Ordinance and the regulations, any words or expressions not defined in the Ordinance;
- (b) prescribing additional purposes of a credit union;
- (c) designating additional persons from whom a credit union may receive deposits, to whom it may make loans and to whom

- it may dispose of any loan together with the security therefor;
- (d) defining when a deposit is withdrawable or when a loan is repayable on demand;
 - (e) fixing the notice which is required to withdraw money on deposit with or invested in shares of a credit union;
 - (f) designating additional investments that a credit union is permitted to make;
 - (g) prescribing forms for the purpose of this Ordinance and the regulations and providing for their use;
 - (h) facilitating the carrying out of any sale and purchase under section 107 or 108.
 - (i) providing for the dissolution of a credit union;
 - (j) designating any class or type of credit union or member;
 - (k) respecting information required to be furnished or contained in any forms or reports;
 - (l) respecting any matters necessary or advisable for carrying out the intent and purposes of this Ordinance.

Canada Deposit
Insurance
Corporation

141. (1)

A credit union

- (a) may apply to and enter into any agreement with the Canada Deposit Insurance Corporation, the Government of Canada, or an agent of the Canada Deposit Insurance Corporation or of the Government of Canada to obtain loans or other financial assistance or policies of insurance;
- (b) may act as agent of the Canada Deposit Insurance Corporation; and
- (c) may accept all rights, powers, privileges, and immunities that may be conferred upon a central credit union pursuant to the *Canada Deposit Insurance Corporation Act* as amended from time to time.

142. (1) A person who makes or assists in making a statement in any document required to be made by or for the purposes of this Ordinance or the regulations False or misleading statements
- (a) that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact; or
- (b) that omits to state any material fact, the omission of which makes the statement false or misleading,
- is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000 or imprisonment for a term of not more than one year, or to both fine and imprisonment.
- (2) No person is guilty of an offence under subsection (1) who did not know that the statement was false or misleading and, with the exercise of reasonable diligence, could not have known that the statement was false or misleading.
143. (1) Where a credit union is guilty of an offence under this Ordinance, every director or officer of the credit union who authorized, permitted, or acquiesced in the offence is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000. Liability of directors
144. (1) Except where otherwise provided in this Ordinance, every person guilty of an offence under this Ordinance is liable on summary conviction to a fine of not less than \$50 and not more than \$2,000. General Penalty
- (2) No proceeding, conviction, or penalty for an offence under this Ordinance relieves any person from any other liability.
145. (1) Except where otherwise provided in this Ordinance, every information in respect of an offence against this Ordinance shall be laid within 24 months after the time when the subject matter of the proceedings arose. Time limit
146. (1) A person Offences
- (a) who neglects or refuses
- (i) to be examined;
- (ii) to answer an inquiry;
- (iii) to file a report or statement required to be filed, under this Ordinance; or
- (b) who fails to comply with an order or requirement of the registrar;

Extra-provincial
credit unions

147. (1)

- (c) who makes an answer that is untrue in any particular; or
- (d) who neglects or refuses to produce or submit the books, accounts, securities, documents, or records of his affairs for examination or inspection when required so to do under this Ordinance, is guilty of an offence.

A corporation that

- (a) is incorporated or registered under an Act of Canada or another province; and
- (b) in the opinion of the registrar carries on, substantially on a co-operative basis, operations substantially the same as those carried on by a credit union,

may, in the discretion of the registrar, be registered under this Ordinance for the purpose of

- (c) perfecting or registering pursuant to an Ordinance, a note, mortgage, lien, or other instrument evidencing indebtedness or an obligation to the corporation; or
- (d) maintaining an action, suit, or proceeding, where registration is required for that purpose.

(2) The registrar, upon registration of a corporation under subsection (1), shall issue a certificate stating that the corporation has been registered under this section and may, at the expense of the corporation, publish notice of the registration in the Gazette.

(3) Registration of a corporation under this section does not authorize the corporation to carry on any business in the Territory except as expressly provided in this section.

Validity
of loans

148. (1)

Notwithstanding anything in this Ordinance or a former *Credit Unions Ordinance* or a rule or regulation made there-under or any offence committed under this Ordinance, no loan made contrary to any of those Ordinances or rules or regulations shall be interpreted as having been or as being void, and a person who heretofore has borrowed or hereafter borrows any moneys from a credit union and any party to any instrument evidencing

or securing it is liable to repay to the credit union the moneys so borrowed in accordance with the terms of the instrument and any security given therefor shall be construed as having been and as being valid and enforceable from the date of its execution and delivery.

149. (1) In determining any appeal under sections 21 (3), 68, 130 (2) and 136 (3) the Commissioner may, and shall when so requested in writing by the appellant, appoint an advisory board consisting of;
- (a) a representative of the appellant
 - (b) a representative of the registrar
 - (c) a Chairman
- which shall hold a hearing and make a report to the Commissioner with such recommendations as it considers fit.
- (2) The advisory board shall, for the purposes of their duties in connection with the investigation and hearing into the appeal have the powers under section 5 and 6 of the *Public Inquiries Ordinance*.
150. (1) For the purposes of sections 150 to 157, "board" means a Mutual Aid Board appointed pursuant to this Ordinance or a stabilization board, "fund" means the stabilization fund established pursuant to section 152, "stabilization board" means a Board by whatever name known appointed pursuant to an act of a province for the purpose of operating a stabilization or mutual aid fund.
- (2) The *Securities Ordinance*; *Companies Ordinance*, and *Insurance Ordinance* shall not apply to the Mutual Aid Board or stabilization board.
151. (1) The Commissioner may enter into an agreement with a stabilization board for the purpose of carrying out the provisions of sections 152 to 156.
- (2) Where the Commissioner enters into an agreement with a stabilization board pursuant to this section, the stabilization board shall be entitled to exercise all of the powers of a Mutual Aid Board under sections 152 to 156 and of the Registrar under Part 3 of this Ordinance.
152. (1) The Commissioner may establish a Mutual Aid Board.
- (2) The Mutual Aid Board shall consist of not more than three members who shall hold office at the pleasure of the Commissioner.
- (3) The board is a body corporate with the capacity of

a natural person.

- (4) There shall be a fund called the stabilization fund which shall be operated by the board subject to the direction of the Commissioner.
- (5) The board may adopt by-laws for its procedures and the operation of the fund.
- (6) The fund shall include all assets, of whatsoever nature or kind including all monies thereafter assessed or collected as fees or otherwise raised, borrowed, or received by the board, except as otherwise provided by this Ordinance.
- (7) The board shall pay from the fund all lawful claims on the fund and all expenses incurred in the operations of the fund and of the board.
- (8) The fund is subject to all liabilities created by the board against it under this Ordinance or any former Ordinance.
- (9) The Board shall determine whether and to what extent and in what manner it will receive representations, submissions or grant hearings prior to giving or making any approval, consent, order, condition or declaration to be given or made by the board under this Ordinance but nothing in this section shall require the board to receive representations, submissions or grant hearings.
- (10) The board may grant financial assistance from the fund to assist or enable a credit union to meet maturing deposits, debt obligations and applications for repayment of money invested in shares of a credit union.
- (11) Where the board grants financial assistance under subsection (10) the board may,
 - (a) require the credit union to whom the assistance is granted to assign any or all of its assets to the board, subject to prior claims or charges thereon other than claims in respect of a share of or a deposit with the credit union,
 - (b) impose terms and conditions for repayment of and payment of interest on any money advanced to or on behalf of the credit union pursuant to this section and as to any other matter that the board may deem fit,
 - (c) appoint an administrator who may at the discretion of the board be an employee of the credit union or any other person designated by the board.

- (12) Where the board appoints an administrator of a credit union, the administrator shall:
 - (a) have power to carry on and manage the operations of the credit union,
 - (b) exercise all the powers of the credit union, its directors, committees, and officers,
 - (c) report to the board as the board may direct.
 - (13) An administrator appointed by the board shall, upon his discharge, fully account to the board for his administration of the credit union.
 - (14) Unless the board otherwise orders within 30 days after the accounting, the administrator is, upon completion of the accounting, released from all claims other than claims arising out of fraud or dishonesty by the credit union or a member or a person claiming under the credit union or a member.
 - (15) Where a credit union becomes entitled to the benefit of the fund, it shall have the capacity to perform and shall perform all obligations, terms or conditions imposed upon it by the board.
 - (16) The Board shall annually, after the end of its year, prepare a report showing the revenues, expenditures and activities during its last year, together with
 - (a) an audited financial statement, and
 - (b) such other information as the Commissioner may require.
 - (17) The Commissioner shall table a copy of the report at the next ensuing Session of the Council.
153. (1) The board may, in each year, make an assessment against a credit union of a sum, not exceeding one-fifth of one per centum of the net share capital of, and money on deposit with, the credit union on the preceding December 31, as the board determines.
- (2) The board may waive in whole or in part an assessment upon such grounds as in its opinion are proper.
 - (3) An assessment required to be paid by a credit union pursuant to this section may be charge as an expense of the credit union.
154. (1) The board may, from time to time, borrow such sums of money as the board requires and may from time to time issue debentures which shall bear interest at such rate as may be determined by the board.
- (2) The board may redeem debentures prior to as well as at maturity and, may issue other debentures in their place.

155. (1) The board may invest its monies, including money in the fund:
- (a) in investments authorized for trustees under the *Trustee Ordinance*,
 - (b) in shares of the central credit union, and
 - (c) by deposit in a central credit union or a chartered bank.
- (2) All property forming part of the fund shall be held in the name of the board, and all contracts made by the board in pursuance of its powers, shall be held for the benefit of the fund and form part of the fund, and all liabilities thereunder shall be chargeable to and secured by the fund.
- (3) All actions based on claims against the fund or to enforce any charge secured by the fund may be brought against the board in its own name.
- (4) The board may bring in its own name any action or proceeding against any credit union or other person that, in its opinion, is necessary or desirable to enforce the powers of the board or for the safety or benefit of the fund.
156. (1) The board may issue to each credit union a mark, sign, or device, designating coverage under the fund, which may be displayed at the office of the credit union and reproduced on any of its stationery or advertising.
- (2) A person who by any written or oral representation advertises or holds out,
- (a) a corporation or firm, other than a credit union; or
 - (b) the shares of or deposits with a corporation or firm, other than a credit union,
- as being guaranteed or otherwise insured or approved for guarantee or insurance under this Ordinance, is guilty of an offence.
- (3) A credit union that makes a written or oral representation that it or its shares or deposits or monies invested in or deposited with it are guaranteed or insured under this Ordinance otherwise than by the use of marks, signs, advertisements, or other devices,
- (a) authorized by the board; and
 - (b) used in the manner and on the occasion prescribed by the board;
- is guilty of an offence.
- (4) A person who is guilty of an offence under this section is liable, on summary conviction, to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or both.
157. (1) The Commissioner may fix the remuneration to be paid to the members of the Mutual Aid Board or to a stabilization

board.

- (2) No action shall be brought against any person who acts as a member of the Mutual Aid Board or a stabilization board for anything done by him or it in good faith in the performance of his or its duties.
- 158. (1) The *Credit Union Ordinance*, R. O. 1958, chapter C-21, is repealed. Repeal
- 159. (1) This Ordinance or any portion hereof shall come into force on day or days as may be fixed by the Commissioner. Coming into force

CHAPTER 3
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

ELECTORAL DISTRICT BOUNDARIES COMMISSION ORDINANCE

(Assented to April 28, 1977)

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

SHORT TITLE

Short title 1. (1) This Ordinance may be cited as the *Electoral
District Boundaries Commission Ordinance*.

INTERPRETATION

Definitions 2. (1) In this Ordinance:
"Chairman" means the Chairman of the Electoral
District Boundaries Commission appointed
pursuant to section 4;

"Commission" means the Electoral District
Boundaries Commission established pursuant
to section 3;

"Electoral District" means any place or
area entitled to representation on the
Council of the Yukon Territory;

"Judge" means a Judge of a superior provincial
or magistrate's court;

"Speaker" means the Speaker of the Council and
includes any person designated by the Council
to perform the duties of the Speaker.

Establishment
of Commission 3. (1) The Commissioner shall by proclamation
establish an Electoral District Boundaries
Commission for the Territory.

Membership 4. (1) The Commission shall consist of a Chair-
man and two members.

- (2) The Chairman of the Commission shall be a Judge; and the other members shall be appointed by the Commissioner on the recommendation of the Council.
5. (1) No person is eligible to be a member of the Commission while he is a member of the Senate, the House of Commons, the Council, the council of a municipality or the Board of Trustees of a Local Improvement District. Ineligibility
6. (1) The Commission shall appoint one of its members to act as Chairman in the event of the absence or incapacity of the Chairman or if the office of Chairman is vacant. Acting
Chairman
- (2) At all meetings of the Commission, two members of the Commission constitute a quorum. Quorum
- (3) A vacancy in the membership of the Commission or in the office of Chairman does not impair the right of the remaining members to act, but where any such vacancy occurs it shall be filled within seven days by appointment in accordance with section 4. Vacancy
- (4) Notwithstanding subsection (3), where the Chairman is unable to act he may appoint another judge to act in his stead and such other judge shall have all the powers and duties of the Chairman other than the power of appointment mentioned in this subsection. Replacement
of Chairman
7. (1) The Commission shall meet as soon as may be after it has been established. First meeting
8. (1) The Commission may be called together at any time by the Chairman for the purpose of carrying out its functions. Calling of
meetings

- (2) The Commission may meet at any time on its own motion to perform any of its functions or duties.
- Remuneration 9. (1) The members of the Commission, other than the Chairman, shall be paid such remuneration as the Commissioner may prescribe.
- Expenses of members (2) The members of the Commission shall be paid such transportation, accommodation and living expenses in connection with their duties while away from their ordinary place of residence as the Commissioner may prescribe.
- Preparation of report 10. (1) Upon its establishment, the Commission shall proceed to prepare a report setting forth its recommendations concerning the division of the Territory into electoral districts, its recommendations concerning the representation of such districts, its recommendations concerning the description of the boundaries and the name of each such district.
- Notice of hearings 11. (1) As soon as practicable, the Commission shall give public notice throughout the Territory of its intention to hold hearings and receive representations in respect of the division of the Territory into electoral districts.
- Map of proposed Electoral Districts (2) The Commission shall publish by advertisement in one or more newspapers circulating in the Territory, a map or drawing prepared by the Commission showing the proposed division of the Territory into electoral districts and indicating the name to be given to each electoral district, the representation to be given to each such district, together with a schedule setting forth the proposed boundaries of each electoral district and requesting representations from interested persons.

12. (1) The Commission may, in the performance of its duties, sit at such times and places in the Territory as it deems necessary for the hearing of representation. **Meetings as required**
13. (1) In recommending the representation to be given to electoral districts, the Commission shall allot not less than one half of the members of the Council to the electoral districts in that portion of the Territory lying outside the City of Whitehorse. **Restriction on allotment**
14. (1) The Commission may include in an electoral district in the City of Whitehorse, any area outside the City of Whitehorse which is contiguous to the boundaries of that part of the electoral district within the City of Whitehorse where it appears to the Commission necessary or desirable to do so. **Areas contiguous to Whitehorse**
15. (1) The purpose of the Commission is to recommend the division of the Territory into 16 Electoral Districts, and for the purpose of making recommendations shall take into consideration:
- (a) geographic considerations, including in particular the sparsity, density or relative rate of growth of population of any region of the Territory, the accessibility of any such region and the size or shape thereof;
 - (b) any special community or diversity of interests of the inhabitants of various regions of the Territory;
 - (c) the means of communication between various parts of the Territory,
- and all other similar and relevant factors. **Items to consider**
16. (1) The Commissioner shall appoint a person to act as Secretary of the Commission. **Secretary**

- Experts
- (2) Upon being requested by the Chairman so to do, the Commissioner may, from time to time, appoint one or more persons having special knowledge to assist the Commission in carrying out its functions.
- (3) A person appointed pursuant to this section shall be paid such remuneration as the Commissioner may prescribe.
- Proceedings to be recorded
17. (1) The Commission shall record its proceedings and the Chairmah shall be responsible for the custody and care of all records and documents belonging or pertaining to the Commission.
- Investigations for Commission
18. (1) The Commission may authorize a member or any other person to investigate and report on any question or matter arising in connection with the business of the Commission.
- (2) A person authorized pursuant to this section has all the powers of the Commission for the purpose of taking evidence or acquiring the necessary information for his report.
- Rules
19. (1) The Commission may make rules for regulating its proceedings and for the conduct of its business.
- Powers of Commission
20. (1) In performing its duties, the Commission has all the powers of a Board of Inquiry appointed under the *Public Inquiries Ordinance*.
- Completion of Report
21. (1) The Commission shall complete its report prior to the first of November 1977.
- Report filed with Speaker
- (2) The Commission shall forthwith after completion of its report:
- (a) file its report with the Speaker; and
- (b) transmit its records and documents to the Speaker after delivering its report to him.

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| (3) | Copies of the report filed with the Speaker shall be made available to the public at the offices of the Territorial Secretary and the Territorial Agents for inspection during office hours. | Report available to public |
| (4) | The Clerk of the Council shall transmit copies of the report to each member of the Council. | Copies for Council Members |
| (5) | The Speaker shall, after receiving the report of the Commission, forthwith lay the report before the Council if the Council is sitting, or if the Council is not sitting then within five days after the opening of the next session. | Report laid before Council |
| 22. (1) | If the Council by resolution approves or approves with alterations, the proposals of the Commission, the Commissioner shall prepare a Bill to carry out the provisions of the resolution and the Bill shall be introduced to Council at the same session at which the resolution is made. | Bill to be prepared |
| 23. (1) | This Ordinance or any portion thereof shall come into force upon day or days as proclaimed by the Commissioner. | Coming into force. |

CHAPTER 4
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

GENERAL DEVELOPMENT AGREEMENT ORDINANCE

(Assented to April 28, 1977)

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

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| Citation | 1. (1) This Ordinance may be cited as the <i>General Development Agreement Ordinance</i> . |
| Agreement | 2. (1) The Commissioner is authorized to enter into, execute and carry out on behalf of the Government of the Territory an agreement with Canada providing for:

(a) joint Federal-Territorial economic and socio-economic planning and development of the Yukon Territory,

(b) the making of subsidiary agreements by the Government of the Territory and the Government of Canada to implement programs for the development of the Territory;

(c) such other terms and conditions as may be agreed upon by the Commissioner. |
| Coming into force | 3. (1) This Ordinance comes into force upon assent. |

"person"	"person" includes a partnership, association or corporation;
"property user's"	"property user's licence" means a licence permitting the residential use of furnished real property under which the licensee may have residential use of that property or any substituted property, for two or more periods of continuous use, at least one period of which commences in a year subsequent to the year in which the first period of continuous use commences; and requiring the licensee to pay during or prior to the year in which any period of continuous use commences a consideration for the residential use of that property or any substituted property for any period of continuous use commencing in any subsequent year;
"real estate"	"real estate" means any real property, leasehold property or property user's licence and includes any business, whether with or without premises, and the fixtures, stock in trade, goods or chattels in connection with the operation of the business;
"salesman"	"salesman" means a real estate salesman, and includes a person employed, appointed or authorized by a real estate agent to trade in real estate;
"Superintendent"	"Superintendent" means the Superintendent of Real Estate Agents and includes the Deputy Superintendent of Real Estate Agents;
"trade"	"trade" means a transaction in a real estate by sale, purchase, agreement for sale, exchange, option, lease, rental or otherwise and includes any offer or attempt to list real estate for the purpose of such transaction and any act, advertisement, conduct or negotiation directly or indirectly in furtherance of such a transaction, offer or attempt and the verb "trade" has a corresponding meaning.

- (2) For the purpose of this Ordinance, a property user's licence is deemed to be located where the furnished real property in respect of which the licence is granted is located.
3. (1) This Ordinance, except sections 37 to 49 does not apply to
- Application
of Ordinance
- a) any assignee, custodian, liquidator, receiver, trustee or other person acting as directed by the provisions of a statute or under the order of a Court, or to an administrator of an estate or any executor or trustee selling under the terms of a will, marriage settlement or deed of trust, or
 - b) any trust or insurance company, any bank or credit union trading in real estate owned and administered by it.
 - c) a person
 - i) who acquires real estate or any interest therein,
 - ii) who disposes of real estate owned by him or in which he has a substantial interest,
 - iii) who is an official or employee of a person engaged in so acquiring or disposing of real estate, or
 - d) any barrister or solicitor enrolled pursuant to the *Legal Profession Ordinance* and any person employed by him where the trade is made in the course of and as part of a solicitor's trade.
4. (1) No person shall
- Trading in
real estate
- a) trade in real estate unless he is licensed as an agent or as a salesman of a licensed agent, or
 - b) act as an official of or on behalf of an agent that is a partnership or corporation in connection with a trade in real estate by that agent,

unless he is licensed as a salesman of that agent or that agent has designated him as its representative under section 7.

- (2) A change in the membership of a partnership shall be deemed to create a new partnership and to extinguish an existing licence.
 - (3) No person who is not the holder of a subsisting licence under this Ordinance shall act or directly or indirectly hold himself out as an agent or salesman in Yukon.
- Licensing of salesman
- 5. (1) A salesman may only be licensed where he is the salesman of a licensed agent.
 - (2) Each application for a licence of a salesman shall have attached thereto in a form approved by the Superintendent
 - a) a recommendation of the applicant, made by or on behalf of a licensed agent, and
 - b) a declaration that the applicant, if granted a licence, is to act as a salesman employed by and representing the agent making the declaration or on whose behalf the declaration is made.
 - (3) The licence shall be inscribed with the name of the agent as principal of the licensee.
 - (4) Upon a salesman ceasing to be employed with a licensed agent the licence of the salesman is cancelled.
- Eligibility for licence
- 6. (1) An agent is not eligible to be licensed or to hold a licence unless he maintains an office for the conduct of his business in Yukon.
- Application by corporation
- 7. (1) A partnership or corporation
 - a) may apply for and obtain a licence in the name of the firm, partnership or corporation, and
 - b) shall designate one individual who shall act as its or their representative.

(3) A notice of every order made under this Part shall be served upon every person named therein and upon such other persons as the Superintendent considers appropriate and thereupon no person shall engage in that part of the business of insurance that is the subject of the order.

Service and effect of order

235.(1) Any person who contravenes an order of the Superintendent made under this Part is, in addition to any other consequence or remedy provided by law, guilty of an offence punishable in the same manner as if the person were undertaking insurance or carrying on business in the Territory without holding a licence to do so.

Penalty

Repeal

236.(1) The Insurance Ordinance, R.O. 1958, Chapter 57, is repealed.

Repeal of R.O. 1958, C.57

(2) Section 141 of the Motor Vehicles Ordinance, is repealed.

Coming Into Force

237.(1) This Ordinance or any provision thereof shall come into force on a day or days to be fixed by order of the Commissioner.

Coming into force

SCHEDULEMedical and Funeral Benefits and Accident Benefits
in Motor Vehicle Liability Policies

Accident Benefits Section

The insurer agrees to pay to or with respect to each insured person as defined in this section who sustains bodily injury or death directly and independently of all other causes by an accident arising out of the use or operation of an automobile.

Subsection 1 - Medical Payments and Funeral Benefits

- (1) All reasonable expenses incurred within two years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing, and ambulance service and, in addition for such other services and supplies which are, in the opinion of the insured person's attending physician and that of the insurer's medical adviser, essential for the treatment of said person, to the limit of \$2,000.00 per person.
- (2) Funeral services up to the amount of \$500.00 in respect to the death of any one person.

The insurer shall not be liable under this subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental or hospitalization plan or law or, except for similar insurance provided under another automobile insurance contract, under any other insurance contract or certificate issued to or for the benefit of, any insured person.

Subsection 2 - Death and Total Disability
PART I - Death Benefits

- A. Subject to the provisions of Part I, of this Schedule for death, a payment of Principal sum - based on the age and status at the date of the accident of the deceased in a household where spouse or dependents survive - of the following amount:

- (7) Where a person's licence has been cancelled under subsection (4) and that person applies for a new licence, that person is not eligible to be issued a new licence until 12 months have elapsed from the date of the cancellation.
- (8) The Superintendent shall immediately notify the applicant or licensed person, in writing, of his reasons for refusing to issue a license or for suspending or cancelling an existing license.
9. (1) A person Appeal
- a) who has been refused a licence under section 8, or
 - b) whose licence has been cancelled or suspended under section 8;
- may appeal the refusal, cancellation or suspension, as the case may be, to the Commissioner.
- (2) A person who wishes to appeal the decision of the Superintendent under this section shall, within 30 days of the date that person was served with the notification that he was refused a licence or that his licence was cancelled or suspended, serve the Commissioner with a notice of appeal.
- (3) Upon being served with a notice of appeal under subsection (2), the Commissioner shall, within 30 days of being served with the notice of appeal, appoint an appeal board to hear the appeal.
- (4) Where an appeal board is appointed under subsection (3), the Commissioner may, from time to time, prescribe the time within which the appeal board shall hear the appeal and render a decision.
- (5) Upon hearing an appeal under this section, the appeal board may confirm the decision of the Superintendent, order that the licence be issued, remove or vary the suspension or reinstate the cancelled licence.

- (6) An appeal board appointed under this section shall consist of
 - a) a chairman who shall not be the Superintendent or his representative or a person licensed under this Ordinance, and
 - b) two other persons, one of whom shall be chosen from amongst a list of at least four names submitted by the Yukon Real Estate Association.

Documents to accompany application for licence

- 10. (1) Where a person makes application for a licence under section 8, he shall provide the Superintendent with
 - a) a complete application in the prescribed form,
 - b) in the case of a person applying to be licensed as an agent, the bond prescribed for that class of licence except where that person has previously filed with the Superintendent a bond which remains in full force and effect,
 - c) the prescribed fee, and
 - d) the address of the office in Yukon out of which he will conduct his business of trading in real estate.
- (2) The Superintendent may from time to time require
 - a) that further information be submitted by an applicant or a licensed person within a time specified by the Superintendent, and
 - b) verification by affidavit or otherwise of any information then or previously submitted.

11. (1) A document or other notice under this Ordinance may be served on a licensed person by leaving it at or by sending it by registered post to the address provided by the licensed person pursuant to section 10 or section 12. **Service of notice**
12. (1) A licensed agent shall immediately notify the Superintendent in writing of **Notice of changes**
- a) a change in the address of his business office;
 - b) the commencement of employment of each salesman employed by him;
 - c) the termination of employment of any salesman employed by him;
 - d) a change in the chartered bank, trust company or credit union in which that agent maintains a trust account;
 - e) a change in the partners where that agent is a partnership;
 - f) a change in the officers or directors of a corporation where that agent is a corporation;
 - g) a change of the designated representative where that agent is a partnership or corporation.
- (2) A licensee who ceases to carry on the business of a real estate agent shall immediately notify the Superintendent in writing and shall return his licence with the notice.

BONDING

13. (1) Where an agent who is a principal under a bond mentioned in section 10 has a judgment obtained against him, his designated representative or a salesman employed by him which **Forfeiture of bond**
- a) is based on a finding of fraud or breach of trust in respect of a trade in real estate,

- b) has become final by reason of lapse of time or of being confirmed by the highest Court to which that judgment may be appealed, and
- c) if not satisfied within 30 days of the date that it becomes final,

the bond is forfeited upon the Superintendent notifying the surety in writing that the judgment remains unsatisfied 30 days after the date that it becomes final.

(2) Where a bond is forfeited under subsection (1), the surety shall pay to the Commissioner,

- a) the amount of the judgment in respect of which the bond was forfeited within 60 days of the date that the bond was forfeited, and
- b) the amount of any other judgment obtained against that agent who was the principal under that bond, his designated representative or a salesman employed by him which
 - i) is based on a finding of fraud or breach of trust in respect of a trade in real estate,
 - ii) has, within two years of the date that the bond was forfeited, become final by reason of lapse of time or of being confirmed by the highest Court to which the judgment may be appealed, and
 - iii) remains unsatisfied 30 days after the judgment became final,

within 60 days of being notified in writing by the Superintendent that the judgment has become final.

- (3) Where the Commissioner receives money under subsection (2), he shall pay that money into the Court in trust for those persons who obtained judgments referred to in subsection (2) and upon receiving all the money payable under subsection (2) the Court shall, after two years have expired from the date the bond was forfeited, pay out that money to those persons who obtained those judgments.
- (4) Where
- a) the total amount paid to the Commissioner by the surety under subsection (2) is less than the face value of the bond forfeited under subsection (1),
 - b) within two years of the date that the bond was forfeited, an action is commenced against that agent, who was the principal under that bond, his designated representative or a salesman employed by him alleging fraud or breach of trust in respect of a trade in real estate, and
 - c) judgment is obtained in that action against that agent, his designated representative or a salesman employed by him which
 - i) is based on a finding of fraud or breach of trust in respect of a trade in real estate,
 - ii) has become final by reason of lapse of time or of being confirmed by the highest Court to which the judgment may be appealed, and
 - iii) remains unsatisfied 30 days after the judgment became final,
- a surety shall pay to the Commissioner the amount of the judgment within 60 days of being notified in writing by the Superintendent that the judgment has become final.

- (5) Where the Commissioner receives money under subsection (4), he shall pay that money into the Court in trust for those persons who obtained judgments referred to in subsection (4) and upon receiving all the money payable under subsection (4) the Court shall after determining to its satisfaction that those actions referred to in subsection (4) that were commenced have been concluded, pay out that money to those persons who obtained judgments.
- (6) Where the amount of money paid into Court under subsection (3) is insufficient to satisfy the judgments referred to in subsection (2), the Court shall pay out the money on a *pro rata* basis.
- (7) Where the amount of money paid into Court under subsection (5) is insufficient to satisfy the judgments referred to in subsection (4), the Court shall pay out the money on a *pro rata* basis.
- (8) Notwithstanding any other provisions of this Ordinance the total liability of a surety under a bond shall not exceed the face value of that bond.

Termination
of bond

- 14. (1) A licence issued to an agent under this Ordinance terminates upon the bond provided by that agent to the Superintendent under this Ordinance being
 - a) forfeited, or
 - b) terminated unless prior to that bond being terminated that agent provides the Superintendent with a bond to replace the bond being terminated.

INVESTIGATION AND ACTION BY SUPERINTENDENT

Investigation

- 15. (1) The Superintendent, an inspector, or any person authorized by the Superintendent may, on complaint of a person interested,
 - a) investigate and inquire into
 - 1) any matter concerning the due administration of this Ordinance, or

- ii) the circumstances surrounding a transaction or matter or thing done by an agent or salesman whether licensed or not licensed,
 - b) for the purpose of such an investigation, inquire into and examine the business affairs of the person in respect of whom the investigation is being made, and
 - c) examine and inquire into
 - i) books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of, in relation to or connected with the person in respect of whom the investigation is being made and
 - ii) property, assets or things owned, acquired or alienated in whole or in part by such person or by a person acting on behalf of or as agent for such person.
- (2) A person in respect of whom the investigation is made shall make prompt and explicit answers to such inquiries.
16. (1) The Superintendent or a person authorized by him may at reasonable times demand the production of and inspect
- a) all or any of the books mentioned in section 15, and
 - b) all or any documents relating to a trade in real estate effected by any agent or salesman.
- (2) A person who has the custody, possession or control of the books or documents referred to in subsection (1) shall produce and permit the inspection of them by the Superintendent or person authorized by him.

Production of documents

- (3) A person who contravenes subsection (2) by refusal or neglect to produce or permit the inspection of books or documents is guilty of an offence.
 - (4) Where an investigation is being carried on under section 15, the Superintendent or the person making the investigation may seize and take possession of documents, books, papers, correspondence, communications or records of the person the business affairs of whom are being investigated.
- Suspension of licence
- 17. (1) Where a licensed agent is being investigated under section 15 and the Superintendent is of the opinion that the agent may have misappropriated funds which that agent holds in trust, the Superintendent may by order suspend the licence of that agent.
- Security
- 18. (1) Where a licence of an agent expires or has been cancelled or suspended the Superintendent may order the chartered bank, trust company or credit union
 - a) with which the person being investigated maintains a trust account, or
 - b) with which are deposited any funds or securities considered by the Superintendent or the person making the investigation to have been deposited in connection with any trade in real estate in respect of which the investigation is being made,to hold the funds or securities, as the case may be, until the Superintendent in writing either revokes the order or consents to release any particular fund or security or portion of a fund or security from the order.

19. (1) Any person aggrieved by an order of the Superintendent made pursuant to section 17 or 18 may, within 30 days thereof, appeal to the Court by way of originating notice.
- (2) The Court may confirm or revoke the order of the Superintendent or make such other order as it considers proper.
20. (1) Where
- a) pursuant to section 15, an investigation is about to commence, is taking place or has been completed,
 - b) the Superintendent has made an order under section 17 or 18, or
 - c) criminal proceedings or proceedings in respect of a contravention of this Ordinance have been instituted against a licensed person that, in the opinion of the Superintendent, are related to trust funds or the use of trust funds,
- the Superintendent may apply to the Court by way of originating notice for the appointment of a receiver or a receiver and manager or a trustee to hold or manage, as the case may be, all or part of the property of the licensed person.
21. (1) In addition to the powers contained in sections 15 and 16, the Superintendent, inspector or other person conducting an investigation under section 15 has all the powers of a board appointed under *The Public Inquiries Ordinance*.

Appeal

Appointment
of receiver
or manager

General powers
of registrar

AGENT'S ACCOUNTS

22. (1) An agent shall keep proper books and accounts of his trades in real estate, and enter in his books and accounts in respect of each trade

Books of
agent

- a) the nature of the trade,
 - b) a description of the real estate involved sufficient to identify it,
 - c) the true consideration for the trade,
 - d) the names of the parties to the trade,
 - e) the amount of deposit received and a record of the disbursement thereof, and
 - f) the amount of his commission or other remuneration and the name of the party paying it.
- (2) Every agent shall
- a) keep a trust ledger in which he shall maintain a separate record for each person on whose behalf he is acting of all
 - i) money that he receives in trust,
 - ii) money that he holds in trust, and
 - iii) disbursements he makes from money he receives or holds in trust,in respect of a trade in real estate for that person,
 - b) forthwith deposit all money he receives in trust in respect of a trade in real estate into an account
 - i) maintained in a chartered bank, trust company, credit union, and
 - ii) which is kept in the name of the agent and designated as a trust,
 - c) keep money he receives or holds in trust in respect of a trade in real estate separate from money which belongs to the agent, and

- d) only disburse money he receives or holds in trust in respect of a trade in real estate in accordance with the terms of the trust governing the use of that money.
 - e) clearly mark all cheques drawn on the trust account.
- (3) All money deposited under subsection (2) (b), shall be kept on deposit in Yukon.
- (4) An agent shall submit to the Superintendent before the 31st day of March in each year a report by the agent's auditors in the prescribed form,
- a) stating that the agent has kept proper books and accounts of his trades in real estate,
 - b) stating that the auditor has examined the balance due to clients in trust for the 12 month fiscal period ending no later than January 1st of that year and found them in agreement with the accounting records of the agent,
 - c) stating that the moneys on deposit held in trust for clients has been verified by personal inspection or by certificates obtained from the bank, trust company or credit union with which the deposit account is maintained,
 - d) stating the amount due to clients in trust as reflected by the records of the agent, for the 12 month fiscal period ending no later than January 1st. of that year,
 - e) stating that the auditor has done a sufficient review of the trust account transactions of the agent for the 12 month fiscal period ending no later than January 1st. of that year, to satisfy himself that the trust moneys held for clients are kept separate and apart from moneys belonging to the agent, and,

- f) stating that after due consideration the auditor has formed an independent opinion as to the position of the trust moneys held for clients, and to the best of his information the trust moneys held for clients are maintained in a separate trust account and are not less than the amount of trust moneys received in respect of which there is an undischarged trust obligation.
- (5) Notwithstanding any other law, an agent shall preserve his books and accounts of his trades in real estate and his accounting records
 - a) for a period of not less than three years after the books, accounts or records came into existence, or
 - b) for such longer period as the Superintendent directs.
 - (6) Every agent shall instruct the bank, trust company or credit union in which he maintains a client's or trust account pursuant to this section to remit the interest earned thereon to the Commissioner for deposit to the Yukon Consolidated Revenue Fund.
 - (7) Nothing in this section affects any arrangement made between a real estate agent, and his client to deposit money received from or on behalf of the client or to which the client is entitled in a separate account for the client at interest, which interest shall be the property of the client.
- Unlicensed agent 23. (1) No action shall be brought for commission or for remuneration for services in connection with a trade in real estate unless at the time of rendering the services the person bringing the action was licensed as an agent or exempt from the licensing provisions of this Ordinance.

- (2) The Court may stay an action referred to in subsection (1) at any time on summary application.
24. (1) No action shall be brought to charge a person by commission or otherwise for services rendered in connection with the sale of land, tenements or hereditaments, or any interest therein, unless
- a) the contract upon which recovery is sought in the action or some note or memorandum thereof is in writing signed by the party to be charged or by his agent lawfully authorized in writing signed by the party to be charged or by his agent lawfully authorized in writing, or
 - b) the person sought to be charged
 - i) has as a result of the services of an agent employed by him for the purpose effected a sale or lease of lands, tenements and hereditaments or any interest therein, and
 - ii) has either executed a transfer or lease signed by all other necessary parties and delivered it to the purchaser, or has executed an agreement of sale of lands, tenements and hereditaments or an interest therein, signed by all necessary parties, entitling the purchaser to possession of the lands, tenements and hereditaments or any interest therein, as specified in the agreement, and has delivered the agreement to the purchaser.

Recovery of
commission

REGULATION OF TRADING

Representations by agents or salesmen

25. (1) A licensed person shall not,
- a) subject to section 26, make a representation to a vendor that he or another person on his behalf will pay to the vendor of real estate within a fixed or determinable period of time, a fixed or determinable amount of money, or
 - b) subject to section 27 make a representation to a person that he or another person will
 - i) obtain a mortgage, lease or loan, or
 - ii) have the term of a mortgage or lease altered, or
 - iii) assume or assign a mortgage or an agreement for sale.

Guaranteed sale agreements

26. (1) In this section, "guaranteed sale agreement" means an agreement in writing whereby a licensed agent or other person on behalf of or to the benefit of a licensed agent undertakes to pay to the vendor of real estate within a fixed or determinable period of time a fixed or determinable amount of money in respect of that vendor's real estate.
- (2) Every licensed agent who enters into a guaranteed sale agreement or has another person enter into a guaranteed sale agreement on behalf of or to the benefit of that licensed agent, shall maintain a separate trust account in a chartered bank, trust company or credit union in which money payable under this section shall be deposited.

- (3) Where a guaranteed sale agreement is entered into by a licensed agent or other person on behalf of or to the benefit of a licensed agent, that agent shall deposit into the trust account maintained under subsection (2) not less than 5 *per centum* of the total amount that may be payable under the guaranteed sale agreement.
- (4) Where money is deposited under subsection (3), it shall be held in trust for the vendor and shall be
 - a) paid to the vendor or to such other person as that vendor directs as part of the total amount payable under the guaranteed sale agreement,
 - b) forfeited to the vendor where he is not paid in accordance with the guaranteed sale agreement, or
 - c) returned to the agent where, pursuant to the terms of the guaranteed sale agreement, there is no longer any money payable to the vendor under that guaranteed sale agreement.
- (5) Any money deposited under subsection (3) shall remain on deposit in Yukon until it is paid out under subsection (4).
- (6) Where a deposit is forfeited under subsection (4) (b),
 - a) a forfeiture shall not prejudice any action that the vendor may have against the agent or other parties to the guaranteed sale agreement, and
 - b) the moneys forfeited may be applied toward any sums which that vendor may be entitled to receive as damages arising out of the non-performance of the guaranteed sale agreement.
- (7) Where a licensed agent or other person who entered into a guaranteed sale agreement with a vendor purchases the vendor's real estate pursuant to that sale agreement, no commission shall be payable to that licensed agent or other person by that vendor in respect of that trade.

- (8) A licensed salesman or a designated representative shall not enter into a guaranteed sales agreement except in the course of his employment on behalf of the agent by whom that licensed salesman or designated representative is employed.
- Undertaking by agent 27. (1) An agent may undertake to
- a) obtain a mortgage, lease or loan, or
 - b) have a term of a mortgage or lease altered, or
 - c) assume or assign a mortgage or an agreement for sale,
- if the undertaking is set forth in writing and a copy of that undertaking is delivered to the person to whom the undertaking is made.
- Advertising 28. (1) When advertising to purchase, sell, exchange, or lease any real estate whatsoever a licensed person shall clearly indicate
- a) that he is the party advertising, and
 - b) that he is a licensed person.
- (2) A reference to the name of a salesman in the advertisement of an agent referred to in subsection (1) shall clearly indicate that the real estate agent is the employer of the salesman.
- Use of name 29. (1) A licensed person shall not trade in real estate
- a) as an agent or salesman in any other name than that which appears on his licence;
 - b) on behalf of himself or another person without disclosing to the parties he is dealing with that he is licensed under this Ordinance;

- c) on behalf of another licensed person without disclosing to the parties he is dealing with that he and that other licensed person are licensed under this Ordinance.
- 30. (1) No agent shall
 - a) employ, permit or engage the salesman of another agent or an unlicensed salesman to trade in real estate, or
 - b) pay commission or other remuneration to such a salesman.

Employment of
salesman of
another agent
- 31. (1) A licensed agent shall not pay a commission or other fee for services rendered in connection with a trade in real estate except to a licensed salesman employed by him or to an agent who is licensed pursuant to this Ordinance or comparable legislation in another jurisdiction.

Commission
- 32. (1) No agent or salesman shall purchase for himself either directly or indirectly real estate listed with him for sale, nor shall he acquire any interest therein either directly or indirectly, unless he has clearly disclosed in writing to the listing owner complete details of any negotiations for the sale of the said property to another person.

Purchase
by agent
- 33. (1) No salesman
 - a) shall trade in real estate on behalf of an agent other than the agent who, according to the records of the Superintendent, is his employer, or
 - b) is entitled to or may accept a commission or other remuneration for trading in real estate from a person except the agent who is licensed as his employer.

Duties of
salesman

Commission

34. (1) No agent or salesman
- a) shall request or enter into an arrangement for the payment to him of commission or other remuneration based on the difference between the price at which real estate is listed for sale and the actual sale price thereof, or
 - b) may retain a commission or other remuneration computed on a basis referred to in paragraph (a).
- (2) Commission or other remuneration payable to an agent in respect of the sale of real estate shall be on an agreed amount or percentage of the sale price.
- (3) Where no agreement as to the amount of commission has been entered into, the rate of commission or other basis or amount of remuneration shall not exceed 5 *per centum* of the sale price.

- 34.1 (1) An agreement purporting to be or being an exclusive listing of real estate for sale, exchange, lease, or rental is not valid unless it is in writing.

Agreement
to list
real estate

35. (1) Where an agreement to list real estate with an agent for the purpose of a trade is in writing, a true copy of that agreement shall be delivered by that agent as soon as practicable to the owner of that real estate or to the person entering that agreement on behalf of that owner.
- (2) An agreement under subsection (1) is void if it
- a) provides for more than one date upon which it expires, or
 - b) does not specify a date on which it expires, or
 - c) does not provide for the amount of or the rate of commission payable in respect of the trade, or
 - d) does not provide for the terms or conditions upon which the commission is payable in respect of the trade.

36. (1) Where a licensed person receives an offer or an acceptance of an offer in writing from a party to a trade in real estate, he shall, as soon as practicable,
- a) provide that party with a true copy of that offer or acceptance, and
 - b) deliver a true copy of that offer or acceptance to the other parties to that trade.

Copy of offer or acceptance of offer

TRADING IN SUBDIVISION LOTS OUTSIDE YUKON

37. (1) A person shall not, directly or indirectly, trade in real estate that is located outside of Yukon unless
- a) that trade takes place through an agent licensed under this Ordinance, and
 - b) that person has
 - i) received written authorization under section 38 from the Superintendent to trade in that real estate, or
 - ii) filed a prospectus with the Superintendent and been issued a certificate of acceptance under section 44 in respect of that prospectus.
- (2) Subsection (1) does not apply in respect of an isolated trade in real estate where that trade is not part of continued successive transactions of a like nature.
- (3) Notwithstanding subsection (1) (a) where a person is trading in real estate that is located outside of Yukon at the time this section comes into force, he shall not be required to trade through an agent licensed under this Ordinance or file a prospectus until January 1, 1978.
- (4) A person shall not make any representation, written or oral, that the Superintendent has passed upon

Prospectus

Exemption
from filing
prospectus

- a) financial standing, fitness or conduct of any person in connection with the filed prospectus, or
 - b) the merits of the prospectus.
38. (1) Where a person wishes to be given written authorization to trade in real estate without filing a prospectus, he shall
- a) make application to the Superintendent and
 - b) provide such information as the Superintendent requires.
- (2) Where the Superintendent is satisfied that a trade may take place without the necessity of a prospectus being filed, he may give written authorization for that trade to take place.
- (3) The Superintendent may at any time cancel a written authorization and require that a prospectus be filed in respect of a trade.
- (4) Upon the Superintendent giving written authorization under this section, sections 39, 40, 42, 44, 45, 47, do not apply in respect of the trade during the period that the written authorization is in force.
39. (1) A person shall not, either as a vendor or as an agent or salesman, enter into or negotiate any contract in respect of a trade in real estate which is located outside of Yukon unless
- a) a copy of the prospectus referred to in section 37 has been delivered to the prospective purchaser, tenant or licensee, as the case may be, and
 - b) the prospective purchaser, tenant or licensee has in writing acknowledged receipt of a copy of the prospectus and that he has been afforded the opportunity to read it.

- (2) Every acknowledgment referred to in subsection (1) shall be retained by the vendor or agent and be available for inspection by the Superintendent for a period of not less than three years.
 - (3) Where a purchaser, tenant or licensee has entered into a contract to which subsection (1) applies, he may rescind the contract
 - a) within 30 days of entering into the contract, or
 - b) if subsection (1) has not been complied with.
 - (4) Where subsection (1) has not been complied with, the contract is unenforceable by the vendor or his agent and any money paid under the contract shall be returned to the purchaser, tenant or licensee at the option of the purchaser, tenant or licensee.
 - (5) In an action for rescission under subsection (3) (a) the onus of proving compliance with subsection (1) rests upon the vendor.
 - (6) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract.
40. (1) Each prospectus submitted to the Superintendent for filing shall be accompanied by
- a) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus,
 - b) a copy of every plan referred to in the prospectus,

Contents of
prospectus

- c) a copy of every form of contract referred to in the prospectus,
- d) such documents as the Superintendent may require to support any statement of fact, proposal or estimate set out in the prospectus,
- e) a performance bond, surety bond or such other security as the Superintendent may require,
- f) such financial particulars of the Owner as the Superintendent may require, and
- g) the prescribed fees.

Financial statements with prospectus

- 41. (1) The Superintendent may require that a prospectus filed under section 37 contain
 - a) an audited financial statement of the owner for the last fiscal year and reported upon by the owner's auditor, and
 - b) current unaudited financial statements dated not more than 90 days prior to the date of the acceptance of the prospectus by the Superintendent where the audited financial statements are dated more than 120 days prior to the date that the prospectus was submitted to the Superintendent for filing.
- (2) The financial statements shall be in a form acceptable to the Superintendent and shall contain such information as the Superintendent may require.

Refusal of prospectus

- 42. (1) The Superintendent shall not grant a certificate of acceptance where it appears that
 - a) the prospectus contains any statement, promise or forecast that is misleading false or deceptive, or has the effect of concealing material facts,
 - b) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for,

- c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed, or
 - d) the requirements of section 40 have not been complied with in any substantial respect.
43. (1) The Superintendent may, before giving written authorization or issuing a certificate of acceptance, make such inquiries as he considers necessary, including
- a) an examination of the real estate and any of the surrounding circumstances, and
 - b) the obtaining of reports from public authorities or others in the jurisdiction in which the real estate is located.
- (2) The reasonable and proper costs of any such inquiry or report shall be borne by the person who wishes the written authorization or on whose behalf the prospectus was filed or submitted for filing.
44. (1) The Superintendent shall grant the certificate of acceptance where the requirements of sections 40 to 43 and the regulations have been complied with and in his opinion the action is in the public interest, but the Superintendent shall not refuse to grant the certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard.
45. (1) Where it appears to the Superintendent, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 42 exist or where in his opinion such action is necessary in the public interest, the Superintendent may, after giving the
- Inquiry by
superintendent
- Acceptance of
prospectus
- Order to
cease trading

person on whose behalf the prospectus was filed an opportunity to be heard, cancel the certificate of acceptance and order that all trading in the real estate to which the prospectus refers shall cease forthwith.

- Appeal 46. (1) A decision of the Superintendent refusing to grant or cancelling a certificate of acceptance may be appealed to the Commissioner and the provisions of section 9 shall apply *mutatis mutandis*.
- Amended or new prospectus 47. (1) If a change occurs with regard to any of the matters set out in any prospectus
- a) that would have the effect of rendering a statement in the prospectus false or misleading, or
 - b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,
- the persons who filed the prospectus shall, within 30 days of the change occurring, notify the Superintendent in writing of the change and shall file a copy of the prospectus with the changes incorporated in it.
- (2) Where the trading referred to in section 37 is still in progress 12 months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Superintendent within 30 days from the expiration of such 12 month period.
- (3) Sections 37 to 46 apply to an amended prospectus or a new prospectus filed under this section.
- Regulations 48. (1) The Commissioner may make regulations prescribing the information to be contained in a prospectus required to be filed under section 37 or 47.

49. (1) A person who contravenes section 37, 39 or 47 is guilty of an offence and liable on summary conviction
- Offences and penalties
- a) in the case of a person other than a corporation, to a fine of not more than \$2,000. or to imprisonment for a term of not more than one year or to both, or
 - b) in the case of a corporation, to a fine of not more than \$25,000.
- (2) No proceedings shall be instituted under this section except with the consent of the Commissioner.

OFFENCES, ETC.

50. (1) A person who
- Offences and penalties
- a) contravenes a provision of this Ordinance or of a regulation, or
 - b) omits, refuses or neglects to fulfil, perform, observe or carry out a duty or obligation created or imposed by this Ordinance or a regulation,
- is guilty of an offence and liable on summary conviction for each offence to a fine of not more than \$500.
- (2) Where a person is convicted
- a) of trading in real estate without being licensed contrary to section 4 (1), or
 - b) of employing a salesman who is not licensed, contrary to section 30, he shall, notwithstanding that a fine has been imposed upon him, return to any person on whose behalf he acted in respect of a trade while not being licensed or while employing a salesman who was not licensed any commission or other remuneration he or that salesman received from that person in respect of that trade.

- Burden of proof 51. (1) In a prosecution under this Ordinance, where the accused pleads that at the time of the act or omission complained of he was the holder of a licence, the burden of proof is on the accused.
- Commencement of prosecution 52. (1) A prosecution under this Ordinance may be commenced within two years from the date on which the offence is alleged to have been committed, but not thereafter.
- Proceedings 53. (1) No person has a claim for damages against the Superintendent or the Commissioner for anything done or to be done in the performance or supposed performance of his duties under this Ordinance.
- (2) The Superintendent may bring an action and institute proceedings in his name of office,
- a) for the enforcement of this Ordinance
- b) for the recovery of fees and fines payable under this Ordinance.
- Statement as evidence 54. (1) A statement as to the licensing or non-licensing of a person under this Ordinance, purporting to be certified by the Superintendent is, without proof of the office or signature of the person certifying, receivable in evidence so far as relevant for all purposes in any action, proceeding or prosecution.
- Staff 55. (1) A Superintendent of Real Estate, a Deputy Superintendent of Real Estate and inspectors shall be appointed by the Commissioner. A Deputy Superintendent has all the duties and powers of the Superintendent in the absence of the Superintendent or his inability to act.

REGULATIONS

56. (1) For the purpose of carrying into effect the provisions of this Ordinance according to the true intent and meaning thereof; the Commissioner may make such regulations, as he deems necessary, not inconsistent with the spirit of this Ordinance, and without restricting the generality of the foregoing;
- a) prescribing the amount and form of bonds to be furnished under this Ordinance;
 - b) prescribing
 - i) the fees payable on applications for licences, and
 - ii) any other fees in connection with the administration of this Ordinance;
 - c) prescribing forms;
 - d) prescribing the practise and procedure upon an investigation under sections 15 to 21;
 - e) providing for the qualifications required of applicants for licences; and
57. (1) This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.

Regulations

Coming into force

CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

RECREATION DEVELOPMENT ORDINANCE

(Assented to April 28, 1977)

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

Short Title	1.(1)	This Ordinance may be cited as the <i>Recreation Development Ordinance</i> .
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INTERPRETATION

recreation services	2.(1)	In this Ordinance: "recreation services" means the planned use of community resources to satisfy the needs or interests of citizens during their leisure: "local authority" means the council of a municipality or the board of trustees of a local improvement dis- trict or a community organization appointed by the Commissioner pursuant to section 7.
local authority		
Powers of Commissioner	3.(1)	The Commissioner shall permit and encourage orderly development of recreation activities for the benefit of the people of the Territory and for that purpose may, (a) initiate and develop policies, programs and measures for the orderly development of recreation in the Territory; (b) enter into agreements with local authorities and organizations; (c) make grants or contributions or enter into cost sharing agreements with local auth- orities and organizations. (d) make such regulations as he deems neces- sary in order to carry into effect the provisions of this Ordinance according to the true intent and meaning thereof.
Director of Recreation	4.(1)	The Commissioner shall assign a member of the public service to administer this Ordinance who shall be known as the Director of Recreation.

- 5.(1) There shall be a committee called the Yukon Recreation Advisory Committee to be appointed by the Commissioner upon the advice of the members of the Territorial Council who shall each be entitled to nominate one member.
- (2) The Commissioner may in respect of the Territory appoint advisory boards or committees to carry out such duties subject to such conditions as may be prescribed. **Advisory Board**
- (3) The members of a board or committee appointed pursuant to subsection (1) may be paid such remuneration and such travel or other expenses incurred in connection with their duties as may be fixed by the Commissioner.
- (4) The Commissioner may, subject to such conditions as may be prescribed and upon the advice of the Yukon Recreation Advisory Committee, make grants to a recreation or cultural association which is the governing body of a recognized recreation or cultural activity for the purposes of:
- (a) administration of that association;
 - (b) conducting a Yukon championship or equivalent;
 - (c) travel for extra-territorial competition;
 - (d) a special project that is of territorial or regional significance.
- 6.(1) A local authority may by by-law; **Recreation Board**
- (a) establish a Recreation Board;
 - (b) fix the number of members of the Board and prescribe the qualifications, terms of office and the manner in which the local authority shall appoint the members to the Board and their successors;
 - (c) empower the Board to organize and conduct a recreation program;
 - (d) empower the Board to make such expenditures on behalf of the local authority as may be authorized by the by-law.
- (2) A Parks and Recreation Commission established by a municipality pursuant to section 102 of the *Municipal Ordinance* may by by-law be deemed to be a Recreation Board established pursuant to subsection (1).
- 7.(1) Where a local authority so requests, the Commissioner may, by order and subject to such conditions as he may prescribe, appoint a community organization to be a local authority for the purpose of this Ordinance. **Community organization to act as Recreation Board**

- (2) Where the Commissioner has made an order pursuant to subsection 7(1) the Community organization appointed as a local authority,
 - (a) has all the powers of a local authority set out in this Ordinance except the powers established pursuant to section 6,
 - (b) may organize and conduct a recreation program,
 - (c) may make such expenditures as are necessary for carrying out the program.

- Agreements between local authorities

 - 8.(1) A local authority may enter into an agreement with other local authorities or organizations for the purpose of providing shared recreation services and may expend monies in accordance with the provisions of any such agreement.

- Organization to be eligible

 - 9.(1) In order to be eligible under section 3, 7 or 8, a community organization or an organization must be registered under the *Societies Ordinance* or *Companies Ordinance*.
 - 10.(1) Subject to the Regulations the Commissioner may enter into an agreement with the approved community organization representative of an area,
 - (a) not within a municipality or local improvement district, and
 - (b) in which are located a school or community hall or other adequate facilities, for carrying out programs established pursuant to this Ordinance.
 - (2) The Commissioner may do such things as he deems necessary to carry out an agreement entered into pursuant to subsection (1).

- Regulations

 - 11.(1) The Commissioner may subject to such conditions as he may prescribe make an annual recreation assistance grant payable in installments to a local authority or an approved community organization.
 - 12.(1) The Commissioner may, subject to such conditions as he may prescribe, make a single incorporation grant to a local authority or an approved community organization.
 - 13.(1) The Commissioner may, subject to such conditions as he may prescribe, make an annual equipment grant to a local authority or approved community organization for the purpose of acquiring small items of capital equipment for general use.

- Coming into force

 - 14.(1) This Ordinance shall come into force upon assent.

CHAPTER 7
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

STABILIZATION FUND LOAN ORDINANCE

(Assented to April 28, 1977)

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

SHORT TITLE

- | | | |
|--------|--|--------------------------|
| 1. (1) | This Ordinance may be cited as the <i>Stabilization Fund Loan Ordinance</i> . | Short Title |
| 2. (1) | The Commissioner may on behalf of the Territory make agreements with | Loan to Mutual Aid Board |
| | a) the Mutual Aid Board or stabilization board; and | |
| | b) a Central Credit Union | |
| | and pursuant to such agreements may lend or guarantee payment of a sum or sums not exceeding \$400,000. in aggregate to the Mutual Aid Board, a stabilization board or a Central Credit Union. | |
| 3. (1) | Every loan pursuant to section 2 shall be secured by a debenture. | |
| 3. (2) | Every debenture to borrow money shall, by its terms | Conditions of loan |
| | a) fix the amount of the loan and the rate or rates of interest payable thereon and the places and the times when the interest and the principal shall be payable; | |
| | b) provide that the loan and interest thereon shall be paid in lawful money of Canada; and | |

c) generally be in such form and contain such further provisions as may be required by the Commissioner.

4. (1) Any loan agreement made pursuant to this Ordinance shall be valid and binding upon the parties to the agreement, notwithstanding any insufficiency in the form or substance of any agreement.

Coming into
force

5. (1) This Ordinance shall come into force on such day as may be fixed by the Commissioner

CHAPTER 8
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE COMMUNITY ASSISTANCE ORDINANCE

(Assented to April 28, 1977)

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

1. The *Community Assistance Ordinance* is amended by adding thereto the following new section:

COMMUNITY TELEVISION

- "75. (1) The Commissioner may pay the cost of a community television system in any district or unorganized area not already served by a television system.
- (2) An application for television service shall be made in writing on the prescribed form by an approved community organization representative of the area to be served by the television system.
- (3) It shall be a condition of payment by the Commissioner of the cost of a community television system that the project is approved by a majority of the persons resident in the area.
- (4) It shall be a condition of a payment pursuant to subsection (1) that the applicant must obtain all operating licences for the television system.
- (5) The community organization shall provide shelter of required size, electricity and heat, antenna foundations and assistance in installation of antenna and other equipment

in accordance with specifications and direction from the project manager.

- (6) The community organization must contribute a sum of \$750.00 to the installation cost and \$1,000.00 per annum to the operation and maintenance cost.
 - (7) Where the organization fails to pay the costs mentioned in subsection (6) the Commissioner may pay on behalf of the organization an amount equal to the costs and recover such amount together with any accrued interest thereon by levying an annual mill rate on the assessment of every property in the area sufficient to recover such amount.
 - (8) Television service shall be provided by the most economic means available."
2. The said Ordinance is further amended by repealing Section 45(4).

CHAPTER 9
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE ELECTIONS ORDINANCE

(Assented to April 28, 1977)

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

1. Section 16 is repealed and the following section substituted therefor:

"16(1) In addition to the amounts provided in Section 15, there shall be paid to each member of the Council appointed to the Advisory Committee on Finance or to the Executive Committee or to both Committees by the Commissioner on the recommendation of the Council, a salary calculated at the rate of fourteen thousand two hundred and twelve dollars per annum, out of monies appropriated for that purpose by the Commissioner in Council."

2. Section 19 is repealed and the following section substituted therefor:

"19. (1) A member of the Council who is absent from his normal place of residence in order to attend

- (a) a session of the Council, or
- (b) a meeting of a committee of the Council, or
- (c) a meeting called by the Speaker or the Clerk of the Council, shall

- i) be reimbursed for his actual expenditure for meals, accommodation and sundry living expenses up to a maximum of \$45 for each day in respect of the period from April 1st, 1976, to March 31st, 1977, and
 - ii) be reimbursed for his actual expenditure for accommodation and sundry living expense and receive an allowance for meals at the rate in force at the time for members of the public service, in respect of the period after March 31st, 1977.
- (2) The payments provided in subsection (1) shall be made out of monies appropriated for the purpose by the Commissioner in Council.
- (3) A member shall be paid a travel allowance for travel incurred to attend the session or meeting at the rate in force at the time for members of the public service.
- (4) The reimbursement and allowances described in subsections (1), (2) and (3) shall be payable in respect of the time of attendance at the session or meeting and the time necessarily spent in travel to and from the session or meeting.
- (5) For the purposes of this section, members of the Advisory Committee on Finance and the Executive Committee shall be deemed to reside at the seat of Government.

3. This Ordinance shall be deemed to have come into force on April 1st. 1976.

CHAPTER 10
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE LIQUOR TAX ORDINANCE

(Assented to March 30, 1977)

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

1. Section 4 of the said Ordinance is repealed and the following substituted therefor:
 - "4. (1) The Corporation shall transfer the amount of liquor tax revenue monthly from the Liquor Corporation Account of the Yukon Consolidated Revenue Fund to the General Account of the Fund, and adjust the amount to be transferred in the final month of each fiscal year so that the total amount to be transferred in each fiscal year shall equal the liquor tax revenue of that fiscal year as established by audit.
 - (2) The Corporation shall account in respect of the tax to the Territorial Treasurer as required."
2. The Liquor Tax Ordinance is amended by repealing Sections 5 and 6 and substituting the following therefor:
 - "5. This Ordinance shall come into force on the first day of April, 1977."

CHAPTER 11
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE LOCAL IMPROVEMENT DISTRICT ORDINANCE

(Assented to April 28, 1977)

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

1. *The Local Improvement District Ordinance* is amended by adding to section 2 the following definitions:

"Board" or "Board of Trustees" means the Board of Trustees of a District.

"Chairman" means the member of the Board designated to be Chairman pursuant to section 10.

"Elector" means a person qualified to vote pursuant to section 6.

"Voter" means an elector.

2. *The Local Improvement District Ordinance* is amended by repealing section 4 thereof and substituting the following therefor:

"4. (1) An order establishing a Local Improvement District shall specify

 - (a) the name and boundaries of the District;
 - (b) the time and manner of electing the first Board;
 - (c) the term of office of the first elected or appointed Board;
 - (d) the returning officer or provisions for returning officer, at the first election;
 - (e) the polling places at the first election;
 - (f) any dates to be observed initially in place of statutory dates;
 - (g) such other provisions and conditions as the Commissioner may deem necessary."

3. The Local Improvement District Ordinance is amended by repealing section 6 and substituting the following therefor:

- "6. (1) Each District shall have a Board of Trustees consisting of five Trustees.
- (2) Subject to this Ordinance the members of the Board shall hold office from twelve o'clock noon on the first Monday after the first day of January following their election or from the time of their swearing in, whichever is later, until twelve o'clock noon of the first Monday after the first day of January 2 years later or until their successors are sworn in.
- (3) Every elected member of the Board shall be elected from the District at large.
- (4) Elections shall be conducted in the manner established pursuant to this Ordinance.
- (5) To become eligible to become a Trustee, a person must be, on the day of nomination
 - (a) of the full age of nineteen years;
 - (b) a Canadian citizen;
 - (c) a resident of the District for 12 consecutive months; and
 - (d) eligible to vote as an elector for the election in which he is nominated.
- (6) Every person is entitled to vote at an election who
 - (a) is a Canadian citizen;
 - (b) has attained the age of nineteen years on the day of election; and
 - (c) has established residence and resided in the district for one year prior to the day of election."

4. The Local Improvement District Ordinance is amended by repealing section 7 and substituting the following therefor:

- "7. (1) Every person elected or appointed as a trustee shall before assuming office take and subscribe to the following oath:
 "I,Trustee elect for the Local Improvement District ofdo swear (or affirm) that I am a Canadian citizen; that I am not in any way disqualified from holding the office of trustee; that I have not by myself or any other person knowingly employed any bribery, corruption or intimidation to gain my election or appointment; that I will not allow any private interest to influence my conduct in public matters. So Help me God."

5. *The Local Improvement District Ordinance* is amended by repealing paragraph 7. 1 (1) (d) and substituting the following therefor:

"7.1(1)(d) ceases to be a Canadian citizen."

6. *The Local Improvement District Ordinance* is amended by repealing section 8 thereof and substituting the following therefor:

- "8. (1) The Chairman shall preside over all meetings of the Board.
- (2) The Board, may, from time to time appoint from among its members an Acting Chairman who shall, in the absence, illness or inability of the Chairman to act and perform all the duties of the Chairman.
- (3) At all meetings of the Board the presiding officer shall maintain order and decorum and decide all questions of order subject to appeal to the Board as a whole.
- (4) The Chairman shall, subject to the approval of the Board:
- (a) be active in causing the laws governing the district to be duly executed;
 - (b) communicate to the Board all pertinent information respecting the government of the District;
 - (c) direct all administrative officers and employees of the District in the conduct of their work and direct the management of the business and affairs of the District;
 - (d) suspend where necessary, an administrative officer or employee of the District and may cause administrative officers and employees to be prosecuted or disciplined for any negligence, carelessness or violation of duty on their part."

7. *The Local Improvement District Ordinance* is amended by repealing section 10 and substituting the following therefor:

- "10. (1) The Board of Trustees shall meet openly at least once a month and no person shall be excluded from any open meeting except for improper conduct.
- (2) The Board of Trustees, at its first meeting in each year and at its first meeting after a vacancy occurs in the office of chairman, shall designate one of its members to be chairman of the Board.
- (3) The Chairman shall vote on any matter coming before the Board of Trustees and any question on which there is an equality of votes shall be deemed to be defeated.

- (4) Adequate records shall be maintained of all business transacted during a meeting of the Board of Trustees and Board minutes shall be made available for viewing by the public during reasonable office hours.
- (5) The Board of Trustees may from time to time
 - (a) appoint a secretary, a manager and such other officers and employees as in their discretion they may consider necessary to operate and maintain local improvements and to keep the records of the district; and
 - (b) subject to the approval of the Commissioner, fix the salaries or wages of the persons so appointed.
- (6) The Board of Trustees shall hold its first meeting not later than the 30th of January of the year following the election.
- (7) Three members of the Board constitutes a quorum and at all meetings of the Board a quorum is required but a vacancy in the membership does not impair the right of the remaining members to act.
- (8) All acts authorized or required to be done by the Board shall be done or decided by a majority of the members of the Board present and entitled to vote.
- (9) Every officer appointed by the Board shall before entering into his duties take and subscribe to the following oath:

"I,..... do swear (or affirm) that I will truly, faithfully, impartially, and to the best of my knowledge and ability, execute the office of to which I have been appointed for the Local Improvement District of, and that I have not received any payment or reward or promise or such for the exercise of any partiality, neglect or other undue exercise of the said office. So Help Me God."
- (10) The Board of Trustees may, by resolution, approve the payment of an annual allowance to each trustee that shall not exceed three hundred and sixty dollars per year."

8. *The Local Improvement District Ordinance* is amended by repealing section 13 (1) (a) thereof and substituting the following therefor:

"13 (1) (a) adopting provisions and procedures for the conduct of elections of Boards not inconsistent with this Ordinance."

9. Section 15.10 of *The Local Improvement District Ordinance* is amended by adding thereto the following new subsection:
- "15.10 (2) Where the Commissioner provides for an election pursuant to subsection (1) he shall
- (a) designate the polling place;
 - (b) set the date to be observed in place of the statutory dates;
 - (c) appoint the returning officer;
 - (d) determine the term of office of the Board."
10. *The Local Improvement District Ordinance* is amended by adding thereto the following new sections:
- "21 (1) Any qualified elector can sign the nomination paper of a candidate.
- 22 (1) The Board may by by-law
- (a) divide the District into polling divisions;
 - (b) establish a polling place in a hospital, in a home for the aged or in any similar institution situated in the District or direct the returning officer to do so.
- (2) Where by by-law a polling place is established pursuant to paragraph (1) (b), the returning officer may establish a portable polling booth for the convenience of aged or infirm persons.
- (3) Where a polling place is established in any institution, the residents of the institution who are qualified to vote in any polling division in the District, may cast their votes in that division or in the institution.
- (4) Where reference is made to a polling division in this Ordinance, the reference means the whole District in the case where no polling division has been established.
23. (1) A submission or referendum may be held at the same time as an election.

24. (1) Subject to this Ordinance, the Board may by by-law adopt any rules of procedure concerning a submission or referendum as are deemed by the Board to be necessary.
- (2) Where a submission or referendum is held at the same time as an election, the ballot paper used therein shall not be the same in size and colour as that used for an election.
25. (1) Section 26 applies only to voters who have reason to believe that they will be necessarily absent from the District on election day.
26. (1) For the purpose of enabling every voter to vote at an election, the Board may direct the returning officer to establish an advance polling place.
- (2) Notice of an advance poll shall be given in the form and the manner provided in section 64.
27. (1) Except as provided in this Ordinance, the poll to be held at every advance polling place shall be conducted in the same manner provided by this Ordinance for the conduct of other polls in an election.
28. (1) The poll at each advance polling place established shall be open between such hours and on such day or days as the Board may determine.
29. (1) Every person applying to vote at an advance polling Place, before being permitted to do so, shall be required by the returning officer in charge of the poll to make and sign the declaration in the pre-scribed form which shall be kept by the deputy returning officer with the other records of the poll.
- (2) A person signing the declaration knowing that a statement therein is false commits an offence and is liable on summary conviction to a fine not less than twenty-five dollars and not exceeding one hundred dollars.

30. (1) The poll clerk at each advance polling place shall record in the poll book in the column headed "remarks", after the name of each person who votes, a notation that the person has signed the declaration referred to in section 29.
31. (1) The deputy returning officer, every candidate and the agent of every candidate may require that a person intending to vote at the advance poll, take any other oath that he may be required to take under this Ordinance, before being handed a ballot.
32. (1) Upon the close of the advance poll each day, the deputy returning officer shall and each candidate or agent present may affix their respective seals to the ballot box in such manner that no ballot can be deposited therein without breaking the seals and the ballot box shall remain sealed until the close of the poll on regular polling day.
33. (1) The deputy returning officer, in the presence of the candidates and the agents who are present, shall at the time the poll closes on regular polling day open the ballot box, count the votes and take all other proceedings provided by this Ordinance for deputy returning officers in connection with the conduct of an election after the close of the poll.
34. (1) The board shall on or before the first Monday of November in each election year and at other times as required appoint a returning officer.
 - (2) Subject to the provisions of this Ordinance, the returning officer shall be responsible for the administration of any election.
 - (3) A returning officer shall not vote at an election until after the votes have been counted, and then only if the votes cast in respect of two or more candidates are equal in number and his vote would break the tie.
 - (4) A returning officer casting his vote pursuant to subsection (3) shall do so in accordance with a lot cast for the purpose.

- (5) Where a District is not divided into polling divisions, the returning officer shall perform the like duties with respect to the whole District as are imposed upon a deputy returning officer in respect of a polling division.

- 35. (1) Where a District is divided into polling divisions, the returning officer shall appoint and swear in deputy returning officers who shall preside at the polling stations if a poll is required, but the returning officer may take charge of any one polling station and perform the same duties therein as are imposed upon a deputy returning officer.

- 36. (1) Each deputy returning officer may appoint and swear in poll clerks who shall
 - (a) perform the duties assigned to them by the deputy returning officer; and
 - (b) have all powers and duties of the deputy returning officer during the absence from duty of the deputy returning officer.

- 37. (1) If a person appointed deputy returning officer or poll clerk dies, neglects or refuses to act as such, then the returning officer shall appoint another person to act in place of such deputy returning officer or poll clerk.

- 38. (1) Any person producing to a deputy returning officer a written authority to represent a candidate as his agent at a polling station, shall be recognized as such by the deputy returning officer.
 - (2) Only the candidate and one agent may be present.

- 39. (1) The returning officer and every deputy returning officer, poll clerk, interpreter, special constable, agent or other person authorized to be present at a polling station shall before exercising any of the functions of such returning officer, deputy returning officer, poll clerk, interpreter, special constable, agent or other person take and subscribe an oath in the prescribed form.

40. (1) The Board shall, by by-law, prescribe the fees that shall be paid to the returning officer and to every deputy returning officer, poll clerk, interpreter and special constable.
41. (1) Where a District is not divided into separate polling divisions, the Secretary-Treasurer shall prepare in each election year a list of electors in which the name of all persons qualified to vote at the next election, so far as is ascertainable, are set out in alphabetical order together with the address of each elector.
- (2) Where a by-election occurs in the period commencing on the 1st day of September in a year in which no election is to be held and the 13th day of September in the following year, the Board shall establish a Board of Revision pursuant to section 46 to revise the list of electors and the provisions of section 46 to 56 shall apply *mutatis mutandis* with such change of dates and times as necessary except that the list of electors used in the previous election shall be deemed to be the preliminary list of electors.
- (3) Where a second or subsequent by-election occurs in the period mentioned in subsection (2), that subsection does not apply if the list has been revised pursuant to subsection (2) within the six months preceding the date of that by-election.
42. (1) Where a District is divided into separate polling divisions, the Secretary-Treasurer shall prepare in each election year a separate preliminary list of electors for each polling division.
43. (1) A preliminary list of electors prepared pursuant to section 42 (1) shall, so far as is ascertainable, set out in alphabetical order the names of all persons qualified to vote at the next election in the polling division in respect of which such list is prepared together with the address of each such elector.

44. (1) The Board may by by-law, passed before the 1st day of June, in any year, provide for a system of enumeration of the names of electors as defined in this Ordinance.

45. (1) The Secretary-Treasurer shall on the second Wednesday of September in each election year post a copy of the preliminary list of electors in the District office, and
 - (a) in at least four conspicuous places in the District if the District is not divided into polling divisions, or
 - (b) in a conspicuous place in each polling division if the District is divided into separate polling divisions,and such copies of the preliminary list of electors shall remain so posted until the sitting of the Board of Revision.

46. (1) The Board shall establish a Board of Revision for the District and shall appoint the members thereof who shall hold office during pleasure, but no member of the Board and no employee of the District shall be a member of the Board of Revision.
 - (2) Not less than three persons shall be appointed as members of the Board of Revision and the Board shall elect one of their members to be chairman of the Board.
 - (3) Every member of the Board of Revision shall, before entering upon his duties take and subscribe the oath or affirmation as set out in the prescribed form.
 - (4) The Board shall, by by-law, prescribe a fee to be paid to members of the Board of Revision, but the fee shall not exceed twenty-five dollars per member for each day the Board sits.

47. (1) The Board of Revision shall be presided over by the Chairman, or in his absence, by a chairman chosen from among the members present.

- (2) The Secretary-Treasurer of the District shall act as the Clerk of the Board of Revision and shall record its proceedings and in his absence, the Board may appoint another person to act as clerk.
 - (3) A majority of the members of the Board of Revision constitutes a quorum of the Board and if a quorum is not present, the Board shall stand adjourned to the next day, not a holiday, and from day to day thereafter until there is a quorum.
 - (4) The Board of Revision shall sit on the last Wednesday in October of each election year, and shall continue to sit from day to day if so required.
48. (1) The Secretary-Treasurer shall, at least forty-eight hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.
49. (1) Any person who is eligible to vote at an election may apply to the Board of Revision to have the preliminary list of electors revised on the ground that the name of:
- (a) an eligible voter is omitted therefrom;
 - (b) an eligible voter is incorrectly set out therein; or
 - (c) a person not eligible to vote is included therein.
50. (1) Any person eligible to vote at an election who wishes to apply for revision of the preliminary list of electors under section 49 may make such application in person to a Board of Revision while the Board is sitting or may, before the last Wednesday of October, leave with the clerk written notice of his application.
- (2) The notice of application for revision of the preliminary list of electors shall fully set out:
 - (a) the name of the person in respect of whom the application is made;
 - (b) the nature of the revision that is sought;
 - (c) the grounds upon which the application is made; and

- (d) the name, residence and mailing address of the person making the application.
 - (3) The clerk shall give written notice to every person who has given notice of his intention to make an application to the Board of Revision, and to the persons in respect of whom notice of application is made, of the place and time fixed for the sittings of the Board.
51. (1) Notice of the time and place fixed for the sitting of the Board of Revision shall be issued by the clerk at least ten days before the day fixed for the sitting of the Board of Revision and shall be:
- (a) published in a newspaper circulating within the District; and
 - (b) posted in the District office, and
 - (i) in at least four conspicuous places in the District, if the District is not divided into polling divisions; or
 - (ii) in a conspicuous place in each polling division, if the District is divided into polling divisions.
52. (1) The Board of Revision shall hear all applications made pursuant to section 50.
- (2) If in respect of any application the Board of Revision is satisfied that the preliminary list of electors should be corrected, then the Board of Revision shall revise the preliminary list of electors accordingly.
 - (3) Where the name of a person qualified to vote is incorrectly spelled, is duplicated, or where a person is not properly described in the preliminary list of electors, the Board of Revision may correct such spelling, duplication or description notwithstanding the absence of any notice or application required by this Ordinance.

- 53. (1) All corrections and revisions made in the preliminary list of electors by the Board of Revision shall be shown thereon in red ink, and the preliminary list of electors so corrected and revised shall be certified by the Board of Revision as being the revised list of electors for the District.
 - (2) The revised list of electors shall be the list of qualified electors for the elections held in the month of December, and for all subsequent elections until such time as a new revised list of electors is prepared.
- 54. (1) The presiding officer of the Board of Revision shall deliver a copy of the revised list of electors, as certified by the Board, to the clerk and to the returning officer on or before the day after the first Monday in November.
- 55. (1) The clerk shall cause to be printed as many copies of the revised list of electors, with the name of the electors appearing thereon as the returning officer may deem necessary.
- 56. (1) The returning officer shall on the second Monday in November in each election year post a copy of the revised list of electors in the District office, and
 - (a) in at least four conspicuous places in the District if the District is not divided into polling divisions; or
 - (b) in a conspicuous place in each polling division if the District is divided into separate polling divisions,and copies of the revised list of electors shall remain so posted until the day after polling day.
- 57. (1) Nomination day for the offices of Trustees shall be the first Monday in December, and if it is necessary to hold a poll, polling day shall be the second Thursday after nomination day.

- 58. (1) The Board shall, on or before the first Monday in November in each election year and at such other times as may be required appoint
 - (a) the place at which nomination proceedings will be held on nomination day; and
 - (b) the place or places that a poll will be held on polling day, if a poll is required.

- 59. (1) Notice of the time and places fixed for holding nomination proceedings and a poll, if a poll is required, shall be issued by the returning officer, and such notice shall be in the prescribed form.
 - (2) The nomination notice referred to in subsection (1) shall be
 - (a) published in a newspaper circulating within the District; and
 - (b) posted in the District office and
 - (i) in at least four conspicuous places in the District if the District is not divided into polling divisions, or
 - (ii) in a conspicuous place in each polling division, if the District is divided into polling divisions,by the returning officer at least six days before nomination day.

- 60. (1) No person shall be nominated as a candidate unless such person
 - (a) is qualified to be nominated in accordance with section 6;
 - (b) has been nominated in writing by two other electors ;
 - (c) has delivered or caused to be delivered to the returning officer between the date of the nomination notice and twelve o'clock noon on nomination day, a nomination paper in the prescribed form, together with a declaration administered by the returning officer, Secretary-Treasurer or officers entitled to administer oaths in the prescribed form.

61. (1) A nomination paper shall contain
 - (a) the name, occupation and address of the person being nominated;
 - (b) a statement subscribed to by two electors that to the best of their knowledge the person being nominated is qualified to be nominated;
 - (c) the written consent of the person being nominated.
 - (2) An elector may subscribe as many nomination papers as there are candidates to be elected, but each candidate shall be nominated by a separate nomination paper.
 - (3) The returning officer shall, if request to do so, give a receipt to the person who delivers to him a nomination paper with the accompanying declaration.
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62. (1) The returning officer shall be present between the hours of ten o'clock in the forenoon and twelve o'clock noon on nomination day at the place appointed by the Board for the holding of nomination proceedings, and shall at twelve o'clock noon announce to the electors present the names of all electors who have been nominated as candidates in accordance with the provisions of this Ordinance.
 - (2) The returning officer shall not permit any speeches or interruptions during the nomination proceedings referred to in subsection (1).
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63. (1) At the conclusion of the nomination proceedings
 - (a) if the number of candidates for the vacant offices equals the number of vacancies, the returning officer shall declare those candidates elected;
 - (b) if the number of candidates for the vacant offices exceeds the number of vacancies, the returning officer shall proceed to hold a poll pursuant to this Ordinance;
 - (c) if there is no candidate for the office, or an insufficient number of candidates for the office of Trustee, the returning officer shall declare the duly nominated candidates elected, and call and hold another nomination meeting one week later for the vacant offices.

- (2) If at the end of a second nomination meeting, there are still insufficient candidates for the vacant offices, the returning officer shall apply the provisions of paragraph 1 (c) and so on until either the vacancies have been filled or a total of four unsuccessful nomination meetings have been held, at which time he shall report the matter to the Board.
 - (3) Upon receiving a report from the returning officer pursuant to subsection (2), the Board shall forthwith forward to the Commissioner the names of three qualified persons in respect of each vacancy and the Commissioner may appoint one of these persons to fill each vacancy.
64. (1) The notice of the poll issued by the returning officer shall state
- (a) the name, residence and occupation of each candidate;
 - (b) the time and place at which the poll will be open for the purpose of receiving the votes of the electors.
- (2) The notice of the poll referred to in subsection (1) shall be
- (a) published in a newspaper circulated within the District;
 - (b) posted in the District office and
 - (i) in at least four conspicuous places in the District, if the District is not divided into polling divisions; or
 - (ii) in a conspicuous place in each polling division if the District is divided into polling divisions,by the returning officer at least seven days before polling day.
65. (1) At the close of nomination proceedings on nomination day, the returning officer shall, at the request of a candidate or agent, deliver to him a certified list of all candidates.

66. (1) Any candidate may withdraw within twenty-four hours after nomination day, but not afterwards, by giving a written notice to that effect to the returning officer.
- (2) Where, after the withdrawal or death of a candidate there are no more candidates than there are vacancies to be filled, the returning officer shall
 - (a) declare the remaining candidates to be elected and give the names of such elected candidates to the clerk; and
 - (b) give public notice cancelling the notice of election.
67. (1) At least three days before polling day the returning officer shall obtain
 - (a) as many ballot boxes, copies of the revised list of electors and blank poll books as there are polling stations in the District;
 - (b) at least as many ballot papers, of the form required by section 71, as there are electors in the District; and
 - (c) an adequate supply of printed directions for voting and the materials necessary for electors to mark the ballot papers.
68. (1) The returning officer shall furnish to each deputy returning officer, at least two days before polling day,
 - (a) a sufficient number of ballot papers in the form required by section 71, for at least the number of electors of the polling station of the deputy returning officer;
 - (b) a statement showing the number of ballot papers so supplied, with their serial numbers;
 - (c) an adequate supply of printed directions for voting and the materials necessary for the electors to mark the ballot papers;
 - (d) the revised list of electors for use at his polling station;
 - (e) a ballot box;
 - (f) a blank poll book; and
 - (g) the necessary envelopes and such forms and other supplies as may be required by this Ordinance.

- (2) Until the opening of the poll, the deputy returning officer shall keep the blank poll book, list of electors, envelopes, ballot papers and other election supplies locked in the ballot box and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.
69. (1) Each ballot box shall be provided with a lock and key and seals and shall be made from some durable material with a slot or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein and not withdrawn therefrom unless the ballot box is unlocked and opened.
70. (1) Poll books shall be in the prescribed form.
71. (1) All ballots shall be of the same description and as alike as possible.
- (2) The ballot of each elector shall be a printed paper as set out in the prescribed form.
 - (3) The ballot papers shall
 - (a) have printed thereon the names, and occupations of the candidates alphabetically arranged in the order of their surnames;
 - (b) be bound in books containing twenty-five, fifty or one hundred ballots as may be most suitable for supplying the polling stations porportionately to the number of voters.
 - (4) Any candidate may, until one hour after the close of nominations,
 - (a) supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper; and
 - (b) direct in writing the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only;

and the returning officer shall comply with any direction pursuant to paragraphs (a) and (b) and include in the ballot paper any additional or corrected particulars.

- (5) The printer shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, as set out in the prescribed form, setting forth
 - (a) the description of the ballot papers printed by him;
 - (b) the number of ballot papers supplied to the returning officer; and
 - (c) the fact that no other ballot papers have been supplied by him to any other person.

- (6) The ballot papers, envelopes and marking instruments procured for or used in any election shall be and remain the property of the District.

- 72. (1) The returning officer shall provide or cause to be provided a voting compartment in each polling place in which the voters can mark their ballot papers free from observation.

- 73. (1) Any person who publicly campaigns either for himself or on behalf of a candidate in any election on the day preceding polling day or on polling day commits an offence.

- 74. (1) On polling day every deputy returning officer shall
 - (a) open the polling place assigned to him, keep it open and close it at the times and during the hours fixed by by-law of the District;
 - (b) receive in the manner hereinafter prescribed the votes of all electors duly qualified to vote at such polling place.

- 75. (1) During the holding of the poll, no persons may be present in the polling place other than
 - (a) the officers appointed to hold the election;
 - (b) the candidates to be voted for;

- (c) agents, not exceeding one for each candidate;
 - (d) voters in the process of voting; and
 - (e) any special constable, police officer or interpreter.
- (2) The deputy returning officer may order the removal of any person from the polling place who is not entitled to be present or who being so entitled obstructs the voting, and such order shall be executed by a special constable or police officer without the same being in writing and without warrant.
76. (1) Immediately before the commencement of the poll,
- (a) the ballot boxes to be used at each polling station shall be empty; and
 - (b) the deputy returning officer at each polling station shall
 - (i) show the ballot box to be used at the polling station to all persons present so they may see it is empty; and
 - (ii) lock and seal the empty ballot box in a manner that will prevent it being opened without breaking the seal, and forthwith place and keep such ballot box in open view for the receipt of ballot papers.
77. (1) At the opening of the poll, the deputy returning officer shall post in the polling place a list of the names of the candidates for election.
78. (1) The voting at every election shall be by secret ballot.
79. (1) Only persons who are qualified to vote at an election and
- (a) whose names appear on the revised list of electors;
 - (b) who have complied with the requirements of section 6; or
 - (c) who, being challenged, have complied with the requirements of section 80,

may vote at an election.

80. (1) If a person offering to vote at an election is challenged as unqualified by the deputy returning officer or by a candidate, agent or a duly qualified elector, the deputy returning officer shall require the person so offering to vote to take an oath as set out in the prescribed form.
81. (1) A person who is eligible to vote under section 6 but whose name does not appear on the revised list of electors may vote at an election after taking an oath as set out in the prescribed form.
82. (1) Any deputy returning officer appointed to attend at a polling station has the power to receive a declaration or oaths authorized to be asked of and made by electors.
83. (1) An elector is entitled at the same election to one vote for each vacancy.
84. (1) Every employer shall give every employee who is an elector a reasonable time, while the polls are open on polling day at an election, to cast his vote.
- (2) No employer shall make any deduction from the pay of any employee nor impose upon or exact from him any penalty by reason of absence from his work, for the purpose of casting his vote.
- (3) Any employer or other person who directly or indirectly, refuses, or by intimidation, undue influence or in another way interferes with the granting to any elector in his employ of reasonable time for voting commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.
85. (1) The voting procedure at the polling place shall be as follows

- (a) upon a person presenting himself for the purpose of voting, the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered on the revised voters' list at his polling division, and shall cause such person's name to be entered in the proper column in the poll book;
- (b) if such person takes the oath or affirmation prescribed by this Ordinance that he is eligible to vote, the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the poll book "sworn" or "affirmed", as the case may be;
- (c) where any person required to take the oath or affirmation prescribed by this Ordinance refuses to take the same, the deputy returning officer shall cause to be entered in the proper column of the poll book opposite the name of such person the words "refused to be sworn or affirmed";
- (d) no person who has refused to take the oath or affirmation prescribed by this Ordinance when requested so to do shall receive a ballot paper or be admitted to vote;
- (e) whenever any voter is object to, the deputy returning officer shall cause to be entered in the proper column of the poll book, opposite to the voter's name, the words "objected to" and shall thereto add the name of the candidate or agent by whom the objection is made;
- (f) after the proper entries respecting a person claiming to vote have been made in the poll book in the manner prescribed by this section, and if such person then appears to be entitled to vote, the deputy returning officer shall write his initials on the back of the ballot paper in such a manner that when the ballot paper is folded the initials can be seen without opening it, and deliver the initialed ballot to the person claiming to vote;

- (g) the deputy returning officer either personally or through his poll clerk may, and upon request shall, explain the mode of voting as concisely as possible to any elector presenting himself for a ballot paper;
- (h) the deputy returning officer shall cause to be placed on the voters' list a mark opposite or through the name of every elector receiving a ballot paper;
- (i) each elector receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper with the pencil provided for that purpose by placing a mark opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper but so as to expose the initials of the deputy returning officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot papers to anyone or in any manner making known to any person for whom he has voted, shall show the same to the deputy returning officer who shall verify his initials, and then deposit his ballot in the ballot box in the presence of all other persons entitled to be present in the polling place;
- (j) while an elector is in the voting compartment for the purpose of marking his ballot paper, no other person shall, subject to paragraph (k), be allowed
 - (i) in the same compartment; or
 - (ii) to be in any position from which the manner in which the elector marks his ballot paper may be observed;

- (k) if an elector states he is unable to mark his ballot paper, the deputy returning officer shall in the presence of a witness
 - (i) if requested by a candidate or agent, administer to such an elector an oath that he is unable to mark his ballot paper;
 - (ii) mark the ballot paper of such elector as the elector directs and place the marked ballot paper in the ballot box; and
 - (iii) write in the poll book opposite the name of that elector the circumstances under which his ballot paper was marked;

- (l) any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may, upon returning the same to the deputy returning officer and proving the fact to him, obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled", and all ballot papers so marked shall be retained by the deputy returning officer in an envelope provided for that purpose and by him returned to the returning officer; and

- (m) any elector who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided or after receiving the same, refuses to vote shall forfeit his right to vote at the election then pending and the deputy returning officer shall then make an entry in the poll book opposite the name of such elector in the column for remarks that such person received the ballot paper and did not return the same or that the person returned the ballot paper and declined to vote, in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be retained by the deputy returning officer in an envelope provided for that purpose and by him returned to the returning officer.

86. (1) At the close of the poll, the deputy returning officer in each polling place shall seal the ballot boxes so as to prevent the introduction of additional ballot papers.
- (2) Every candidate, returning officer, deputy returning officer, special constable, interpreter, agent or other person in attendance at the polling place with the permission of the deputy returning officer may remain for the counting of the votes and shall maintain and aid in maintaining the secrecy of the voting.
87. (1) As soon as possible after the close of the poll, the deputy returning officer shall open the ballot boxes used at his polling place and
- (a) examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified;
 - (b) make notice of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;
 - (c) number all such notations of objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, and his initials;
 - (d) count the votes given for each candidate by the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and not counted by him, and such other persons authorized to be present as may desire to sign the same; and
 - (e) certify in writing on the poll book the number of persons who have voted at the polling place at which he is appointed to make up into eight separate packets, sealed with his own seal and the seals of such agents as desire to affix their seals, as follows:
 - (i) the statement of votes for each candidate and of the number of rejected ballot papers;

- (ii) the used ballot papers that have not been objected to and that have been counted;
 - (iii) the ballot papers that have been objected to but have been counted;
 - (iv) the rejected ballot papers;
 - (v) the declined and cancelled ballot papers;
 - (vi) the unused ballot papers;
 - (vii) the spoiled ballot papers;
 - (viii) the copy of the revised list of electors used at the polling place.
- (2) When the provisions of paragraph (1) (e) have been complied with, the deputy returning officer shall
- (a) place the sealed packets marked on the outside with a memorandum designating their respective contents in the ballot box used at his polling station;
 - (b) lock and seal the ballot box with the sealed packets contained therein and attach the key thereto; and
 - (c) forthwith deliver the locked and sealed ballot box with the sealed packets contained therein to the returning officer in accordance with the returning officer's instructions.
- (3) The deputy returning officer shall give to the returning officer, the Secretary-Treasurer and each candidate a certificate as set out in the prescribed form showing the number of votes cast for each candidate and the number of rejected ballot papers at his polling station.
88. (1) On the day following the poll and at a time determined, the returning officer shall receive the ballot boxes used in the election, and shall
- (a) examine the ballot boxes before opening them and make a written declaration as to their condition;
 - (b) examine the statements of votes and add up votes polled for each candidate;
 - (c) prepare a statement of election returns, which statement shall set out the total number of votes received by each candidate;
 - (d) publicly declare
 - (i) the candidate or candidates having the highest number of votes to be duly elected;

(ii) the number of votes given for each of the candidates for the office of trustee;

and

(e) give the Secretary-Treasurer and each candidate a certificate as set out in the prescribed form showing the total number votes cast and the number of rejected ballot papers and post a copy of the certificate in the District office.

89. (1) Every candidate, returning officer, deputy returning officer, special constable, interpreter, agent or other person, with the permission of the deputy returning officer, may remain for the counting of the votes at the polling place and shall maintain and aid in maintaining the secrecy of the voting.
- (2) No candidate, returning officer, deputy returning officer, special constable, interpreter, agent or other person shall
- (a) at the polling place interfere with or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;
 - (b) at any time, communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling place;
 - (c) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so cast his vote;
 - (d) at any time, communicate to any person any information obtained at a polling place as to the candidate for whom any elector at such polling place is about to vote or has voted; or

- (e) at the counting of the votes attempt to obtain any information or communicate any information obtained as such counting as to the candidate for whom any vote is given in any particular ballot paper.
 - (3) Every person who violates any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.
90. (1) The deputy returning officer, poll clerk, candidates and agents, but no other person except with the sanction of the deputy returning officer may be in the polling place during the opening of the ballot boxes and counting of the votes.
91. (1) The returning officer on request of any elector who has been appointed deputy returning officer or poll clerk or constable to attend at any polling place other than the one where he is entitled to vote, shall give to him a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day.
- (2) On the production of the certificate, the deputy returning officer, poll clerk or constable may vote at the polling place where he is stationed during the polling day, instead of the polling place where he would otherwise have been entitled to vote, and the deputy returning officer shall attach the certificate to the list of electors.
- (3) No certificate entitles the elector to vote at a polling place unless he has been actually engaged as a deputy returning officer, polling clerk, constable, candidate agent or interpreter at that polling place during the whole of the day of polling.

- (4) If a deputy returning officer votes at the polling place to which he has been appointed as such, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk, any elector present, may administer to the deputy returning officer any of the oaths required by law to be taken by voters.
92.
 - (1) After the election the returning officer shall deliver to the Secretary-Treasurer all ballot boxes, ballot papers, poll books and statements of votes used in the election, and the Secretary-Treasurer shall be responsible for their safe-keeping.
 - (2) The Secretary-Treasurer shall retain for two months all ballot papers, poll books and statements of votes that were delivered to him by the returning officer pursuant to subsection (1), and unless proceedings for a recount or an election petition are pending, destroy the same in the presence of two other persons who shall join with the Secretary-Treasurer in a statutory declaration setting out the time and place that the ballots were destroyed, how destruction was effected, and that destruction took place in the presence of the declarants.
93.
 - (1) If within five days after the returning officer has declared the result of the poll, any elector applies to a judge showing by affidavit reasonable grounds for holding recount and enters into a recognizance before the judge in the sum of one hundred dollars with two sureties that he will prosecute the application and pay any costs he is adjudged to pay, the judge shall appoint a time and place for the holding of a recount.
 - (2) The time appointed by the judge for the holding of a recount shall be not more than twenty-one days after the day on which the returning officer has declared the result of the poll.
 - (3) Notice of the time and place appointed for the holding of the recount shall be served by the applicant on the returning officer and on each candidate or his agent, at least four days before the time appointed for the holding of the recount.

94. (1) At the time and place appointed for the holding of the recount, the Secretary-Treasurer shall attend before the judge with the ballot boxes, ballot papers and poll books together with all other documents in his possession that are relevant to the recount, and the same shall continue to be in the lawful custody of the Secretary-Treasurer subject to the direction of the judge.
95. (1) The judge shall decide what persons, other than the returning officer, candidates and agents may be present while the recount is taking place.
- (2) During a recount and during any recess or adjournment of a recount, the judge shall take or cause to be taken every precaution necessary to ensure that the manner in which any elector has voted shall not become known to any person other than those lawfully present during the recount.
96. (1) The judge shall, on the recount, possess the like power and authority as to all matters arising upon the recount as are possessed by him upon a trial of an election petition and in all cases, costs shall be at the discretion of the judge.
97. (1) During a recount, the judge shall proceed as continuously as is possible to count the votes and shall, after hearing such evidence as he deems necessary, determine in a summary manner the result of the election.
98. (1) On completion of the recount, the judge shall inform the returning officer of the result of the poll and the returning officer shall then forthwith publicly proclaim the result of the recount.
- (2) All reasonable expenses incurred by a judge in performing a recount shall be paid to that judge by the District as part of the expenses of the election.

BY-ELECTION

99. (1) Subject to subsection (2), when a vacancy occurs on the Board the Board shall forthwith appoint a time for holding an election to fill such vacancy.
- (2) If a vacancy occurs within six months before the next regular election, the Board may leave the vacancy unfilled until such election.
100. (1) The election to fill a vacancy on the Board shall be conducted in the same manner as a regular election, except that
- (a) nomination day shall be within thirty days after the date on which the vacancy occurs; and
 - (b) polling day shall be on the ninth day after nomination day.
- (2) Where the by-election occurs in the period mentioned in subsection 99 (1) the nomination day shall be twenty days after the date of the report of the Board of Revision.
- (3) The Trustee elect shall be sworn into office at the next meeting of the Board following the election."

CORRUPT PRACTICES, BRIBERY, PERSONATION, ETC.

101. (1) Every person commits a corrupt practice who
- (a) by himself, or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises, any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to or for any voter, or to or for any person in order to induce any voter to vote or refrain from voting at any election, or who corruptly does any such act on account of such voter having voted or refrained from voting at any such election;

- (b) by himself or any other person on his behalf, makes any gift, loan, offer or agreement to or for any person, in order to induce that person to procure or endeavour to procure the election of any person to serve as a member of the Board or the vote of any voter at any election;
- (c) by reason of any gift, loan, offer, procurement or agreement procures, or engages, promises or endeavours to procure, the election of any person to serve as a member of the Board in any election, or the vote of any voter at any such election;
- (d) advances, pays, or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election of a person to serve as member of the Board, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;
- (e) before or during any election of a member of a Board, by himself or any other person on his behalf, receives, agrees or contracts for any money, gift loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreement to vote, or refraining or agreeing to refrain from voting, at any such election;
- (f) after any election of a member of a Board, by himself or any other person in his behalf receiving any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any such election;

- (g) by himself or by or with any other person or by any other ways or means in his behalf, at any time, either before or during any District election, gives or procures, or causes to be given or provided, or is accessory to the giving or providing or, pays wholly or in part any expenses incurred for, any meat, drink, refreshment or other provisions, to or for any person in order to be elected, or for being elected or for the purpose of influencing the person to whom such provisions are given or provided, or any other person, to give or refrain from giving his vote at such election;
- (h) during the voting at any District election, personates and falsely assumes to vote in the name of another person whose name appears on the list of electors, whether such other person is living or dead or a fictitious person;
- (i) having already voted at any District election, presents himself again to vote at the same election;
- (j) without due authority supplies any ballot paper to any person;
- (k) fraudulently puts into the ballot box any paper other than a ballot paper that he is authorized to put in;
- (l) fraudulently takes out of the polling place any ballot paper;
- (m) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballots then in use for the purpose of the election;

- (n) interferes or attempts to interfere with any voter in making his ballot or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter who at any time communicates any information he may be possessed of as to the candidate for whom any voter has been given or who induces any person to display the ballot paper so as to make known to him or to any other person the manner in which he has voted, or for or against whom he has marked his ballot paper;
- (o) being a duly appointed election officer neglects or refuses to discharge any duty under this Part;
- (p) aids, incites, counsels, facilitates or is otherwise a party to the commission by any person of any of the acts mentioned in this section;
- (q) by himself or by any other person on his behalf, makes use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other persons of any injury, damage or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting for a candidate at a District election or in any way prevents or otherwise interferes with the free exercise of the franchise of any voter;
- (r) forges, counterfeits, fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed thereon;
- (s) not being a person entitled under this Ordinance to be in possession of an official ballot paper or of any ballot paper in his possession;

- (t) being a deputy returning officer fraudulently puts, otherwise than as authorized by this Ordinance, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
- (u) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (v) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;
- (w) being a deputy returning officer, places upon any ballot paper, except as authorized by this Ordinance, any writing, number or mark with intent that the elector to whom such ballot paper is to be or has been given may be identified thereby; or
- (x) attempts to commit any offence specified in this section.

102. (1) The actual personal expenses of any candidate and bona fide payments for the fair cost of printing the advertising shall be held to be expenses lawfully incurred and the payments thereof shall not be a contravention of the provisions of section 101.

PENALTIES

103. (1) Every person who is convicted of committing a corrupt practice is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months or to both fine and imprisonment.

- (2) Every member of a Board who is adjudged guilty of a corrupt practice shall forfeit his seat on the Board and shall be disqualified from being a candidate or elector at any election, for the next succeeding five years and shall continue to be so disqualified until the amount that he has been adjudged to pay has been fully paid and satisfied.
104. (1) All proceedings, other than a petition to contest a District election, against any person for any corrupt practices shall be commenced within two months after the District election at which the offence was committed.
105. (1) The magistrate finding any person guilty of corrupt practice under this Ordinance shall report the same forthwith to the Secretary-Treasurer of each District;
- (2) The Secretary-Treasurer shall enter into a book to be kept for the purpose the names of all persons who have been adjudged guilty of any corrupt practices and of which he has been notified by the magistrate who tried the case.
 - (3) Every person who has been found guilty of a corrupt practice is disqualified from voting at any District election for a period of five years from the time of commission of the offence.

CONTROVERTED ELECTIONS
PETITION AND SECURITY

106. (1) Any election in a District or the right of a person to sit on the Board of a District may be questioned in a election petition on the ground that
- (a) the election is wholly void by reason of corrupt practices or offences committed at the election;
 - (b) the person elected
 - (i) was at the time of the election disqualified;
 - (ii) was not duly elected by a majority of lawful votes;

- (iii) has forfeited his seat on the Board or his right thereto;
or
- (iv) has become disqualified to hold his seat or his seat has become vacant by disqualifications.

(2) An election shall not be questioned on any of the above grounds, except by an election petition.

107. (1) An election petition may be presented either by four or more persons who had a right to vote at an election or by a person who was a candidate at the election.

(2) In the case of a petition alleging that a member of the Board has forfeited his seat on the Board or his right thereto or has become disqualified from holding his seat or that his seat has become vacant by disqualification or otherwise the petition may be presented by four or more persons whose names appear on the last revised list of electors of the District.

108. (1) A person whose election is questioned by an election petition and any returning officer or deputy returning officer of whose conduct a petition complains may be made a respondent to the petition and notice of the petition and a copy of the petition shall be served personally on the respondent within ten days after presentation unless the judge otherwise directs.

(2) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time; but the petition shall be deemed to be a separate petition against each respondent.

109. (1) A petition shall be presented to a judge by delivering it at the office of the clerk of the Court.

110. (1) Subject to subsection (2), the petition shall be presented within two months after the day on which the election was held.
- (2) Where a petition complains of the election of a person on the ground of corrupt practices and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account, in pursuance or furtherance of such corrupt practices, it may be presented at any time within two months after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried.
111. (1) A petitioner shall give such security in such amount, not exceeding two hundred dollars, as the judge directs.

TRIAL

112. (1) An election petition shall be tried in open court.
113. (1) The place of trial shall be within the limits of the District, except that the judge may, on being satisfied that special circumstances exist rendering it desirable that the petition be tried elsewhere, appoint some other convenient place for the trial.
114. (1) The judge may, in his direction, adjourn the trial, from time to time, and from any one place to any other place within the limits of the District where he is sitting.
115. (1) On the trial of a petition, unless the judge otherwise directs, any charge of any corrupt practice or offences shall be gone into, and evidence in relation thereto received.

116. (1) On the trial of a petition complaining of an election and claiming the office for some person, the respondent may give evidence to prove that, that person was not duly elected in the same manner as if he had presented a petition against the election of that person.
117. (1) The trial of a petition shall be proceeded with, notwithstanding that the respondent has ceased to hold the office in respect of which his election is questioned by the petition.

JUDGMENT

118. (1) At the conclusion of the trial, the judge shall determine
- (a) whether the person whose election is complained of or any other person, was duly elected or whether the election was void; or
 - (b) whether any member of the Board has forfeited his seat on the Board or his right thereto, or has become disqualified to hold his seat, or whether his seat has become vacant by disqualification or otherwise,
- and shall forthwith certify in writing his judgment to the Secretary-Treasurer of the District.
119. (1) Where a petition charges that any corrupt practice has been committed at an election, the judge shall, in addition to the certificate of judgment described in section 118 report in writing to the Secretary-Treasurer of the District.
- (a) whether any such corrupt practice or offence has or has not been shown to have been committed by, or with the knowledge and consent of, any candidate at the election and the nature of the corrupt practice or offence;
 - (b) the names of all persons shown at the trial to have been connected or included in any such corrupt practice or offence; and
 - (c) whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election.

120. (1) Where a candidate who has been declared elected is by a decision of the judge declared not to have been duly elected, acts done by him in execution of the office before the time when the certificate or decision is certified to the Secretary-Treasurer of the District shall not be invalidated by reason of the declaration of non-election.

WITHDRAWAL OF PETITION

121. (1) A petition shall not be withdrawn without the leave of the judge on special application made after public notice of the intention to make it has been given in such manner as the judge directs.
122. (1) On the hearing of the application, any person who might have been a petitioner, may apply to be substituted as a petitioner, and the judge may, if he thinks fit, substitute him accordingly.
- (2) Where the proposed withdrawal is, in the opinion of the judge, induced by any corrupt bargain or consideration, he may, by order, direct that the security given on behalf of the original petitioner remain as security for any costs incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his sureties be liable to pay the costs of the substituted petitioner.
- (3) Where the judge makes no direction as provided in subsection (1), then security to the same amount as is required in the case of a new petition, and subject to the same conditions, shall be given on behalf of the substituted petitioner, before he proceeds with his petition, and within a time, after the order of substitution, to be fixed in such order or otherwise.

123. (1) Except as otherwise provided in this Ordinance, a substituted petitioner shall stand in the same position and be subject to the same liabilities as the original petitioner.

ABATEMENT OF PETITION

124. (1) An election petition shall be abated by the death of a sole petitioner or in the case of several petitioners, by the death of the sole survivor of such petitioners.
125. (1) The abatement of any election petition does not affect the liability of any petitioner, or of any person, to the payment of costs previously incurred.
126. (1) On the abatement of a petition, public notice thereof shall, on the order of a judge, be given by the Secretary-Treasurer of the District at the expense of the District and within the time prescribed therein any person who might have been a petitioner may apply to that judge to be substituted as a petitioner, and the judge may, if he thinks fit, substitute him accordingly.
- (2) Security shall be given on behalf of a petitioner substituted pursuant to subsection (1) as in the case of a new petition.

COSTS

- 127 (1) All costs, charges and expenses of, and incidental to, the presentation of an election petition and the proceedings consequent thereon shall be defrayed by the parties to the petition, or by the District, in such manner and proportion as the judge determines.
- (2) No order for costs or expenses shall be made against a person whose election is questioned who does not actively contest the election petition, and who is found by the judge to be not guilty of any corrupt or improper practice."

- (3) Before any order as to costs is made against a District, a summons to show cause why such an order should not be made shall be served on the Secretary-Treasurer of the District affected, and if such order is made, the District is entitled to notice of the taxation of such costs.
 - (4) An order for costs may be enforced by execution in the manner provided by law.
128. (1) The decision of a judge on any election petition is final and no appeal lies from that decision.
129. (1) Notwithstanding this Ordinance the Board of Trustees of all Local Improvement Districts other than Haines Junction shall continue in office until 12 o'clock noon on Monday, the second day of January 1978, or until their successors are sworn in pursuant to this Ordinance but where any member of the Board of Trustees resigns or dies prior to such day the provisions of the *Local Improvement District Ordinance* shall apply as if this Ordinance had not been enacted.
130. (1) This Ordinance or any portion thereof shall come into force on such day or days as affixed by the Commissioner.

CHAPTER 12
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE TAXATION ORDINANCE

(Assented to April 28, 1977)

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

1. The *Taxation Ordinance* is amended by repealing subsection 19.(1) and substituting the following therefor:
"19.(1) The authority may adopt the whole or any part of the last revised assessment roll as the assessment roll or part thereof, as the case may be, for the following year, but no such assessment roll may be adopted for more than five consecutive years except upon the order of the Commissioner."
2. This Ordinance shall come into force upon assent.

CHAPTER 13
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to March 30, 1977)

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

1. The *Liquor Ordinance* is amended by repealing section 103 and substituting the following therefor"
 - "103.(1) Except in the case of liquor purchased and consumed in accordance with a licence or permit issued pursuant to this Ordinance no person shall consume liquor in any public place in a municipality or local improvement district in respect of which the Commissioner has made an area enforcement order by reason of this section.
 - (2) For the purposes of this section "public place" does not include:
 - (a) a residence;
 - (b) a public beach, public park or public campground;
 - (c) a garden, terrace or poolside patio of a licensed premises;
 - (d) such other places as may be prescribed.
 - (3) Where the Commissioner receives a resolution duly passed by the Council of a municipality requesting that this section be put into operation in respect of the municipality the Commissioner shall make an order that this section is in force in respect of the municipality.
 - (4) Where the Commissioner receives a resolution of the board of trustees of a local improvement district requesting that this section be put into operation in respect of the

local improvement district, he shall make an order that this section is in force in respect of the local improvement district.

- (5) The Commissioner may revoke an area enforcement order.
- (6) The procedure set out in subsections (4) and (5) shall apply *mutatis mutandis* in respect of a request to revoke an area enforcement order.
- (7) Notwithstanding any other provision of this section an area enforcement order shall continue in force in respect of the place described in the order for a period of not less than two years from the making of the order and where, pursuant to this section, the Commissioner has revoked an area enforcement order no further area enforcement order shall be made in respect of that place for a period of two years from the date of the revocation of the original enforcement order.
- (8) Proof of possession in a public place of a bottle or a can containing liquor which has been opened is *prima facie* evidence of consumption by the person found in possession of liquor in such public place.
- (9) Where one of two or more persons, with the knowledge and consent of the rest, has liquor in his custody or possession, the liquor shall be deemed to be in possession of each and all of them.

2. This Ordinance shall come into force on the 1st day of April, 1977.

CHAPTER 14
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

FINANCIAL AGREEMENT ORDINANCE, 1977

(Assented to March 30, 1977)

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 Ordinance may be cited as the *Financial Agreement Ordinance, 1977*.
2. (1) In this Ordinance
"agreement" means the agreement entered into pursuant to section 3;

"fiscal year" means the period beginning on and including the first day of April in one year and ending on and including the thirty-first day of March in the next year;

"local administrative district" has the meaning given to it in the agreement.
3. (1) Subject to this Ordinance the Commissioner is authorized to enter into and execute, on behalf of the Government of the Yukon Territory, an agreement which will provide
 - a) that the Government of Canada will pay to the Government of the Yukon Territory,
 - i) as an operating grant for the fiscal year 1977-78 an amount equal to Fifteen Million, Nine Hundred, Fifty-One Thousand Dollars.
 - ii) as a payment in lieu of the Government of the Yukon Territory levying personal and corporate income taxes, an amount equal to Thirteen Million, Three Hundred, Sixty-One Thousand Dollars.

- iii) as a capital grant for the fiscal year 1977-78 an amount equal to Eleven Million, Six Hundred Six Thousand Dollars.
 - b) that in consideration thereof the Government of the Yukon Territory will suspend and refrain and will require local administrative districts in the Territory to suspend and refrain from the imposition, levying and collection of individual income taxes, corporation taxes and corporation income taxes in respect of the period commencing on the first day of January 1977, and ending on the thirty-first day of December 1977.
- 4. (1) The agreement shall also provide
 - a) that the amounts payable by the Government of Canada to the Government of the Yukon Territory shall be paid
 - i) in the case of the amounts described in sub-paragraphs 3. (1) (a) (i) and (ii), in equal instalments in each month in the period from the first day of April 1977 to the thirty-first day of March 1978; and
 - ii) in the case of amounts described in sub-paragraph 3. (1) (a) (iii) in the amounts and at the times fixed in a schedule to be provided by the Territory and agreed to by Canada.
 - b) for such other terms and conditions as may be agreed upon for the purpose of giving effect to this Ordinance.
- 5. (1) The agreement may be varied or amended from time to time, as may be agreed upon with the Government of Canada by the Commissioner.
- 6. (1) No variation or amendment to the agreement made pursuant to section 5 is valid unless it is ratified by the Council.

7. (1) Upon execution of the agreement, any Ordinance of the Territory and any regulations, or by-laws made thereunder, including those of any local administrative district, shall, for the relevant periods provided in the agreement, be deemed to be amended, suspended or inoperative as the case may be to the extent necessary to give effect to the agreement and to permit the Government of the Yukon Territory to fulfill every obligation assumed by it under the agreement.
8. (1) Neither the Commissioner nor any local administrative district shall do any act or exercise any power or collect any tax in contravention of the provisions of this agreement.
9. (1) The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement.
10. (1) Sections 7 to 9 shall remain in operation for only so long as is necessary to give effect to the agreement.
11. (1) This Ordinance shall come into force on the day of assent.

CHAPTER 15
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

FIRST APPROPRIATION ORDINANCE, 1977-78

(Assented to March 30, 1977)

Whereas it appears by message from Arthur Pearson, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the public service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending the thirty-first day of March 1978

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

- | | | |
|--------|---|----------------------------------|
| 1. (1) | This Ordinance may be cited as the <i>First Appropriation Ordinance, 1977-78</i> . | Short Title |
| 2. (1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole, Eighty-Seven Million, Three Hundred Thirty-Nine Thousand, Four Hundred Dollars, for defraying the several charges and expenses of the public service of the Territory for the twelve months ending the thirty-first day of March 1978, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount
Granted |
| 3. (1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to
be accounted
for |
| 4. (1) | This Ordinance shall come into force on the day of assent. | Coming into
force |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars)</u>
Administrative Services	2,374,100
Department of Treasury	2,524,700
Department of Education	14,130,790
Department of Territorial Secretary and Registrar General	1,252,300
Department of Health, Welfare and Rehabilitation	14,401,300
Department of Local Government	3,587,700
Department of Tourism, Conservation and Information	3,390,800
Department of Legal Affairs	2,947,200
Department of Highways and Public Works	17,269,400
Yukon Housing Corporation	2,214,100
Project Capital	16,697,100
Loan Capital	5,100,000
Loan Amortization	1,450,000
	<hr/>
TOTAL	<u>\$ 87,339,400</u>

CHAPTER 16
ORDINANCES OF THE YUKON TERRITORY
1977(FIRST SESSION)

SECOND APPROPRIATION ORDINANCE, 1977-78

(Assented to April 28, 1977)

Whereas it appears by message from Arthur Pearson, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the public service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending the thirty-first day of March, 1978.

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

- | | | |
|-------|--|----------------------------|
| 1. | This Ordinance may be cited as the <i>Second Appropriation Ordinance, 1977-78.</i> | Short title |
| 2.(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole Three Million, Six Hundred Thousand Dollars for defraying the several charges and expenses of the public service of the Territory for the twelve months ending the thirty-first day of March 1978, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3.(1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |

SECOND APPROPRIATION ORDINANCE

SCHEDULE "A"

<u>Appropriation</u>	<u>Amount</u>
Project Capital	<u>\$ 3,600,000</u>

CHAPTER 17
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

THIRD APPROPRIATION ORDINANCE, 1977-78

(Assented to April 28, 1977)

Whereas it appears by message from Arthur Pearson, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the public service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending the thirty-first day of March, 1978.

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

SHORT TITLE

- | | | |
|--------|---|----------------------------|
| 1. (1) | This Ordinance may be cited as the <i>Third Appropriation Ordinance, 1977-78.</i> | Short Title |
| 2. (1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred dollars for defraying the several charges and expenses of the public service of the Territory for the twelve months ending the thirty-first of March, 1978, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3. (1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |

SCHEDULE "A"

<u>Appropriation</u>	<u>Amount</u>
Loan Capital - Stabilization Fund Loan Ordinance	<u>\$100.</u>

CHAPTER 18
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

SECOND APPROPRIATION ORDINANCE, 1976/77

(Assented to March 30, 1977)

Whereas it appears by message from Arthur Pearson, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the public service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending the thirty-first day of March, 1977.

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

- | | |
|--|----------------------------|
| 1. (1) This Ordinance may be cited as the <i>Second Appropriation Ordinance, 1976/77.</i> | Short Title |
| 2. (1) From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole Three Million, Eight Hundred Six Thousand, Nine Hundred and Seventy-Two Dollars for defraying the several charges and expenses of the public service of the Territory for the twelve months ending the thirty-first day of March, 1977, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | |
| 3. (1) The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |
| 4. (1) This Ordinance shall come into force on the day of assent. | Coming into force |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars)</u>
Administrative Services	212,524
Department of Treasury	584,212
Department of Education	162,939
Department of Territorial Secretary and Registrar General	(67,278)
Department of Health, Welfare and Rehabilitation	797,551
Department of Local Government	(35,736)
Department of Tourism, Conservation and Information	65,868
Department of Legal Affairs	3,423
Department of Highways and Public Works	(299,900)
Yukon Housing Corporation	162,269
Project Capital	2,176,100
Loan Amortization	45,000
	<hr/>
	\$ 3,806,972
	<hr/> <hr/>

CHAPTER 19
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

LOAN AGREEMENT ORDINANCE (1977) NO. 1

(Assented to March 30, 1977)

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 Ordinance may be cited as the <i>Loan Agreement Ordinance (1977) No. 1.</i> | Short Title |
| 2. (1) | The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding Five Million, One Hundred Thousand Dollars for loans to municipalities, to Central Mortgage and Housing Corporation second mortgages, for development of land and to finance community improvements outside municipalities. | Commissioner may borrow |
| 3. (1) | The Commissioner is authorized to enter into and execute on behalf of the Government of the Territory an agreement with the Government of Canada providing for
(a) the repayment to the Government of Canada of the amount borrowed pursuant to section 2;
(b) the payment to the Government of Canada of interest at such a rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the amount borrowed pursuant to section 2; and
(c) such other terms and condition as may be agreed upon by the Commissioner. | Commissioner may execute agreement |
| 4. (1) | The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Territory under this agreement. | Commissioner may implement agreement |
| 5. (1) | This Ordinance shall come into force on the day of assent. | Come into force |

CHAPTER 20
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE

(Assented to March 30, 1977)

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

- | | |
|---|---|
| Short Title | 1. (1) This Ordinance may be cited as the <i>Municipal General Purposes Loan Ordinance</i> . |
| "borrowing
by-law" | 2. (1) In this Ordinance
"borrowing by-law" means a by-law mentioned in
Section 4; |
| "Council" | "council" means the council of a municipality; |
| "municipality" | "municipality" means a town or city. |
| Ordinance one
with Municipal
Ordinance | (2) This Ordinance shall be construed as one with the
<i>Municipal Ordinance</i> , but in case of conflict,
the provisions of this Ordinance shall prevail. |
| Commissioner
may lend to
municipalities | 3. (1) The Commissioner may on behalf of the Territory,
lend a sum not exceeding One Million, Three Hundred
Fifty Thousand Dollars in the whole to municipa-
lities in the Yukon Territory to enable them to
carry on programs of municipal works and for that
purpose, the Commissioner may, on behalf of the
Territory, enter into agreements with the munici-
palities. |
| | 4. (1) Subject to this Ordinance, a Council may pass
by-laws for the borrowing of money for the purpose
mentioned in section 3 but no such by-law shall
be valid unless, prior to being finally passed by
the council, it has been approved in accordance
with the <i>Municipal Ordinance</i> . |

5. (1) A borrowing by-law shall set out in detail:
- a) the amount proposed to be borrowed;
 - b) the purpose for which the expenditure is to be made;
 - c) the term of the loan;
 - d) the rate of interest payable thereon;
 - e) the method of repayment; and
 - f) the amount of the existing debt of the municipality, if any, and how much, if any, of the principal or interest thereof is in arrears.
- (2) Every by-law to borrow money shall, by its terms:
- a) fix the amount of the loan and the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable;
 - b) provide that the loan and interest thereon shall be paid in lawful money of Canada;
 - c) provide for the levy of an annual tax or taxes sufficient to pay the principal and interest of the loan; and
 - d) generally shall be in such form and contain such further provisions as may be required by the Commissioner.
6. (1) No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law except that if on completion of the work for which the money was borrowed, there remains an unexpended balance, such balance may be used by a municipality
- a) for the payment of any interest payable in respect of the loan,
 - b) for the repayment of the principal amount of the loan or any portion thereof; or
 - c) for such other purposes and upon such terms and conditions as the council, with the approval of the Commissioner, deems appropriate.
7. (1) A by-law may provide that the loan shall be repaid prior to the due date at the option of a municipality at such time or times as the municipality may find it possible to repay it.

Form of
by-law

money to be
used for
purpose stated

Repayment
prior to due
date

- Redemption (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any by-law by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the council to continue to collect taxes in respect thereof.
- Agreement binding 8. (1) Any loan agreement made pursuant to this Ordinance shall be valid and binding upon a municipality notwithstanding any insufficiency in the form or substance of the agreement or the by-law if the by-law has been approved in accordance with the *Municipal Ordinance*.
- Special levy where default in debentures 9. (1) If a municipality defaults in payment of the monies owing in respect of a loan made under a by-law passed pursuant to this Ordinance, the council shall forthwith make a special levy against all property in the municipality to raise sufficient funds to pay the arrears owing on the loan.
- Coming into force 10. (1) This Ordinance shall come into force on the day of assent.

TABLE OF ORDINANCES

MARCH, 1977

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
A-01	Age of Majority	
A-1	Apprentice Training	
A-2	Arbitration	
A-3	Archives	
A-4	Area Development	
A-5	Assignment of Book Debts	
B-1	Bills of Sale	
B-2	Blasting	
B-3	Brands	
B-3.1	Building Standards	
B-4	Bulk Sales	
B-5	Business Licence	
C-1	Cancer Diagnosis	
C-2	Cemeteries and Burial Sites	
C-3	Change of Name	
C-4	Child Welfare	
C-5	Chiropractic	
C-6	Choses in Action	
C-7	Citizenship Instruction Agreement	
C-8	Civil Emergency Measures	
C-9	Collection	
C-9.1	Community Assistance	s.75.1 -1976(1st) c.4 repealed s75.1 - new -1977(1st)c.
C-10	Companies	
C-10.1	Compensation for the Victims	s.23(1)new -1976(1st)c.5
C-11	Conditional Sales	
C-12	Condominium	
C-12.1	Conflict of Laws (Traffic Accidents)	
C-13	Consumers' Protection	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
C-14	Contributory Negligence	
C-15	Controverted Elections	
C-16	Cooperative Associations	
C-17	Cornea Transplant	
C-18	Coroners	
C-19	Corporation Securities Registration	
C-19.1	Corrections	
C-20	Court of Appeal	
C-21	Credit Unions	s.10(4) new -1976(1st)c.6 s.17(1)(d) -1976(1st)c.6 repealed s.17(1)(d) new s.17(1)(i) becomes s.17(1)(j) -1976(1st)c.6 s.17(1)(i) new s.22(1),(4);26(1)(a);34(1), 35, 36, 38, 39, 40, 42 (1), 49(2), 53, 54, & 78.
C-22	Creditors' Relief	
C-23	Curfew	
D-1	Defamation	
D-2	Dental Profession	
D-3	Dependants' Relief	
D-4	Devolution of Real Property	
D-5	Disabled Persons' Allowance	
D-6	Distress	
D-7	Dog	
E-1	Elections	s.16-repealed -1977(1st)c. s.16-new -1977(1st)c. s.19 - repealed -1977(1st)c. s.19 - new -1977(1st)c.
E-1.1	Electoral District Boundaries Commission	new -1977(1st)c.
E-2	Electrical Protection	new -1976(3rd)c.3
E-2.1	Electrical Public Utilities	
E-3	Elevator and Fixed Conveyances	
E-3.1	Emergency Medical Aid	new -1976(3rd)c.1
E-4	Employment Agencies	
E-5	Engineering Profession	
E-6	Evidence	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>	
E-7	Exemptions		
E-8	Expropriation		
F-1	Factors		
F-2	Fair Practices		
F-3	Fatal Accidents		
F-4	Financial Administration	new	-1976(3rd)c.4
F-5	Fire Prevention		
F-6	Fitness and Amateur Sport Agreement		
F-7	Flag		
F-8	Floral Emblem		
F-9	Forest Protection		
F-9.1	Fraudulent Preferences and Conveyances		
F-10	Frustrated Contracts		
F-11	Fuel Oil Tax		
F-12	Fur Export		
G-1	Game		
G-2	Gaols		
G-3	Garage Keepers' Lien		
G-4	Garnishee		
G-5	Gasoline Handling		
	General Development Agreement	new	-1977(1st)c.
G-5.1	Government Employee Housing Plan		
H-1	Health Care Insurance Plan		
H-1.1	Highways	s.2(1)(i) & (ii) Kilograms s.30 (1)(e) six metres s.30(1)(f) nine metres	1976(3rd.)c.5 -1976(3rd)c.5 -1976(3rd)c.5
H-2	Historic Sites & Monuments		
H-2.1	Home Owners' Grant	new s.4 new	-1976(1st)c.1 -1976(3rd)c.6
H-3	Hospital Insurance Services		
H-4	Hotels and Tourist Establishments		
H-5	Housing		
H-5.1	Housing Corporation		
H-6	Housing Development		
I-1	Immunity of Members	new	-1976(1st)c.2
I-1.1	Institute of Chartered Accountants	new	-1976(3rd)c.2

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
	Liquor Tax	s.4 - repealed -1977(1st)c. s.4 - new -1977(1st)c. s.5 & 6 -repealed -1977(1st)c. s.5 - new -1977(1st)c.
L-9	Local Improvement District	s.2 - amended -1977(1st)c s.4 - repealed -1977(1st)c s.4 - new -1977(1st)c s.6 - repealed -1977(1st)c s.6 - new -1977(1st)c s.7 - repealed -1977(1st)c s.7 - new -1977(1st)c s.7.1(1)(d)-repealed-1977(1st)c s.7.1(1)(d)-new -1977(1st)c s.8 - repealed -1977(1st)c s.8 - new -1977(1st)c s.10 - repealed -1977(1st)c s.10 - new -1977(1st)c s.13(1)(a)-repealed-1977(1st)c s.13(1)(a)-new -1977(1st)c s.15.10 (2)-new -1977(1st)c s.21-103 - new -1977(1st)c.
L-10	Lord's Day	
L-10.1	Lotteries	
L-11	Low Cost Housing	
M-1	Magistrate's Court	
M-2	Maintenance	
M-3	Marriage	
M-4	Married Women's Property	
M-5	Mechanics' Lien	
M-5.1	Mediation Board	
M-6	Medical Profession	
M-7	Mental Health	
M-8	Miners' Lien	
M-9	Mining Safety	
M-10	Motion Pictures	
M-11	Motor Vehicles	
M-12	Municipal	
M-13	Municipal Aid	
M-14	Municipal Elections	
	Municipal Employees Benefits	
N-1	Newspaper	
N-2	Noise Prevention	
N-3	Notaries	
	Occupational Training	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>	
O-1	Old Age Assistance and Blind Persons' Allowance		
O-2	Optometry		
P-1	Partnership		
P-2	Pawnbrokers and Secondhand Dealers		
P-3	Perpetuities		
P-4	Pharmaceutical Chemists		
P-5	Plebiscite		
P-6	Pounds		
P-7	Presumption of Death		
P-8	Public Health		
P-8.1	Public Inquiries		
P-9	Public Printing		
P-10	Public Service		
	Public Service Commission Ordinance	new	-1977(1st)c
P-11	Public Service Staff Relations		
R-	Real Estate Agent Licencing		
R-1	Reciprocal Enforcement of Judgments		
R-2	Reciprocal Enforcement of Maintenance Orders		
R-2.1	Recreation Development		
R-3	Recording of Evidence by Sound Apparatus		
R-4	Regulations		
R-5	Rehabilitation Services		
S-1	Sale of Goods		
S-2	Saw Logs Driving		
S-3	School		
S-4	Scientists and Explorers		
S-5	Securities		
S-6	Social Assistance		

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
S-7	Societies Society of Industrial Accountants	
S-8	Steam Boilers Students' Financial Assistance	
S-9	Students' Grants	
S-10	Superannuation, Territorial Employees'	
S-10.1	Supreme Court	
S-11	Survivorship	
T-01	Taxation	s.55.(1)new - 1976(1st)c.7 s.55.(1)new - 1976(2nd)c.5 s.19(1)repealed - 1977(1st)c. s.19(1)new - 1977(1st)c.
T-1	Tenants in Common	
T-2	Tobacco Tax	s.4(1) - 1976(1st)c.10
T-3	Trade Schools Regulation	
T-4	Transport Public Utilities Travel for Medical Treatment	
T-5	Trustee	
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V-2	Vital Statistics	
W-1	Wages Recovery	
W-2	Warehousemen's Lien	
W-3	Wills	
W-4	Woodmen's Lien	
W-5	Workmen's Compensation	
W-6	Workmen's Compensation Supplementary Benefits	



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1977

FIRST SESSION
June 13, 1977

A. M. PEARSON
COMMISSIONER

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

BY

H. D. SPRAY, Queen's Printer

EXPLANATORY NOTE

The Legislative Assembly reconvened June 13, 1977, and additional legislation was enacted which necessitated this second volume of the Sessional Ordinances for the 1977 First Session.

The 1977 First Session progrogued June 13th, 1977.

ORDINANCES OF THE YUKON TERRITORY

1977

<u>CHAPTER NO.</u>	<u>TITLE</u>	<u>PAGE</u>
21	Dawson Historic Sites Aid Grants Ordinance	
22	An Ordinance to Amend The Local Improvement District Ordinance	

CHAPTER 21
ORDINANCES OF THE YUKON TERRITORY
1977 (First Session)

DAWSON HISTORIC SITES AID GRANTS ORDINANCE

(Assented to June 13, 1977)

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 Ordinance may be cited as the *Dawson Historic Sites Aid Grants Ordinance*.
- 2.(1) The Commissioner may pay to the Council of the City of Dawson a grant to be called the Historic Sites Aid Grant pursuant to this section.
 - (2) The amount of the grant payable pursuant to subsection (1) shall be the product obtained by multiplying,
 - (a) the general mill rate applicable to taxable property in the City of Dawson; by
 - (b) the assessed value of non-functional Federal Historic Sites in the City of Dawson, less any amount paid by Canada by way of grant in lieu of taxes.
- 3.(1) The Commissioner shall by order each year schedule the non-functional Federal Historic Sites in the City of Dawson in respect of which Historic Sites Aid Grants shall be paid in the ensuing fiscal year in accordance with section 3 and transmit a copy of the order to the Council of the City of Dawson.
 - (2) The Commissioner shall include in the schedule all lands which together with the improvements thereon are in the opinion of the Commissioner non-functional Federal Historic Sites but shall not include any lands which are used in the general administration of Canada or the Territory or in respect of which a grant in lieu of taxes is paid pursuant to the Municipal Aid Ordinance or are exempted from the provisions of section 6 of the Municipal Aid Ordinance.

(3) The Commissioner shall include in the schedule the amount of the Historic Sites Aid Grant in respect of each parcel for which the grant will be paid.

4.(1) This Ordinance shall be deemed to come into force upon assent.

CHAPTER 22
ORDINANCE OF THE YUKON TERRITORY
1977 (First Session)

AN ORDINANCE TO AMEND THE LOCAL IMPROVEMENT DISTRICT ORDINANCE

(Assented to June 13, 1977)

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

1. Section 129 of the Local Improvement District Ordinance is amended by adding thereto the following new subsection:
 - "(2) The Board of Trustees of any Local Improvement District, other than Haines Junction, may by motion request the Commissioner to make an acceleration order pursuant to subsection (4).
 - (3) Any motion pursuant to subsection (2) must be made not later than the 17th day of August 1977.
 - (4) Upon receipt of a motion pursuant to subsection (2) the Commissioner may make an acceleration order pursuant to this section.
 - (5) In an acceleration order made pursuant to subsection (4) the Commissioner shall provide for an election of a new board of five trustees pursuant to this Ordinance and shall:
 - (a) fix a day upon which the members of the existing board shall be deemed to have retired from office;
 - (b) designate the polling place;
 - (c) set any dates to be observed in place of statutory dates;
 - (d) appoint a returning officer; and
 - (e) make any other provisions he deems advisable for the purpose of carrying out an election pursuant to this Ordinance.
 - (6) The term of office of the trustees elected at an election held pursuant to an acceleration order shall be from the day they are sworn into office until 12 o'clock noon of the first Monday after the first day of January 1980 or until their successors are sworn in pursuant to this Ordinance."

TABLE OF ORDINANCES

MARCH, 1977

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
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A-1	Apprentice Training	
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A-4	Area Development	
A-5	Assignment of Book Debts	
B-1	Bills of Sale	
B-2	Blasting	
B-3	Brands	
B-3.1	Building Standards	
B-4	Bulk Sales	
B-5	Business Licence	
C-1	Cancer Diagnosis	
C-2	Cemeteries and Burial Sites	
C-3	Change of Name	
C-4	Child Welfare	
C-5	Chiropractic	
C-6	Choses in Action	
C-7	Citizenship Instruction Agreement	
C-8	Civil Emergency Measures	
C-9	Collection	
C-9.1	Community Assistance	s.75.1 -1976(1st) c.4 repealed s75.1 - new -1977(1st)c.
C-10	Companies	
C-10.1	Compensation for the Victims	s.23(1)new -1976(1st)c.5
C-11	Conditional Sales	
C-12	Condominium	
C-12.1	Conflict of Laws (Traffic Accidents)	
C-13	Consumers' Protection	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>
C-14	Contributory Negligence	
C-15	Controverted Elections	
C-16	Cooperative Associations	
C-17	Cornea Transplant	
C-18	Coroners	
C-19	Corporation Securities Registration	
C-19.1	Corrections	
C-20	Court of Appeal	
C-21	Credit Unions	S.10(4) new -1976(1st)c.6 S.17(1)(d) -1976(1st)c.6 repealed S.17(1)(d) new S.17(1)(i) becomes S.17(1)(j) -1976(1st)c.6 s.17(1)(i) new s.22(1),(4);26(1)(a);34(1), 35, 36, 38, 39, 40, 42(1), 49(2), 43, 54, & 78.
C-22	Creditors' Relief	
C-23	Curfew	
D-1	Defamation	
D-1.1	Dawson Historic Sites	new 1977(1st)c.21
D-2	Dental Profession	
D-3	Dependants' Relief	
D-4	Devolution of Real Property	
D-5	Disabled Persons' Allowance	
D-6	Distress	
D-7	Dog	
E-1	Elections	S.16-repealed -1977(1st)c. s.16-new -1977(1st)c. s.19-repealed -1977(1st)c. s.19-new -1977(1st)c.
E-1.1	Electoral District Boundaries Commission	new -1977(1st)c.
E-2	Electrical Protection	new -1976(3rd)c.3
E-2.1	Electrical Public Utilities	
E-3	Elevator and Fixed Conveyances	
E-3.1	Emergency Medical Aid	new -1976(3rd)c.1
E-4	Employment Agencies	
E-5	Engineering Profession	
E-6	Evidence	

<u>CHAPTER NO.</u>	<u>TITLE OF ORDINANCES</u>	<u>AMENDMENTS</u>	
E-7	Exemptions		
E-8	Expropriation		
F-1	Factors		
F-2	Fair Practices		
F-3	Fatal Accidents		
F-4	Financial Administration	new	-1976(3rd)c.4
F-5	Fire Prevention		
F-6	Fitness and Amateur Sport Agreement		
F-7	Flag		
F-8	Floral Emblem		
F-9	Forest Protection		
F-9.1	Fraudulent Preferences and Conveyances		
F-10	Frustrated Contracts		
F-11	Fuel Oil Tax		
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ORDINANCES

of the

YUKON TERRITORY



passed by the

Yukon Council



In the Year

1977

SECOND SESSION

November 5th, 1977 to March 1st, 1978

A.M. Pearson, Commissioner



Printed and Published for the Government of Yukon under Authority
of Chapter P-9 of the Revised Ordinances of the Yukon Territory,
1971, by H.D. Spray, Queen's Printer.

TO HOLDERS OF YUKON ORDINANCES

The Motor Vehicles Ordinance Chapter 4 1977 Second Session has been proclaimed in force effective June 23rd, 1978 with the exception of Sections 245 and 247. The provisions of the Motor Vehicles Ordinance, Chapter M11, R.O.Y.T. 1971, other than Section 34, has been repealed effective June 23rd, 1978.

ORDINANCES OF THE YUKON TERRITORY

1977 (Second Session)

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CHAPTER 1
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

ANIMAL PROTECTION ORDINANCE

(Assented to December 15, 1977)

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

- | | | |
|-------|---|-------------------------------|
| 1.(1) | This Ordinance may be cited as the <i>Animal Protection Ordinance</i> . | Short
title |
| 2.(1) | In this Ordinance:
"animal" includes mammals, birds and fish, but does not include wildlife;
"distress" means the state of
(a) being in need of proper care, food or shelter,
(b) being injured, sick or in pain or suffering,
or
(c) being abused or subject to undue or unnecessary hardship, privation or neglect;
"humane society" means an organization that is approved as a humane society under section 9;
"peace officer" means a member of the Royal Canadian Mounted Police, an enforcement officer of a municipality who has been sworn as a peace officer pursuant to the <i>Municipal Ordinance</i> and who is carrying out his duties within the municipality by whom he is employed pursuant to that Ordinance or a special constable appointed for the purposes of this Ordinance;
"veterinary surgeon" means a person who is entitled to practice veterinary medicine in a province of Canada or in the State of Alaska;
"wildlife" means any vertebrate animal of any species that is wild by nature in the Territory. | Interpre-
tation |
| 3.(1) | Where an animal is found in distress in a public place or, subject to section 4, in any other place, and
(a) the owner or person in charge of the animal does not forthwith take appropriate steps to relieve its distress, or
(b) the owner or person in charge of the animal is not present and cannot be found promptly,
a peace officer may, subject to this Ordinance, take such action as he considers necessary or desirable to relieve its distress, and for that purpose he may: | Powers of
peace
officer |

- (c) take custody of the animal;
- (d) arrange for any necessary transportation, food, care, shelter and medical treatment of the animal; and
- (e) deliver the animal into the custody of a humane society.

(2) Before acting under subsection (1) a peace officer shall take reasonable steps to find the owner or person in charge of the animal and, if found, shall endeavour to obtain his co-operation to relieve the animal's distress.

(3) If the owner of the animal is not present or promptly found and informed of the animal's distress, by a peace officer pursuant to subsection (2), the humane society into whose custody the animal is delivered shall take reasonable steps to find the owner and, if found, to inform him of the action taken.

Entry
of
premises

4.(1) Where he has reasonable and probable grounds for believing, and does believe, that an animal is in distress,

(a) in or upon any premises, other than a dwelling place, or

(b) in any vehicle or other chattel,

and where he has made every reasonable effort to first obtain a warrant but is unable to do so, for any reason other than the refusal of a justice to issue the warrant, a peace officer may, without a warrant, enter

(c) in or upon the premises, other than a dwelling place, or

(d) any vehicle or other chattel,

and search for the animal, and may exercise his powers under section 3 with respect to any animal in distress found therein.

(2) Where it appears to a justice, on information laid before him on oath, that there are reasonable and probable grounds for believing there is an animal in distress in or upon any premises, including a dwelling place, vehicle or other chattel within his jurisdiction, the justice may issue a warrant authorizing a peace officer to enter, by force if necessary, the premises, dwelling place, vehicle or other chattel specified in the warrant and search for the animal, and thereupon the peace officer may exercise his powers under section 3 with respect to any animal in distress found therein.

- (3) Before entering any premises, dwelling place, vehicle or other chattel pursuant to this section a peace officer shall take reasonable steps to find the owner or person in charge of the premises, dwelling place, vehicle or other chattel and endeavour to obtain his co-operation to relieve the animal's distress.
- (4) Where a peace officer uses force in entering or searching any premises, dwelling place, vehicle or other chattel, he shall use no more force than is reasonably required under the circumstances.
- 5.(1) Notwithstanding anything in this Ordinance to the contrary, where an animal taken into custody pursuant to section 3 is in such distress that, Relieving
of
distress
of
animals
- (a) in the opinion of a veterinary surgeon,
 - (b) if a veterinary surgeon is not readily available, in the unanimous opinion of a peace officer and two reputable citizens, or
 - (c) in a critical situation where a veterinary surgeon or two reputable citizens are not readily available, in the opinion of a peace officer,
- the animal cannot be relieved of its distress so as to live thereafter without undue suffering, the peace officer or humane society having such custody may cause the animal to be destroyed.
- (2) Where an animal is to be destroyed pursuant to this section but the animal's suffering will not be unduly prolonged thereby, the peace officer or the humane society having custody of the animal shall take reasonable steps to find the owner of the animal and endeavour to obtain his consent to its destruction.
- 6.(1) A humane society has a lien upon any animal delivered or taken into its custody under this Ordinance for any expenses properly incurred with respect to the animal for transportation, food, care, shelter and medical treatment and may require the owner to pay those expenses before delivering the animal to the owner. Recovery
of
expenses
by
Society
- (2) Expenses properly incurred may be recovered by the humane society in an action in debt against the owner of the animal or person who, with the consent, express or implied, of the owner of the animal, was in charge of the animal at the time the animal was taken into custody pursuant to section 3.

- Minimum time limits before animal may be sold or given away
- 7.(1) Subject to subsection (2), where the owner of an animal is not found within 72 hours after the animal came into the custody of a humane society pursuant to this Ordinance or, if found,
- (a) does not, within 72 hours after being informed that the animal was taken into the custody of the society,
 - (i) pay to the society, or
 - (ii) undertake to pay to the society within an agreed time, the expenses properly incurred by the society with respect to the animal, or
 - (b) does not pay those expenses within the time agreed upon under subparagraph (a) (ii), the society may sell or give the animal to any person.
- (2) Notwithstanding subsection (1), where the animal bears an obvious identification tattoo, brand, mark, tag or licence, the applicable time limit in any event under subsection (1) shall be 10 days from the time the animal was taken into the custody of a humane society.
- (3) Where a humane society sells or gives an animal to any person pursuant to this section,
- (a) the animal becomes the property of the person to whom it is sold or given, and
 - (b) any money paid to the society with respect to the animal is the property of the society.
- Animal may be destroyed
- 8.(1) Where an animal has been delivered into the custody of a humane society pursuant to this Ordinance and, after the expiry of the periods prescribed under section 7, the society is unable to sell or give the animal away, the society may cause the animal to be destroyed.
- (2) Where an animal is given to a humane society and the society is unable to sell or give the animal away, the society may cause the animal to be destroyed.
- Approval as humane Society
- 9.(1) The Commissioner
- (a) may approve as a humane society for the purposes of this Ordinance any organization having as a principal object the prevention of cruelty to animals, and
 - (b) may suspend or revoke the approval.

(2) The Commissioner may appoint any officer or employee of a humane society as a special constable with authority to exercise the powers of a peace officer for the purposes of this Ordinance.

10.(1) If authorized by or under the regulations, and subject thereto, a peace officer,
(a) without a warrant and in ordinary business hours, and
(b) for the purpose of enforcing this Ordinance and the regulations,
may enter and inspect any premises other than a dwelling place where animals are kept for sale, hire or exhibition.

Inspection of animal exhibitions, sales

11.(1) The Commissioner may make regulations:
(a) governing the approval and the suspension and revocation of approval of organizations as humane societies;
(b) prescribing the qualifications required of persons to be appointed special constables for the purposes of this Ordinance;
(c) respecting the manner of taking an animal into custody;
(d) defining what constitutes taking reasonable steps to find the owner of an animal in distress;
(e) prescribing a tariff of expenses which may be charged to the owner of an animal taken into custody under this Ordinance for transportation, food, care, shelter and medical treatment of the animal;
(f) prescribing, with respect to animals kept for sale, hire or exhibition, the standard of care with which the animals shall be maintained;
(g) respecting the authorization of peace officers, in general or, in particular, to exercise the powers specified in section 10 subject to such conditions and restrictions as are considered desirable in the public interest; or
(h) respecting any other matter necessary or desirable to give effect to the intent of this Ordinance.

Regulations

12.(1) Any person who contravenes this Ordinance or the regulations thereunder is guilty of an offence and liable on summary conviction, to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Offences

- Immunity of officers, society from prosecution 13.(1) No action lies against a peace officer or a humane society or any officer or employee of a humane society for any thing done in good faith and purporting to be done under this Ordinance or the regulations thereunder.
- Other ordinances prevail 14.(1) Nothing in this Ordinance shall be construed as affecting any right, power, duty or prohibition relating to animals conferred or imposed by or under any other ordinance and where any conflict exists between the provisions of this ordinance or the regulations thereunder and that other ordinance or the regulations thereunder, the provisions of that other ordinance or regulations thereunder shall prevail.
- Proclamation 15.(1) This Ordinance comes into force on the first day of January 1978.
-

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

ELECTORAL DISTRICT BOUNDARIES ORDINANCE

(Assented to December 1, 1977)

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

1. The following are the electoral districts in the Yukon Territory:

ELECTORAL DISTRICT OF CAMPBELL

The Electoral District of Campbell consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 133 degrees 15 minutes west and the south boundary of the Yukon Territory, thence due north to latitude 62 degrees 05 minutes north, thence due east to longitude 133 degrees west, thence due north to latitude 62 degrees 25 minutes north, thence due west to longitude 133 degrees 15 minutes west, thence due north to latitude 63 degrees north, thence due east to longitude 132 degrees west, thence due north to the north boundary of the Yukon Territory, thence southeastwardly along the said boundary to longitude 129 degrees west, thence due south to latitude 61 degrees north, thence due west to longitude 129 degrees 30 minutes west, thence due south to latitude 60 degrees 06 minutes north, thence due east to longitude 128 degrees 50 minutes west, thence due south to the south boundary of the Yukon Territory, thence due west to the point of commencement.

ELECTORAL DISTRICT OF FARO

The Electoral District of Faro consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 62 degrees 05 minutes north and longitude 133 degrees 45 minutes west, thence due north to latitude 62 degrees 25 minutes north, thence due east to longitude 133 degrees west, thence due south to latitude 62 degrees 05 minutes north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF HOOTALINQUA

The Electoral District of Hootalinqua consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 136 degrees west and the south boundary of the Yukon Territory, thence due north to latitude 61 degrees north, thence due west to longitude 136 degrees 30 minutes west, thence due north to latitude 61 degrees 45 minutes north, thence due east to longitude 133 degrees 15 minutes west, thence due south to the south boundary of the Yukon Territory, thence westwardly along the said boundary to the point of commencement; excluding the City of Whitehorse.

ELECTORAL DISTRICT OF KLONDIKE

The Electoral District of Klondike consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 63 degrees north and the west boundary of the Yukon Territory, thence northwardly along said boundary to latitude 66 degrees north, thence due east to longitude 137 degrees west, thence due south to latitude 66 degrees north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF KLUANE

The Electoral District of Kluane consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 63 degrees north and the west boundary of the Yukon Territory, thence due east to longitude 138 degrees west, thence due south to latitude 61 degrees 45 minutes north, thence due east to longitude 136 degrees 30 minutes west, thence due south to latitude 61 degrees north, thence due east to longitude 136 degrees west, thence due south to the south boundary of the Yukon Territory, thence westwardly and northwardly along the south and west boundaries of the Yukon Territory to the point of commencement.

ELECTORAL DISTRICT OF MAYO

The Electoral District of Mayo consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 63 degrees north and longitude 137 degrees west, thence due north to latitude 66 degrees north, thence due east to the east boundary of the Yukon Territory, thence southeastwardly along the said boundary to longitude 132 degrees west, thence due south to latitude 63 degrees north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF OLD CROW

The Electoral District of Old Crow consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 66 degrees north and the west boundary of the Yukon Territory, thence northwardly, eastwardly and southwardly along the west, north and east boundaries of said Territory to latitude 66 degrees north, thence due west to the point of commencement; and including Herschel Island.

ELECTORAL DISTRICT OF TATCHUN

The Electoral District of Tatchun consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 138 degrees west and latitude 61 degrees 45 minutes north, thence due north to latitude 63 degrees north, thence due east to longitude 133 degrees 15 minutes west, thence due south to latitude 62 degrees 25 minutes north, thence due west to longitude 133 degrees 45 minutes west, thence due south to latitude 62 degrees 05 minutes north, thence due east to longitude 133 degrees 15 minutes west, thence due south to latitude 61 degrees 45 minutes north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF WATSON LAKE

The Electoral District of Watson Lake consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 128 degrees 50 minutes west and the south boundary of the Yukon Territory, thence due north to latitude 60 degrees 06 minutes north, thence due west to longitude 129 degrees 30 minutes west, thence due north to latitude 61 degrees north, thence due east to longitude 129 degrees west, thence due north to the north boundary of the Yukon Territory, thence southeastwardly and westwardly along the east and south boundaries of the Yukon Territory to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE NORTH CENTRE

The Electoral District of Whitehorse North Centre consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the western prolongation of the centre line of Alexander Street and the foot of the Airport (Reserve) Escarpment, thence northwardly along the foot of said escarpment to a point being due east of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due east to the centre line of the Yukon River,

thence southwardly up the centre line of the Yukon River to a point being the eastern prolongation of the centre line of Jarvis Street, thence southwestwardly along said prolongation and the centre line to the centre line of Fifth Avenue, thence northwestwardly along said centre line to the centre line of Alexander Street, thence westwardly along said centre line to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE PORTER CREEK EAST

The Electoral District of Whitehorse Porter Creek East consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of Wann Road and Centennial Street, thence northwestwardly along the centre line of Centennial Street to the centre line of the Alaska Highway, thence northwestwardly along said centre line to the western limit of the City of Whitehorse, thence northwardly and eastwardly along the western and northern limit of the City of Whitehorse to the centre line of the Yukon River, thence southwardly up the centre line of the Yukon River to a point due east of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due west to the point of intersection of the southeastern prolongation of the centre line of Grove Street, thence northwestwardly along said prolongation and the centre line to the centre line of Eleventh Avenue, thence northeastwardly along said centre line to the centre line of Holly Street, thence northwestwardly along said centre line to the centre line of Twelfth Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence northwestwardly along said centre line to the centre line of Thirteenth Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence northwestwardly along said centre line to the centre line of Fourteenth Avenue, thence northeastwardly along said centre line to the centre line of Holly Street, thence northwestwardly along said centre line to the centre line of Wann Road, thence westwardly along said centre line to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE PORTER CREEK WEST

The Electoral District of Whitehorse Porter Creek West consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of Wann Road and Centennial Street, thence eastwardly along the centre line of Wann Road to the centre line of Holly Street, thence southeastwardly along said centre line to the centre line of

Fourteenth Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence southeastwardly along said centre line to the centre line of Thirteenth Avenue, thence northeastwardly along said centre line to the centre line of Grove Street, thence southeastwardly along said centre line to the centre line of Twelfth Avenue, thence northeastwardly along said centre line to the centre line of Holly Street, thence southeastwardly along said centre line to the centre line of Eleventh Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence southeastwardly along said centre line and the southeastern prolongation of the centre line to a point due east of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due west to the western limit of the City of Whitehorse, thence northwestwardly along the said limit to the centre line of the Alaska Highway, thence southeastwardly along said centre line to the centre line of Centennial Street, thence southeastwardly along said centre line to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE RIVERDALE NORTH

The Electoral District of Whitehorse Riverdale North consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of the Yukon River and the northern limit of the City of Whitehorse, thence eastwardly and southeastwardly along the northern and eastern limits of the City of Whitehorse to the point of intersection of the northeastern prolongation of the centre line of Klondike Road and the said limit, thence southwestwardly along said prolongation and the centre line of Klondike Road to the centre line of Lewes Boulevard, thence northwestwardly along said centre line to the centre line of Selkirk Street, thence southwestwardly along said centre line and the western prolongation of the centre line to the centre line of the Yukon River, thence northwardly down the centre line of the Yukon River to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE RIVERDALE SOUTH

The Electoral District of Whitehorse Riverdale South consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of the Yukon River and the southern limit of the City of Whitehorse, thence down the centre line of the Yukon River to the point of intersection of the western prolongation of the centre line of Selkirk Street, thence northeastwardly along said prolongation and the centre line of Selkirk Street to the centre line of

Lewes Boulevard, thence southeastwardly along said centre line to the centre line of Klondike Road, thence northeastwardly along said centre line and the eastern prolongation of the centre line to the eastern limit of the City of Whitehorse, thence southeastwardly and southwestwardly along said limit to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE SOUTH CENTRE

The Electoral District of Whitehorse South Centre consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the western prolongation of the centre line of Alexander Street and the foot of the Airport (Reserve) Escarpment, thence northeastwardly along said prolongation and the centre line to the centre line of Fifth Avenue, thence southeastwardly along said centre line to the centre line of Jarvis Street, thence northeastwardly along said centre line and the eastern prolongation of the centre line to the centre line of the Yukon River, thence southwardly up the centre line of the Yukon River to a point due east of the northernmost corner of Lot 523 Group 804, thence due west to the foot of said escarpment, thence northwestwardly along the foot of said escarpment to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE WEST

The Electoral District of Whitehorse West consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the western prolongation of the centre line of Alexander Street and the foot of the Airport (Reserve) Escarpment, thence southwardly along the foot of said escarpment to a point due west of the northernmost corner of Lot 523 Group 804, thence due east to the centre line of the Yukon River, thence southwardly up the centre line of the Yukon River to the limit of the City of Whitehorse, thence southwestwardly and northwestwardly along said city limit to the point being due west of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due east to the foot of the said escarpment, thence southwardly along the foot of the escarpment to the point of commencement.

2. The *Elections Ordinance*, being chapter E-1 of the Revised Ordinances of the Yukon Territory, 1971, is amended
 - (a) by repealing section 4 thereof and the heading immediately preceding section 4; and
 - (b) by repealing Schedule I thereof.
3. This Ordinance shall come into force on such day as the Commissioner may fix by proclamation.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

ELECTIONS ORDINANCE, 1977

(Assented to March 1, 1978)

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 Ordinance may be cited as the <i>Elections Ordinance, 1977</i> . | Short
title |
| 2.(1) | In this Ordinance:
"Administrator" means the Administrator of Elections employed by the Board pursuant to Section 6;
"agent" means a person appointed by a candidate or his official agent to represent the candidate at a polling station pursuant to Section 46;
"Board" means the Elections Board established by Section 4;
"by-election" means an election other than a general election;
"election expenses" means:
(i) amounts paid,
(ii) liabilities incurred, and
(iii) the commercial value of goods and services bought or received as donations for the purpose of promoting or opposing directly, during an election period, a political party or a candidate or group of candidates;
"election officer" means the Administrator, a returning officer, assistant returning officer, deputy returning officer, enumerator, revising officer, poll clerk, interpreter or constable;
"election period" means the period from the date of issue of the writ to the expiry of ten days after the official addition of the vote or the completion of any judicial recount whichever is the later;
"elector" means any person qualified to vote at an election under the provisions of this Ordinance;
"general election" means the several elections for which writs are issued simultaneously for all electoral districts;
"official agent" means the official agent of a candidate appointed pursuant to Section 31; | Definitions
"Administrator"

"agent"

"Board"

"by-election"

"election expenses"

"election officer"

"election period"

"elector"

"general election"

"official agent" |

"official list"		"official list" means the official list defined in subsection 21(9);
"poll book"		"poll book" means the book in the prescribed form in which the name and address of every person applying to vote are entered by the poll clerk before the applicant is allowed to vote;
"polling place"		"polling place" means a building or location at which one or more polling stations is established;
"polling station"		"polling station" means premises secured for the taking of the vote of all or part of the electors of a polling division;
"registered political party"		"registered political party" means a political party incorporated as a society or registered as an extra-territorial society under the <i>Societies Ordinance</i> ;
"writ"		"writ" means a writ of election.
Application of Ordinance	3.(1)	This Ordinance applies to the election of members of the Yukon Territorial Council to represent the electoral districts established by the <i>Electoral District Boundaries Ordinance</i> .

ELECTIONS BOARD

Elections Board	4.(1)	There is hereby established the Elections Board.
	(2)	The Board shall consist of three members appointed by the Commissioner.
	(3)	Any vacancy on the Board shall be filled by appointment by the Commissioner.
	(4)	The Commissioner shall make the initial appointments to the Board so that, <ul style="list-style-type: none"> (a) the term of office of the first member expires after two years, (b) the term of office of the second member expires after four years, and (c) the term of office of the third member expires after six years.
	(5)	Appointments to the Board subsequent to the appointments made under subsection (4) shall be for a period of six years, except appointments made to replace a member who has not completed his appointed term in which case the appointment shall be for the balance of the uncompleted term.

- (6) The Commissioner shall appoint one of the members to be chairman of the Board.
- (7) A member may be removed for cause by the Commissioner.
- (8) The members shall receive such remuneration and reimbursement of expenses as is established by order of the Commissioner.
- (9) Two members of the Board constitute a quorum.
- (10) The Board may pass by-laws to regulate its own proceedings.
- (11) Every member of the Board shall during his appointment refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate.
- 5.(1) The Board shall
 - (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Ordinance;
 - (b) issue to election officers such instructions as from time to time it may deem necessary to ensure effective execution of the provisions of this Ordinance; and
 - (c) execute and perform all of the powers and duties assigned to it by this Ordinance.
- (2) Where, during the course of an election, it appears to the Board that by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstances, any of the provisions of this Ordinance do not accord with the exigencies of the situation, the Board may, by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of the provisions of this Ordinance to the execution of its intent, to such extent as it considers necessary to meet the exigencies of the situation.
- (3) The Board may in the exercise of its powers under subsection (2) extend or postpone the time for the taking of the poll in any electoral district or any polling

Powers
of
Board

division only if it is satisfied that because of accident, emergency or extreme weather conditions a substantial number of electors will be unable to get to their polling station unless an extension or postponement is granted and no extension or postponement of more than twenty-four hours shall be granted.

ADMINISTRATOR OF ELECTIONS

Admini-
strator
of
elections

- 6.(1) The Board shall employ a person as Administrator of Elections as and when required by the Board to assist in the administration of elections.
- (2) The Administrator shall, during his employment, refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate.

Shares
appropriated
Staff

- 7.(1) The Commissioner shall in accordance with the *Public Service Commission Ordinance*, authorize the employment of such officers and employees as the Board deems necessary for the carrying out of the duties and responsibilities assigned to or undertaken by the Board or the Administrator under this Ordinance.

RETURNING OFFICERS

Returning
officers

- 8.(1) For every electoral district the Commissioner shall, after consultation with the Board, appoint a returning officer who shall hold office during pleasure and be removable for cause.
- (2) A returning officer may at any time be suspended for cause by the Board for a period not to exceed thirty days.
- (3) Where a returning officer is replaced for any reason any writ issued to him shall be acted upon by his successor as if it had been addressed to the successor.
- (4) Where a returning officer is replaced for any reason any action properly taken by him pursuant to this Ordinance shall be deemed as valid as if taken by his successor.

ASSISTANT RETURNING OFFICERS

- 9.(1) The Board shall appoint an assistant returning officer for each electoral district, after consultation with the returning officer for that electoral district. Assistant returning officers
- (2) The Board may appoint one or more additional assistant returning officers as provided in subsection (1) in respect of any electoral district where in its opinion such appointment is warranted.
- (3) An assistant returning officer may be dismissed for cause by the Board.
- (4) An assistant returning officer may at any time be suspended for cause by the Administrator or the returning officer of the electoral district for which he was appointed for a period not to exceed thirty days.
- (5) The appointment of every assistant returning officer shall terminate one month after the polling day next following his appointment.
- (6) Notwithstanding subsection (5), the Board may extend the appointment of an assistant returning officer after the expiry of a month after polling day to assist in any matter arising out of this Ordinance.
- 10.(1) Every person who is a returning officer or assistant returning officer, in order that he is and remains eligible to hold that office, Qualification of officers
- (a) shall reside in and, apart from the provisions of paragraph 18(2)(a), be qualified as an elector in the electoral district in respect of which his appointment is made, and
- (b) shall, during his appointment, refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate.
- (2) Every returning officer and assistant returning officer shall upon his appointment take the prescribed oath faithfully to perform his duties without partiality, fear, favour or affection.

- (3) Every returning officer and assistant returning officer shall forthwith inform the Board:
 - (a) of any matter which renders any returning officer or assistant returning officer disqualified from holding that office pursuant to subsection (1); and
 - (b) of any circumstance which renders a returning officer or assistant returning officer incapable of fulfilling his duties hereunder.

 - (4) Upon any returning officer or assistant returning officer becoming disqualified pursuant to subsection (1), his appointment shall forthwith be terminated by the Commissioner on the advice of the Board, in the case of a returning officer, and by the Board, in the case of an assistant returning officer.

 - (5) Where during an election any returning officer dies, becomes incapable of fulfilling his duties, or has his appointment terminated pursuant to subsection (4) the assistant returning officer for that electoral district shall forthwith assume his duties and responsibilities and exercise those powers reserved to a returning officer herein until a new returning officer is appointed.
- Publica-
tion of
appointees
- 11.(1) The Board shall cause to be published, in the prescribed manner, the name, address and occupation of every person appointed as Administrator, returning officer or assistant returning officer pursuant to this Ordinance.
- Training
of
officers
- 12.(1) The Board may require the attendance of any returning officer or assistant returning officer for the purposes of training or preparation for the carrying out of the duties and responsibilities assigned to him by this Ordinance.

 - (2) In respect of attendance provided for in subsection (1) a returning officer or assistant returning officer shall be entitled to receive remuneration and reimbursement of expenses as provided in Section 13.
- Remun-
eration of
officers
- 13.(1) The Commissioner shall, after consultation with the Board, prescribe a tariff of remuneration and level of reimbursement of expenses for the Administrator, returning

officers, assistant returning officers, enumerators, deputy returning officers, poll clerks, interpreters, constables and other staff provided for in this Ordinance.

- 14.(1) The polling divisions of an electoral district shall be those established for the last general election, unless the Board at any time considers that a revision of the boundaries thereof is necessary, in which case it shall instruct the returning officer for the electoral district to carry out such a revision and shall fix the date by which the revision is to be complete.
- (2) A returning officer may on his own motion but with the prior consent of the Board, revise the polling division boundaries in his electoral district.
- (3) Forthwith, upon completion of a revision pursuant to this section, the returning officer shall submit to the Board a report of the revision including the definition of the boundaries of any revised polling division.
- (4) The returning officer in carrying out a revision shall:
- (a) give due consideration to the polling divisions established by municipal authorities and geographical and other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division or elsewhere as provided in Section 40; and
 - (b) subject to paragraph (a), relocate and define the boundaries of the polling divisions of his electoral district so that each polling division, wherever practicable, contains not more than two hundred fifty electors..
- (5) Where by reason of a practice locally established, or of local conditions it is more convenient to constitute a polling division including substantially more than two hundred fifty electors, the returning officer may, with the approval of the Board and notwithstanding anything in this section, constitute a polling division including more than two hundred fifty electors.

Polling
divisions
revision

WRITS OF ELECTION

Writs of election

- 15.(1) Every election shall be instituted by a writ of election issued by the Commissioner which shall be in Form 1.
- (2) Every writ of election shall be dated, shall specify the date of nomination day and polling day and, at a general election, shall be made returnable on a date determined by the Commissioner.
- (3) Every writ of election shall be published in the prescribed manner.
- (4) A writ of election shall be transmitted by the Board to the person appointed to be returning officer for every electoral district in which an election is to be held and shall be forwarded to him as soon as possible after its issue by whatever means the Board deems appropriate.
- (5) Upon receipt of a writ the returning officer shall endorse upon it the date on which he received it and sign the endorsement.
- (6) Every returning officer to whom a writ is transmitted shall, forthwith upon its receipt or upon notification by the Board of the issue thereof, promptly take or cause to be taken the proceedings directed by this Ordinance necessary for the election to be regularly held, and any returning officer who wilfully neglects to do so is guilty of an offence.
- (7) Where the Board certifies that by reason of extreme weather, natural disaster or civil disturbance, it is impracticable to carry out the provisions of this Ordinance in any electoral district where a writ has been issued ordering an election:
 - (a) the Commissioner shall order withdrawal of the writ;
 - (b) a notice of the withdrawal of the writ shall be published in the same manner as the publication of the writ pursuant to subsection (3);
 - (c) a further writ ordering an election shall be issued within three months of the withdrawal of the writ; and
 - (d) the election shall thereafter be conducted according to the procedures described in this Ordinance for a by-election.

- 16.(1) Within the time specified herein, or if no time is specified, Materials whenever it is deemed expedient and, at the latest, immediately after the issue of writ of election, the Board shall cause to be transmitted to every returning officer:
- (a) a sufficient number of indexed copies of this Ordinance and such instructions prepared by the Board as are required for the proper conduct of an election by the returning officer and to enable the returning officer to supply to every election officer a copy of such instructions as the Board considers necessary to guide the election officer in the performance of his duties; and
 - (b) sufficient supplies to enable every election officer to carry out the duties and procedures provided herein.
- (2) Before nomination day the Board shall cause to be prepared for every electoral district a stereotype or printer's block specially made for the particular election and so designed that an impression therefrom on the back of a ballot paper will be readily recognizable and will show the name of the electoral district, the name of the returning officer and the date of the election.

- 17.(1) Every returning officer shall, forthwith upon the receipt of notice that a writ has been issued for an election in his electoral district, open an office in some convenient place in the electoral district where the electors can have access to him and maintain the office throughout the election period.
- (2) Either the returning officer or the assistant returning officer shall remain continuously on duty in the office of the returning officer during the hours that the polls are open.

Returning officers' office

QUALIFICATION OF ELECTORS

- 18.(1) Except as otherwise provided in this Ordinance, every person who is or becomes resident in a polling division between the issue of the writ and the end of revision of the lists and who,
- (a) on polling day has attained the age of nineteen years,
 - (b) on polling day is a Canadian citizen,

Qualification of electors

- (c) on polling day has been resident in Yukon for the previous twelve months, and
 - (d) at a by-election only, continues to be resident in the electoral district until polling day,
- is qualified as an elector to vote in that polling division.

- (2) The following persons are not qualified to vote at an election, and shall not vote at an election:
- (a) the returning officer for each electoral district;
 - (b) every judge of the Supreme Court;
 - (c) every person undergoing punishment as an inmate in any prison or lock-up for the commission of any offence, or deprived of his liberty while awaiting trial, appeal or sentencing;
 - (d) every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disorder; and
 - (e) every person who has been convicted of an offence under this Ordinance in respect of which the court ordered that he should not be permitted to vote for so long as the order remains in force.

Entitle-
ment to
vote

19.(1) Subject to this Ordinance, every person who is qualified as an elector is entitled to have his name included in the list of electors for the polling division in which he is or becomes resident between the date of the writ for the election and the end of revision of the list, and to vote at the polling station established for that polling division.

ENUMERATION

Residence
of electors

20.(1) For the purposes of establishing the residence of a person, the following rules shall apply:

- (a) the residence of a person is the place in which his habitation is fixed and to which, when absent therefrom, he has the intention of returning;
- (b) a person does not lose his residence by reason of temporary absence from the place in which it is established;
- (c) if a person leaves Yukon with the intention of making his residence elsewhere, he thereupon loses his residence in Yukon;
- (d) the place where a person's family resides is considered to be his place of residence unless he takes up or continues his abode at some other place

- with the intention of remaining there, in which case he is considered to be a resident of such other place;
- (e) the residence of a single person is where such person usually sleeps;
 - (f) a change of residence can be made only by actual removal with the intent to establish a fixed habitation in another place;
 - (g) a person can have only one residence at one time; and
 - (h) while a person remains in Yukon, he is considered not to have lost a residence he has established therein until he acquires another.
- (2) For the purpose of a general election, every person shall be deemed to continue until polling day to reside in the electoral district in which he was resident when he was enumerated, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district unless he is one of the persons described in subsection (4), (5) or (6) and exercises his rights thereunder.
- (3) No person shall be deemed to be resident in residential quarters that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April unless, at a general election only, such person has no residential quarters in any other electoral district to which he might at will remove at the time of enumeration.
- (4) Notwithstanding any other provision of this Ordinance, any person who, during the period between his being enumerated and the end of revision of the list of electors, changes his place of residence from one polling division to another polling division in the same or another electoral district, and is otherwise qualified as an elector, may, if he so elects, apply in person during the sittings for revision to have his name included in the list of electors for that other polling division, and, upon the inclusion of his name in the list of electors for that other polling division, is entitled to vote at the polling station established for that other polling division.

- (5) At a general election, a person may elect to be deemed to be resident in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation or receiving care or treatment in a hospital or home for the aged and is entitled to have his name included in the list of electors prepared for that polling division and is qualified to vote therein at the election if:
- (a) he so elects by advising the enumerator;
 - (b) he is otherwise qualified as an elector;
 - (c) he has been in residence therein since the date of the issue of the writ ordering the election; and
 - (d) he is, at the time he is enumerated, still temporarily residing therein.
- (6) The spouse or dependent of a person mentioned in subsection (5) who has come to a polling division for the purpose of accompanying the person may elect in the manner and on the conditions described in subsection (5) to be deemed to be resident in that polling division.
- (7) Notwithstanding any other provision of this section, no person shall be deemed to be resident on the enumeration date in lodgings, a hotel, hostel or refuge or similar institution, unless that person has been in continuous residence for at least five days immediately preceding his enumeration.
- (8) Each candidate at a general election who, on the day before the dissolution of the Territorial Council immediately preceding the election, was a member of the Territorial Council, any spouse or dependent of such a candidate who lives with him and is qualified as an elector, is entitled
- (a) to have his name entered on the list of electors for any one of the following places as he may elect:
 - (i) the place of actual residence of the former member;
 - (ii) the place, if any, in the electoral district in which the former member is a candidate where he has, at the time of his enumeration, a residence or a temporary residence;

- (iii) the place in the electoral district in which the former member is a candidate where the office of the returning officer for the electoral district is located; or
 - (iv) the place, if any, where the former member had his residence for the purpose of carrying out his duties as a member; and
- (b) to vote in such one of those places as he may elect.

- 21.(1) Every returning officer shall, as soon as possible following the issue of a writ of election to him, cause to be prepared in and for his electoral district and pursuant to this Ordinance, preliminary lists of all persons who are qualified as electors in the polling divisions comprised therein. Enumeration
- (2) The preliminary lists of electors shall be prepared in accordance with Section 22 and revised in accordance with Sections 24 and 25.
- (3) Every returning officer shall:
- (a) prepare, on the special form prescribed for that purpose, a list of the names and addresses of all enumerators appointed by him pursuant to Section 22 and of the polling divisions for which they are to act;
 - (b) forthwith upon its completion, send a copy of the list to the Board;
 - (c) post up, and keep posted up in his office during the period of the preparation of the lists of electors a copy of the lists of names and addresses of enumerators; and
 - (d) permit any person to inspect the list of names and addresses of enumerators at all reasonable times.
- (4) The returning officer shall, immediately upon receipt of the preliminary list of electors from the enumerator pursuant to Section 22,
- (a) correct any errors of a clerical nature in the name and particulars of any elector appearing on the list;
 - (b) satisfy himself as to the legibility of the list;
 - (c) cause to be reproduced, by whatever means are available to him, sufficient copies of the list to comply with the requirements of this Ordinance; and

- (d) keep a copy of each list available for public inspection during the hours his office is open until the close of the poll on polling day.
- (5) Immediately after the preliminary lists of electors have been reproduced and not later than the twenty-ninth day after the issue of the writ, the returning officer shall furnish three copies of the preliminary lists of electors for each polling division in his electoral district to each candidate who has been nominated in the electoral district.
- (6) Every returning officer shall, not later than the twenty-ninth day after the issue of the writ, cause three copies of the preliminary list of electors for each polling division to be posted each in a different prominent place within the polling division.
- (7) Every returning officer shall, not later than the twenty-ninth day after the issue of the writ, deliver or mail to the Board one copy of each of the preliminary list of electors for each polling division.
- (8) Every returning officer shall, upon receipt of a copy of statement of changes and additions for every polling division from each revising officer, pursuant to Section 25
 - (a) keep one copy on file in his office where it shall be available for public inspection during the hours his office is open,
 - (b) deliver, in the ballot boxes, one copy together with the preliminary lists, to the appropriate deputy returning officers for use at the taking of the votes, and
 - (c) deliver or mail one copy to the Board.
- (9) The preliminary lists, the statement of additions and changes and any amendments pursuant to the process of revision under Sections 24 and 25 shall together constitute the official list to be used at the taking of the poll.

Preparation of lists of electors

- 22.(1) As soon as possible after the receipt by him of notice by the Board that a writ of election has been issued for his electoral district, every returning officer shall,

unless otherwise authorized by the Board pursuant to subsection (1.1), appoint, in the prescribed form, two persons in each polling division to enumerate the electors therein and shall require each such person to take an oath of office in the prescribed form.

- (1.1) The Board may authorize the returning officer of any electoral district to appoint only one person in any polling division to enumerate the electors therein.
- (2) Each enumerator who is to be appointed pursuant to subsection (1) or (1.1) shall be a person who is qualified as an elector and resident in the electoral district in which he is to act as an enumerator or, with the prior approval of the Board, in an adjacent electoral district, but in no event shall an enumerator be a returning officer or an assistant returning officer.
- (3) Where two enumerators are appointed for a polling division every reference in this section to an enumerator shall, where the context so requires, be deemed to be a reference to a pair of enumerators and they shall, in relation to every process of the preparation of their list of electors,
 - (a) act jointly and not individually, and
 - (b) report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them.
- (4) The returning officer shall decide any matter of difference between enumerators and shall communicate his decision to the enumerators who shall accept and apply it as if it had been originally their own decision.
- (5) A returning officer may at any time replace any enumerator appointed by him by appointing, subject to subsection (2), another enumerator to act in place of the person already appointed.
- (6) Any enumerator replaced pursuant to subsection (5),
 - (a) shall, upon request in writing by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information that he has obtained for the purpose of the performance of his duties, and

- (b) on default, is guilty of an offence.
- (7) Every enumerator, after taking his oath as such, shall:
- (a) forthwith proceed to ascertain the surname, given names and address of every person who is entitled to have his name entered on the list of electors at the pending election in the polling division for which he has been appointed;
 - (b) obtain the information that he may require by a house-to-house visit and from such other sources of information as may be available to him; and
 - (c) leave at the residence of every person whose name and particulars are to be included in the preliminary list, a notice in the prescribed form signed by him, which shall be detached from the enumerator's record book.
- (8) Every enumerator visiting a house shall advise every person present whose name he enters on the list of electors of the right to cast a vote by proxy in accordance with this Ordinance and, if requested, leave an application for a proxy certificate in the prescribed form for each person who requests it or for whom it is requested.
- (9) When making his house-to-house visit, pursuant to subsection (7), every enumerator shall wear and prominently display an enumerator's badge provided by the Board as evidence of his authority to register the names of the electors residing in the polling division.
- (10) Any enumerator wearing an enumerator's badge except as authorized by subsection (9) or any person wearing such badge without authority or wearing any other badge purporting to be an enumerator's badge, is guilty of an offence.
- (11) Every enumerator shall, unless satisfied that no qualified elector residing in a dwelling place remains unregistered, visit every dwelling place in the polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon.

- (12) Where two enumerators are appointed for one polling division, one enumerator shall choose the time for the visits referred to in subsection (11) on every second day during the enumeration and the other enumerator shall choose the time on the alternate days.
- (13) Where, on the visits referred to in subsection (11), the enumerator is unable to communicate with any person from whom he can secure the names and particulars of the qualified electors residing at any dwelling place, the enumerator shall leave at the dwelling place a notification card, in the prescribed form, on which shall be stated,
- (a) the day and hour of any subsequent visit that the enumerator may elect to make,
 - (b) his name, address and telephone number, if any,
 - (c) the name of the returning officer,
 - (d) the address of the returning officer's office established pursuant to Section 17, and
 - (e) the place, date and time at which the lists may be revised and applications made for proxy certificates.
- (14) Every enumerator shall,
- (a) exercise the utmost care in preparing the list of electors for the polling division for which he has been appointed, and
 - (b) take all necessary precautions to ensure that the list when complete contains the surname given names and address of every qualified elector in the polling division for which he has been appointed and does not contain the name of any person who is not so qualified.
- (15) Every enumerator who, wilfully and without reasonable excuse, omits from the list of electors the name of any person entitled to have his name entered thereon, or enters on the list the name of any person not entitled to have his name entered thereon is guilty of an offence and shall, in addition to any other punishment to which he may be liable, forfeit his right to payment for his services as enumerator.
- (16) Not later than the twenty-sixth day after the issue of the writ, every enumerator shall prepare at least three copies of a complete list of the surnames, given names and addresses of persons who are qualified electors in the polling division for which they have been appointed.

- (17) The list prepared pursuant to subsection (16) shall be prepared by street and number wherever the residence of the elector is so identified, otherwise in alphabetical order of surname.
- (18) Where two electors residing at the same address have the same surname and given names, the enumerator shall insert after the surname and given names of each, such further words as are necessary to distinguish the two electors either by their relationship to each other or by occupation.
- (19) Every enumerator shall, on the preliminary list of electors, register the name of a woman who is divorced or living apart from her husband under whatever surname she commonly uses to identify herself in the polling division.
- (20) Upon completion of the preliminary list of electors and not later than the twenty-sixth day after the issue of the writ,
 - (a) every enumerator shall deliver or transmit to the returning officer who appointed him at least two plainly written or type written copies of the list for the polling division for which they were appointed together with their record books containing the carbon copies of the notices in the prescribed form, and
 - (b) each of such copies of the list shall be severally sworn to by both enumerators in the prescribed form.
- (21) Every enumerator shall, on the day that, pursuant to subsection (20), he transmits or delivers copies of the preliminary list of electors to the returning officer, post up or cause to be posted up, one copy of the list in a conspicuous place to which the public has access within the polling division.
- (22) Every enumerator shall endorse on the list posted up pursuant to subsection (21) the dates, times and place at which a person who is or claims to be a qualified elector in the electoral district may make application to the revising officer:
 - (a) for revision of the list;
 - (b) for a proxy certificate pursuant to Section 55; or
 - (c) for a transfer certificate pursuant to Section 26.

- (23) The dates endorsed pursuant to subsection (22) shall be the twenty-ninth to the thirty-sixth days after the issuance of the writ, excluding Sundays and public holidays, and the times endorsed pursuant to subsection (22) shall be two o'clock in the afternoon to six o'clock in the afternoon.

- (24) Upon receipt of the enumerator's record books and of the two copies of the preliminary list of electors, the returning officer shall carefully examine such documents and if, in his judgement, the list is incomplete or contains the name of any person whose name should not be included on the list, he shall not certify the enumerator's account and shall forward the account uncertified to the Board with a special report attached thereto stating the relevant facts.

- 23.(1) Where a plebiscite or by-election is to be held in an electoral district, and
 - (a) the order for the plebiscite or the writ for the by-election is issued within one year after the issue of the writ of election for an election in that electoral district in the course of a general election, and
 - (b) an official list of electors was prepared for and in the course of the general election and delivered to the Board pursuant to subsection 21(7) and paragraph 21(8)(c),
 that official list shall be the preliminary list of electors for the subsequent plebiscite or by-election, as the case may be.

List
of
electors

- (2) Upon the occurrence of such event as referred to in subsection (1), the Board shall forward to the returning officer with the writ of election three certified copies of the official list of electors mentioned in subsection (1) for each polling division of the electoral district.

- (3) The certified copies shall be delivered by the returning officer to the enumerators and revising officers appointed and each enumerator, returning officer or revising officer, as the case may be, shall post, revise, correct, certify, grant certificates and otherwise act in all respects as if such certified copies were lists of electors preliminarily prepared, completed and signed by an enumerator as in this Ordinance provided.

- (4) The certified copy revised in accordance with Sections 24 and 25 shall be the official list of electors for the polling division to which it relates.
- (5) If there is in any electoral district a polling division for which a list of electors is not of record in the office of the Board, a list for such polling division shall for the purposes of any by-election or plebiscite be wholly prepared in the manner provided for a general election by this Ordinance.
- (6) Where an official list of electors for a plebiscite or by-election is prepared pursuant to this section, the provisions of paragraph 21(8)(c) shall not apply.

REVISION

Revising
officers
and
revision
of lists

- 24.(1) Every returning officer shall appoint one or more revising officers for every electoral district, who may be his assistant returning officer, an enumerator or any other person qualified as an elector in the electoral district.
 - (1.1) Every revising officer shall be appointed in the prescribed manner and upon his appointment shall take an oath in the prescribed form.
 - (2) A returning officer may himself act as a revising officer in one or more polling divisions in his electoral district, where the returning officer has been unable to find any suitable person to act as a revising officer for such polling division.
 - (3) If any revising officer or returning officer at any time after the posting up of the list of electors and before the time fixed for the closing of the revision of the list is fully satisfied from representations made to him by any credible person and by independent inquiry that the name of any qualified elector has been omitted from the list of electors of the polling division to which such elector belongs, he shall add the name to the copy of the list in his possession and shall attest such addition by his initials.
 - (4) If any revising officer or the returning officer, in like manner is fully satisfied that there is on the list the name of any person who is not qualified as an elector of the

polling division, he shall remove such name therefrom by drawing a line through the name and shall attest such removal by his initials.

- (4.1) Where the name of a person is removed from a list pursuant to subsection (4), the revising officer or returning officer who removed it shall forthwith give that person notice thereof, either in person or by sending written notice by registered mail to the address shown on the list and to any other address at which the officer believes the person may be found.
- (5) If any revising officer or the returning officer finds that the address of any elector is inaccurately stated in the list, he shall make the necessary change and shall attest the change by his initials.
- (6) A person who corruptly makes a false statement for the purpose of inducing a revising officer or returning officer
 - (a) to omit the name of any person entitled to have his name entered on the list of electors, or
 - (b) to insert or retain on the list the name of any person who is not entitled to have his name so inserted or retained,is guilty of an offence.
- 25.(1) At the dates and times specified in subsection 22(23), the revising officer shall attend for the purpose of hearing and disposing of applications for the revision of the list, granting proxy certificates pursuant to Section 55 and granting transfer certificates pursuant to Section 26.
- (2) Any person claiming to be a qualified elector in the polling division may attend in person, by agent or counsel to make application for the revision of the list.
- (3) At six o'clock in the afternoon of the last day so specified or so soon thereafter as all applications of persons present at that hour have been disposed of and the copy of the list retained by or supplied to the revising officer has been revised and corrected he shall prepare a statement of changes and additions and subscribe to and attach thereto close to the last name thereon a certificate in the prescribed form and thereafter he shall make no change to the list.

Revision
hearings

- (4) The decision of a revising officer may be appealed to the returning officer and the decision of the returning officer is final.
- (5) The hearing of revisions shall be open to the public.
- Trans- 26.(1) A deputy returning officer, poll clerk, interpreter, constable, candidate or agent of a candidate appointed in writing as such by the candidate,
- fer
votes
- (a) whose name appears on the list of electors of a polling division as that of a qualified elector,
- (b) who will be situated on polling day at a polling place in some other polling division in connection with the exercise of his rights or duties under this Ordinance, and
- (c) who wishes to vote at the polling place in which he will be situated
- may, prior to the close of revision of the lists pursuant to Section 25, apply to the revising officer of the electoral district for a transfer certificate stating that he is a qualified elector in his home polling division.
- (2) The revising officer, if satisfied that the applicant is a qualified elector and that his name appears on the list of electors for his home polling division, shall grant the certificate in the prescribed form in triplicate.
- (3) The revising officer shall grant the certificate in accordance with the following provisions:
- (a) he shall not issue any certificate until after two o'clock in the afternoon of the day of nomination nor after the close of the revision of the lists and he shall not issue any certificate in blank;
- (b) he shall
- (i) number each certificate in consecutive order of issue;
- (ii) set out in writing the name of the person to whom it is issued;
- (iii) certify that such person is a qualified elector, giving the number of the polling division where his name appears on the list of electors and the electoral district, and
- (iv) state the position and number of the polling division in which he will be situated;
- (c) he shall date and sign each certificate; and

- (d) he shall not issue a certificate to more than three agents of any candidate for use in any one polling division and to such three only on the production by each of a written appointment as agent signed by the candidate.
- (4) The revising officer shall give one copy of the certificate to the elector to whom it relates, retain the second copy and deliver the third copy to the revising officer of the elector's home polling division.
- (5) Upon receiving a copy of a transfer certificate pursuant to subsection (4) the revising officer of the elector's home polling division shall enter against the name of the elector on the list of electors the words "transfer certificate issued".

PROCLAMATION

- 27.(1) Within two days after he receives the writ of election or within six days after he has been notified by the Board of the issue of such a writ, whichever is the sooner, every returning officer shall issue a proclamation in Form 2 under his hand indicating:
 - (a) the place and time fixed for the nomination of candidates;
 - (b) the day on which voting is to be held in case voting is necessary and the hours between which votes may be cast;
 - (c) the numbers and fully described boundaries of polling divisions of the electoral district and the polling places therein;
 - (c.1) the names of any assistant returning officers appointed by the Board;
 - (d) the place and times where application may be made for a revision of the lists of electors or for the issuance of a proxy certificate pursuant to Section 55 or a transfer certificate pursuant to Section 26;
 - (e) the place and time where the returning officer will add up the number of votes given to each candidate;
 - (f) an exact description of the place in the electoral district where the returning officer has established his office pursuant to Section 17; and
 - (g) the place and time where the returning officer will declare the result of the election pursuant to Section 65.

Proclamation
by
returning
officer

- (2) The place fixed pursuant to paragraph (1)(a) for the nomination of candidates shall be a court house, city or town hall or other public or private building in the most central place in the electoral district or the place that is most convenient for the majority of electors in the electoral district.
- (3) The day and time indicated pursuant to paragraph (1)(d) shall be determined as described in subsection 22(23).
- (4) the time indicated pursuant to paragraph (1)(e) shall, at a general election, be not earlier than the Thursday immediately following polling day and not later than the tenth day following polling day unless the Board gives its prior written approval of a different time.
- (5) Within the time specified in subsection (1), the returning officer shall cause copies of the proclamation to be posted in conspicuous public places in the electoral district.
- (6) As soon as the proclamation referred to in subsection (1) is printed, the returning officer shall deliver or send by mail one copy thereof to each person who is, or at the election last held in the electoral district was, a candidate for election.

QUALIFICATIONS OF CANDIDATES

Quali-
fication
of
candidate

- 28.(1) Subject to this Ordinance, any person who is qualified to vote at an election is eligible to be nominated as a candidate and elected as a member of the Territorial Council for an electoral district notwithstanding that he is not resident in that electoral district.
- (2) No person may be nominated as a candidate for an election in more than one electoral district at the same election.

Disquali-
fication

- 29.(1) No person may be nominated or elected as a member of the Territorial Council if he would be ineligible to become a member and sit and vote in the Territorial Council pursuant to any other Ordinance unless the grounds for his ineligibility be such that he can divest himself of them within thirty days after his election and that upon his nomination he files with the returning officer a statement by him in the prescribed form disclosing all the grounds that exist for his ineligibility and undertaking

that upon his election he will, within thirty days of being declared elected, divest himself of such grounds for ineligibility.

- (2) Where a candidate files a statement pursuant to subsection (1), the returning officer shall:
 - (a) forthwith advise every other candidate of the fact;
 - (b) transmit a copy of the statement to the Board; and
 - (c) permit during the hours his office is open, any elector, candidate or agent to scrutinize a copy of the statement.
- (3) A candidate who has filed a statement and undertaking pursuant to subsection (1) and who is subsequently elected and who fails within thirty days of the official announcement of his election to divest himself of the grounds for his ineligibility is guilty of an offence and his election is void.
- (4) The election of any person who is by this Ordinance declared to be ineligible as a candidate is void.
- (5) Every person who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election and who fails to file a statement pursuant to subsection (1) is guilty of an offence.

POLLING DAY

- 30.(1) At a general election the writs for all electoral districts shall be dated on the same day and shall name the same day for the poll which shall be no earlier than the forty-fifth day after the issue of the writ. Polling day
- (2) The day fixed for holding the poll shall, at any election, be a Monday, unless the Monday of the week in which it is desired to hold the poll is a public holiday and, in any such case, the day fixed for the poll shall be Tuesday of the same week.
- (3) Where, pursuant to subsection (2), the day fixed for the poll at an election is a Tuesday, the provisions of this Ordinance requiring anything to be done on a specified

day or within a specified period of time before or after polling day apply as if polling day were the immediately preceding Monday.

(4) Notwithstanding any provision of any other Ordinance, where

(a) a vacancy occurs in the representation of an electoral district, and

(b) no general election is to be held before the commencement of the next session of the Council,

an election to fill the vacancy shall be held within one hundred eighty days after the vacancy occurs or, subject to subsections (1), (2) and (3), within such shorter period as may be necessary to return as elected a member to represent the electoral district, before the commencement of the next session of the Council.

NOMINATION

Nomi-
nation

31.(1) Nomination day in every electoral district shall be the twenty-sixth day after the issue of the writ.

(2) If nomination day would otherwise fall on a public holiday, the day for the close of the nomination shall be the next day following that is not a Sunday or public holiday.

(3) Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held may, whether or not their names are on any list of electors, nominate a candidate for that electoral district causing a nomination paper to be filed with the returning officer.

(4) The nomination paper shall be filed with the returning officer at any time after the issue by the returning officer of the proclamation pursuant to Section 27 and before two o'clock in the afternoon of the day fixed for nomination.

(5) The nomination paper shall be signed by the twenty-five or more persons nominating the candidate before a witness who shall require each person to declare to him that he is qualified as an elector in the electoral district and who shall appear before a Justice of the Peace, commissioner of oaths, notary public, peace officer or the returning officer and declare that he witnessed the signatures and that the persons so declared to him that they were electors.

- (6) A nomination paper is not valid nor shall it be accepted by the returning officer unless:
- (a) it is prepared in Form 3 and contains a statement duly signed by the official in whose presence the signatures were made setting forth that they were so made;
 - (b) it contains the name, address, occupation and political affiliation or interest, if any, of the candidate;
 - (c) it states an address within Yukon for service of any legal process, notice or other document issued or to be served, either under this Ordinance or under the *Controverted Elections Ordinance*, upon the candidate;
 - (d) it contains the consent in writing of the person thereto nominated, signed by him and witnessed;
 - (e) it contains or is accompanied by a statement duly signed by the candidate that he is qualified to be a candidate at the election, or a statement pursuant to subsection 29(1);
 - (f) it contains the appointment, name and address of the official agent of the candidate duly signed by the candidate; and
 - (g) it is accompanied by a deposit of two hundred dollars in Bank of Canada notes or by a certified cheque drawn upon a Canadian chartered bank or a combination of both.
- (7) For the purposes of paragraph (6)(b) the name of a candidate may include a nickname by which the candidate is commonly known but may not include any title, degree, prefix or suffix.
- (8) A returning officer who receives a nomination paper which complies with this section shall give his receipt for the nomination paper and deposit and such receipt is in every case sufficient proof of the filing of the nomination paper and of the consent of the candidate.
- (9) Where a nomination paper is signed by more than twenty-five persons, the nomination paper is not invalid by reason only that some of those persons are not qualified electors, if at least twenty-five of the persons who so signed are qualified electors.

- (10) The returning officer shall not refuse to accept any nomination paper for filing by reason only that he believes the candidate to be ineligible unless the ineligibility may be determined from the nomination paper.
- (11) The returning officer shall attend at noon on nomination day at the place fixed for the nomination of candidates in the proclamation issued pursuant to Section 27 and shall remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate.
- (12) Where the candidate has the endorsement of a registered political party and wishes to have the name of the party shown on the election documents relating to him, a statement in writing, signed by the leader of the party or representative designated by the leader and stating the name of the party and that the candidate is endorsed by the party, shall be filed with the returning officer at the time the nomination paper is filed.
- (13) If no statement is filed in accordance with subsection (12), the political affiliation of the candidate shall be described by the word "independent" followed by such other word or words as are requested in writing by the candidate indicating his political interest but which shall not include the full name of any registered political party.
- (14) After two o'clock in the afternoon on nomination day, no further nomination shall be receivable or be received.
- (15) At the time fixed for the close of nominations the returning officer shall, in the presence of any candidates, official agents and electors who are present, establish, by the drawing of lots, the order in which the names of candidates shall appear on the ballot paper.
- (16) Any vote given at an election for any person other than a candidate officially nominated in the manner prescribed by this Ordinance is void.
- (17) The deposit referred to in paragraph (6)(g) shall be remitted by the returning officer to the Board and paid into the Yukon Consolidated Revenue Fund.

- (18) Every candidate who,
- (a) receives a number of votes that is no less than twenty-five percent of the number of votes received by the candidate who is returned as elected, and
 - (b) delivers a statement pursuant to Section 98,
- shall receive a refund of the deposit paid on his behalf pursuant to paragraph (6)(g).
- (19) Where the returning officer has authorized one or more assistant returning officers to accept nominations, the provisions of this section shall apply to such assistant returning officers as if they were the returning officer with the exception of subsection (15) and subsection (17).
- 32.(1) The leaving, between the hours of nine o'clock in the morning and six o'clock in the afternoon, of a copy of any process, notice or other document with an occupant of, or if there is no occupant, at the address stated in the nomination paper pursuant to paragraph 31(6)(c) shall be deemed for all purposes to be personal service upon the candidate of the process, notice or other document.
- 33.(1) Where any candidate dies after the close of the nominations and before the closing of the polls, the returning officer shall, after consultation with the Board, fix another day for the nomination of candidates.
- (2) Notice of the new day fixed for the nomination of candidates, which shall be a Monday not more than thirty days from the death of the candidate, nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as provided in Section 27, and there shall also be named by the proclamation a new day for polling, which shall be the nineteenth day after the new day fixed for the nomination of candidates subject to subsection 31(2).
- (3) The lists of electors to be used at a new election pursuant to this section shall be the official lists of electors prepared and revised after the issue of the writ.
- (4) Full particulars of any action taken under this section shall be reported forthwith in writing by the returning officer who takes the action, to the Board.
- Notice to candidate
- Death of candidate

- Acclamation 34.(1) Where only one candidate has been officially nominated for an electoral district within the time fixed for that purpose, the returning officer shall
- (a) forthwith declare the candidate elected,
 - (b) make his return to the Board in the prescribed form that the candidate is duly elected for the electoral district,
 - (c) within forty-eight hours thereafter send a certified copy of the return to the person elected, and
 - (d) as soon as possible forward to the Board the writ of election and all election material not used or required for use in the election.
- (2) A returning officer shall include with his return to the Board a report of his proceedings and of any nomination proposed and rejected for non-compliance with this Ordinance.
- Grant of poll 35.(1) If at the close of the time for receiving nominations two or more candidates remain nominated, the returning officer shall grant a poll for taking the votes of the electors and deliver a list of the candidates nominated and the names and addresses of their official agents to every candidate or to his official agent.
- Publication of agent - death of agent 36.(1) The returning officer shall announce, at the place of nomination and immediately upon the close of nominations, and shall, on or immediately after the day of nomination, cause to be posted in the same places as the proclamation issued pursuant to Section 27 is posted, a notice containing the name, address, occupation and political affiliation or interest, if any, of every candidate and the name and address of the official agent of every candidate as prescribed.
- (2) Where a candidate has filed a statement pursuant to subsection 29(1) the returning officer shall cause to be inserted in the notice pursuant to subsection (1) after the name of the candidate the words "Statement filed pursuant to subsection 29(1) of the *Elections Ordinance, 1977.*"
- (3) In the event of the death or incapacity of his official agent, the candidate shall forthwith give notice to the

returning officer of the appointment of another official agent in his place in writing and signed by the candidate including the name and address of the person appointed, which shall be forthwith posted by the returning officer as provided in subsection (1).

- 37.(1) Every returning officer shall furnish free of charge to every candidate for the electoral district or his agent as soon as possible and not later than three days after the close of nominations,
- Candidates copy of Proclamation, map and lists
- (a) one copy of the proclamation issued by him pursuant to Section 27,
 - (b) one copy of a map showing the polling divisions in the electoral district, and
 - (c) three copies of every preliminary list of electors.
- 38.(1) A candidate who has been officially nominated at an election may withdraw at any time prior to two o'clock in the afternoon of the twenty-ninth day after the issue of the writ by filing, in person, with the returning officer a declaration in writing to that effect signed by him and attested by the signatures of two electors who are qualified to vote in the electoral district in which he was officially nominated.
- Withdrawal of candidate
- (2) Where a candidate at an election withdraws under subsection (1), any votes cast for him at the election are void.
 - (3) Where a candidate has withdrawn after the ballots are printed, the returning officer shall,
 - (a) inform, by mail, telegraph or telephone confirmed by mail, each deputy returning officer of his electoral district of the withdrawal, and
 - (b) send a notice of the withdrawal to each deputy returning officer.
 - (4) Where a candidate withdraws as set out in subsection (3) every deputy returning officer shall:
 - (a) post up in a conspicuous place in his polling station on polling day a notice of withdrawal signed by the returning officer or if no such notice be available, a notice signed by the deputy returning officer; and

(b) cause every ballot to have the word "withdrawn" written or stamped in red over the name of the candidate who has withdrawn.

- (5) Where, after a candidate has withdrawn, only one candidate remains, the returning officer shall, without waiting for the poll, return as duly elected the remaining candidate in accordance with Section 34.
- (6) Every person who, for the purpose of procuring the election of a candidate, publishes a false statement of the withdrawal of another candidate at the election is guilty of an offence.

Assistant
returning
officers
receive
nominations

- 39.(1) An assistant returning officer appointed pursuant to Section 9, may be authorized in writing by the returning officer of the electoral district to receive nominations for candidates for election in that electoral district and to fulfill any of the responsibilities assigned to the returning officer under Section 31, except subsections (15) and (17), 36, 37 or 38.

POLLING STATIONS

Polling
stations

- 40.(1) As soon as possible after the issue of the writ of election, every returning officer shall fix and provide for each polling division a polling station in a place in the division which is central or convenient for the electors.
- (2) Notwithstanding subsection (1) whenever the greater convenience of electors would be suited thereby:
- (a) the polling place for a polling division may, with the prior consent of the Board instead of being fixed and provided for in the polling division, be fixed and provided for in a nearby city, town or village;
- (b) a polling place may be established where the polling stations of all or any of the polling divisions of any locality may be centralized, and a central polling place so established shall not comprise more than five polling divisions unless the Board has given its prior permission for the establishment of a central polling place comprising more than five polling divisions;
- or

- (c) one or more polling stations may be established for one polling division and, in such case, the official list prepared and published pursuant to subsection 21(9) shall be divided into separate lists for each based on the convenience of electors and each list shall be arranged by street and number, where possible, otherwise in alphabetical order of surname.
- (3) Whenever possible, the returning officer shall locate the polling station in a school or other suitable public building and in a central place in the building that will provide ease of access to electors.
- (4) A returning officer may take and use as a polling place any school building that is the property of any school board or the Government of the Yukon Territory or any agent thereof.
- (5) Every polling station shall be in premises of convenient access and if possible, convenient to handicapped persons, having, if possible, separate doors for electors to enter before voting and leave after voting.
- (6) Every polling station shall contain one or more voting compartments so arranged that each elector is screened from observation and from interference or interruption while he marks his ballot paper.
- (7) In every voting compartment there shall be provided for the use of electors in marking their ballots, a table or desk with a hard, smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of polling.
- (8) The Board may give to the returning officer such instructions as it deems necessary as to the construction and method of making voting compartments.
- (9) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until eight o'clock in the afternoon on polling day, and every deputy returning officer shall receive, during that time in the polling station assigned to him and in the manner prescribed in this Ordinance, the votes of the electors qualified to vote at the polling station.

DEPUTY RETURNING OFFICERS
AND POLL CLERKS

Deputy
returning
officers,
poll clerks,
interpreters

- 41.(1) As soon as convenient after the issue of the writ of election, every returning officer shall, by writing in the prescribed form executed under his hand, appoint one deputy returning officer for each polling station established in his electoral district.
- (2) Every deputy returning officer shall, before acting as such, take an oath in the prescribed form.
- (3) No returning officer or assistant returning officer may act as a deputy returning officer.
- (4) A returning officer may appoint as deputy returning officer a person who has acted as enumerator if no other suitable person can be found by the returning officer who is willing and able to act and in such case the returning officer shall forthwith report the appointment and the reasons therefor to the Board.
- (5) The returning officer shall furnish to each candidate or his agent, at least three days before polling day a list of the names and addresses of every deputy returning officer appointed to act in the electoral district with the address and the number of the polling station at which he shall act.
- (6) A returning officer may, at any time, relieve any deputy returning officer appointed by him of his duties and appoint another person to perform those duties.
- (7) Any deputy returning officer who is relieved of his duties under subsection (6) or who refuses or is unable to fulfill his duties hereunder:
- (a) shall forthwith, upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver up to the returning officer or to such other person as the returning officer may appoint, the ballot box and all ballot papers and the lists of electors and other papers in his possession as deputy returning officer; and
- (b) on default thereof is guilty of an offence.

- (8) Every deputy returning officer shall, as soon as possible after his appointment, appoint by writing under his hand, in the prescribed form, a poll clerk, who before acting as such shall take the oath in the prescribed form.
- (9) The appointment of the poll clerk shall be written in the poll book.
- (10) At least three days before polling day, each returning officer shall:
 - (a) post up in his office a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district, with the addresses and number of their respective polling stations; and
 - (b) permit free access to, and afford full opportunity for the inspection of, the list by interested persons during the hours his office is open.
- (11) Where a deputy returning officer dies or is unable to act, the returning officer may appoint another in his place as deputy returning officer and, if no such appointment is made, the poll clerk, without taking another oath of officer, shall act as deputy returning officer.
- (12) Where a poll clerk acts as deputy returning officer, he shall appoint a poll clerk in the prescribed form which shall be written in the poll book to act in his place who before acting as such shall take the oath in the prescribed form.
- (13) A deputy returning officer may appoint as his poll clerk a person who has acted as enumerator only if no other suitable person can be found by the returning officer who is willing and able to act and the deputy returning officer shall report the appointment forthwith to his returning officer who shall report it forthwith to the Board.
- (14) Every deputy returning officer who has reason to believe that there will be electors voting at a polling station in his polling district who do not understand the English language shall appoint by writing in the prescribed form for the polling station an interpreter familiar with the English language and with a language with which such electors will be familiar.

- (15) Every interpreter upon his appointment shall be required to take an oath in the prescribed form.

BALLOT BOXES AND BALLOTS

Ballot boxes

- 42.(1) The Board shall:
 - (a) cause to be made for each electoral district such ballot boxes as are required; or
 - (b) give to the returning officer instructions to obtain ballot boxes of a uniform size and shape.
- (2) Each ballot box shall be made of some durable material with a slit or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the ballot box is unsealed and opened.
- (3) Each ballot box shall be provided with a sealing plate, permanently attached, to affix the special seals provided by the Board for the use of returning officers and deputy returning officers.
- (4) When a returning officer fails to furnish a ballot box to any deputy returning officer at any polling station within the time prescribed by this Ordinance, the deputy returning officer shall otherwise procure it or cause it to be made in accordance with this section.

Ballot papers

- 43.(1) Every ballot paper shall be in Form 4 and shall have a counterfoil and a stub with a line of perforations between the ballot paper and the counterfoil and a line of perforations between the counterfoil and the stub.
- (2) All ballot papers in an electoral district 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) the names of the candidates, arranged in the order established pursuant to subsection 31(15) with given names or nicknames following, set out as those names appear in their nomination papers;
 - (b) the name of the registered political party endorsing the candidate or his political interest, if any, as declared pursuant to subsection 31(6) at the time of nomination of that candidate, set out under the name of the candidate.

- (3) Any candidate may, within one hour of the close of the nominations, supply in writing to the returning officer any particulars of his name, address, occupation or political affiliation or interest that he considers to have been insufficiently or inaccurately given in his nominating paper or may, within that time, in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate those names by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.
- (4) The ballot paper shall
 - (a) be printed upon paper furnished to the returning officer by the Board at the time of or as soon as possible after the transmission of the writ of election, and
 - (b) be of the prescribed weight and quality.
- (5) Every ballot paper for an electoral district shall have a different number which number shall be printed both on the back of the stub and on the back of the counterfoil.
- (6) Every ballot paper shall bear on the back thereof an impression of the stereotype block supplied by the Board pursuant to subsection 16(2).
- (7) The ballot paper shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots, as may be most suitable for the polling stations considering the number of voters in each.
- (8) The ballot paper shall bear the name of the printer who shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, in the prescribed form setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to the returning officer and stating that no other ballot papers relating to that electoral division have been supplied by him to any other person or retained by him.
- (9) The ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election, shall be the property of the Crown.

Materials 44.(1)
to
deputy
returning
officer

Every returning officer shall furnish to every deputy returning officer in his electoral district, at least two days before polling day,

- (a) a sufficient number of ballot papers for at least the number of electors on the official list of electors of the polling division,
- (b) a statement showing the number of ballot papers so supplied with their serial numbers,
- (c) the necessary materials for electors to mark their ballots,
- (d) at least ten copies of printed directions in the prescribed form for the guidance of electors in voting,
- (e) a copy of instructions prescribed by the Board, referred to in subsection 16(1),
- (f) the official list of electors for use at the polling station,
- (g) a ballot box,
- (h) a blank poll book,
- (i) the several forms of oaths or affirmations to be administered to electors printed together on a card, and
- (j) the necessary envelopes and such other forms and supplies as may be authorized or furnished by the Board.

(2) Until the opening of the poll, each deputy returning officer shall keep the blank poll book, official list of electors, envelopes, ballot papers and other election supplies sealed in the ballot box, and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.

(3) Upon receiving the ballot papers from the returning officer every deputy returning officer shall count them and forthwith mail to the returning officer a receipt for the number of ballots in the prescribed form.

PROCEEDINGS AT THE POLL

Official 45.(1)
list of
electors

The list of electors to be used at an election shall be the official list of electors.

(2) Every returning officer shall deliver to every deputy returning officer in his electoral district one copy of the official list of electors for his polling station by

enclosing it in the ballot box with the ballot papers and other supplies required by Section 44.

- (3) In remote polling divisions the Board may direct that the preliminary list of electors and one copy of the statement of revisions, as prepared by the revising officer, shall be delivered or transmitted by the revising officer directly to the deputy returning officer concerned, and in such case the deputy returning officer shall, for the taking of the vote, use the preliminary list of electors as amended by the statement of revisions as the official list of electors as though he had received them from the returning officer.

- 46.(1) A candidate or his official agent may appoint in writing in the prescribed form one or more agents to represent the candidate at a polling place.

Persons present at the poll

- (2) During the time that the poll remains open at a polling station, no person other than,
 - (a) the deputy returning officer,
 - (b) the poll clerk,
 - (c) any interpreters or constables appointed,
 - (d) the candidates, and
 - (e) two agents for each candidate, or in the absence of agents, two electors to represent each candidate,
 shall enter the room where the votes are given except to vote nor remain in that room for a period longer than the period necessary to enable him to vote.

- (3) Where in the opinion of the deputy returning officer the room where the votes are given may become too crowded he may order that no more than one agent or if there be no agent present, one elector, for each candidate may enter or remain in the room at one time.

- (4) Forthwith on being admitted to a polling station each agent shall deliver his written appointment to the deputy returning officer.

- (5) Each of the agents of the candidate and, in the absence of agents, each of the electors representing the candidate, on being admitted to the polling station, shall take an oath in the prescribed form to keep secret the name of the candidate for whom the ballot paper of any elector is marked in his presence.

- (6) Any agent bearing a written authorization from the candidate or from the official agent of the candidate in a prescribed form shall be deemed an agent of the candidate within the meaning of this Ordinance and is entitled to represent the candidate in preference to, and to the exclusion of, an elector who might otherwise claim the right of representing the candidate.
 - (7) A candidate or the official agent of a candidate may appoint as many agents as he deems necessary for a polling station except that only two agents for each candidate may be present at the polling station at any time.
 - (8) Any dispute as to which agent or agents may be in the room where the vote is taken shall be determined by the deputy returning officer.
 - (9) An agent of a candidate may,
 - (a) during the hours of polling, but at no other time, examine the poll book and take any information therefrom except where an elector would be delayed in casting his vote thereby, and
 - (b) convey during the hours of polling any information obtained by the examination referred to in paragraph (a) to any agent of the candidate who is on duty outside the polling station.
 - (10) The deputy returning officer may order to leave the polling station any candidate, agent or elector representing a candidate who obstructs the taking of the poll, speaks to any elector who has stated that he does not wish to be spoken to or commits at the polling station any offence against this Ordinance and any person who refuses to obey such an order forthwith is guilty of an offence.
- Counting of ballots before poll 47.(1) If the agents and electors entitled to be present in the room of the polling station during polling hours are in attendance at least fifteen minutes before the hour fixed for opening of the poll, they are entitled to have the ballot papers supplied for use thereat carefully counted in their presence before the opening of the poll, and to inspect the ballot papers and all other papers, forms and documents relating to the poll.

- (2) A candidate may himself undertake the duties that any agent of his, if appointed, might have undertaken hereunder or may assist his agent in the performance of his duties, may be present at any place at which his agent may pursuant to this Ordinance be authorized to attend but shall in such case take the oath prescribed in subsection 46(5).

 - (3) The non-attendance of any candidate, official agent, agent or elector representing a candidate at any time or place required by or permitted by this Ordinance does not in any way invalidate any act or thing done during the absence of the agent and wherever in this Ordinance any expressions are used requiring or authorizing any act to be done at the polls or elsewhere, in the presence of candidates, official agents, agents or electors representing the candidate, such expressions shall be deemed to refer to the presence of such candidates, official agents, agents or electors representing the candidates as are authorized to attend, and as have in fact attended at the time and place where such act or thing is being done.
- 48.(1) Every deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to the electors as have been supplied to him by the Board to be posted up in conspicuous places outside the polling station and also in each voting compartment of the polling station.
- Proceedings
at poll
- (2) Before the opening of the poll, on polling day, the deputy returning officer shall, at the polling station and in full view of such of the candidates or their agents or electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer.

 - (3) The initials of the deputy returning officer shall be inscribed in ink.

 - (4) For the purpose of initialling, the ballot paper shall not be detached from the books in which they have been bound or stitched.

 - (5) At the hour fixed for opening the poll, the deputy returning officer shall:

- (a) show the ballot box to the persons present in the polling place so that they may see that it is empty;
 - (b) seal the empty ballot box in such a manner as to prevent it being opened without breaking the seal;
 - (c) place the box on a desk or table in full view of all present; and
 - (d) keep the box so placed and sealed until the close of the poll.
- (6) Immediately after the ballot box is sealed, the deputy returning officer shall call upon the electors to vote.
- (7) The deputy returning officer shall ensure the admission of every elector into the polling station, and shall see that they are not impeded or molested at or about the polling station.
- (8) A deputy returning officer may, if he deems it advisable, direct that not more than one elector for each voting compartment shall be present in the room where the vote is taken at any time.
- (9) Each elector upon entering the room where the vote is taken shall declare his name and address whereupon the poll clerk shall ascertain if the name of the elector appears on the official list of electors for the polling station.
- (10) Where an elector produces a proxy certificate the poll clerk shall ascertain whether the names of both the person holding a proxy certificate and the person on whose behalf the proxy is to be exercised appear on the official list of electors for the polling station.
- (11) When it has been ascertained that an applicant elector is qualified to vote or to exercise a proxy at a polling station,
- (a) his name and address shall be entered in the poll book to be kept by the poll clerk in the prescribed form, a consecutive number being prefixed to the electors name in the appropriate column of the poll book, and
 - (b) he shall immediately be allowed to vote, unless any person requires that he first take an oath or affirmation pursuant to Section 50.

VOTING

- 49.(1) Subject to his taking any oath or affirmation authorized by this Ordinance to be required of him, every person whose name appears on an official list of electors shall be allowed to vote at the polling station where his name appears on the list. Who may vote and where
- (2) An elector shall not be allowed to vote if his name does not appear on the official list of electors unless he has obtained a transfer certificate pursuant to Section 26 and is that day performing the duty specified in the certificate at the polling station therein mentioned.
- (3) The transfer certificate shall be delivered to the deputy returning officer before the elector named therein is allowed to vote.
- (4) Except as provided in this Ordinance, no oath shall be required of any person whose name is entered on the list of electors.
- (5) No elector shall at an election vote more than once in an electoral district or vote in more than one electoral district.
- 50.(1) An elector, if required by the deputy returning officer, the poll clerk, one of the candidates, an agent of a candidate or any elector present, shall, before receiving his ballot paper, take in the prescribed form an oath or affirmation as to his identity and that he is a qualified elector. Elector's oath
- (2) Where an elector refuses to take an oath or affirmation pursuant to subsection (1), deleting lines shall be drawn through his name on the list of electors and the words "Refused to be sworn" or "Refused to affirm" shall be written thereafter.
- (3) Every deputy returning officer or poll clerk presiding at a polling station who, while administering to any person any oath or affirmation, mentions as a disqualification any fact or circumstance that is not a disqualification according to this Ordinance is guilty of an offence.
- (4) No elector who has refused to take any oath or affirmation or to answer any question, as by this Ordinance required,

shall receive a ballot paper or be admitted to vote or be again admitted to the polling place to vote.

- (5) Where an elector is asked to take an oath or affirmation which he claims is not prescribed pursuant to this Ordinance and he refuses, he may appeal to the returning officer and if, after consultation with the deputy returning officer or the poll clerk of the appropriate polling station, the returning officer decides that the oath or affirmation was not in fact prescribed by this Ordinance, he shall direct that such elector be admitted to the poll and that he be allowed to vote if the elector is otherwise qualified to vote.

Name
corres-
ponding
closely

51.(1) Where there is contained in the official list of electors any name, address or other words used to distinguish the elector pursuant to subsection 22(18) that corresponds so closely with the identity of a person by whom a ballot is demanded, that it appears reasonably probable to the deputy returning officer that the entry in the official list of electors was intended to refer to him, the person is, upon taking, in the prescribed form, an oath that he is qualified as an elector and believes that he is the person intended to be described by the entry and complying in all other respects with the provisions of this Ordinance, entitled to receive a ballot and to vote.

- (2) In any case referred to in subsection (1), the name, address or other words used to distinguish the elector pursuant to subsection 22(18) shall be correctly entered in the poll book and the fact the oath has been taken shall be entered in the proper column of the poll book.

Entries
in poll
book

52.(1) Every poll clerk shall:

- (a) make such entries in the poll book as the deputy returning officer, pursuant to this Ordinance, directs;
- (b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted";
- (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each elector to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation;
- (d) enter in the poll book the words "Refused to be sworn" or "refused to affirm" or "Refused to answer" opposite

- the name of each elector who has refused to take an oath or to affirm, when he has been legally required so to do, or who has refused to answer questions that he has been legally required to answer; and
- (e) enter in the poll book the words "readmitted and allowed to vote" opposite the name of each elector readmitted on the direction of the returning officer.

- 53.(1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and no candidate, officer, clerk, agent or other person shall:
- Secrecy
- (a) at the polling station, interfere with, or attempt to interfere with, an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;
 - (b) at the counting of the votes, attempt to ascertain the number on the counterfoil of any ballot paper;
 - (c) at any time, communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station;
 - (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has cast his vote;
 - (e) at any time, communicate to any person any information obtained at a polling station as to the candidate for whom any elector at the polling station is about to vote or has voted; or
 - (f) at the counting of the votes, attempt to obtain any information or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.
- (2) No elector shall, except when unable to vote in the manner prescribed by this Ordinance on account of inability to read, blindness or other physical incapacity,
- (a) upon entering the polling station and before receiving a ballot paper, openly declare for whom he intends to vote,
 - (b) show his ballot paper, when marked, so as to allow the name of the candidate for whom he has voted to be known, or

(c) before leaving the polling station, openly declare for whom he has voted.

(3) Every one who contravenes or fails to observe any provision of this section is guilty of an offence.

Manner of voting, incapacitated voters

54.(1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which that officer has, as required by subsections 48(2) and (3), affixed his initials so placed, as indicated in Form 4, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper.

(2) The deputy returning officer shall instruct each elector how and where to affix his mark, shall properly fold the elector's ballot paper, and shall direct the elector to return the ballot paper when marked, folded as shown.

(3) No deputy returning officer shall inquire or see for whom the elector intends to vote, except when the elector is unable to vote in the manner prescribed by this Ordinance on account of inability to read, blindness or physical incapacity.

(4) An elector, before receiving a ballot paper from the deputy returning officer, shall give his name and address,
(a) to the deputy returning officer and poll clerk, and
(b) upon request, to an agent of a candidate or an elector representing a candidate in the polling station.

(5) The deputy returning officer, poll clerk, agents of candidates or electors representing candidates shall not request, demand or order that an elector, to prove his right to vote at a polling station, produce:
(a) a birth certificate;
(b) naturalization papers;
(c) a notice issued pursuant to paragraph 22(7)(c); or
(d) any other document whatever.

(6) When an elector has been given a ballot paper, no one shall require him to take the oath or affirmation referred to in subsection 50(1).

(7) An elector on receiving a ballot paper, shall forthwith:

- (a) proceed into a voting compartment and there mark his ballot paper by making a cross or check mark with a black lead pencil within the small circular space on the ballot paper in which the natural color of the paper appears, at the right of the name of the candidate for whom he intends to vote;
 - (b) fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it; and
 - (c) hand the ballot paper to the deputy returning officer.
- (8) Upon receipt of a ballot paper handed to him pursuant to subsection (7), the deputy returning officer shall forthwith:
- (a) without unfolding it, ascertain by examination of the initials and printed serial number that it is the same ballot paper that was delivered to the elector; and
 - (b) if it is the same ballot paper, in full view of the elector and all others present, remove and destroy the counterfoil and himself deposit the ballot paper in the ballot box.
- (9) Every person who makes any written record of the printed serial number appearing on the back of the counterfoil of a ballot paper is guilty of an offence.
- (10) An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall return it to the deputy returning officer who shall:
- (a) deface it in such manner as to render it a spoiled ballot; and
 - (b) deliver another ballot paper to the elector.
- (11) Subject to all other provisions of this Ordinance as to proof of qualifications as an elector and the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as that person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity in the prescribed form, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

- (12) In any case referred to in subsection (11), the poll clerk shall enter in the poll book, opposite the name of the elector,
- (a) a note of his having voted on a second ballot paper issued under the same name,
 - (b) the fact of the oath of identity having been taken, and the fact of any other oath being required and taken, and
 - (c) any objections made on behalf of any of the candidates.
- (13) The deputy returning officer, on the application of any elector who is unable to read, blind or so physically incapacitated as to be unable to vote in the manner prescribed by this Ordinance, shall require the elector making the application to take an oath in the prescribed form of his incapacity to vote without assistance and shall thereafter:
- (a) assist the elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and the agents of the candidates or the sworn electors representing the candidates in the polling station and of no other person, and shall place the ballot paper in the ballot box; or
 - (b) where the elector is accompanied by a friend or relative and the elector so requests, permit the friend or relative to accompany the elector into the voting compartment and mark the elector's ballot paper.
- (14) Where a friend or relative has marked the ballot paper of an elector as permitted pursuant to paragraph (13)(b), the poll clerk shall, in addition to the other requirements prescribed in this Ordinance, enter the name of the friend or relative of the elector in the remarks column of the poll book opposite the entry relating to such elector.
- (15) No person shall at any election be allowed to act for the purpose of marking a ballot paper as the friend or relative of more than one elector.
- (16) Any friend or relative who is permitted to mark the ballot of an elector pursuant to paragraph (13)(b) shall first

be required to take an oath in the prescribed form that he,

- (a) will keep secret the name of the candidate for whom the ballot of the elector is marked by him, and
- (b) has not already acted as the friend or relative of an elector for the purpose of marking his ballot paper at that election.

- (17) Where any elector has had his ballot paper marked as provided in subsections (13) to (16), the deputy returning officer shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.
 - (18) Where a deputy returning officer does not understand the language spoken by an elector, that officer shall, in accordance with subsections 41(14) and (15), appoint and swear an interpreter, who shall be the means of communication between him and the elector with reference to all matters required to enable such elector to vote, except that, where no interpreter is found, the elector shall not be allowed to vote.
 - (19) Every elector shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the ballot box.
 - (20) If at the hour of closing of the poll there are any electors in the polling station or in line at the door, who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote before the outer door of the polling station is closed, but no person who is not actually present at the poll at the hour of closing shall be allowed to vote, even if the poll is still open when he arrives.
 - (21) The deputy returning officer shall have the responsibility and authority to determine whether an elector arrived at the polling station in time to vote.
- 55.(1) Where an elector whose name appears on the list of electors for a polling division at an election is qualified to vote in the polling division at the election and has reason

Proxy
voting

to believe that he will be unable to vote in the polling division at the election during the hours of voting on polling day by reason of his absence from the polling division or his illness or physical incapacity, he may by proxy application in the prescribed form, appoint another elector whose name appears on that list of electors and is qualified to vote in the polling division at the election to be his proxy voter to vote for and in place of him at the election.

- (2) The proxy voter shall sign the consent in the prescribed form.
- (3) At any time prior to the close of revision of the lists pursuant to Section 25, 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 to the revising officer attending for that purpose pursuant to Section 25.
- (4) Where a revising officer,
 - (a) receives a completed proxy application and consent in the prescribed form prior to the expiration of the time for applying for a proxy certificate, and
 - (b) is satisfied that
 - (i) the elector is entitled to appoint a proxy voter under subsection (1),
 - (ii) the names of the elector and proxy voter both appear on the list of electors prepared during the election for the polling division in which the elector is qualified to vote,
 - (iii) a proxy certificate has not been issued during the election to any other person to act as a proxy voter for the elector, and
 - (iv) the proxy voter has not previously been appointed during the election to be a proxy voter for any other elector,the revising officer shall thereupon complete and issue a proxy certificate in triplicate in the prescribed form.
- (5) Upon the completion of a proxy certificate pursuant to subsection (4), the 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 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 proxy application.

- (6) Every application for appointment of a proxy voter and a copy of every proxy certificate shall be made available by the revising officer who issued the certificate, for inspection by any member of the public on demand at all reasonable times prior to the close of revision of the lists pursuant to Section 25.

- (7) Where an elector,
 - (a) requests, in writing on a proxy certificate issued during an election in relation to him that the certificate be cancelled, and
 - (b) has the certificate returned to the revising officer prior to the close of revision of the lists,the revising officer shall cancel the certificate.

- (8) Where a proxy certificate has been returned to a revising officer for cancellation, the elector to whom it relates may appoint another proxy voter and thereupon the revising officer shall, subject to this section, complete and issue another proxy certificate.

- (9) Where, on the ordinary polling day, a proxy voter appointed in accordance with this section delivers to the deputy returning officer for the polling division in which he and the elector who appointed him to be his proxy voter are qualified to vote, a proxy certificate issued under this section and takes the oath set out in that certificate,
 - (a) the proxy voter may thereupon, notwithstanding subsection 49(5), but subject to any other provision of this Ordinance, vote at the election for and in place of that elector,
 - (b) 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
 - (c) the deputy returning officer shall, in accordance with subsection 59(16), transmit the proxy certificate to the returning officer.

- (10) An elector who,
- (a) has been appointed, in accordance with this section, to be a proxy voter at an election, and
 - (b) votes as a proxy voter at the election, is, notwithstanding subsection 49(5), but subject to the other provisions of this Ordinance, entitled to vote in his own right at the election.
- (11) Every person 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 had the appointment cancelled in accordance with this section, himself votes,
 - (d) applies to vote as a proxy voter for more than one elector,
 - (e) not being qualified to vote in a polling division completes and signs a consent in writing pursuant to this section whereby he consents to be a proxy voter for an elector in that polling division, or
 - (f) except in accordance with this section, applies for a proxy certificate or votes as a proxy at an election,
- is guilty of an offence.

Time to
employees

- 56.(1) An employee who is a qualified elector shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of casting his vote.
- (2) If the hours of the employee's employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.
- (3) No employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work granted pursuant to this section.
- (4) Where an employee is required in his employment for services that are emergency services or are necessary

to the public service, health, or safety or for the operation of scheduled public transportation services such that the employee cannot be allowed additional time without significant inconvenience or risk to the public, his employer is not bound by this section to allow him additional time to cast his vote but shall, where possible, give the employee sufficient notice thereof to enable the employee to appoint a proxy voter.

- (5) Every employer who directly or indirectly refuses to grant to any elector in his employ, or by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ, of whatever additional time may be necessary to allow the elector to have three consecutive hours for voting as provided in this section is guilty of an offence.
- (6) For the purposes of this section the Commissioner is deemed to be an employer and is bound by this section.

PEACE AND GOOD ORDER

- 57.(1) Every returning officer, during an election, and every deputy returning officer, during the hours that the polls are opened, is a preserver of the peace with all the powers appertaining to a Justice of the Peace, pursuant to the *Justice of the Peace Ordinance* and he may,
- Peace and
good order
- (a) require the assistance of Justices of the Peace, constables or other persons to aid him in maintaining peace and good order at the election,
- (b) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and
- (c) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.
- (2) Where a person is charged at a polling station, during the hours that the poll is open, with having impersonated or attempted to impersonate an elector or having voted or attempted to vote knowing that he was for any reason disqualified or not qualified to vote at such election, the deputy returning officer at such polling station, shall take the information on oath of the person making the charge in the prescribed form.

- (3) Where the person against whom a charge is to be made pursuant to subsection (2) has not left the polling station the deputy returning officer shall, either on his own motion or at the request of any one proposing forthwith to lay an information, detain or direct the detention of the person until the close of the poll or until the written information has been drawn up, whichever first occurs.
- (4) Upon receiving an information during the hours that the poll is open, pursuant to subsection (2), the deputy returning officer shall forthwith issue his warrant, in the prescribed form for the arrest of the person charged, in order that he may be brought before the magistrate, to answer to the information and to be further dealt with according to law.
- (5) A warrant issued pursuant to subsection (4) is sufficient authority for any peace officer, as defined by the *Criminal Code*, to detain the person named in the warrant until he is brought before a magistrate.
- (6) Where the correct name of the person charged pursuant to this section is unknown to the informant, it is sufficient, in the information and other proceedings,
 - (a) to describe the person charged as a person whose name is unknown to the informant but who is detained under the order of the deputy returning officer, or
 - (b) to describe the person charged in such other manner as will suitably identify him, andwhen the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.
- (7) Every poll clerk has the authority of a constable for the purpose of carrying out the provisions of the Ordinance respecting summary proceedings in cases of impersonation.
- (8) Every deputy returning officer shall appoint such special constables as he deems necessary for the purpose set out in subsection (1), and every special constable who is so appointed has full power to act without taking any oath in the judicial district.

- (9) The magistrate named in any warrant issued under this section shall be one having jurisdiction under that part of the *Criminal Code* relating to the summary trial of indictable offences and shall be the nearest magistrate available.
- (10) The provisions of the *Criminal Code* referred to in subsection (9) apply to all proceedings under this Ordinance against any person accused of impersonation under subsections (2) to (9).
- (11) Any returning officer or deputy returning officer may appoint one or more constables to maintain order in a polling station throughout polling day where he deems such services to be necessary.
- (12) A constable may be appointed pursuant to subsection (11) only when there is actual or anticipated disorder, for the purposes of subsection (13) or when it is likely that a large number of electors will seek to vote at the same time.
- (13) Generally, the appointment of one constable shall be made where more than one polling station is established in the same building or in adjoining buildings, to ensure the successive and prompt entrance of the electors into their proper polling station.
- (14) Constables shall be appointed and sworn in the prescribed form, which shall be printed in the poll book.
- (15) Every returning officer or deputy returning officer who has appointed a constable shall state his reason for making the appointment in the space provided for that purpose on the polling station account.
- 58.(1) No person shall arm himself during any part of polling day with any offensive weapon and, thus armed, approach within one kilometre of a polling station, unless called upon so to do by lawful authority. Arms; party badges
- (2) A returning officer or deputy returning officer may, during nomination day or polling day at any election, require any person within one kilometre of the place of

nomination or of the polling station to deliver to him any offensive weapon in the hands or personal possession of that person, and the person so required shall forthwith so deliver the weapon.

- (3) No person shall engage actively in the issue or promotion of political propaganda within one kilometre of a polling station during the hours that the polls are open.
- (4) No person shall use, wear or display any flag, ribbon, label or badge in a polling station on polling day as a party badge to distinguish the wearer as the supporter of any candidate or of the political or other opinions entertained or supposed to be entertained by a candidate except a badge prescribed pursuant to Section 60.
- (5) Every one who contravenes any of the provisions of this section is guilty of an offence.

COUNTING OF THE VOTES

Counting
of the
votes

- 59.(1) Immediately after the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents such as are present, and of at least two electors if none of the candidates are represented, the deputy returning officer shall, in the following order,
 - (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) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, indicate thereon the number of spoiled ballot papers and seal it,
 - (c) count the unused ballot papers undetached from the books of ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of unused ballot papers,
 - (d) check the number of ballot papers supplied by the returning officer against the number of spoiled

- ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for,
- (e) open the ballot box and empty its contents upon a table, and
 - (f) count the number of votes given to each candidate on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot paper.
- (2) The poll clerk and as many as three witnesses shall be supplied with a tally sheet in the prescribed form upon which they may keep their own score as each vote is called out by the deputy returning officer.
- (3) In counting the votes, the deputy returning officer shall reject all ballot papers:
- (a) that have not been supplied by him;
 - (b) that have not been marked for any candidate;
 - (c) on which votes have been given for more than one candidate;
 - (d) that have not been marked in the small circular space, on which the natural colour of the paper appears, at the right of the name of the candidate, unless the deputy returning officer and the poll clerk are unanimously agreed that the manner in which the ballot is marked indicates a clear and unambiguous preference for one candidate, and that the ballot is not otherwise invalid for any ground specified in any other provision of this Ordinance, in which case the ballot paper shall not be rejected; or
 - (e) upon which there is any writing or mark by which the elector could be identified.
- (4) No ballot paper shall be rejected pursuant to subsection (3) by reason only that:
- (a) it has on it any writing, number or mark placed thereon by any deputy returning officer; or
 - (b) it has been marked with a writing instrument other than a black lead pencil or with a mark other than a cross or check mark, if the mark does not constitute identification of the elector.

- (5) Where, in the course of counting the votes, any ballot paper is found with the counterfoil still attached thereto, the deputy returning officer shall, while carefully concealing the number thereon from all persons present and without examining it himself, remove and destroy the counterfoil.
- (6) A deputy returning officer shall not reject a ballot paper merely by reason of his former failure to remove the counterfoil.
- (7) Nothing in this section relieves a deputy returning officer from any penalty to which he may become liable by reason of his failure to remove and destroy a counterfoil at the time of the casting of the vote to which it relates.
- (8) Where, in the course of counting the votes, a deputy returning officer discovers that he has omitted to affix his initials to the back of any ballot paper, as required by subsections 48(2) to (4) and as indicated on Form 4, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to the ballot paper and count the ballot paper as if it had been initialled in the first place, if he is satisfied that:
 - (a) the ballot paper is one that has been supplied by him;
 - (b) a bona fide omission has been made; and
 - (c) every ballot paper supplied to him by the returning officer has been accounted for, as required by paragraph (1)(d).
- (9) Nothing in subsection (8) relieves a deputy returning officer from any penalty to which he may have become liable by reason of his failure to affix his initials on the back of any ballot paper before handing it to an elector.
- (10) Each deputy returning officer shall:
 - (a) keep a record on the special form printed in the poll book, of every objection made by any candidate or his agent or any elector present, to any ballot paper found in the ballot box; and

- (b) decide every question arising out of the objection.
- (11) The decision of a deputy returning officer pursuant to subsection (10) is final, subject to reversal on recount or on petition questioning the election or return.
 - (12) Every objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.
 - (13) All ballot papers that are not rejected by a deputy returning officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers as follows:
 - (a) ballot papers that respectively indicate the votes given for each candidate shall be put into separate envelopes;
 - (b) all rejected ballot papers shall be put into a special envelope;
 - (c) all such envelopes shall be endorsed so as to indicate their contents and shall be sealed by the deputy returning officer; and
 - (d) the deputy returning officer and the poll clerk shall affix their signatures to the seal and such agents present as may desire to do so may sign their names thereon.
 - (14) Each deputy returning officer and poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe, respectively, the oaths in the prescribed forms which shall remain attached to the poll book.
 - (15) Each deputy returning officer shall make the necessary number of copies of the statement of the poll in the prescribed form as follows:
 - (a) one copy shall remain attached to the poll book;
 - (b) one copy shall be retained by the deputy returning officer;
 - (c) one copy, for the returning officer, shall be enclosed in a special envelope supplied for the purpose, sealed by the deputy returning officer and deposited by itself in the ballot box;

- (d) one copy shall be delivered to each of the candidates' agents, or the electors present representing the candidates; and
 - (e) one copy shall be mailed to each candidate, in the special envelope provided for the purpose.
- (16) The poll book, the envelopes containing the ballot papers unused, spoiled, rejected or counted for each candidate, each lot in its proper envelope, the proxy certificates, the transfer certificates, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose and this envelope shall be immediately sealed and placed in the ballot box with, but not enclosing, the envelope containing the statement of the poll prepared for the returning officer and referred to in subsection (15).
- (17) The ballot box shall then be sealed with one of the special seals as prescribed for the use of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer.
- (18) A returning officer may appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations, and such person shall, on delivering the ballot boxes to the returning officer, subscribe to an oath in the prescribed form to the effect that the boxes have not been opened while in his care.
- (19) Each deputy returning officer shall, within the ballot box, transmit or deliver to the returning officer in the envelope provided for that purpose,
- (a) the statement of the poll in the prescribed form, and
 - (b) the polling station account in the prescribed form filled in and signed by the deputy returning officer.
- (20) A returning officer may direct that ballot boxes be returned to him by parcel post, registered, or by any other means approved in advance by the Board in writing.
- (21) Where any deputy returning officer omits to enclose within a ballot box, and in the proper envelopes

provided for that purpose, any of the documents mentioned in this action, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer.

- (22) The Board shall not approve payment for the services of a deputy returning officer if it appears that an omission referred to in subsection (21) was made by the deputy returning officer by reason of any want of good faith.

- 60.(1) On polling day every deputy returning officer, poll clerk, agent, or elector representing a candidate in the absence of an agent, constable and interpreter shall wear a badge in a prominent manner which shall show his name and his office.

Badges at poll

- (2) The badges mentioned in subsection (1) shall be in the prescribed form.

OFFICIAL ADDITION OF THE VOTES

- 61.(1) A returning officer, upon the receipt of each ballot box, shall
 - (a) take every precaution for its safekeeping and for preventing any person other than himself and his assistant returning officer from having access thereto;
 - (b) examine the special seal affixed to each ballot box by a deputy returning officer, pursuant to subsection 59(17);
 - (c) if the seal is not in good order, affix his own special seal as prescribed; and
 - (d) record the condition of the special seal required to be affixed by the deputy returning officer to the ballot box, in the appropriate column of a record book to be kept by the returning officer in the prescribed form.

Proceedings of returning officer

- (2) After all the ballot boxes have been received, the returning officer shall, at the place, day and hour fixed in the proclamation issued by him pursuant to Section 27 for the official addition of the votes and in the presence of such of the candidates or their official agents as attended the proceedings, open the ballot boxes and from the statements of the poll contained in the ballot boxes officially add up the number of votes cast for each candidate.

- (3) Where any ballot box does not appear to contain a statement of the poll, either loose or in its separate envelope as required by Section 59, the returning officer may, for the purposes of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers and, upon so doing, shall place all the papers, other than the statement of the poll, if found, in a special large envelope which shall be sealed and duly endorsed by him.
 - (4) Nothing in subsection (3) authorizes the opening of any envelope appearing to contain only ballot papers cast for the various candidates, but, in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.
 - (5) Forthwith after the official addition of the votes, the returning officer shall,
 - (a) declare and cause to be published in the prescribed manner the name of the candidate who has obtained the largest number of votes,
 - (b) prepare his certificate in writing, in the prescribed form showing the number of votes cast for each candidate, and
 - (c) deliver forthwith a copy of that certificate to each candidate or his representative.
 - (6) Where, on the official addition of the votes, there is an equality of votes between two or more candidates and an additional vote for one of such candidates would enable one of those candidates to be declared as having obtained the largest number of votes, or the difference between the number of votes cast for the candidate receiving the highest number of votes and another candidate is ten or less, the returning officer shall forthwith,
 - (a) apply for a recount to a judge of the Supreme Court, and
 - (b) give written notice to each candidate at the election or his official agent of the application for a recount.
- Addition adjourned 62.(1) Where, on the day fixed for the official addition of the votes, a returning officer has not received all the ballot boxes or the information required by Section 59 to be communicated to him he shall adjourn the proceedings for a period not exceeding seven days.

provided for that purpose, any of the documents mentioned in this action, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer.

- (22) The Board shall not approve payment for the services of a deputy returning officer if it appears that an omission referred to in subsection (21) was made by the deputy returning officer by reason of any want of good faith.

- 60.(1) On polling day every deputy returning officer, poll clerk, agent, or elector representing a candidate in the absence of an agent, constable and interpreter shall wear a badge in a prominent manner which shall show his name and his office.

Badges at poll

- (2) The badges mentioned in subsection (1) shall be in the prescribed form.

OFFICIAL ADDITION OF THE VOTES

- 61.(1) A returning officer, upon the receipt of each ballot box, shall
 - (a) take every precaution for its safekeeping and for preventing any person other than himself and his assistant returning officer from having access thereto;
 - (b) examine the special seal affixed to each ballot box by a deputy returning officer, pursuant to subsection 59(17);
 - (c) if the seal is not in good order, affix his own special seal as prescribed; and
 - (d) record the condition of the special seal required to be affixed by the deputy returning officer to the ballot box, in the appropriate column of a record book to be kept by the returning officer in the prescribed form.

Proceedings of returning officer

- (2) After all the ballot boxes have been received, the returning officer shall, at the place, day and hour fixed in the proclamation issued by him pursuant to Section 27 for the official addition of the votes and in the presence of such of the candidates or their official agents as attended the proceedings, open the ballot boxes and from the statements of the poll contained in the ballot boxes officially add up the number of votes cast for each candidate.

- (3) Where any ballot box does not appear to contain a statement of the poll, either loose or in its separate envelope as required by Section 59, the returning officer may, for the purposes of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers and, upon so doing, shall place all the papers, other than the statement of the poll, if found, in a special large envelope which shall be sealed and duly endorsed by him.
 - (4) Nothing in subsection (3) authorizes the opening of any envelope appearing to contain only ballot papers cast for the various candidates, but, in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.
 - (5) Forthwith after the official addition of the votes, the returning officer shall,
 - (a) declare and cause to be published in the prescribed manner the name of the candidate who has obtained the largest number of votes,
 - (b) prepare his certificate in writing, in the prescribed form showing the number of votes cast for each candidate, and
 - (c) deliver forthwith a copy of that certificate to each candidate or his representative.
 - (6) Where, on the official addition of the votes, there is an equality of votes between two or more candidates and an additional vote for one of such candidates would enable one of those candidates to be declared as having obtained the largest number of votes, or the difference between the number of votes cast for the candidate receiving the highest number of votes and another candidate is ten or less, the returning officer shall forthwith,
 - (a) apply for a recount to a judge of the Supreme Court, and
 - (b) give written notice to each candidate at the election or his official agent of the application for a recount.
- Addition
adjourned 62.(1) Where, on the day fixed for the official addition of the votes, a returning officer has not received all the ballot boxes or the information required by Section 59 to be communicated to him he shall adjourn the proceedings for a period not exceeding seven days.

- (2) Where
- (a) the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or
 - (b) for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate,
- the returning officer may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, except that the aggregate of such adjournments shall not exceed two weeks.
- (3) Where any ballot boxes have been destroyed or lost or, for any other reason, are not forthcoming within the time fixed by this Ordinance, the returning officer shall ascertain the cause of the disappearance of the ballot boxes and obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other persons having them, a copy of the statement of the poll furnished to the candidates or their agents, as required by this Ordinance, the whole verified on oath.
- (4) Where a statement of the poll or copies thereof cannot be obtained, the returning officer
- (a) shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations,
 - (b) to that end, may order any deputy returning officer, poll clerk or other person to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have notice, and
 - (c) may examine on oath the deputy returning officer, poll clerk or other person, respecting the matter in question.
- (5) In the case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the poll, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling station of the deputy returning officer and, to that end, has the powers set out in subsection (4).

- (6) In any case arising under subsection (3), (4) or (5), the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to be sent to the Board with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll, and the mode by which he ascertained the number of votes cast for each candidate.
- (7) Every person is guilty of an offence who refuses or neglects to obey the order of a returning officer issued under this Ordinance in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at a polling station.

Custody of ballot boxes

- 63.(1) After the close of an election, each returning officer shall cause the empty ballot boxes used at the election to be deposited at a place designated by the Board.

JUDICIAL RECOUNT

Judicial recount

- 64.(1) Where a judge of the Supreme Court
 - (a) receives an application for a recount of votes from a returning officer pursuant to subsection 61(6), or
 - (b) receives an application, prior to the end of the sixth day following the completion of the official addition of votes, supported by a credible witness, and the applicant deposits with the clerk of the court the sum of two hundred dollars as security for costs and it is made to appear that
 - (i) a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or
 - (ii) the returning officer has improperly added up the votes,
 the judge shall appoint a time to recount the votes, which time shall, subject to subsection (3), be within four days after the receipt of the application.
- (2) Where applications for recounts of the votes in respect of two or more electoral districts are made under this section to the same judge, the judge shall:

- (a) proceed with the recounts in the order in which applications are received by him; and
 - (b) subject to subsection (14), proceed continuously from day to day until the last recount has been completed.
- (2.1) A judge who receives an application pursuant to paragraph (1)(b) shall forthwith notify the returning officer.
- (3) The judge to whom an application for a recount is made shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount the votes.
- (4) The judge may order that service of a notice given under subsection (3) may be substitutional.
- (5) The judge to whom an application for a recount is made shall issue a summons directing the returning officer to attend at the time and place appointed pursuant to subsection (3) with the envelopes containing the used and counted, unused, rejected and spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, that are relevant to the recount that is to take place.
- (6) A returning officer shall obey a summons issued pursuant to subsection (5) and shall attend throughout the proceedings.
- (7) Each candidate is entitled to be present at the proceedings and to be represented by not more than three agents appointed to attend, 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, but, except with the permission of the judge, no other person shall be present at the recount.
- (8) At the time and place appointed pursuant to this section, and in the presence of such of the persons authorized by this Ordinance to attend as do attend, the judge shall proceed to make the recount from the statements contained in the ballot boxes returned by the deputy returning officers, or to recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and the judge, in the latter case,

- (a) shall open the sealed envelopes containing the used and counted, unused, rejected and spoiled ballot papers,
 - (b) shall not open any other envelopes containing other documents, and
 - (c) shall not take cognizance of any election documents other than in the documents referred to in paragraph (a).
- (9) At a recount, the judge shall:
- (a) recount the votes according to the directions in this Ordinance set forth for deputy returning officers at the close of the poll;
 - (b) verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and
 - (c) if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision or where the proper statements of the poll were not found therein.
- (10) For the purpose of arriving at the facts as to a missing box or statement of the poll, the judge has all the powers of a returning officer with regard to the attendance and examination of witnesses who, in the case of non-attendance, are subject to the same consequences as in the case of refusal or neglect to attend on the summons of a returning officer.
- (11) For the purpose of making a recount pursuant to this section, a judge has the power of summoning before him any deputy returning officer or poll clerk as a witness and of requiring him to give evidence on oath, or on solemn affirmation, and has the same power to enforce the attendance of such a witness and to compel him to give evidence as is vested in the Supreme Court in civil cases.
- (12) Where, in the course of a recount, any ballot paper is found with the counterfoil still attached to it, the judge shall remove and destroy the counterfoil.

- (13) The judge shall not reject a ballot by reason merely of the deputy returning officer's failure to remove the counterfoil from it or to affix his initials to the back of it.
- (14) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the recount, allowing only necessary recess for refreshment, and excluding, except as he otherwise openly directs, the hours between six o'clock in the afternoon and nine o'clock in the next following morning.
- (15) During a recess or excluded time at a recount, the ballot papers and other documents shall be kept enclosed in parcels under the seal of the judge and of such other of the persons as are authorized to attend at the recount and desire to affix their seals to the packages.
- (16) The judge shall personally supervise the parcelling and sealing of ballot papers and documents at a recount and take all necessary precautions for the security of the papers and documents.
- (17) Notwithstanding anything in this section, a judge may, at any time after an application for a recount has been made to him, terminate the recount upon request in writing by the applicant to him for such termination.
- (18) At the conclusion of a recount, the judge shall:
 - (a) seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount and forthwith certify in writing, in the prescribed form the result of the recount to the returning officer, who shall, as prescribed in subsection 65(1), declare to be elected the candidate who has obtained the largest number of votes; and
 - (b) deliver a copy of the certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection 61(5), which certificate shall be deemed to be substituted for the certificate previously issued by the returning officer.

- (19) Where a recount made pursuant to this section results in an equal number of votes being received by two or more candidates who also have the greatest number of votes cast for them in the election, the election shall be decided forthwith by the drawing of lots by the returning officer in the presence of the judge and any candidate or agent present at the time.
- (20) Where a recount as a result of an application made pursuant to paragraph (1)(b) does not so alter the result of the poll as to affect the return, the judge shall
- (a) order the costs of the candidate appearing to be elected to be paid by the applicant; and
 - (b) tax those costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the Supreme Court.
- (21) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and, if the deposit is insufficient, the candidate in whose favour the costs are awarded may bring an action for the balance.
- (22) Subject to the prior approval of the Board, a judge may retain the services of such clerical assistants as are required for the proper performance of his duties under this section.
- (23) The clerical assistants referred to in subsection (22) shall be paid at a rate to be fixed by the Commissioner pursuant to Section 13.

ELECTION RETURN

Election
return

- 65.(1) Each returning officer, immediately after the tenth day next following the date upon which he has completed the official addition of the votes, unless before that time he has received notice that he is required to attend before a judge for the purpose of a recount, and, where there has been a recount, then immediately thereafter, shall forthwith declare elected the candidate who has obtained the largest number of votes by completing the return to the writ in the prescribed form.

- (2) Forthwith, upon completing the return to the writ pursuant to subsection (1), the returning officer shall transmit by registered mail to the Board the following documents:
- (a) the election writ with his return in the prescribed form endorsed thereon that the candidate having the majority of votes has been duly elected;
 - (b) a report of his proceedings in the prescribed form;
 - (c) the recapitulation sheets, in the prescribed form, showing the number of votes cast for each candidate at each polling station and making such observations as the returning officer may think proper as to the state of the election papers as received from his deputy returning officers;
 - (d) the statements of the polls from which the official addition of the votes was made;
 - (e) the reserve supply of undistributed blank ballot papers;
 - (f) the enumerators' record books;
 - (g) the revising officers' record sheets and other papers relating to the revision of the lists of electors;
 - (h) the returns from the various polling stations enclosed in sealed envelopes, as described in Section 59, and containing the poll book used at the poll, an envelope of stubs and of unused ballot papers, envelopes of ballot papers cast for the several candidates, an envelope of spoiled ballot papers, an envelope of rejected ballot papers and an envelope containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer and proxy certificates;
 - (i) the proxy applications and certificates retained by him pursuant to subsection 55(5); and
 - (j) all other documents used at the election.
- (3) Where he receives notice of a recount, the returning officer shall delay transmission of the return and report until he has received from the judge a certificate of the result of the recount, whereupon he shall transmit those documents as required by subsection (2).

- (4) The returning officer shall forward to each candidate a duplicate or copy of the return to the writ made by him.
- (5) A premature return shall be deemed not to have reached the Board until it should have reached the Board in due course.
- (6) The Board
 - (a) shall, if the circumstances so require, send back the return and any or all election documents connected therewith to the returning officer for completion or correction, and
 - (b) may send back to the returning officer any return that does not comply with this Ordinance.
- (7) The Board shall, on receiving the return of any member elected to serve in the Territorial Council,
 - (a) enter it, in the order in which the return is received in a book to be kept for that purpose, and
 - (b) thereupon immediately publish in the prescribed manner the name of the candidate so elected.
- (8) The Board shall:
 - (a) immediately after each general election, cause to be printed and published a report stating, by polling divisions, the number of votes polled for each candidate, the number of rejected ballots and the number of names on the list of electors, together with any other information that it may deem fit to include; and
 - (b) at the end of each year, cause to be printed and published a similar report on the by-elections held during the year.
- (9) Where any returning officer wilfully delays, neglects or refuses to return any person who by the provisions of this Ordinance ought to be returned to serve in the Territorial Council for an electoral district, and
 - (a) there has been no election petition brought pursuant to the *Controverted Elections Ordinance* respecting that person's election, or
 - (b) the election petition has been withdrawn, or

(c) it has been determined on the hearing of the election petition that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make the return of his election is guilty of an offence.

- 66.(1) The Board shall as soon as practicable after an election and in any event within ten days after the commencement of the session of the Council next following the election, transmit a report to the Speaker of the Territorial Council setting out:
- Report of Boards
- (a) any matter or event that has arisen or occurred in connection with the administration of the Board's duties in the interval since the date of its last preceding report and that it considers should be brought to the attention of the Territorial Council;
 - (b) any action that has been taken pursuant to subsection 77(3);
 - (c) where the Board has suspended a returning officer for cause, its reasons for so doing;
 - (d) any amendments that, in its opinion, are desirable for the better administration of this Ordinance.
- (2) Any report or recommendation received by the Speaker from the Board pursuant to this section shall at the earliest opportunity be tabled by him in the Territorial Council.

ELECTION DOCUMENTS

- 67.(1) The Board shall retain in its possession the election documents transmitted to it by any returning officer, with the return to the writ, for at least one year if the election is not contested during that time and, if the election is contested, then for one year after the termination of the contest.
- Custody of elections documents by Board
- (2) No election documents that are retained in the custody of the Board pursuant to subsection (1) shall be inspected or produced except under a rule or order of a judge of the Supreme Court.
 - (3) Where a judge of the Supreme Court has ordered the production of any election documents, a member of the Board

need not, unless the judge otherwise orders, appear personally to produce the documents but the Board shall certify the documents and transmit them by registered mail to the clerk of the court, who shall, when the documents have served the purposes of the judge, return them by registered mail to the Board.

- (4) Documents purporting to be certified by the Board are receivable in evidence without further proof thereof.
- (5) A rule or order may be made pursuant to subsection (2) by a judge on his being satisfied by evidence on oath that the inspection or production of any election document is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition that has been filed questioning an election or return.
- (6) Any rule or order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the judge deems expedient.
- (7) All reports or statements, other than election documents received from election officers, all instructions issued by the Board pursuant to this Ordinance, all decisions or rulings by it upon points arising under this Ordinance and all correspondence with election officers or others in relation to any election are public records and shall be retained by the Board for five years and may be inspected by any person upon request during business hours.
- (8) Any person may take extracts from the records referred to in subsection (7) and is entitled to certified copies of those records upon payment for the preparation of those certified copies at the rate of twenty cents per page.
- (9) Any copies of the records referred to in subsection (7) purporting to be certified by the Board are receivable in evidence without further proof thereof.

Fees and
expenses
of officers

- 68.(1) The fees, costs, allowances and expenses payable in respect of an election shall be paid out of the Yukon Consolidated Revenue Fund.

- (2) Notwithstanding anything in this section, an account-able advance may be made to an election officer to defray office and other incidental expenses recognized in the tariff made pursuant to Section 13.
 - (3) The returning officer shall certify all accounts sub-mitted by him to the Board and shall be responsible for their correctness.
 - (4) The Board shall not pay any enumerator's account until after the revision of the lists of electors has been compiled.
 - (5) Where the fees and allowances provided for by tariff made pursuant to Section 13 are not sufficient remuneration for the services performed or required to be performed at any election in respect of a particular electoral district or a particular election officer, or where any claim for any necessary service performed or for materials supplied for or at an election is not covered by the tariff, the Commissioner shall, upon request of the Board, authorize the payment of such sum or additional sums for such services or materials supplied as he considers just and reasonable in the circumstances, out of the Yukon Consolidated Revenue Fund.
 - (6) Any expenses incurred by or on behalf of the Board for preparing and printing election material or for the purchase of election supplies or services shall be paid out of the Yukon Consolidated Revenue Fund.
 - (7) Any election officer who fails to carry out any of the services required to be performed by him at an election shall upon the determination of the Board forfeit his right to all or part of the payment for his services and expenses.
 - (8) The Board shall, in accordance with the tariff made pursuant to Section 13, audit all accounts relating to the conduct of an election.
- 69.(1) Every executory contract, promise or undertaking that in any way refers to or arises out of or depends upon the result of an election is void.

Executory
contracts
void

- (2) Subsection (1) extends to the payment of lawful expenses or the doing of a lawful act.

OFFENCES

- Offences 70.(1) Every one is guilty of an offence who:
- (a) forges a ballot paper or utters a forged ballot paper;
 - (b) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed thereon;
 - (c) without authority under this Ordinance, supplies a ballot paper to any person;
 - (d) not being a person entitled under this Ordinance to be in possession of a ballot paper, has, without authority, any ballot paper in his possession;
 - (e) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;
 - (f) fraudulently takes a ballot paper out of the polling station;
 - (g) without authority under this Ordinance destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers;
 - (h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
 - (i) without authority under this Ordinance prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
 - (j) being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;
 - (k) being a deputy returning officer, places upon any ballot paper any writing, number or mark with intent that the elector to whom such ballot paper is to be or has been, given may be identified thereby;
 - (l) manufactures, constructs, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, supplied to any election officer, or used for the purposes of any election, any ballot box other than a ballot box made or obtained pursuant to Section 42 or

adapted in such a way as to enable a ballot paper to be improperly secreted or retained or to be damaged or destroyed.

- (m) applies under this Ordinance to be included in any list of electors in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (n) having once to his knowledge been properly included in a list of electors under this Ordinance as an elector entitled to vote at a pending election, applies, except as authorized by this Ordinance, to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election;
- (o) applies to be included in a list of electors for a polling division in which he is not ordinarily resident;
- (p) except as authorized by Section 55, applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (q) having voted once at an election, applies at the same election for another ballot paper;
- (r) votes or attempts to vote at an election or has or attempts to have his name included on a list of voters knowing that he is not qualified to vote at the election;
- (s) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election;
- (t) by intimidation, duress or any pretence or contrivance compels, induces or prevails upon any person to vote or refrain from voting at an election;
- (u) represents to any person that the ballot or the manner of voting at an election is not secret;
- (v) knowingly, in any case where an oath or affirmation is authorized or directed to be taken or made pursuant to this Ordinance, compels or attempts to compel or induces or attempts to induce any other person to take such oath or make such affirmation falsely;
- (w) knowingly, in any case where an oath or affirmation is authorized or directed to be taken or made by this Ordinance, takes such oath or makes such affirmation falsely;

- (x) knowingly makes a false statement in any form, certificate, statement, report or other document completed pursuant to this Ordinance;
- (y) knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of a candidate;
- (z) while residing outside Canada, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election or to refrain from voting;
- (aa) without authority takes down, covers up, mutilates, defaces or alters any printed or written proclamation, notice, list of electors or other document authorized or required by this Ordinance to be posted up;
- (bb) obstructs or interferes with the free access of a candidate, a candidate's official agent or agent or a person authorized in writing by the candidate as a campaign worker on his behalf to any building having more than one dwelling unit if the candidate, candidate's official agent or agent or campaign worker produces identification of his status as such;
- (cc) fails to obey the order of any election officer or judge properly made pursuant to this Ordinance; or
- (dd) impedes or obstructs an enumerator or a revising officer in the performance of his duties under this Ordinance.

- (2) For the purposes of subsection (1) and any other provision of this Ordinance, knowingly to do or omit to do an act is deemed to be fraudulent if to do or omit to do the act results or would or would be likely to result in the reception of a vote that should not have been cast or in the non-reception of a vote that should have been cast.

Corruption 71.(1) Everyone who corruptly, by himself or by any other person, during an election, directly or indirectly offers, procures or provides or promises to procure or provide money, valuable consideration, office or employment to induce any person to vote or refrain from voting, and everyone who corruptly accepts or receives or agrees to accept or receive any such money, valuable consideration, office or employment is guilty of an offence.

- (2) Every candidate or official agent who, by himself or by any other person, directly or indirectly, during an

election before the close of polls on polling day pays or indemnifies or promises to pay or indemnify any person for loss of wages or other earnings suffered by that person in going to, being at or returning from a polling station or the neighborhood of a polling station, with intent to influence any person to vote or refrain from voting is guilty of an offence.

- 72.(1) Notwithstanding the *Liquor Ordinance*, no liquor outlet shall be open for the sale of an alcoholic beverage during the hours that the polls are open within an electoral district where a poll is being held. Liquor
- (2) Everyone who at any time during the hours that the polls are open on polling day sells, gives, offers or provides an alcoholic beverage at any licensed premise within an electoral district where a poll is being held, is guilty of an offence.
- 73.(1) Every person is guilty of an offence who, between the date of the issue of the writ for an election and the day immediately following polling day at the election, acts, incites others to act or conspires to act in a disorderly manner with the intention of preventing the transaction of business of a public meeting called for the purposes of the election. Disorder at public meetings
- 74.(1) Every printed advertisement, poster or banner having reference to an election shall bear the name and address of its printer or publisher, and every person printing, publishing, distributing or posting up or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence. Printer or publisher's name on documents
- 75.(1) Every person who erects, posts or affixes a proclamation notice, poster or advertisement or causes such to be done pursuant to this Ordinance shall remove it or cause it to be removed within thirty days after polling day. Removal of notices and advertisements
- (2) Every person who erects, posts or affixes any notice, poster or advertisement relating to a candidate at an election or a political party supporting a candidate at an election shall remove it or cause it to be removed within thirty days after polling day.

- (3) Any person who fails to comply with subsection (1) or (2) is guilty of an offence.
- Posting of warning 76.(1) Where an election officer posts up or causes to be posted up a document referred to in Section 75, a copy of paragraph 70(1)(aa) shall be printed or written as a notice in large type on the document, or printed or written as a separate notice and posted up near the document so the notice may easily be read.
- Liability of election officers 77.(1) Every election officer is guilty of an offence who fails or refuses to comply with any provision of this Ordinance unless such election officer establishes that in failing or refusing to so comply he was acting in good faith, that his failure or refusal was reasonable and that he had no intention of affecting the result of the election, permitting any person to vote whom he did not bona fide believe was qualified to vote or preventing any person from voting whom he did not bona fide believe was not qualified to vote.
- (2) It shall be deemed to be a failure to comply with the provisions of this Ordinance to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote that should have been cast.
- (3) Where it is made to appear to the Board that an election officer has been guilty of an offence under this Ordinance, the Board shall:
- (a) make such inquiries as appear necessary under the circumstances; and
 - (b) if it appears that proceedings for the punishment of the offence have not been properly taken or should be taken and that its intervention would be in the public interest, assist or intervene in the carrying on of such proceedings or cause them to be taken and incur such expenses as may be necessary for such purposes.
- Power of Board re offences 78.(1) Where it is made to appear to the Board that any person has committed an offence referred to in Section 22, subsection 29(3) or (5), subsection 38(6), subsection 58(5), subsection 62(7), paragraph 70(1)(a), (b), (c), (d), (e).

(f), (g), (i), (j), (l), or (cc), or Section 94, the Board has, in respect of that offence, the same duties and powers that it has under subsection 77(3) in respect of offences committed by election officers.

- 79.(1) For the purpose of any inquiry held pursuant to Section 77 or Section 78, the Board or any person nominated by it for the purpose of conducting the inquiry has the powers of a Board constituted under the *Public Inquiries Ordinance*. Inquiry
by
Board
- (2) Any expense required to be incurred for the purpose of an inquiry under Section 77 or Section 78 and of any proceedings that, pursuant to Section 77 or Section 78, the Board assists in carrying on or causes to be taken shall be paid out of the Yukon Consolidated Revenue Fund.
- 80.(1) Except as otherwise provided in this Ordinance, Penalties
- (a) every person who is guilty of an offence under this Ordinance is liable on summary conviction to a fine of not more than two thousand dollars or to imprisonment for not more than three months, or to both fine and imprisonment,
- (b) every person who is guilty of an offence under this Ordinance committed with intent to corrupt or intimidate a candidate, official agent, election officer or elector, to prevent a qualified elector from voting or to destroy, forge or falsify any document made pursuant to this Ordinance is liable on summary conviction to a fine of not more than five thousand dollars or to imprisonment for not more than one year, or to both fine and imprisonment.
- (2) Where a person is convicted of an offence under paragraph (1)(b) the magistrate in addition to the punishment therein provided may order that the person convicted be ineligible to be a candidate or to be elected as a member of the Territorial Council for any period up to seven years.
- 81.(1) No election shall, on the trial of any election petition, be void by reason only of an offence under this Ordinance unless the thing omitted or done which constituted the Election
not
voided

offence, was omitted or done by the elected candidate in person, or his official agent or some other agent of the candidate with the candidate's actual knowledge and consent.

- (2) Nothing in this section shall be deemed to limit or impair the provisions of the *Controverted Elections Ordinance*.
- (3) No election shall be declared void by reason only of non-compliance with the provision of this Ordinance relating to:
- (a) limitations of time;
 - (b) the taking of the poll or the counting of the votes;
 - (c) any want of qualifications in the persons signing any nomination paper;
 - (d) any error in the name, or omission of or error in the address of any candidate as stated on the nomination paper received by a returning officer;
 - or
 - (e) any insufficiency in any publication of any proclamation, notice or other document or any mistake in the use of the forms contained in this Ordinance,

if it appears to the court that the election was conducted substantially in accordance with the principles laid down in this Ordinance and that such non-compliance did not affect the results of the election.

Disquali- 82.(1)
fication
procured by
perjury

If, at any time after a person has become disqualified, the witness on whose testimony he has become disqualified is convicted of perjury in respect of such testimony, the court, upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason only of that perjury, may order that the disqualification thereupon cease and determine.

Agent 83.(1)
previously
convicted

The election of a candidate is void, if it is proved on the trial of an election petition that the candidate personally engaged a canvasser or agent knowing that within seven years previous to such engagement the canvasser or agent had been found guilty by a competent

tribunal of an offence under this Ordinance or any other Ordinance or any Act of Canada under which members of the Territorial Council have been elected.

PROCEEDINGS RELATING TO ELECTIONS

- | | | |
|--------|---|-----------------------------|
| 84.(1) | In a proceeding it is not necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election and general evidence of such facts is sufficient. | Evidence of writ |
| 85.(1) | The certificate of the returning officer to that effect constitutes proof that the election was held and that any person therein stated to have been a candidate was a candidate and any such facts may also be proved by direct testimony. | Evidence of election |
| 86.(1) | Notwithstanding the <i>Evidence Ordinance</i> , the evidence of an elector to show for whom he voted at an election is not admissible in evidence in any action suit or proceeding under this or any other Ordinance. | Evidence as to vote |
| 87.(1) | The Board or any person who is a qualified elector at an election may commence proceedings against any person who has committed an offence under this Ordinance and the court may require an elector commencing such proceedings to post security for costs in such amount as the court deems reasonable. | Intervention in proceedings |
| (2) | In the event of suspension or delay at any stage of any proceeding under this Ordinance, the court before which the matter is pending may permit the Board or one or more electors to intervene and carry on such proceedings to a final determination. | |
| (3) | The Board at any stage may intervene in and become a party to any proceeding commenced by or carried on by an elector pursuant to subsection (1) or (2). | |
| 88.(1) | Except as herein otherwise provided, no proceedings in respect of an offence against this Ordinance shall be commenced unless within six months after the commission of the offence or the discovery of the commission of the offence whichever is the later. | Limitation of action |

Enforce- 89.(1) Proceedings in respect of any offence under this
ment Ordinance where not otherwise prescribed shall be
brought summarily before a magistrate, sitting and
acting as a summary conviction court under the pro-
visions of Part XXIV of the *Criminal Code* and pro-
visions of that part shall apply *mutatis mutandis*
to such proceedings.

QUALIFICATIONS OF ELECTION OFFICERS

Quali- 90.(1) None of the following persons shall be appointed as
fications of election election officers:
officers

- (a) members of the House of Commons of Canada or
of the Legislative Assembly of any province of
Canada or the Council of the Northwest Territories
or of the Yukon Council;
- (b) judges of the Supreme Court;
- (c) police officers or magistrates;
- (d) persons who have served in the Yukon
Council in the session immediately
preceding the election or in the session
in progress at the time of election in
the case of a by-election; and
- (e) persons who have been convicted of any offence
under this or any other Ordinance or any Act of
Canada under which members of the Territorial
Council have been elected.

(2) No person shall be appointed as a deputy returning officer
or poll clerk unless he is a person qualified as an elector
in the electoral district within which he is to act except
with the written permission of the Board.

(3) No person shall be appointed as an election officer
unless he has attained the age of nineteen years.

NOTICES

Notices 91.(1) When any election officer is authorized or required by
this Ordinance to give a public notice and no special
mode of notification is indicated, the notice may be by
newspaper advertisement, poster, handbill or otherwise
as he considers will best effect the intended purpose
unless the Commissioner has previously prescribed the
mode of notification of that notice in which case the
notification shall be as so prescribed.

- (2) Any notice which is posted up pursuant to this Ordinance may be posted up in or at or affixed to any public building or structure by any means provided that it can be later removed as provided in Section 75.
- 92.(1) Where the Board, or any election officer, is required by this Ordinance to effect any communication by mail for the purpose of the election and he determines that the communication may not reach the person for whom it is intended in the due time if sent by mail, he may make the communication by telegraph or, when no telegraph is available, by telephone or by radio. Telephone, telegraph or radio
- (2) Every communication made by telegraph, telephone or radio pursuant to subsection (1) shall be confirmed immediately in writing sent by mail.
- 93.(1) Where any oath, affirmation, affidavit or declaration is authorized or directed to be made, taken or administered pursuant to this Ordinance, it shall be administered by the person expressly required by this Ordinance or, if no provision is made, then by the judge of any court, the returning officer, the assistant returning officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a Justice of the Peace, a commissioner of oaths or a peace officer. Oaths
- (2) All oaths affirmations, affidavits or declarations administered pursuant to this Ordinance shall be administered without fee.
- 94.(1) Any candidate who signs any written document presented to him by way of demand or claim made upon him by any person between the date of the issue of the writ and the close of the polls, requiring him to follow any course of action that will prevent him from exercising freedom of action in the Territorial Council if elected, or to resign as a member if called upon to do so by the person is guilty of an offence, and any such document, whether or not executed for consideration is void. Pledges
- 95.(1) Every person who publishes or broadcasts a result or purported result of the polling in any polling division or electoral district, before the hour fixed by or pursuant to this Ordinance for the closing of the polls Premature publishing of results

or before the expiry of any extension thereof, by any medium whatsoever is guilty of an offence.

ELECTION EXPENSES

- Election expenses 96.(1) No payment, other than those payments relating to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election on account of the election otherwise than through his official agent.
- (2) Payments relating to the personal expenses of a candidate may lawfully be made by the candidate.
- (3) "Personal expenses" when used in this section includes the following expenses:
- (a) reasonable and bona fide rent of accommodation used by a candidate personally to address public meetings of electors and expenses incurred in heating, lighting and cleaning it;
 - (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
 - (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
 - (d) reasonable and ordinary charges for the hire of vehicles for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district and reasonable and ordinary charges for the services of a driver; and
 - (e) reasonable and ordinary charges for use by the candidate personally of not more than one vehicle and the services of a driver on polling day.
- (4) The onus is upon the candidate to show that the personal expenses paid by him were within the scope of subsection (3) and not in excess of what is ordinarily paid for similar services and accommodation.
- Claims against candidates 97.(1) Unless a person who has any monetary claim against a candidate for or in respect of an election sends in the claim to the agent of the candidate within one month of the day of the declaration of the result of the election, the right to recover the claim is barred.

- (2) In case of the death within the said month of any person having such monetary claim, unless his legal representative sends in the claim within one month after probate or administration has been obtained, the right to recover the claim is barred.
 - (3) In case of the death of the official agent or of his incapacity to act, if no other agent has been appointed, the claim may be sent in or delivered to the candidate.
 - (4) No such claim shall be paid without the approval of the candidate and the official agent.
 - (5) Notwithstanding anything in subsection (1), any claim that would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his agent after that time if the claim is approved by a judge.
 - (6) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspaper in which the statement of the other election expenses was published.
- 98.(1) Every candidate and his official agent shall,
- (a) within two months after the polling day, or
 - (b) where by reason of the death of a creditor no claim has been sent in within a period of two months, then within one month after the claim has been sent in,
- prepare jointly, a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, in the prescribed form and signed by the agent who has made the payment, and by the candidate in respect of payments made by him, and the candidate shall cause it to be delivered to the Board together with the bills and vouchers relating thereto.
- (2) The Board shall, within fourteen days after receiving the statement, publish in a newspaper circulating in the electoral district a notice that the statement has been delivered and may be inspected by any elector pursuant to subsection (3).

Statement
of
election
expenses

- (3) The Board shall preserve all such statements, bills and vouchers for a period of two years, and shall during a period of one year after they have been delivered permit any elector to inspect them during normal business hours and on reasonable notice.
- (4) Every candidate or agent who fails to comply with subsection (1) is guilty of an offence.
- (5) Every agent or candidate who wilfully furnishes to the Board a false or incomplete statement is guilty of an offence.
- (6) Where a candidate is one of a number of candidates contesting a general election with the endorsement of the same political party, any expenses incurred on behalf of the candidates generally may be apportioned equally among the candidates and the expenses so apportioned to a candidate shall be deemed to constitute a proper expense of the candidate, but shall be shown separately on the candidate's statement of expenses and identified as an apportioned expense.
- (7) Where a candidate fails to comply with subsection (1), the board shall cause to be published in the same manner as provided in subsection (2) a statement of that fact.

REGULATIONS AND FORMS

- Regu- 99.(1) The Commissioner may make such regulations as he deems
lations necessary for giving effect to this Ordinance or for carrying out the provisions hereof according to its intent and meaning.

- Prescri- 100.(1) The Commissioner, upon the recommendation of the Board,
bing of may from time to time
forms, (a) prescribe forms, badges, seals and other election
seals and (b) cause to be adopted any forms considered applicable
badges (c) prescribe the manner of publication of notices or documents that are to be published pursuant to this Ordinance.

- | | | |
|----------|---|---|
| 100.1(1) | No amendment to this Ordinance or to the <i>Electoral District Boundaries Ordinance</i> applies in any election for which the writ is issued within six months from the coming into force of that amendment unless, before the issue of the writ, the Board has published in the <i>Yukon Gazette</i> a notice to the effect that the necessary preparations for the bringing into operation of the amendment have been made. | No amendment to apply to election within six months except after notice |
| 101.(1) | For the purpose of any election held during 1978, the Commissioner may conclude an agreement with the Chief Electoral Officer of Canada to exercise the powers and perform the duties and responsibilities of the Board and the Administrator hereunder. | 1978 election |
| (2) | Where the Commissioner concludes an agreement pursuant to subsection (1) the Chief Electoral Officer of Canada shall be vested with the powers, duties, and responsibilities assigned to the Board and the Administrator hereunder. | |
| 102.(1) | A reference to the <i>Elections Ordinance</i> in any other Ordinance shall be deemed to be a reference to this Ordinance unless the context otherwise requires. | References to <i>Elections Ordinance</i> |
| 103.(1) | Section 5 of the <i>Controverted Elections Ordinance</i> is repealed and the following substituted therefor:
5.(1) Any person who was a duly qualified elector at an election may at any time within thirty days after publication, in the manner provided in the <i>Elections Ordinance, 1977</i> , of the name of a person declared elected as a member of the Council for an electoral district at such election, bring a petition against the election of such person. | Controverted <i>Elections Ordinance</i> amended |
| 104.(1) | Sections 1 to 3 and 5 to 14 of the <i>Elections Ordinance</i> are repealed. | <i>Elections Ordinance</i> repealed |
| 105.(1) | This Ordinance shall come into force on such day as the Commissioner may fix by proclamation. | Coming into force |

FORM 1

WRIT OF ELECTION (sec. 15)

YUKON, CANADA

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO. , of
Yukon, Greeting:

We command you that, notice of the time and place of election being given, you do cause an election to be held according to law of a member to serve in the Yukon Territorial Council for the Electoral District of (*in case of a by-election insert here "in place of , deceased," or otherwise state cause of vacancy*), and that you do cause a nomination of candidates at such election to be held on the day of next, and that in the event of a poll being granted you do cause a poll to be taken on the day of , 19. . . , and do cause the name of the member so elected whether he be present or absent, to be certified to our Elections Board as by law directed, as soon as possible and not later than

"Dated at the City of Whitehorse,
Yukon, this day of
. , 19"

By Order,
Commissioner

.

(ENDORSEMENT)

Received the within writ on , being the
. day of , 19. . .

.
Returning Officer

FORM 2

PROCLAMATION (sec.27)

Electoral District of

Pursuant to Her Majesty's writ bearing date the day of, 19 . . . , I am commanded to cause an election to be held according to law of a member to serve in the Yukon Territorial Council for the above mentioned electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations and will attend at *(describe the place at which the returning officer will attend to receive nominations)*, in the town (or City or Village) of, on the *(insert the date fixed as nomination day)* day of19. . . , from noon until two o'clock in the afternoon, after which last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and granted in the manner by law prescribed, such poll will be held on the *(insert the date fixed as polling day)* day of, 19. . . , between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon.

And that the polling divisions and polling places therein in the electoral district are as follows *(describe or attach a description of the boundaries of the polling divisions and location of polling places)*.

And that in case a poll is held, I shall at o'clock in the noon, on the *(insert the date fixed for the official addition of the votes)* day of, 19. . . , at *(describe the place at which the votes will be officially added up)*, in the Town (or City or Village) of, open the ballot boxes, add up the votes reported in the statement of the poll as having been cast for the several candidates, and declare the name of the candidate who has obtained the largest number of such votes, and at o'clock in the noon of declare the official result of the election.

And that the lists of electors will be prepared and revised in accordance with the provisions of sections 21 to 25 of the *Elections Ordinance, 1977*.

And that I have established my office for the conduct of the above mentioned election at *(describe location of the returning officer's office)*.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at, this day of, 19.

(Print name of returning officer)
Returning Officer

FORM 3

NOMINATION PAPER (sec. 31)

We, the undersigned electors of the electoral district of

(name of electoral district)

hereby nominate

(here give name in full, with surname first)

(address and occupation of person nominated)

as a

(here give name of registered political party, political interest, insert "independent" or leave blank)

candidate at the election, now about to be held, of a member to represent the said electoral district in the Yukon Territorial Council.

(here at least 25 electors shall sign)

Signed by the above electors each of whom appeared before me and declared that he was a duly qualified elector in the electoral district of

Declared before me
thisday of
.....19....

(witness)

(Justice of the Peace, Commissioner of Oaths, Notary Public, the returning officer, assistant returning officer, or a peace officer)

The address of
(insert name of candidate)

nominated herein, for the service of process and papers under the Elections Ordinance, 1977, and under the Controverted Elections Ordinance, is

(insert address)

The official agent at the pending election of

., nominated herein is
(insert name of candidate)

(insert name of official agent) (address)

I, the said nominated herein, do hereby consent to the nomination and do solemnly declare that I am eligible as a candidate at the election pursuant to the Elections Ordinance, 1977.

FORM 3

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me
this.....day of
.....19.....

.....
(signature of candidate)

.....
(Justice of the Peace, Commissioner of Oaths, Notary Public, the returning officer, assistant returning officer, or a peace officer)

I,, of (post office address), (occupation), swear (or solemnly affirm) that I know the said (insert name of candidate) nominated as a candidate in the foregoing nomination paper and that he signed his consent to the nomination in my presence.

Declared before me
this.....day of
.....19...

.....
(signature of attesting witness)

.....
(Justice of the Peace, Commissioner of Oaths, Notary Public, the returning officer, assistant returning officer, or a peace officer)

FORM 4
BALLOT PAPER (sec. 43)

(FRONT)

<p>Instructions to Voters</p> <p>Vote by making a cross (x) or check mark (✓) within the circle to the right of the name of the candidate of your choice.</p>	<p>JOHN A. MACKENZIE <input type="radio"/> 3, Yukon St., Whitehorse <i>Yukon Liberal Party</i></p> <p>JANE E. BLAKE <input type="radio"/> 4, River Rd., Whitehorse <i>Progressive Conservative Party</i></p> <p>ALAN SMITH <input type="radio"/> 5, Mountain Ave., Whitehorse <i>Independent Liberal</i></p> <p>PETER (BILL) WILLIAMS <input type="radio"/> 6, Pine Drive, Whitehorse <i>New Democratic Party</i></p>
---	---

(White
Print
on
Black
Background)

(REVERSE)

<p>Initials of DRO</p> <p>(Yukon Crest)</p> <p>Yukon, Canada</p> <p>Electoral District of Whitehorse Centre</p> <p>Election Date: October 10, 1978</p> <p>Returning Officer: Ross McLeod</p> <p>Printer: City Printers Ltd</p>
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CHAPTER 4
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

MOTOR VEHICLES ORDINANCE

(Assented to March 1, 1978)

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

SHORT TITLE

- | | | |
|-------|--|----------------|
| 1.(1) | This Ordinance may be cited as the <i>Motor Vehicles Ordinance</i> . | Short
title |
|-------|--|----------------|

INTERPRETATION

- | | | |
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| 2.(1) | In this Ordinance
"air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reaction against the earth's surface resulting from the expulsion of air from the vehicle;
"bicycle" means a device propelled solely by human power upon which a person may ride, and
(i) that has two tandem wheels either of which is more than forty centimetres in diameter, or
(ii) that has three wheels, but not more than three wheels, each of which is more than forty centimetres in diameter;
"boulevard" means that part of a highway that:
(i) is not a roadway, and
(ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
"centre line" means
(i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
(ii) in the case of a highway designated by traffic control devices
(a) as an offset centre highway, or | Definitions
"air cushion
vehicle"

"bicycle"

"boulevard"

"centre
line" |
|-------|--|---|

- (b) as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times,
the line dividing the lanes for traffic moving in opposite directions, or
 - (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- "commercial vehicle" "commercial vehicle" means any motor vehicle other than a private vehicle or public service vehicle as defined in this Ordinance;
- "Commissioner" "Commissioner" means the Commissioner of the Yukon Territory or any person authorized by him to act on his behalf with respect to the administration of this Ordinance pursuant to section 3;
- "cut-line" "cut-line" means an area cleared of natural obstructions for the purpose of constructing a roadway;
- "crosswalk" "crosswalk" means
 - (i) that part of a roadway at an intersection included within the connection of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
 - (ii) any part of a roadway at an intersection or elsewhere distinctly indicated by signs, or by lines, or by other markings on the road surface;
- "dealer" "dealer" means any person who carries on the business of buying, selling or exchanging motor vehicles, trailers or semi-trailers either as principal or agent;
- "driver or operator" "driver or operator" means a person who drives a vehicle or who has care and control of a vehicle;
- "daytime" "daytime" means the period commencing at one-half hour before sunrise and ending one-half hour after the following sunset;
- "financial responsibility card" "financial responsibility card" means a card in a form approved by the Superintendent of Insurance;
- "highway" "highway" means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles; and includes

- (a) a sidewalk (including a boulevard portion thereof),
- (b) where a ditch lies adjacent to and parallel with the roadway, the ditch and
- (c) where a highway right-of-way is contained between fences or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line or all the land between the fence and the edge of the roadway, as the case may be;
- (d) all the land shown on a registered plan of survey of a highway right-of-way;
- (e) where a highway right-of-way is not shown on a registered plan of survey or is not contained between fences or cut-lines; all the land within 30 metres of the centre line.

"intersection" means the area embraced within the prolongation or connection of,

"inter-section"

- (i) the lateral curb lines or, if none,
- (ii) the exterior edges of the roadways, of two or more highways which join one another at an angle whether or not one highway crosses the other;

"judge" includes a magistrate or justice of the peace;

"judge"

"leased vehicle" means a motor vehicle rented or leased with or without a driver, by a person, firm or corporation for a period exceeding thirty consecutive days;

"leased vehicle"

"licence" means a valid and subsisting licence issued under this Ordinance;

"licence"

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

"licensed gross weight"

"moped" means a vehicle, regardless of the number of wheels it has, that:

"moped"

- (a) is propelled by muscular or mechanical power or partly by muscular power and mechanical power,
- (b) is fitted with pedals that are continually operable to propel it by muscular power,
- (c) weighs not more than 55 kilograms,
- (d) is fitted with a motor that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,
- (e) is not fitted with a hand-operated or foot-operated clutch or gearbox driven by the motor and transferring power to the drive-wheel, and,
- (f) is not capable of attaining a speed of greater than 50 kilometres per hour on level ground within a distance of 1500 metres from a standing start;

"motor cycle"	"motor cycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor scooters;
"motor vehicle"	"motor vehicle" means a vehicle that is designed to be self-propelled in any manner except solely by muscular power, but does not include: <ul style="list-style-type: none"> (a) a vehicle operated exclusively upon rails, (b) a vehicle operated exclusively off-highway, (c) a vehicle not primarily designed to carry a load and operated exclusively for purposes of road maintenance or construction, mining, forestry or farming, or (d) a traction engine or a power-assisted wheel chair;
"municipality"	"municipality" means a municipality as defined in the <i>Municipal Ordinance</i> ;
"nighttime"	"nighttime" means the period commencing one-half hour after sunset and ending one-half hour before the following sunrise;
"officer"	"officer" means a member of the Royal Canadian Mounted Police or a person appointed pursuant to section 3 to administer or enforce all or any portion of this Ordinance including those persons employed in connection with the operation of weigh scales established by the Commissioner pursuant to the <i>Highways Ordinance</i> ;
"owner"	"owner" means the person in whose name a motor vehicle or trailer is or is required to be registered under this Ordinance;
"peace officer"	"peace officer" means a member of the Royal Canadian Mounted Police;
"pedestrian"	"pedestrian" means a person on foot and includes a person in a wheel chair;
"permit"	"permit" means a valid and subsisting permit issued under this Ordinance;
"public service vehicle"	"public service vehicle" means a motor vehicle or trailer operated on a highway by or on behalf of any person for gain or reward, whether such operation is regular or only occasional or for a single trip, but does not include a motor vehicle or trailer owned by a municipality nor a motor vehicle or trailer used by its owner for the distribution or transportation of goods manufactured or sold by him or a single vehicle used by the owner to distribute commodities on his own behalf;
"private vehicle"	"private vehicle" means a motor vehicle: <ul style="list-style-type: none"> (i) operated solely for the personal transportation of the vehicle's owner and passengers including the conveyance of any goods or commodities which

are the property of the owner and intended for the use or enjoyment of the owner or the owner's household;

(ii) owned and operated by a municipality, or

(iii) owned and operated by the Government of Canada.

"Registrar" means the Registrar of Motor Vehicles;

"Registrar"

"rented vehicle" means a motor vehicle rented or leased with or without a driver, by a person, firm or corporation to a person, firm or corporation on a day to day basis, but not exceeding thirty consecutive days;

"rented vehicle"

"roadway" means that part of a highway intended for use by vehicular traffic;

"roadway"

"sidewalk" means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of the highway between the curb line thereof, or the edge of the roadway, where there is no curb line, and the adjacent property line, whether or not paved or improved;

"sidewalk"

"snowmobile" means a vehicle that,

"snow-mobile"

(i) is designed to be self-propelled,

(ii) is not equipped with wheels, but in place thereof is equipped with tractor treads alone, or with tractor treads and skis, or with skis and propeller, or as a toboggan equipped with tractor treads or a propeller, and

(iii) is designed primarily for operating over snow or ice, and is used primarily for that purpose;

"stop" means,

"stop"

(i) when required, a complete cessation from vehicular movement, and

(ii) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device;

"traffic control device" means any sign, signal, marking or device placed, marked or erected under the authority of the *Highways Ordinance* for the purpose of regulating, warning or guiding traffic;

"traffic control device"

"traffic control signal" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

"traffic control signal"

"traffic lane" means

"traffic lane"

(i) outside of a municipality, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not mean a parking lane, and

(ii) inside a municipality, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles, whether or not the division is indicated by lines on the road surface;

"trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways;

"vehicle" means a device in, upon, or by which a person or thing may be transported or drawn upon a highway.

ADMINISTRATION

Registrar etc. 3.(1) The Commissioner may appoint a Registrar of Motor Vehicles, a Deputy Registrar of Motor Vehicles and such other officers and employees as may be required for the administration of this Ordinance.

(2) A Deputy Registrar shall have all the functions and powers of the Registrar in the absence of the Registrar or his inability to act.

(3) Any officer or employee appointed pursuant to subsection (1), except the Registrar of Motor Vehicles or the Deputy Registrar, shall have only those powers and duties with respect to the administration of this Ordinance as the Commissioner may prescribe.

Micro-filming of documents 4.(1) The Commissioner may authorize that any document, class of document or copies of documents filed in the office of the Registrar under this Ordinance be reproduced by photograph or microfilm, and thereafter that the document or documents may be destroyed or otherwise disposed of in accordance with the provisions of the *Archives Ordinance*, and the reproduction for the purposes of this Ordinance shall be admissible in evidence in any court of law in like manner and for all purposes as are the documents so reproduced.

Delegation of power 5.(1) The Commissioner may delegate all or any of the powers conferred upon him by this Ordinance to such person or persons as he considers advisable.

- 6.(1) The Commissioner may appoint one or more qualified persons as testers of speedometers or other speed measuring devices used on motor vehicles or elsewhere for determining the speed of motor vehicles. Appointment of tester
- (2) In any prosecution under this Ordinance a certificate bearing a date not more than thirty days prior or subsequent to the date of the offence charged in the information or complaint, signed by a tester appointed pursuant to subsection (1) and stating the result of a test of the speedometer or other speed measuring device mentioned therein, shall be received as *prima facie* evidence of the facts stated therein and of the authority of the person issuing the certificate without proof of appointment or signature.

PART I

OPERATORS' LICENCES

Requirement of Licence

- 7.(1) No person shall operate a vehicle on a highway unless he is the holder of a subsisting operator's licence authorizing him to operate that class of vehicle. Licence required
- (2) Subsection (1) does not apply to a person who is undergoing a driver's examination conducted by an authorized driver examiner.
- (3) Subsection (1) does not apply to a person normally resident outside of the Yukon,
- (a) if he does not remain in the Yukon for more than 30 consecutive days in any year, and
- (b) if he is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.
- (4) Subsection (1) does not apply to a person, not being normally resident in Canada, who
- (a) holds an international driver's licence issued outside Canada, and

- (b) does not remain in the Yukon for more than 30 consecutive days.
- (5) Subsection (1) does not apply to a student as defined in the regulations if the student is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.
- (6) Any person who contravenes subsection (1) is guilty of an offence.
- (7) In a prosecution for a contravention of subsection (1), the onus is on the accused to show that he holds a subsisting operator's licence.

Issue of Licence

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| Application
of
licence | 8.(1) | An application for an operator's licence shall be made to the Registrar in the form and containing those particulars as prescribed. |
| | (2) | Every person to whom an operator's licence has been issued shall, in his application for a subsequent licence, state that he has been so licenced. |
| Prohibitions | 9.(1) | No person who is the holder of a subsisting operator's licence shall apply for or obtain another operator's licence except,
(a) for the purpose of obtaining a duplicate of a subsisting licence that has been lost or destroyed or become worn out, or
(b) for the purpose of obtaining a replacement for an operator's licence that is about to expire. |
| | (2) | No person shall apply for or procure or attempt to procure the issuance of an operator's licence to himself,
(a) during a period when his licence is cancelled or suspended in any province of Canada or in any state, territory or the District of Columbia in the United States of America, whether or not the period for which the licence was issued has expired, or |

(b) during a period when he is disqualified from holding a licence.

- 10.(1) Subject to the restrictions contained in this Ordinance, the Registrar may, in his discretion, upon receiving an application for an operator's licence and the prescribed licence fee, issue or cause to be issued, through a licence issuer, an operator's licence of the class applied for and in the prescribed form. Issue of licence
- (2) Before issuing an operator's licence to an applicant, the Registrar shall require the applicant to satisfactorily identify himself as being the person named in the application.
- (3) Subject to the provisions of this Ordinance as to suspension and cancellation, an operator's licence issued pursuant to this Part is valid only for the prescribed period.
- (4) No liability attaches to the Registrar for any loss caused by incorrect information contained in an application for an operator's licence, notwithstanding that the information may have been entered on the application form by some person other than the applicant.
- 11.(1) A person of the age of 15 years or over who is not the holder of a subsisting operator's licence may apply to the Registrar for an operator's licence in respect of the operation of any type of motor vehicle, and
(a) upon payment of the prescribed fee, and
(b) upon the applicant passing such examination as may be prescribed,
the applicant may be issued an operator's licence of a learner's category. Learner's licence
- (2) An operator's licence of a learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person
(a) who holds a subsisting licence for the operation of the vehicle being used;

- (b) who has held such licence for a period of not less than two years; and
- (c) who is seated immediately beside the licensee and is engaged in teaching him to drive or is engaged in conducting a driver's examination of the licensee.

(3) An operator's licence of a learner's category may be issued for the purpose of operating a motor cycle, under such terms and conditions as may be prescribed.

Examination of applicant for licence

12.(1)

The Registrar may,

- (a) refuse to allow the issuance of an operator's licence to a person unless he is satisfied by examination or otherwise as to the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public;
- (b) cause special conditions or restrictions, or both, to be stated upon an operator's licence;
- (c) require the holder of an operator's licence or an applicant for a licence to submit himself for a medical examination to such persons as he may designate;
- (d) require the holder of an operator's licence to submit himself for an examination as to his competency as a driver to a person designated as an examiner.

(2) The Commissioner may pay any fee which he considers proper for any medical examinations required by the Registrar pursuant to paragraph (1)(c).

(3) The Commissioner shall establish a medical review board, to consist of not less than three and not more than six members,

- (a) to act as an advisory board to the Commissioner with respect to all matters of health of persons bearing upon the operation of motor vehicles and physical conditions that constitute a hazard to the general public, and
- (b) to advise the Commissioner as to qualified medical practitioners available for physical and mental examination of drivers and applicants for licenses.

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| 13.(1) | <p>Except as provided in section 11, an operator's licence shall not be issued to any person under the age of 16 years.</p> | Minimum age |
| (2) | <p>An operator's licence shall not be issued to any person under the age of 18 years,</p> <ul style="list-style-type: none"> (a) unless the application is also signed by a parent or guardian of the applicant, (b) where the person is self-supporting and is unable to obtain the signature of a parent or guardian unless he proves to the satisfaction of the Registrar that he is self-supporting and unable to obtain such consent, or (c) unless he proves to the satisfaction of the Registrar that he is a married person. | |
| (3) | <p>Where a person who is under the age of 18 years has obtained an operator's licence as authorized pursuant to subsection (2),</p> <ul style="list-style-type: none"> (a) if the parent or guardian, in writing, withdraws the consent, or (b) if proof is produced, satisfactory to the Registrar, that the person was not self-supporting or was not married, <p>the Registrar shall suspend or cancel the operator's licence to that person until the person attains the age of 18 years or until a new application complying with subsection (2) is made.</p> | |
| 13.1(1) | <p>An operator's licence issued under this Ordinance shall be valid, unless otherwise suspended or revoked, for a period of:</p> <ul style="list-style-type: none"> (a) in the case of a first application, when the application is approved, for three years from the anniversary of the applicant's birthdate nearest the date of issue, or (b) in the case of a renewal of licence, for three years from the date of expiry of the preceding licence. | Period of validity |
| (2) | <p>Notwithstanding paragraph (1)(a), where the birthdate on an operator's licence is shown to be the twenty-ninth day of February, the operator's licence shall expire on the first day of March of the year of expiry as indicated on the operator's licence.</p> | |

- (3) Notwithstanding subsection (1), the Registrar may issue a licence for a period of less than three years for any reason he considers appropriate.
 - (4) For the purpose of this section, any licence which is not renewed within six months from the date of expiry shall be considered to be a first application.
- Exemption 13.2(1) A peace officer or a person employed by the Commissioner as an officer or an examiner of drivers is exempt from the provisions of this Ordinance while driving or operating a motor vehicle on official business in connection with:
- (a) an accident or other emergency;
 - (b) the inspection of a motor vehicle; or
 - (c) the examination of a driver.
- Temporary air brake endorsement 13.3(1) Notwithstanding the provisions of this Ordinance, the Registrar may issue a temporary certificate to those persons applying for an air brake endorsement to their operator's licence for such period and under such conditions as he considers appropriate.
- Licence to be signed 14.(1) A person to whom an operator's licence is issued shall write his usual signature in the space provided for that purpose, and until the licence has been so signed it is not valid.
- Change of address or name 15.(1) Upon every change of his address or change of name or both, the person to whom an operator's licence is issued shall, in the manner prescribed, forthwith notify the Registrar in writing of the change.
- Changes in health 16.(1) Any person who is making application for an operator's licence shall disclose to the Registrar any disease or disability which may interfere with his safe operation of a motor vehicle.
- (1.1) Any holder of an operator's licence who discovers that he is suffering from a disease or disability which might interfere with his safe operation of a motor vehicle shall disclose the circumstances to the Registrar prior to operating any motor vehicle.

- (2) A duly qualified medical practitioner shall, without acquiring any liability thereby, report to the Registrar any medical information relative to the health of a person holding or applying for an operator's licence where the practitioner believes that the condition in relation to which the information is given may adversely affect that person's operation of a motor vehicle.
- (3) An optometrist shall, without acquiring any liability thereby, report to the Registrar any defect in vision of any person which the optometrist believes may interfere with the safe operation of a motor vehicle by that person.
- (4) A person of the age of 70 years or over who applies for an operator's licence or renews an operator's licence shall
- (a) file a medical examination certificate in the prescribed form, completed and signed by a physician, and
 - (b) submit to a vision screening examination by a driver examiner and,
- based on the result of the medical report and the vision screening report required by this section and subject to Section 12, the Registrar may issue a licence under those conditions and for any period that he considers advisable, and require ensuring reports and visual screening reports at such intervals as he considers necessary.
- (5) A medical examination certificate filed under this section must have been completed within 180 days prior to the date of filing.
- 17.(1) Where a person has obtained a duplicate of a valid and subsisting operator's licence and subsequently again comes into possession of the operator's licence believed to have been lost or destroyed, he shall return the duplicate as soon as possible to the Registrar, and no person shall have in his possession both an operator's licence and a duplicate thereof issued under this Ordinance. Duplicate licence

- (2) Where a person has obtained a duplicate operator's licence replacing a supposedly lost or destroyed duplicate operator's licence and subsequently again comes into possession of the duplicate operator's licence believed to have been lost or destroyed, he shall return one of the duplicates as soon as possible to the Registrar, and no person shall have in his possession more than one duplicate of an operator's licence.

Suspension of Licences

Disquali-
fication
from
holding
licence

- 18.(1) Where, pursuant to this Ordinance,
(a) the Registrar refuses to issue an operator's licence to a person, or
(b) a person is convicted of operating a motor vehicle without a subsisting operator's licence,
the Registrar may at any time thereafter issue an order for any period and subject to any conditions specified in the order declaring that person to be disqualified from obtaining an operator's licence or driving a motor vehicle or any other specified class of vehicle on a highway.
- (2) A person in respect of whom an order has been made under subsection (1) who drives a motor vehicle or other vehicle on a highway in contravention of that order is guilty of an offence.

Duration
of
suspension
or disquali-
fication

- 19.(1) Where by or under this Ordinance or by any order or judgement made under this or any other Ordinance
(a) the operator's licence of a person is suspended, or
(b) a person is disqualified from holding an operator's licence,
then, notwithstanding that the period of suspension or disqualification has expired, the licence remains suspended or the disqualification remains in effect, as the case may be, until such time as the person satisfies the Registrar, by examination or otherwise, of his physical or other competency to drive a motor vehicle without endangering the safety of the general public.

- (2) Notwithstanding subsection 7(1), where the operator's licence of any person is suspended by or under this Ordinance or by an order or judgement made under this Ordinance, that person may nevertheless operate on a highway, implements of husbandry or industrial equipment designed primarily for construction, maintenance, land clearing, ditching or other related tasks that are not required to be licenced under this Ordinance.
 - (3) Where a person is prohibited under this Ordinance from driving a vehicle on medical grounds, the Registrar may also prohibit him from operating implements of husbandry or industrial equipment of the kind mentioned in subsection (2) on a highway.
 - (4) This section applies to suspensions by accumulation of demerit points, notwithstanding that the term of any such suspension has not expired.
- 20.(1) Where, under this Ordinance, the operator's licence of a person is suspended or cancelled, the suspension or cancellation continues in full effect notwithstanding the expiration of the licence during the period of the suspension or cancellation. Suspension continues when licence expires
- (2) Where, under this Ordinance, an operator's licence is suspended or cancelled, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension, whether so stated or not.
 - (3) The holder of any operator's licence which is suspended or cancelled shall forthwith return the operator's licence to the Registrar.
- 21.(1) A notice of: Service of notice
- (a) the suspension or cancellation of the operator's licence of any person,
 - (b) the disqualification of any person from holding an operator's licence, or
 - (c) the suspension or cancellation of a certificate of registration or permit issued under this Ordinance,
- is sufficiently served on a person if it is sent by registered mail or certified mail to that person at

his last recorded address as shown by the records of the Registrar.

Driver Control Board

- 22.(1) There shall be a Board to be called the Driver Control Board, consisting of a chairman and four other members appointed by the Commissioner.
- (2) Two members of the Board constitute a quorum.
- (3) The members of the Board shall be paid remuneration in the amount determined by the Commissioner.
- (4) The Commissioner may make regulations governing the procedures and operation of the Board, the conduct of its hearings and generally respecting the duties and functions of the Board and any matter incidental thereto.

Functions of a Driver Control Board

- 23.(1) At any time he considers an inquiry should be made into whether any person should be permitted to hold an operator's licence,
 - (a) the Commissioner, or
 - (b) a judge, or
 - (c) the Registrar,may report the person to the Driver Control Board and the Board, after due inquiry and in the interest of public safety, may
 - (d) suspend the operator's licence of the person for a definite or indefinite period of time,
 - (e) prescribe any measure or course of remedial education or treatment as a condition of possession of an operator's licence, and
 - (f) prescribe terms and conditions for the possession of an operator's licence.
- (1.1) Upon receipt of a report pursuant to subsection (1), the Board shall notify the person in respect of whom the report has been made as to whether the Board proposes to act upon the report or not, and, where the Board proposes to act upon the report, inform such person of the date, being not less than ten days from the date of notice, and place of the next meeting of the Board at which the report is to be considered, and the person shall be entitled to make representations at the meeting to the Board and be heard in person, or by counsel or agent.

- (2) The Board shall not suspend or restrict an operator's licence of a person without giving him at least 10 days notice in writing and giving him an opportunity to be heard in person or by counsel or agent.
 - (3) In making a decision the Board may take into consideration the person's accident record, conviction record, driver attitude, driving skill and knowledge, driving disabilities and any other factors it considers relevant.
- 23.1(1) A person who has been refused a licence by the Registrar, or whose licence has been suspended or cancelled by the Registrar or the Commissioner, may appeal the refusal, suspension or cancellation, as the case may be, to the Driver Control Board.
- Appeal
from
decision
of
Registrar
- (2) A person who wishes to appeal a decision of the Registrar under this section shall, within 30 days of the date that person was served with the notification that he was refused a licence or that his licence was cancelled or suspended, serve the Driver Control Board with a notice of appeal.
 - (3) Upon being served with a notice of appeal under subsection (2), the Driver Control Board shall, within 30 days of being served with the notice of appeal, hear the appeal.
 - (4) Upon hearing an appeal under this section, the Driver Control Board may confirm a decision of the Registrar, order that the licence be issued, remove or vary the suspension or reinstate the cancelled licence.
- 24.(1) The attendance of a licensee or witness before the Board may be enforced by a notice issued by a member of the Board requiring the licensee or witness to attend and stating the time and place at which attendance is required.
- Summoning
person
before
Board
- (2) Any member of the Board may administer an oath to any person who is to give evidence before it.
 - (3) A person
 - (a) who fails to attend before the Board in obedience to a notice to attend, or

(b) who, being a witness, refuses to be sworn or to answer any questions directed to be answered by the person presiding at a hearing of the Board, is liable to attachment upon application to a judge and may be proceeded against as for a civil contempt of that court.

(4) Subject to the regulations, testimony may be adduced before the Board in such manner as the Board considers proper and the Board is not bound by the rules of law concerning evidence applicable to judicial proceedings.

Review and appeal

- 25.(1) Where the Board has suspended the operator's licence of a person for an indefinite period or for a period in excess of six months, the person may apply to the Board for a review of the suspension and the Board shall, within 30 days, give him an opportunity to be heard.
- (2) No person may apply for a review under subsection (1) more often than once every six months.
- (3) On a review under subsection (1), the Board may confirm, modify or set aside any earlier decision by it.
- (4) Any person who considers himself aggrieved by a decision of the Board may, within 30 days after the decision of the Board is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge.
- (5) The judge may confirm, modify or set aside the decision of the Board.

Use of Licences

Possession of licence

- 26.(1) No person shall use or be in possession of
- (a) an operator's licence belonging to any other person,
 - (b) an operator's licence that has been cancelled or suspended, or
 - (c) any document purporting to be an operator's licence,
- for unlawful purposes.

- (2) No person who holds an operator's licence shall permit any other person to use or be in possession of his licence, for unlawful purposes.
 - (3) No person shall hold in his own name more than one operator's licence.
 - (4) Subsection (3) does not apply with respect to an international drivers licence.
- 27.(1) No person shall
- (a) mutilate, deface or alter an operator's licence, or
 - (b) possess an illegible, mutilated, altered or defaced operator's licence.
- 28.(1) A person who operates a motor vehicle on a highway
- (a) of a type that he is not authorized to operate under the class of operator's licence that he holds, or
 - (b) contrary to a restriction or condition on his licence,
- is guilty of an offence.
- 29.(1) Except as provided in this Ordinance, no person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle on a highway.
- (2) Except as provided in this Ordinance, no person shall permit anyone to drive on a highway a motor vehicle other than one of the type that his licence permits him to drive.
- 30.(1) No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under the provisions of this Ordinance to drive the motor vehicle.
- 31.(1) Subject to Section 11, no person shall permit any person who is the holder of an operator's licence of a learner's category to operate a motor vehicle.
- 32.(1) No person who is the holder of an operator's licence of a learner's category shall operate a motor vehicle contrary to Section 11.

Misuse
of
licence

Offence
to
contravene
conditions

Driver to
be dis-
qualified

Renting
to unquali-
fied driver

Learner
to be
accompa-
nied

Use of
learner's
licence

- (2) A person who is engaged in teaching another person to drive and
- (a) who does not hold a subsisting licence for the operation of the vehicle being used; and
 - (b) who has not held such licence for a period of not less than two years;
- is guilty of an offence.
- Production of licence 33.(1) Every driver of a motor vehicle shall carry his operator's licence with him at all times during which he is driving a motor vehicle and shall produce it for inspection upon demand by any peace officer.
- (2) Every person while engaged in instructing a student driver shall carry his operator's licence with him and shall produce it for inspection upon demand by any peace officer.
- (3) Where a person produces to a peace officer an operator's licence that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued duplicate licence within a reasonable time.
- Failure to produce licence 34.(1) A person who, on the demand of a peace officer
- (a) fails to produce his operator's licence as required by subsection 33(1) or (2), or
 - (b) fails to produce a duplicate licence as required by subsection 33(3),
- is guilty of an offence.
- Regulations 35.(1) The Commissioner may make regulations,
- (a) prescribing the form of application for operator's licenses, and changes thereon,
 - (b) prescribing the period or periods during which an operator's licence is valid,
 - (c) prescribing fees payable by applicants for operator's licences,
 - (d) prescribing the terms and conditions for operating a motor cycle on authority of an operator's licence of a learner's category.
 - (e) classifying operator's licenses into categories for the purpose of controlling the use of licences according to the qualifications of the driver,

- (f) prescribing the cases in which an examination as to competency as a driver may be dispensed with and the cases in which it may not be dispensed with,
- (g) establishing a Medical Review Board,
- (h) prescribing forms of medical certificates,
- (i) establishing a Driver Control Board.

PART 11

REGISTRATION OF MOTOR VEHICLES AND TRAILERS

Requirement of Registration

- 36.(1) Subject to this Ordinance,
 - (a) no person who is the owner of a motor vehicle or trailer shall operate or suffer or permit any other person to operate the motor vehicle or trailer on a highway at any time during which that owner is not the holder of a subsisting certificate of registration or permit issued pursuant to this Ordinance for the motor vehicle or trailer, and
 - (b) no person shall operate on a highway any motor vehicle or trailer in respect of which there is not for the time being a subsisting certificate of registration issued pursuant to this Ordinance.

- (2) The Commissioner may exempt any vehicle or class of vehicles from registration under this Ordinance.

- (3) Where a person who is the owner of a vehicle other than a commercial vehicle or public service vehicle and who is resident outside the Yukon has complied with the laws of his place of residence with respect to the registration and licensing of the vehicle then, if the vehicle is carrying displayed thereon the registration number plates assigned under those laws to that vehicle, it may be brought into the Yukon for temporary use within the Yukon for the lesser of,
 - (a) a period not exceeding three months, or
 - (b) the period during which the registration and licensing of the vehicle under the laws of his place of residence subsists,

Require-
ment of
registration

and during such period the vehicle shall be deemed to be registered pursuant to this Ordinance.

- (4) A person who operates a motor vehicle or trailer upon a highway without a subsisting certificate of registration for that motor vehicle or trailer is guilty of an offence.
- (5) A person who knowingly operates a motor vehicle on a highway
 - (a) while the certificate of registration or permit of the motor vehicle is cancelled, or
 - (b) while the certificate of registration of the motor vehicle is under suspension,
 is guilty of an offence.

Government
vehicles

36.1(1) Notwithstanding any other provision of this Ordinance, the registration of motor vehicles and trailers owned and operated by the Government of Yukon shall be valid for as long as the vehicle is registered in the name of the Government of Yukon, and further renewal shall not be required.

(2) Upon the Government of Yukon removing a motor vehicle or trailer from service, the Registrar shall be notified of the fact and shall be informed, in writing, of the make, year and serial number, unit number and licence number of the vehicle or trailer removed from service.

(3) The licence plate of the vehicle or trailer removed from service pursuant to subsection (2) shall be destroyed.

Miniature
motor
vehicles

36.2(1) Miniature motor vehicles of the type known to the trade as "Go Carts" and three or four-wheeled vehicles of like nature, and any other three or four-wheeled vehicle which, because of its novel size or operating characteristics, the Registrar considers would present a hazard to other highway users, shall not be registered as motor vehicles.

- (2) Notwithstanding the provisions of subsection (1), a miniature motor vehicle designed primarily for the use of a physically handicapped person may be operated on a highway provided that the vehicle:
 - (a) is registered in the name of a physically handicapped person;

- (b) is operated solely by a physically handicapped person who has a subsisting operator's licence issued under this Ordinance; and
- (c) is equipped in compliance with the requirements of this Ordinance or the regulations thereunder relating to motor vehicles.

37.(1) The Commissioner may make or authorize to be made with the government of any other province, state, district or territory a reciprocal arrangement or agreement

Reciprocal agreements re licensing

- (a) exempting any class or classes of motor vehicle owners ordinarily resident in that other province or territory from the application of this Ordinance as to
 - (i) the registration and licensing of motor vehicles, and
 - (ii) the carrying and displaying upon motor vehicles of licences and number plates, and
- (b) providing for the granting by that other province, state, district or territory of similar exemptions and privileges with respect to the motor vehicle owners ordinarily resident in the Yukon.

- (2) Every arrangement or agreement and the exemptions thereunder made under subsection (1) shall be
- (a) subject to the condition that no person shall be entitled to any exemption or privilege in respect of a motor vehicle in the Yukon unless the owner has complied with the law of his place of residence as to the registration and licensing of motor vehicles and carries or causes to be carried on the motor vehicle the certificate or licence and number plates prescribed by the law of that place, and
 - (b) subject to all further conditions and restrictions set out in the arrangement or agreement and to cancellation by the Commissioner.

Issuance of Certificates of Registration

38.(1) An application for the registration of a motor vehicle or trailer shall be made to the Registrar in the form and giving those particulars which the Commissioner prescribes.

Application for registration

- (2) No person shall apply for, procure, or attempt to procure, the registration of a motor vehicle during a period when the registration of the motor vehicle or the certificate of registration issued therefor is suspended or cancelled.
 - (3) No person shall apply for, procure or attempt to procure, the registration of a vehicle in the name of a non-existent corporation.
 - (4) Where a vehicle is registered in the name of a non-existent corporation the person who signed the application for registration shall, for the purposes of this Ordinance, be deemed to be the owner of the vehicle.
 - (5) No liability attaches to the Registrar for any loss caused by incorrect information contained in an application for registration of a motor vehicle or trailer, notwithstanding that the information may have been entered on the application form by some person other than the applicant.
- Leased vehicles
- 39.(1) Every lessee of a motor vehicle exceeding a registered gross weight of 9100 kilograms shall file with the Registrar in the name of the lessee a copy of the lease agreement.
 - (2) Every leased motor vehicle exceeding a registered gross weight of 9100 kilograms shall be registered in the name of the lessee.
 - (3) Upon expiry or cancellation of a lease agreement, the lessees shall forthwith notify the Registrar in writing, the date of expiry or cancellation and return the registration and licence plates.
 - (4) The lease agreement must stipulate that the lessee is responsible for all fees and penalties due under the provisions of
 - (a) the *Motor Vehicles Ordinance*;
 - (b) the *Workers' Compensation Ordinance*;
 - (c) the *Labour Standards Ordinance*;
 - (d) the *Health Care Insurance Plan Ordinance*; and
 - (e) the *Highways Ordinance*.

- (5) The operator of a leased motor vehicle required to be registered pursuant to subsection (2), shall carry a copy of the lease in the vehicle at all times.
- (6) The Registrar may suspend the certificate of registration of any motor vehicle found to be operating in contravention of this section.
- 40.(1) The Commissioner may,
- (a) for the purpose of registration, classify trailers into such classes as he considers convenient having regard to carrying capacity, construction, use or any other circumstances;
 - (b) fix the fee payable on registration of all or any class of trailers;
 - (c) fix different fees in respect of different classes of trailers at such amounts as he considers proper;
 - (d) exempt any class of trailer from the requirement of registration;
 - (e) make regulations as to the issuance, form and notice of registration plates and the display of such plates on the trailer.
- 41.(1) Upon receipt of an application for the registration of a motor vehicle or trailer and upon payment of the prescribed registration fee the Registrar, may, subject to the restrictions in this Ordinance, issue a certificate of registration.
- (2) Before issuing a certificate of registration to an applicant, the Registrar or a licence issuer may require
- (a) proof of ownership by the person named in the application;
 - (b) production of a financial responsibility card issued in respect of the motor vehicle for which registration is sought;
 - (c) production of a certificate of inspection approval in respect of the motor vehicle for which registration is sought.
- (3) Subject to the provisions of this Ordinance as to suspension, cancellation and expiry, a certificate of registration issued pursuant to this Part is valid for the period prescribed by the regulations.

Regu-
lations
re
trailers

Certifi-
cate of
regis-
tration

- Serial number 42.(1) Except as provided by this section, a motor vehicle, of which the manufacturer's serial number or similar identifying mark has been obliterated, shall not be registered.
- (2) A person who has in his possession any motor vehicle in the condition described in subsection (1) may file with the Registrar satisfactory proof of the ownership of the vehicle and the Registrar may thereupon grant permission to cut, impress, emboss or attach permanently to the vehicle a special identifying number or mark, which thereafter shall be sufficient for the purpose of registration of the vehicle.
- Transfer of registration 43.(1) This section applies to the registration of all vehicles registered pursuant to this Ordinance.
- (2) Where the ownership of a registered vehicle passes from the registered owner to any other person, whether by an act of the owner or by operation of law, the registration of the vehicle expires forthwith and the registered owner shall remove the licence plates from the vehicle and retain them in his possession.
- (3) At any time during the registration year for which the licence plates are issued, the person to whom they are issued may apply to the Registrar to use the plates on another vehicle to be registered in his name and if the application is made within 14 days after acquiring ownership of the other vehicle, notwithstanding Sections 36 and 53, that person may display the plates on the newly acquired vehicle and operate or permit another person to operate the vehicle on a highway during that 14 day period.
- (4) Where the ownership of a registered vehicle passes from the registered owner, either by an act of the owner or by the operation of law, to another person, that other person, if the licence plates issued to the registered owner come into his possession, shall return the plates forthwith to the Registrar.

- (5) Notwithstanding anything in this section, where the ownership of a registered vehicle passes by reason of the death of the registered owner, the registration of the vehicle for that registration year does not expire and the following persons may during the remainder of that registration year continue to operate the vehicle under the registration of the deceased registered owner:
 - (a) the spouse of the deceased registered owner if normally residing in the same dwelling premises at the time of his death,
 - (b) any person having proper temporary custody of the vehicle until grant of probate or administration to the personal representative of the deceased registered owner, and
 - (c) the personal representative of the deceased registered owner.

43.1(1) The registered owner of a trailer may transfer a trailer licence plate from one to another of his own trailers upon completion of the forms supplied by the Registrar and payment of the prescribed transfer fee; but trailer licence plates shall not be transferred from one owner to another.

Transfer of trailer licence plates

- (2) Notwithstanding subsection (1), a trailer licence may be issued to a manufacturer of, or dealer in, trailers upon payment of the prescribed fee and the licence plate issued shall apply to any trailer which the said manufacturer or dealer may, from time to time during the term of said licence, hold for sale but not for hire.

Use of Certificates of Registration

- 44.(1) No person shall
 - (a) mutilate, deface or alter a certificate of registration issued under this Ordinance, or
 - (b) possess or permit the possession by another person of an illegible, mutilated, altered or defaced certificate of registration.

Misuse of certificate of registration

45.(1) Every driver of a motor vehicle shall produce the certificate of registration of the vehicle for inspection upon demand by any peace officer.

Production of certificate of registration

- (2) Where the vehicle is being operated
- (a) with the licence plates issued pursuant to section 50, or
 - (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
 - (c) by a mechanic who has custody of the vehicle for the purpose of repairs,
- the peace officer shall give the driver of the vehicle reasonable time within which to produce the certificate of registration of the vehicle.
- (3) Where a person produces to a peace officer a certificate of registration that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued replacement certificate of registration within a reasonable time.

Failure
to produce
certifi-
cate of
registration

- 46.(1) A person who on the demand of a peace officer,
- (a) fails to produce a certificate of registration as required by subsection 45(1) or (2), or
 - (b) fails to produce a replacement certificate of registration as required by subsection 45(3).

is guilty of an offence.

Change
of
address
or name

- 47.(1) Upon every change of his address or change of name, the person to whom a certificate of registration is issued shall, in the manner prescribed in writing, notify the Registrar of the change.

Licence Plates

Issue
of
licence
plates

- 48.(1) At the time of the issue of a certificate of registration the Registrar shall issue to the owner of the registered vehicle licence plates in the number and of the design prescribed.
- (2) The Registrar shall charge the prescribed fees for each licence plate or set of two licence plates issued by him.
- (3) Licence plates shall be of such type and color as are prescribed.

(4) Every licence plate issued under this Ordinance remains the property of the Commissioner and the person in possession of it shall return it to the Commissioner whenever he so requires for cause.

(5) Where a licence plate is lost, destroyed, or defaced, the owner of the vehicle for which it was issued,
(a) upon application to the Registrar for a replacement, accompanied by the prescribed fee, and
(b) upon returning to the Registrar the remaining plate, if any, and in the case of a defacement, the defaced plate,
may be issued a replacement licence plate or set of licence plates, as the case requires.

49.(1) Where the regulations authorize the use of a licence plate for more than one year if validated by a validating tab, marker or other sign, every reference in this Ordinance to a licence plate shall, with all necessary modifications, be deemed to include a reference to a validating tab, marker or other sign unless the regulations have made other provisions in that regard.

Validation of licence plates

50.(1) Licence plates may be issued pursuant to this section to manufacturers of, and dealers in, vehicles and to persons engaged in the business of servicing vehicles kept for sale by manufacturers and dealers.

Dealers' plates on other vehicles

(2) The licence plates issued for use on vehicles kept for sale by manufacturers or dealers shall bear a word, letter or other device sufficient to distinguish them from licence plates issued for other vehicles.

(3) Licence plates issued pursuant to this section are valid for only one place of business but where the person to whom any plates are issued has more than one place of business in the same municipality or local improvement district, all those places shall, for the purpose of this subsection, be considered one place of business.

- (4) The fee required by the Commissioner on the issue of licence plates under this section may be of a fixed amount or may vary with the number of licence plates issued to the person.

Use of
dealers'
plates

- 51.(1) No person shall attach a licence plate issued pursuant to Section 50 to any vehicle
 - (a) that is not kept for sale by a manufacturer or dealer,
 - (b) that is not used in the promotion of sales by a manufacturer or dealer or any employee or agent of either of them, or
 - (c) that is not for the time being in custody and control of a manufacturer or dealer or any employee or agent of either of them for the purposes of testing or servicing.

- (2) No person shall attach a licence plate issued pursuant to Section 50 to any vehicle
 - (a) that is kept for hire, or
 - (b) that is carrying freight.

- (3) No person shall use or operate on a highway a motor vehicle to which a licence plate is attached contrary to this section.

- (4) In this section "freight" means anything that may be conveyed in or on a motor vehicle but does not include passengers or anything that is the property of the owner of the vehicle or his employee or agent and that is intended for personal use by any one or more of them.

Licen-
sing of
trailers

- 51.1(1) No person engaged in the business of renting or leasing of trailers shall lease or rent any trailer in Yukon without first having affixed thereto a trailer licence plate issued under this Ordinance.
- (2) A trailer licence plate may be issued to the owner of a public service vehicle engaged in the business of towing trailers, who may attach the plate to any trailer towed by his public service vehicle or, in the case of individual trips, a "temporary operation" permit may be issued in lieu of a trailer licence plate.

- (3) The trailer licence plate or temporary operation permit shall be placed at the rear of the trailer, in such a position that the lower edge of the plate or permit is not lower than the rear axle of the trailer.
- 52.(1) Where a dealer in vehicles takes possession of a vehicle for the purpose of selling it on behalf of the owner and current licence plates have been issued for the motor vehicle
 (a) the owner of the vehicle shall remove the licence plates and retain them in his possession, and
 (b) the dealer shall not accept the motor vehicle until the licence plates have been removed. Removal of plates on sale of vehicle
- 53.(1) No person shall
 (a) attach to a motor vehicle or trailer, or
 (b) operate a motor vehicle or trailer to which is attached,
 a licence plate other than a licence plate authorized for use on that motor vehicle or trailer. Display of licence plates
- 54.(1) No person shall operate or park a motor vehicle or trailer upon a highway unless each licence plate required is attached to the vehicle in the location and in the manner prescribed by the regulations. Licence plate to be attached
- 55.(1) The operator of a motor vehicle or trailer shall at all times keep any licence plate required to be attached to the vehicle secured in a manner and maintained in a condition so as to be clearly visible and readable and unobscured by any part of the vehicle or its attachments or load or otherwise. Legibility of licence plates
- (2) No person shall be considered to contravene subsection (1) by reason only that a trailer is attached to the rear of a motor vehicle that he owns or operates.
- 56.(1) No person shall operate a motor vehicle or trailer on a highway with an expired licence plate displayed thereon. Expired licence plates

- Misuse of licence plates
- 57.(1) No person shall
- (a) deface or alter any licence plate issued under this Ordinance, or
 - (b) use or permit the use of any defaced or altered licence plate, or
 - (c) permit any licence plate issued to him to be used in contravention of this Ordinance.
- Seizure of licence plates
- 58.(1) Any officer who has reason to believe and does believe that a motor vehicle is carrying licence plates
- (a) that were not issued for that motor vehicle, or
 - (b) that, although issued for the motor vehicle, were obtained by false pretences,
- may take possession of those licence plates and retain them until the facts concerning the issue of those licence plates have been determined.

PART III

MISCELLANEOUS

- Suspension by Commissioner
- 59.(1) The Commissioner may suspend or cancel a certificate of registration or a permit issued under this Ordinance for a contravention of this Ordinance, the *Fuel Oil Tax Ordinance*, the *Transport Public Utilities Ordinance*, the *Highways Ordinance* or the regulations under those Ordinances.
- (2) Any person who knowingly makes any false statement of fact in any application, declaration or other document required by this Ordinance or by the regulations or by the Commissioner in order to procure the issue of an operator's licence or a certificate of registration or permit is guilty of an offence.
- (3) Where a person who is not a resident of the Yukon is convicted of contravening any provision of this Ordinance, the Commissioner
- (a) may by order prohibit that person from driving in the Yukon until the fine imposed on the conviction has been satisfied, and
 - (b) may notify the proper authorities of the jurisdiction where the person resides of the non-satisfaction of the fine imposed.

- (4) Where a resident of the Yukon
- (a) is convicted in any other jurisdiction in Canada of contravening a provision similar to a provision in this Ordinance and
 - (b) fails to satisfy the fine imposed upon the conviction,
- the Commissioner may suspend the operator's licence of the person until such time as he satisfies the fine so imposed.
- (5) Where an operator's licence or a certificate of registration or permit issued under this Ordinance is suspended or cancelled pursuant to subsection (1),
- (a) a person to whom it was issued shall immediately return
 - (i) the operator's licence, or
 - (ii) the certificate of registration and licence plates, or
 - (iii) the permit,as the case may be, to the Commissioner.
- (6) Where a person fails to return an operator's licence, licence plate, certificate of registration or permit as required by subsection (5), a peace officer acting at the request of the Commissioner shall secure possession thereof and return the suspended article or articles to the office of the Registrar.
- (7) A person
- (a) who fails to return an operator's licence, licence plate, certificate of registration or permit as required by subsection (5), or
 - (b) who fails to deliver an operator's licence, licence plate, certificate of registration or permit to a peace officer acting under subsection (6),
- is guilty of an offence.
- 60.(1) Where, pursuant to this Ordinance, a person who is not a resident of the Territory loses, by suspension or cancellation, the privilege of driving a motor-vehicle in the Territory, if the person resides in another Province of Canada or in a State, Territory, or the District of Columbia in the United States, the Registrar, if he has notice in writing of such
- Notice of cancellation of privileges of non-resident

suspension or cancellation, shall forthwith send to the proper officer in charge of the registration of motor vehicles and the licensing of drivers in that Province or in that State, Territory, or District a notice of such cancellation or suspension containing a brief statement of the reasons therefor, together with the driver's licence or operator's licence that has been suspended or cancelled if the driver's licence or operator's licence is in the possession of the Registrar.

- Regulations 61.(1) The Commissioner may make regulations
- (a) with respect to licence plates,
 - (i) authorizing the number of licence plates to be issued,
 - (ii) authorizing the use of a licence plate for more than one year if validated for each such year by a validating tab, marker or other sign issued by the Registrar,
 - (iii) prescribing the form and design of licence plates, where they are to be attached to vehicles, and the manner of display,
 - (iv) prescribing the form and design of validating tabs, where they are to be attached to licence plates, and the manner of display,
 - (v) prescribing any requirements and prohibitions necessitated by the use of any number of licence plates authorized under this section and by the use of validating tabs, markers or other signs in conjunction with licence plates, and
 - (vi) prescribing the terms and conditions under which permits may be issued in lieu of vehicle registration and licence plates;
 - (b) prescribing fees for licences, permits and certificates required pursuant to this Ordinance or the regulations;
 - (c) prescribing fees for supplying information relating to the licensing of persons and vehicles and for supplying copies of, or extracts from, driving records and accident reports;
 - (d) establishing and implementing a demerit point system for drivers of motor vehicles based on convictions for offences therein specified and providing under the system for the suspension or cancellation of an operator's licence;

- (e) prescribing forms;
- (f) fixing the times at which, and the persons to whom, returns are to be made;
- (g) prescribing terms and conditions governing the registration of motor vehicles;
- (h) governing, restricting or prohibiting the registering and licensing of motor vehicles in the name of a person under any specified age;
- (i) governing the registration and operation of motor vehicles kept for sale by manufacturers of motor vehicles and dealers in motor vehicles;
- (j) requiring and governing the marking on any class of motor vehicles of the displacement or horsepower of the motors thereof.

PART IV

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS

- | | | |
|--------|---|---|
| 62.(1) | In this Part,
"insurer" means a person licensed to carry on the business of automobile insurance in the Yukon;
"policy" means an owner's or non-owner's motor vehicle liability policy in conformity with Part VI of the <i>Insurance Ordinance</i> ;
"state of the United States of America" includes the District of Columbia. | Definitions
"insurer"

"policy"

"state" |
| (2) | Nothing in this Part shall be construed in such a way as to affect, diminish or derogate from any right of action, remedy or security that any person may have either at law or equity. | Savings provision |
| 63.(1) | Subject to subsection (3), every person shall, in respect of any motor vehicle owned by him and operated on a highway take out and maintain in force a policy of motor vehicle liability insurance against loss or damage resulting from bodily injury or death and loss of and damage to property occurring in respect of any one accident to the limit of at least seventy-five thousand dollars, exclusive of interest and costs, and any claim received out of bodily injury or death shall have priority over any claim received out of loss of or damage to property. | Minimum liability insurance |
| (2) | No person shall operate and no owner shall permit the operation of a motor vehicle on a highway unless a valid and subsisting motor vehicle liability policy of insurance is in force in respect of such a vehicle. | |

- (3) The provisions of subsection (1) do not apply to any owner of a vehicle referred to therein who, at the time of the coming into force of this section, had a valid and subsisting motor vehicle liability policy of insurance in force in respect of that vehicle until the earlier of
 - (a) the expiry of one year from the coming into force of this section, or
 - (b) the expiry of the balance of the premium year of that policy.

- (4) In any prosecution for a violation of this section, the onus is on the accused person to prove that a valid and subsisting liability policy of insurance was in force in respect of the vehicle and where a person is required to produce a motor vehicle liability insurance card, the onus is on the accused person to prove that at the time he was required to produce the card, there was in force a valid and subsisting motor vehicle liability policy of insurance in respect of the vehicle described in the card.

Failure
to satisfy
judgement

- 64.(1) Where
 - (a) the judgement for damages arising out of a motor vehicle accident is rendered against a person by a court in the Yukon or in any other province of Canada, and
 - (b) that person fails, within 15 days from the date upon which the judgement became final, to satisfy the judgement,the Commissioner, subject to Sections 65 and 66, may suspend the operator's licence of that person and may suspend the registration of any or every motor vehicle registered in the name of that person.

- (2) Where an operator's licence and registration are suspended under subsection (1), the licence and registration remain suspended and shall not at any time thereafter be renewed, nor shall any new operator's licence be issued to nor any new registration be made by, the person liable until the judgement is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of at least seventy-five thousand dollars, exclusive of interest and costs, where the judgement arises out of a motor vehicle accident.

- (3) Upon the Commissioner being satisfied that any state of the United States of America has enacted legislation similar in effect to subsection (1) and that the legislation extends and applies to judgements rendered and become final against residents of that state by any court of competent jurisdiction in the Yukon, the Commissioner may, by order, extend and apply the provisions of subsection (1) or (2) to judgements rendered and become final against residents of the Yukon by any court of competent jurisdiction in the state.

- (4) If, after complying with subsection (2), any other judgement against the same person for any accident that occurred before subsection (2) was complied with, is reported to the Commissioner, the operator's licence and every registration of a motor vehicle of the person shall again be suspended and shall remain suspended until the judgement is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent set out in subsection (2).

- (5) If any person to whom subsection (1) applies is not resident of the Yukon,
 - (a) the privilege of operating a motor vehicle in the Yukon, and
 - (b) the privilege of operating in the Yukon any motor vehicle registered in his name,is suspended and withdrawn forthwith by virtue of the judgement until he has complied with this section.

- (6) Where an operator's licence or a certificate of registration of a motor vehicle has been suspended as a result of a judgement obtained against a person who was not driving the vehicle involved in the accident, the Commissioner in his absolute discretion may reinstate the licence or certificate of registration or both, notwithstanding any other provision of this section.

- 65.(1) A judgement debtor to whom this Part applies may on due notice to the judgement creditor apply to the court in which the trial judgement was obtained for the privilege of paying the judgement in installments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the installments.

Payment
of judge-
ment by
install-
ments

- (2) Notwithstanding subsection (1), a judgement debtor and the judgement creditor may enter into an agreement for the payment of the judgement in installments.
- (3) While the judgement debtor is not in default in payment of the installments, he shall be deemed not in default for the purposes of this Part in payment of the judgement, and the Commissioner in his absolute descretion may restore the operator's licence and registration of the judgement debtor and the operator's licence and registration shall again be suspended and remain suspended as provided in Section 64 if the Commissioner is satisfied of default made by the judgement debtor in compliance with the terms of the court order or of the agreement.

Appli-
cation
for
relief

- 66.(1) Where a person becomes liable to suspension of his operator's licence or motor vehicle registration because of a final judgement being rendered against him outside the Yukon for damages arising out of a motor vehicle accident, he may make an application for relief to a Judge of the Supreme Court of the Yukon.
- (2) Where an application for relief is made to a Judge of the Supreme Court,
- (a) if the operator's licence of the applicant or the registration of motor vehicles registered in the name of the applicant has not then been suspended by the Commissioner, the Judge, if the circumstances warrant, may direct that the operation of subsection 64(1) be suspended in respect of the suspension of licence or registration or both, upon such terms and conditions as to the Judge seem proper, or
- (b) if the operator's licence of the applicant or the registration of motor vehicles registered in the name of the applicant has been suspended by the Commissioner, the Judge, if the circumstances so warrant, may direct that the Commissioner remove the suspension of the licence or registration, or both, upon such terms and conditions as to the Judge seem proper.

Report
by
clerk
of
court

- 67.(1) The clerk of the Supreme Court in which any final order, judgement or conviction to which this Part applies is rendered shall forward to the Commissioner

immediately a certified copy of the order, judgement or conviction or a certificate thereof in a form prescribed by the Commissioner.

- (2) The certified copy or certificate is *prima facie* proof of the order, judgement or conviction.
- (3) If the defendant is not resident of the Yukon, the Commissioner shall transmit to the Registrar or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of operators in the province or state in which the defendant resides, a certificate of the order, judgement or conviction.

- 67.1(1) Subject to sections 67.2 and 67.3, where bodily injury to or death of any person or damage to property results from an accident in which a motor vehicle is in any manner directly or indirectly involved, any officer at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall impound each motor vehicle so involved and require it to be taken
- (a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or
 - (b) if repairs are not necessary or are not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the officer, in which case the officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to a privately maintained garage or storage place designated by the officer, there to be kept at the expense and risk of the owner of the motor vehicle.

Impound-
ing of
motor
vehicle

- (2) Where, pursuant to subsection (1), a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, an officer in a locality in which the repair shop, garage or storage place is situated, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor

vehicle transferred to such other repair shop, garage of storage place as the applicant may select, and may give all necessary directions to that end, and shall in that case give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place to which the motor vehicle is transferred a notice as prescribed in subsection (6).

- (3) Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in subsection (1), if the accident is reported to, or otherwise comes to the attention of an officer, he shall, subject to subsection (8), and to sections 67.2 and 67.3, impound each motor vehicle so involved; and the officer impounding the motor vehicle shall require it to be disposed of as provided in subsection (1).
- (4) All costs and charges for the retrieval, care or storage of a motor vehicle impounded under this section are a lien thereon in favour of the keeper of the repair shop, garage or storage place and may be recovered by him under the provisions of the *Garage Keepers' Lien Ordinance* as though the cost and charges were a lien under that Ordinance.
- (5) Where a motor vehicle is impounded under this section, the officer who impounds it shall, directly or through his superior officer, if any, forthwith notify the Registrar of such impoundment in writing on the prescribed form.
- (6) Where a motor vehicle impounded under this section is placed in a repair shop, garage or storage place, the officer impounding the same shall notify in writing, on the prescribed form, the owner, operator, manager or other person in charge of the repair shop, garage or storage place that the motor vehicle is impounded and, subject to subsection (3), must not be removed or permitted to be removed or released from impoundment except upon written order of the Commissioner.
- (7) Subject to subsection (2), no person shall remove, or permit to be removed, from the place of impoundment or release from impoundment any motor vehicle impounded under this section except upon the written order of the Commissioner.

(8) This section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

67.2(1) If the driver, owner or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to an officer seeking to impound the motor vehicle pursuant to section 67.1 a motor vehicle liability insurance card issued in respect of such motor vehicle and in full force at the time of such accident, the officer shall not impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Liability insurance card

67.3(1) Where a motor vehicle has been impounded under section 67.1 and
(a) the Commissioner is satisfied that at the time of an accident the motor vehicle was a stolen motor vehicle; or
(b) the only damage resulting from an accident is to the person or property of the driver, owner or other person in charge of the motor vehicle; or
(c) the driver, owner or other person in charge of the motor vehicle produces to an officer evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent to that prescribed by section 63 in respect of the motor vehicle that is in full force; the Commissioner shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Release from impoundment

67.4(1) Where the owner of a motor vehicle impounded pursuant to section 67.1 gives security or proof of satisfaction of claims for damages satisfactory to the Commissioner, the commissioner shall, on application by the owner, order the release of the motor vehicle from impoundment; but if the motor vehicle is not, and is not required to be, registered under this Ordinance, the Commissioner shall order the release thereof upon the owner giving such

Lis Pendens

security or such proof of satisfaction of claims for damages as the Commissioner may require.

- (2) Where a motor vehicle is impounded pursuant to section 67.1 and the owner fails to give the security or proof of satisfaction of claims for damages and proof of financial responsibility, or security or proof of satisfaction of claims for damages and an undertaking as provided in subsection (1)
- (a) if six months have elapsed since the date of the accident and no certificate of *lis pendens* in a form set out in subsection (4) or otherwise to the satisfaction of the Commissioner, has been filed with the Commissioner; or
 - (b) if such certificate has been filed with the Commissioner and proof has been given to his satisfaction that
 - (i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgement has been filed within the time fixed for the filing of such appeal;
 - (ii) that any judgement recovered against the owner has been satisfied or settled;
 - (iii) That the action has not been brought to trial within twelve months after it was begun; or
 - (iv) that although judgement has been recovered against the owner, and no appeal has been filed by him within the time fixed, or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgement or the date of the dismissal of such appeal, been seized under an execution issued pursuant to the judgement; the Commissioner shall order the release of the motor vehicle from impoundment.
- (3) Where the Commissioner is satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that a motor vehicle impounded pursuant to section 67.1 is so damaged that it is impracticable to repair it so that it can be driven on a highway, he may order the release of the motor vehicle from impoundment.

- (4) The certificate of *lis pendens* shall, on request therefor and payment of the proper fee, be issued by the clerk of the court in which an action is commenced claiming compensation for damages resulting from bodily injury to or the death of any person or damage in an amount exceeding one hundred dollars to property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle, and the certificate may be in the form following:

CERTIFICATE OF LIS PENDENS

I hereby certify that an action has been begun in this Court, in which action

is plaintiff and _____ is defendant, and a claim is made for compensation for damages alleged to have occurred at or near

_____, in this Territory, on the _____ day of

A.D. 19____, in which accident it is alleged that there was (were) involved

- (a) a motor vehicle alleged to be owned by _____ (and operated at the time of the accident by _____), the motor vehicle licence number being _____; and
- (b) a motor vehicle alleged to be owned by (and operated at the time of the accident by _____), the motor vehicle licence number being _____.

(NOTE: Strike out phrases in parentheses where not required or not applicable. Strike out (b) if only one motor vehicle involved. Add additional paragraphs if more than two motor vehicles involved. Give any further available description of the motor vehicle).

- 67.5(1) In sections 67.1 through 67.4, "owner" includes any person, firm or corporation that has sold a motor vehicle, under the terms of a conditional sale agreement, lien or note, upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the money secured thereby remains unpaid, including the assignee of such vendor or mortgagee.

"owner"

Abstract
of
driving
record

- 68.(1) Upon the written request, the Registrar may furnish to an insurer or surety an abstract of the driving record of any person covering the three year period immediately preceding the request or such greater period as the Registrar allows.
- (2) Upon the written request, the Registrar may, in his discretion, furnish a certified abstract of the driving record of that person to the person's employer or a prospective employer.
- (3) Upon the written request, the Registrar may, in his discretion, furnish a certified abstract of the driving record to a barrister and solicitor.
- (4) Upon the written request, the Registrar may, in his discretion, furnish to a parent or guardian of any person requiring the signature of a parent or guardian on his licence application as provided in Section 13, a certified abstract of the driving record of that person covering the three year period immediately preceding the request or such greater period as the Registrar in his discretion allows.

Issue
of
financial
respon-
sibility
cards

- 69.(1) Where the owner of a motor vehicle produces to the Registrar a certificate issued by the Superintendent of Insurance showing that
- (a) he maintains a separate insurance fund for the purpose of satisfying therefrom liabilities he may incur resulting from bodily injury to or the death of any person, or damage to property, occasioned by or arising out of the ownership, maintenance, operation or use of the motor vehicle by him, and
- (b) in the opinion of the Superintendent, the insurance fund is adequate to satisfy all liabilities that he is likely to incur, subject, in the case of each motor vehicle registered in his name to the limits as to the amount of the accident insurance benefits specified in Part VI of the *Insurance Ordinance*, the Registrar shall issue and deliver to him a financial responsibility card, and shall, on his request, issue and deliver to him a copy of the card issued to him for each motor vehicle registered in his name.

- (2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance.
- (3) Where the owner of a motor vehicle to whom the Registrar has issued a financial responsibility card ceases to maintain, as required by this Part, the financial responsibility in respect of which the card was issued, he shall forthwith deliver to the Registrar for cancellation the card and all copies of the card issued to him.

- 70.(1) Every insurer that issues an owner's policy shall
 - (a) at the time of issue thereof also issue and deliver to the insured named in the policy a financial responsibility card and a duplicate thereof, and
 - (b) on request by the insured, issue and deliver to him one copy of the financial responsibility card delivered to the insured for each person who commonly drives the motor vehicle to which the card refers, or for each motor vehicle of which the policy is issued.

Issue of financial responsibility card

- (2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance.
- (3) Except where it issues an owner's policy outside the Yukon, an insurer may print and prepare the financial responsibility card for issue and delivery to its insured if the financial responsibility card is in a form approved by the Superintendent of Insurance.
- (4) An insurer that issues owner's policies outside the Yukon may issue financial responsibility cards in respect of such policies, but
 - (a) in the case of an insurer that is licensed to carry on in the Yukon the business of automobile insurance, every card issued by it shall show that the policy thereon mentioned complies with Part VI of the *Insurance Ordinance*, and

- (b) in the case of an insurer that is not so licenced, the insurer shall file with the Superintendent of Insurance, in a form prescribed by him,
 - (i) a power of attorney authorizing the Superintendent of Insurance to accept service of any notice or process for itself in any action or proceeding against it arising out of a motor vehicle accident in the Yukon and
 - (ii) an undertaking
 - (A) to appear in any action or proceeding against it or its insured arising out of a motor vehicle accident in the Yukon and of which it has knowledge,
 - (B) that upon receipt from the Superintendent of Insurance of any notice or process served upon him in respect of its insured, or in respect of its insured and another or others and sent by the Superintendent of Insurance to it as hereinafter provided, it will forthwith cause the notice or process to be personally served upon its insured, and
 - (C) not to set up to any claim, action or proceeding under a motor vehicle liability policy issued by it any defence that might not be set up if such policy had been issued in the Yukon in accordance with the law of the Yukon relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy and, in any event to an amount not less than the limits of liability fixed in Part VI of the *Insurance Ordinance*, any judgement rendered against it or its insured by a court in the Yukon which has become final in any such action or proceeding.
- (5) Where an insurer to which subsection (4) refers is not authorized to carry on in the Yukon the business of automobile insurance, notice or process in any action

or proceeding in the Yukon against it or its insured arising out of a motor vehicle accident in the Yukon, may be effectually served upon the insurer or the insured, or upon both of them, by leaving three copies of the notice or process with the Superintendent of Insurance, but if the insurer is not a party to the action or proceeding the person who leaves with the Superintendent the copies of the notice or process shall at the same time leave with him a written statement signed by the person who issued or caused to be issued the notice or process and stating the full name and address of the insurer against whose insured the action or proceeding is taken.

- (6) Upon receipt of notice or process under subsection (5) the Superintendent of Insurance shall forthwith mail two copies thereof, by registered mail, to the insurer at its address last known to him.
- (7) In any action or proceeding against an insurer who has given to the Superintendent of Insurance an undertaking under subparagraph (4)(b)(ii), the plaintiff may give evidence of the undertaking, and the undertaking shall for all purposes of the action or proceeding, be deemed to be a covenant for valuable consideration made by the insurer with the plaintiff.
- (8) If an insurer that has filed the documents described in subsection (4) defaults thereunder, certificates of the insurer shall not thereafter be accepted as proof of financial responsibility so long as such default continues, and the Registrar shall forthwith notify the Superintendent of Insurance and the proper officers in charge of the registration of motor vehicles and the licensing of drivers in all provinces of Canada and in all states, territories or districts in the United States, where the certificates of the insurer are accepted as proof of financial responsibility, of such default.
- 71.(1) Where a person is insured under a policy of the type commonly known as "a garage and sales agency policy" whereby he is insured against liability, to no lesser limits and matters as specified in Part VI of the *Insurance Ordinance*, the insurer who issues the policy shall,

Garage
and
sales
agency
policies

- (a) at the time of issue thereof, issue and deliver to the named insured a financial responsibility card and duplicate thereof, and
 - (b) on request by the insured, issue and deliver to him one additional card which shall be a copy of the financial responsibility card delivered to the insured, for any person who is authorized to drive the motor vehicle owned by the insured or in his charge.
- (2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance and shall be signed in handwriting and in ink, with his normal signature by the person for whose use the card or additional card is issued, and the card shall bear the number of the operator's licence held by him as at the date on which the card is issued.

Offences and Penalties

Production of financial responsibility card

- 72.(1) The operator of a motor vehicle shall, upon the request of a peace officer, produce a financial responsibility card for that vehicle.
- (2) Where the motor vehicle is being operated
- (a) with licence plates issued pursuant to Section 50, or
 - (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
 - (c) by a mechanic who has custody of the vehicle for the purpose of repairs, or
 - (d) by the proprietor of or an employee of a service station who has, on behalf of the service station, the custody of a motor vehicle in the course of service station business duties relating to the vehicle,
- the peace officer shall give the operator of the vehicle reasonable time within which to produce the financial responsibility card.
- (3) Where a newly acquired motor vehicle is being operated with licence plates issued to another motor vehicle pursuant to subsection 43(3) if the operator of the vehicle produces

- (a) proof of the purchase, within the immediately preceding 14 days of the newly acquired vehicle, and
 - (b) a financial responsibility card for the vehicle to which the licence plates are issued, the peace officer shall give the operator of the vehicle reasonable time within which to produce a financial responsibility card for the newly acquired vehicle.
- (4) The operator of a motor vehicle who fails to produce a financial responsibility card as required by subsection (1), (2), or (3) is guilty of an offence and is liable on summary conviction to a fine of not more than twenty-five dollars.
- (5) The operator of a motor vehicle who, when requested to produce a financial responsibility card as required by this section,
- (a) produces a false financial responsibility card, or
 - (b) produces a financial responsibility card relating to an insurance policy which is invalid at the time of production
- is guilty of an offence.
- (6) This section does not apply with respect to a motor vehicle that is registered in a country, state, territory or province other than the Yukon or to a motor vehicle owned by the Crown or to a motor vehicle registered only as an antique motor vehicle.
- 73.(1) A person who Offences
- (a) applies for the registration of a motor vehicle when it is not an insured motor vehicle,
 - (b) obtains the registration of a motor vehicle when it is not an insured motor vehicle, or
 - (c) fails to maintain his registered vehicle as an insured motor vehicle
- is guilty of an offence.
- (2) A person who operates on a highway a motor vehicle that is not an insured motor vehicle is guilty of an offence.

- (3) An owner of a motor vehicle that is not an insured motor vehicle who permits any other person to operate that motor vehicle on a highway is guilty of an offence.
 - (4) Where the registration of a motor vehicle is suspended under this Ordinance it is still a registered motor vehicle for the purposes of this section.
- 74.(1) A person who
- (a) fails to deliver to the Registrar for cancellation as required by subsection 69(3) a financial responsibility card or any additional card issued to him, or
 - (b) gives or loans to a person not entitled to have the same a financial responsibility card or additional card
- is guilty of an offence.

PART V

CIVIL RIGHTS AND REMEDIES

- | | | |
|------------------------------------|--------|--|
| Action for negligence not affected | 75.(1) | Nothing in this Ordinance shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator of any motor vehicle or from the negligence of any agent or employee of the owner. |
| Onus where Ordinance contravened | 76.(1) | Where a vehicle is operated upon a highway in contravention of any provision of this Ordinance and loss or damage is sustained by any person thereby, the onus of proof that the loss or damage did not arise by reason of the contravention of this Ordinance is upon the owner or driver thereof. |
| Onus on driver or owner | 77.(1) | Where a person sustains loss or damage arising out of the operation of a motor vehicle upon a highway and where that vehicle is operated in contravention of any provision of this Ordinance, the onus of proof in any civil proceeding that the loss or damage did not arise by reason of the contravention of this Ordinance is upon the owner or driver of the motor vehicle. |

- (2) This section does not apply in the case of a collision between motor vehicles upon a highway.
 - (3) In this section motor vehicle includes a tractor and a self-propelled implement of husbandry.
- 78.(1) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway,
- (a) a person driving the motor vehicle and living with and as a member of the family of the owner thereof, and
 - (b) a person who is driving the motor vehicle and who is in possession of it with the consent, expressed or implied, of the owner thereof,
- shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such, and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this section relieves any person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for the damages.

When driver deemed agent of owner

PART VI

ACCIDENT REPORTS

- 79.(1) In this part,
- (a) "vehicle" means a vehicle other than one powered by muscular power.
- 80.(1) When an accident occurs on a highway, the driver or other person in charge of a vehicle that was directly or indirectly involved in the accident
- (a) shall remain at or immediately return to the scene of the accident,
 - (b) shall render all reasonable assistance, and
 - (c) shall produce in writing to anyone sustaining loss or injury, to any peace officer and to a witness
 - (i) his name and address,
 - (ii) the number of his operator's licence,
 - (iii) the name and address of the registered owner of the vehicle,
 - (iv) the registration number of the motor vehicle, and

Definition

Duty of driver at accident

- (v) a financial responsibility card in respect of that vehicle, issued pursuant to Part IV of this Ordinance or Part VI of the *Insurance Ordinance*,
or such of that information as is requested.
- (2) The driver of a vehicle that collides with an unattended vehicle shall stop and
 - (a) shall locate and notify the person in charge or owner of the unattended vehicle of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle, or
 - (b) shall leave in a conspicuous place in or upon the vehicle collided with a written notice giving the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle.
- (3) The driver of a vehicle involved in an accident resulting in damage to property upon or adjacent to a highway, other than a vehicle under subsection (2), shall take reasonable steps to locate and notify the owner or person in charge of the property of such fact and of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle.
- (4) Where the driver is incapable of providing the information required by subsection (1), (2) or (3) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.
- (5) Where no information has been provided under subsection (1), (2), (3) or (4) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident provide the information.
- (6) Where the driver is alone, is the owner and is incapable of providing the information required by subsection (1), (2) or (3), he shall provide the information forthwith after becoming capable to do so.
- (7) When a motor vehicle which has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or

the operator of the motor vehicle, after having complied with subsections (1), (2) and (3), shall make arrangements for the motor vehicle to be removed from the highway.

(8) Where the registered owner or the operator of the motor vehicle fails to make or is incapable of making arrangements to move the vehicle as provided in subsection (7), a peace officer may make the arrangements on his behalf and the registered owner shall be notified of the disposition of the motor vehicle by the peace officer.

(9) Where arrangements have been made by a peace officer pursuant to subsection (8), the motor vehicle shall be deemed to be an abandoned motor vehicle and shall then be subject to the provisions of Section 96.

81.(1) Subject to subsection (2), where an accident results in injury or death to a person or in property damage to an apparent extent of \$350 or more, the driver shall forthwith make a written report in the prescribed form and containing such information as may be required thereby to a peace officer having jurisdiction where the accident occurred.

Written report of accident

(2) Where the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) Where no report has been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident make the report.

(4) Where the driver is alone, is the owner and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

82.(1) A peace officer who has witnessed or investigated an accident shall forthwith forward to the Registrar a written report, in the prescribed form setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of the personal injuries or property damage.

Accident report by peace officer

- Additional information re accident 83.(1) Where a report has been made under Section 80, 81 or 82 the Registrar may require the driver involved or a peace officer or person having knowledge of the accident to furnish additional information or to make a supplementary report.
- Inspection of accident report 84.(1) Subject to subsection (2), a written report or statement made or furnished under this Part
- (a) is not open to public inspection, and
 - (b) is not admissible in evidence for any purpose in a trial arising out of the accident except to prove
 - (i) compliance with Section 81, 82 or 83 of this Ordinance, or
 - (ii) falsity in a prosecution for making a false statement in the report or statement, or
 - (iii) the identity of the persons who were driving the vehicles involved in the accident.
- (2) Where a person or insurance company has paid or may be liable to pay for damages or recovers or may be entitled to recover damages resulting from an accident in which a motor vehicle is involved, the person and insurance company and any solicitor, agent or other representative of the person or company, may be given by the Registrar such information as may appear in any report made under Section 81, 82 or 83 of this Ordinance, as the case may be, in respect of
- (a) the date, time and place of the accident,
 - (b) the identification of vehicles involved in the accident,
 - (c) the name and address of any parties to, or involved in, the accident,
 - (d) the names and addresses of witnesses to the accident,
 - (e) the names and addresses of persons or bodies to whom the report was made,
 - (f) the name and address of any peace officer who investigated the accident,
 - (g) the location of the road upon which the accident occurred, the direction of travel of the vehicles involved, the weather and highway conditions at the time of the accident,
 - (h) the estimate of damages sustained by any person involved in the accident,

- (i) the names and addresses of any insurance companies insuring any parties to, or involved in, the accident, and
- (j) any diagram made with respect to the accident and the fact of any visit to the scene of the accident.

- 85.(1) Any person who knowingly makes any statement required by this Part that is false is guilty of an offence. Penalties of damage repair
- (2) In a prosecution for failure to make a report required by this Part in respect of an accident, the place of the offence shall be deemed to be the place where the accident occurred.
- 86.(1) No person shall commence the repairs or direct or require the repairs to be commenced on a motor vehicle that shows evidence of having been involved in an accident required to be reported under Section 81 or having been struck by a bullet Repair of damaged vehicle
 - (a) unless a notice in the prescribed form has been affixed to the motor vehicle by a peace officer, or
 - (b) if no notice is affixed to the motor vehicle, until he has been authorized in writing by a peace officer to do so.
- (2) A person who contravenes this section is guilty of an offence.

PART VII

DUTIES AND PROHIBITIONS

- 87.(1) No person shall sell or offer for sale or expose for sale Serial numbers on parts
 - (a) any portion of a motor vehicle or of the engine of a motor vehicle, or
 - (b) any accessory for a motor vehicle, that has been serially numbered by the manufacturer or maker if the serial number has been removed, obliterated or defaced or if the serial number is not clearly visible.
- (2) This section does not apply to the sale of retreaded or used tires.
- 88.(1) No person shall have in his possession a motor vehicle that does not have Serial number on motor vehicle

(a) the manufacturer's serial number, or
(b) a special identifying number or mark
authorized under Section 42,
cut, embossed or otherwise permanently marked or attached
thereon in the space provided for such identification by
the manufacturer or in such other place as may be specified
by the Commissioner.

(2) A person destroying or dismantling a motor vehicle in
such a manner as to make it inoperative shall not use
or allow the serial number plate of that motor vehicle
to be used on any other motor vehicle and shall destroy
the serial number plate.

Report
of
unclaimed
vehicle

89.(1) Where a motor vehicle that is stored in or left at a
public garage, parking station, parking lot, used car
lot, repair shop or on any private property is unclaimed
for 30 days or more, the person in charge of the place
where the motor vehicle was stored or left shall
immediately report the presence of the unclaimed motor
vehicle to a peace officer having jurisdiction in that
area, giving the licence plate number and a description
of the motor vehicle and such information as he may have
relating to the person storing or leaving the vehicle
at his place of business.

Duties of Dealers

Reports
by
dealers
and
wreckers

90.(1) Every person who buys, sells, wrecks, stores or other-
wise deals in motor vehicles shall, if a motor vehicle
remains in his possession without good reason or under
suspicious circumstances, forthwith report the matter
to a peace officer in the vicinity.

(2) Every person engaged in the business of buying, selling,
exchanging, wrecking, painting, altering or otherwise
dealing in motor vehicles shall keep a record of every
motor vehicle bought, sold, exchanged, dismantled,
wrecked, painted, altered or broken up by him and shall
produce the record for inspection at any time upon the
demand of a peace officer.

(3) Where a motor vehicle, the manufacturer's serial number
or other identifying mark of which is obliterated or
illegible, is offered for sale to a dealer in motor
vehicles, the dealer

- (a) shall forthwith report the matter to the nearest peace officer,
 - (b) shall not buy, sell, wreck or otherwise deal with the vehicle until he has received convincing proof that the person offering the vehicle for sale has the right to sell it, and
 - (c) shall keep a record of any such vehicles purchased by him and of the facts convincing him of the right of the person offering the vehicle for sale to sell it.
- (4) This section does not apply to a dealer
- (a) who enters into a contract with or who is approved by a municipality for the operation of a motor vehicle disposal area, and
 - (b) who receives motor vehicles for disposal without giving consideration.

PART VIII

POWERS OF PEACE OFFICERS AND OFFICERS

- | | | |
|--------|--|----------------------------|
| 91.(1) | Every driver shall, immediately he is signalled or requested to stop by a peace officer in uniform, | Stopping for peace officer |
| | <ul style="list-style-type: none"> (a) bring his vehicle to a stop, (b) furnish any information respecting the driver or the vehicle that the peace officer requires, and (c) remain stopped until such time as he is permitted by the peace officer to leave. | |
| 92.(1) | Where a person is convicted of an offence under section 234 or 236 of the <i>Criminal Code</i> he shall forthwith deliver his operator's licence to the convicting judge, who shall forward the licence to the Registrar. | Breathalyzer tests |
| 93.(1) | An officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests: | Safety inspection |
| | <ul style="list-style-type: none"> (a) to ensure that the motor vehicle, its equipment and trailer, if any, is fit and safe for transportation; or (b) in the case of an accident, to determine whether or not the condition of the motor vehicle, its equipment or trailer, if any, contributed in any way to the accident. | |

- (2) If the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the officer making the examination or test may
 - (a) require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and
 - (b) order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.

- (3) Where a motor vehicle or trailer is ordered removed from the highway under subsection (?), an officer may seize the licence plates of the motor vehicle or trailer and hold the plates until the motor vehicle, equipment or trailer has been rendered fit and safe for transportation.

- (4) For the purpose of examination of the vehicle, equipment or trailer as provided by this section the operator of a vehicle shall on the direction of an officer drive the vehicle to and park it at any place designated by the officer.

Offence 94.(1) An operator

- (a) who fails to comply with a requirement of subsection 93(1) or (2),
- (b) who in contravention of an order under subsection 93(?) operates a vehicle, equipment or trailer on a highway before it has been rendered fit and safe for transportation, or
- (c) who fails to comply with the direction of the officer given pursuant to subsection 93(4), is guilty of an offence.

Removal of vehicle from highway 95.(1) When a vehicle,

- (a) is left unattended upon a highway in such a manner as to obstruct the normal movement of traffic, or
- (b) is illegally parked on any highway, or
- (c) is parked on a highway so as to prevent access by fire-fighting equipment to a fire hydrant, or
- (d) is without valid and subsisting licence plates or a permit, or

- (e) is parked on private property without the consent of the owner of the property or on a highway so as to obstruct any private driveway, or
 - (f) is left unattended upon a highway and, in the opinion of an officer, the vehicle, its contents or any part thereof is liable to be stolen or tampered with,
- an officer may cause the vehicle to be removed and taken to and stored in a suitable place, and all costs for the removal and storage are a lien upon the vehicle which may be enforced in the manner provided by Section 96.

- 96.(1) Where an officer has seized a vehicle under Section 95 or 99, or where an officer, on reasonable and probable grounds believes that a vehicle
- Abandoned
vehicle
- (a) has been abandoned in contravention of section 209, or
 - (b) is situated unattended at such location or in such condition as to constitute a present or potential hazard to persons or property,
- he may cause the vehicle to be removed from its location, whether private or public property or a highway, and to be stored at what is in his opinion a suitable place therefor.
- (2) All reasonable costs incidental to the removal of a vehicle pursuant to subsection (1) and the storage thereof, for a period not exceeding six months, constitutes a debt owing to the Commissioner by the registered owner of the vehicle or any subsequent purchaser.
- (3) The Registrar may, for the purpose of enforcing payment of a debt owed to the Commissioner pursuant to this section,
- (a) refuse to register any motor vehicle in the name of the debtor, or
 - (b) suspend the registration of all vehicles registered in the name of the debtor,
- until the debt is paid in full or, where the vehicle is sold pursuant to subsection (4), until the Commissioner receives the amount of the removal and storage costs out of the sale proceeds.

- (4) Where a vehicle stored pursuant to this section
- (a) is not registered in the Yukon, or
 - (b) is not, within 30 days of its removal, claimed by the registered owner or someone on his behalf in return for full payment of the removal and storage costs actually paid,
- the vehicle may, upon the approval of the Registrar, be disposed of by public auction or otherwise as the Registrar shall direct, after he has made all reasonable efforts to determine the wishes or intentions of the registered owner as to the disposition of the vehicle.
- (5) Where the peace officer or officer on reasonable and probable grounds believes that the vehicle referred to in subsection (1) is worthless he may cause the vehicle to be removed directly to a nuisance ground for disposal.
- (6) No liability attaches to a person making the sale of a vehicle pursuant to subsection (4), or disposing of a vehicle pursuant to subsection (5), and, in the case of a sale, that person passes good title therefor as against the former owner or anyone claiming through him.
- (7) In this section "vehicle" includes a wrecked or partially dismantled vehicle or any part of a vehicle.
- (8) Where an officer has seized a vehicle under this section or sections 95 or 99, he shall notify the Registrar of the description of the vehicle, the name and address of the registered owner and place to which the vehicle has been removed for storage.
- Assi-
stance
to
peace
officer
- 97.(1) Every person called upon by a peace officer to assist a peace officer in the arrest of a person suspected of having committed any of the offences mentioned in section 98 is justified in so doing if he knows that the person calling on him for assistance is a peace officer.
- Arrest
without
warrant
- 98.(1) Every peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the provisions of the sections hereinafter enumerated may arrest the person without warrant:
- (a) Section 7 relating to the operation of a motor vehicle without having a subsisting operator's licence;

- (b) Section 36 relating to the operation of a motor vehicle without having a subsisting certificate of registration;
- (c) Section 53 relating to the exposing of a licence plate other than one authorized;
- (d) Section 57 relating to the defacing of licence plates;
- (e) Section 63 relating to the requirements for motor vehicle liability insurance;
- (f) Subsection 88(1) relating to possession of a motor vehicle that does not display a serial number or other authorized identifying number or mark in the space provided for such identification by the manufacturer;
- (g) Section 91 relating to the requirement that drivers stop when so requested by a peace officer in uniform.

- 99.(1) Every peace officer who on reasonable and probable grounds believes that any of the offences enumerated in Section 98 has been committed may seize and detain any motor vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under this Ordinance.
- (2) A peace officer seizing a motor vehicle pursuant to subsection (1) may cause the vehicle to be removed and taken to and stored in a suitable place and cause such tests and examinations thereof to be made as he considers proper.
- (3) Except where subsection (4) applies, all costs for the removal and storage of the vehicle are a lien upon the vehicle which may be enforced in the manner provided in Section 96.
- (4) If proceedings are not taken under this Ordinance within 10 days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner thereof.
- (5) Notwithstanding anything in this section, where a motor vehicle is seized pursuant to subsection (1), any judge having jurisdiction in the place within which the offence is suspected of having been committed may, in his discretion, release the motor vehicle pending the disposition of any proceedings that may

Seizure of motor vehicle

be taken under this Ordinance, if security is given therefor in a sum not exceeding one hundred dollars.

- (6) Notwithstanding this section, where a vehicle has been impounded for reasons of an offence under Section 63, the vehicle may not be released until the Registrar is satisfied that the owner has produced proof of financial responsibility equivalent to Section 63.

Forcible entry of vehicle

100.(1) When necessary to remove, take or store a motor vehicle as authorized by this Part, a peace officer or his agent may forcibly unlock or open a door of the vehicle and do such other things as are reasonably required to facilitate the removal, taking and storing of the vehicle.

Right of entry to garages

101.(1) Any peace officer has the right and power without further authority to enter in the interval between six o'clock in the morning and nine o'clock in the evening of the same day

- (a) the business premises of any dealer in motor vehicles or person conducting a motor vehicle livery, or
- (b) any other place of business where motor vehicles are repaired,

for the purpose of ascertaining whether or not this Ordinance is being complied with in respect of the motor vehicles in that place and by the persons employed therein.

PART IX

POWERS

TERRITORIAL POWERS

Speed limits

102.(1) Subject to the provisions of this Ordinance the Commissioner may, with respect to all or any part of a highway, prescribe a maximum speed for daytime or nighttime, or both, in excess of the general maximum speed fixed by section 147 and may by order prescribe different maximum speeds for different classes of vehicles.

- (2) The Commissioner may with respect to all or any part of a highway subject to his direction, control and management, prescribe different minimum speeds

- (a) for daytime and nighttime,
 - (b) for different periods of the year, and
 - (c) for different traffic lanes on the same highway.
- (3) The Commissioner may, with respect to all or any part of a highway subject to his direction, control and management, prescribe by signs posted along the highway speed limits of less than the general maximum speeds fixed by Section 147 or fixed pursuant to subsection (1) of this section and applicable to all vehicles or any class of vehicles.
- (4) The Commissioner may with respect to any school zone or playground zone on a highway subject to his direction, control and management, prescribe a maximum speed limit less than that fixed by Section 149 but not less than 20 kilometres per hour.
- (5) The Director of the Department of Highways and Public Works or his designate may by signs posted along a highway subject to the direction, control and management of the Commissioner, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair, applicable to all vehicles or to any class or classes of vehicles while travelling over that part of the highway.
- (6) Where speed limits are prescribed pursuant to this section, there shall be erected along the highway signs indicating the speed limits so prescribed.

REGULATIONS

- 103.(1) The Commissioner may make regulations
- (a) prescribing the standards and specifications for any vehicle or for any equipment or material to be installed or used in vehicles, and
 - (b) providing for the identification and labelling of such equipment or material or the containers thereof.
- (2) The Commissioner may make regulations prescribing standards of performance of vehicles and vehicle components which must be met and maintained.

Regu-
lations
respecting
equipment

- (3) Any regulation may adopt by reference, in whole or in part with such changes as the Commissioner considers necessary, any code of standards or specifications of any equipment or material to be used or installed in vehicles.

Regu-
lations
generally

- 104.(1) The Commissioner may make regulations:
 - (a) prescribing forms and fixing the times at which and the persons to whom returns are to be made;
 - (b) prescribing the design and position of lights and reflectors to be used upon vehicles;
 - (c) prescribing the requirements as to brakes on motor vehicles and requiring the periodic inspection, testing and adjustment thereof;
 - (d) prescribing any equipment required and the types and uses therefor on vehicles or by drivers and passengers of vehicles;
 - (e) requiring the periodic inspection, testing and adjustment of any mechanical equipment of any motor vehicle;
 - (f) governing, restricting or prohibiting the use on any highway or highways of any vehicles or class of vehicles that, in the opinion of the Commissioner, may be a hazard to other users of the highway by reason of unusual or novel size, weight or operating characteristics or by reason of any alteration or modification from its original construction by the manufacturer;
 - (g) governing, restricting or prohibiting the use on vehicles of any decoration or device that in the opinion of the Commissioner constitutes a hazard to the public or other users of the highway;
 - (h) prescribing and requiring the use of devices and other means to prevent accidents or thefts of motor vehicles;
 - (i) prescribing fees for licences, permits and certificates required pursuant to this Ordinance;
 - (j) prescribing terms and conditions governing the use and operation of motor vehicles;
 - (k) prescribing warning signals or devices that may be used and the manner of use thereof;
 - (l) prohibiting specified alterations of used motor vehicles or any part thereof and requiring disclosure of specified alterations not prohibited;

- (m) restricting the use of a highway in whole or in part to a particular class of vehicle.
- 105.(1) The Commissioner may make regulations as to the operation upon any highway of trailers and the lighting or other equipment to be installed thereon. Regulations re trailers
- (2) The Commissioner may make regulations in respect of any class or classes of motor vehicles not ordinarily operated or intended for operation upon the highway,
- (a) prescribing any equipment required thereon for safety purposes and the types and uses therefor, and
 - (b) prescribing traffic rules governing the manner in which they are to be operated,
- which may impose different requirements applicable when such motor vehicles are operated on a highway and when they are operated elsewhere than on a highway and which, having regard to the nature and purpose of such vehicles, may declare any provision of this Ordinance wholly or partially inapplicable to such vehicles and the operation thereof.
- 106.(1) The Commissioner may make regulations governing the licensing and operation of driver training schools, and without in any way restricting the generality of the foregoing, may make regulations Regulation of driver training schools
- (a) governing the testing and licensing of driving instructors,
 - (b) prescribing the kind and nature of driver training equipment to be used, and
 - (c) requiring the filing of proof of financial responsibility in the amounts and for the purposes which may be prescribed.
- 107.(1) The Commissioner may make regulations Inspection and testing of vehicles
- (a) governing the establishment and operation of facilities for the inspection and testing of motor vehicles;
 - (b) authorizing the performance of motor vehicle inspections and tests by qualified persons;
 - (c) prescribing the conditions that shall attach to the establishment of inspection and testing facilities and to the designation of qualified persons who may perform inspections or tests;
 - (d) prescribing the records that shall be kept, and the manner in which they shall be kept,

- respecting any work performed in the course of, or in connection with, any inspection;
- (e) providing for the examination of any records kept in connection with motor vehicle inspections by such persons as the Commissioner may designate;
 - (f) providing the means to identify those facilities where inspections and tests may be carried out;
 - (g) providing the means to identify those persons authorized to perform inspections and tests;
 - (h) prescribing the inspections and tests to which motor vehicles, or any classes thereof, are to be submitted;
 - (i) prescribing when or how often motor vehicles are to be submitted to such inspections and tests;
 - (j) prescribing the fee that may be charged the owner of any motor vehicle for any such inspection or test of his vehicle;
 - (k) requiring the owners of vehicles that do not pass any such inspection or test to take any action that is necessary so that the vehicles will be able to pass the inspection and tests.
- (2) The owner of every motor vehicle registered under this Ordinance shall submit the vehicle to such periodic inspections and tests as are required by the regulations.

Municipal Powers

- | | | |
|--------------------------------|---------|---|
| Speed limits in municipalities | 108.(1) | <p>With respect to highways subject to its direction, control and management, a municipality, by by-law, may</p> <ul style="list-style-type: none"> (a) prescribe a maximum speed in excess of 50 kilometres per hour for all or any part of a highway, (b) prescribe a maximum speed of less than 50 kilometres per hour for all or any part of a highway, and (c) prescribe a minimum speed for all or any part of any highway designated in the by-law or prescribe different speeds <ul style="list-style-type: none"> (i) for daytime and nighttime; (ii) for different periods of the year; (iii) for different traffic lanes on the same highway. |
| | (2) | <p>A municipality may prescribe</p> <ul style="list-style-type: none"> (a) different maximum speeds for different classes of vehicles, and |

(b) different maximum speeds for daytime and night-time,
but may not increase the maximum speed prescribed by this Ordinance for school zones and playground zones.

(3) With respect to any school zone or playground zone on a highway subject to its control and management, a municipality may prescribe a maximum speed limit less than that fixed by Section 149 but not less than twenty kilometres per hour.

(4) A person authorized by the municipality may, by signs posted along a highway subject to the direction, control and management of the municipality, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while travelling upon that part of the highway.

(5) Where speed limits are prescribed pursuant to this section the municipality fixing the speed limit shall cause to be erected along the highway, signs indicating the speed limits so prescribed.

(6) For the purposes of this section, "municipality" shall include a local improvement district.

109.(1) A municipality may authorize the placing, erecting or marking of traffic control devices at such locations as are considered necessary for controlling highways subject to its direction, control and management.

Placing of traffic control devices

(2) A municipality may authorize the erection of stop signs at railway crossings in the municipality.

110.(1) With respect to highways under its direction, control and management, a municipality may make by-laws, not inconsistent with this Ordinance and on matters for which no provision is made in this Ordinance, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws

Municipal by-laws

(a) restricting the weight of vehicles or of vehicles with their loads using the highways or any particular highway in the municipality,

- (b) controlling and regulating the use of all highways, sidewalks and other public places and delegating to the chief constable or municipal manager any powers in connection therewith,
- (c) delegating to the municipal manager, or if none, to the municipal clerk, or if none, to the secretary-treasurer, the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, providing that traffic control devices located by such persons pursuant to a delegation made under this clause shall be deemed to have been made by by-law of the municipality and providing for a record of all such locations to be kept which shall be open to public inspection during normal business hours,
- (d) classifying motor and other vehicles and pedestrians for any and all purposes involving the use of streets, lanes and other public places,
- (e) preventing or restricting, controlling and regulating
 - (i) the parking of vehicles or of any particular class or classes of vehicles on all or any highways and other public places or any portion thereof, and authorizing any person enforcing its parking laws to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that person or the municipality incurring any liability for doing so,
 - (ii) the parking on specified highways or within a certain distance from any building, of any class or classes of vehicles or of vehicles used for carrying inflammable, combustible, explosive or other dangerous material whether loaded or unloaded, and defining the route or routes through the municipality that such vehicles must follow in entering or traversing the municipality and prohibiting them from travelling on any designated highway, bridge, overpass or subway, and
 - (iii) any other use of the highways and other public places or any portion thereof or for vehicles or any particular classification thereof,

- (f) regulating and controlling the manner and method of entering and leaving private property whereon the parking of vehicles is permitted by the person in possession of the private property to persons other than his relatives, either for profit or otherwise,
- (g) defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner make objectionable noise,
- (h) prohibiting right or left turns at any designated intersection,
- (i) establishing, acquiring, operating, controlling and regulating parking stands and places for parking vehicles or any class or classes of vehicles on any highway or other public place or on any municipal lands designated in the by-law as parking stands or places and assigning any particular stand or place to a specific person or persons,
- (j) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location, the classification of the vehicles for which they are intended or as the council may otherwise determine, and in its discretion granting free use of all or any parking stands or places for all vehicles or any particular classification thereof for such period of time or during such hours as may be specified in the by-law,
- (k) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using such parking stands or places,
- (l) preventing the encumbering of streets and other public places by vehicles and other articles,
- (m) providing for the impounding and removal from a highway, street, alley, parking lot or other public place of a vehicle in respect of which charges have not been paid or of a vehicle parked in violation of a provision of a by-law or regulation,
- (n) controlling or preventing the riding of bicycles on any sidewalk,

- (o) providing for the licensing of owners of bicycles, prescribing regulations with respect thereto and controlling and regulating the operating and parking of bicycles on highways and other public places,
- (p) providing for the seizure or impounding for a period not exceeding 60 days of any bicycle used or operated in contravention of any by-law,
- (q) regulating parades or processions over and along any highways within the municipality, and prohibiting the passage of any parade or procession over any or all highways within the municipality unless and until a permit therefor has been issued by the mayor, or the council by resolution has expressly permitted it,
- (r) closing or restricting the use of any highway, subway, bridge or overpass or part of any highway, subway, bridge or overpass within the municipality either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians, and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as the council considers necessary or expedient,
- (s) granting a licence or permit for the temporary occupation or use of a road allowance, public highway, or a portion thereof when it is not required for public use, if the licence or permit is terminable upon 30 days' notice in writing,
- (t) permitting persons, subject to such conditions and restrictions as the by-law may provide, to park their motor vehicles on the highway
 - (i) adjacent to or in the vicinity of the land on which they reside, or
 - (ii) in a zone or area in which is situated the land on which they reside,notwithstanding any general or specific prohibitions or restrictions on parking relating to that highway,
- (u) providing that vehicular or pedestrian traffic shall travel upon any highway or part of any highway of the municipality only in one direction as the council may in the interests of safety and convenience prescribe,
- (v) prohibiting a class or classes of motor vehicles from using wholly or partially or for a certain

- period or periods a highway within the municipality,
- (w) prohibiting and regulating crossing and walking along highways by pedestrians,
 - (x) notwithstanding Section 110, prescribing a maximum speed limit applicable to all alleys in the municipality,
 - (y) providing for the placing on a vehicle parked in contravention of this Ordinance or a by-law under this section of a parking tag in the form prescribed by by-law allowing the payment of a penalty to the municipality in lieu of prosecution for the offence and setting the penalty applicable to each such offence,
 - (z) restricting the use of a highway in whole or in part to a particular class of vehicle,
 - (aa) designating truck routes,
 - (bb) preventing or restricting, controlling and regulating the parking of vehicles or any particular classes of vehicles in privately owned trailer parks,
 - (cc) prohibiting the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for
 - (i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority, and
 - (ii) the laying of an information and complaint against the owner or person in charge of the illegally parked vehicle for the parking offence, and
 - (dd) prescribing speed limits on lanes or other thoroughfares prepared for the use of vehicles in privately owned trailer parks.
- (2) Except when an Ordinance specifically enacts to a contrary effect, no municipality has any power to pass, enforce or maintain any by-law
- (a) requiring from any owner or operator of a motor vehicle, any tax, fee, licence or permit for the use of the public highways,
 - (b) excluding any of such persons from the free use of the public highways,

- (c) that in any way affects the registration or numbering of motor vehicles, or
- (d) forbidding the use of the public highways contrary to or inconsistent with this Ordinance.

Local
Improve-
ment
District
by-laws

110.1(1) With respect to highways located within the boundaries of a local improvement district, the Board of Trustees may make by-laws, not inconsistent with this Ordinance, to control, regulate and prohibit motorcycles, mopeds, bicycles and snowmobiles whether on or off a highway.

Powers
of
parking
authority

111.(1) A municipality may, by by-law, establish a commission, to be known as a parking authority, and give it power

- (a) to operate all or any off-street parking areas, structures or facilities owned by the municipality or established on land to which the municipality has title, and
- (b) to enter into agreements with any person for the construction, operation or management of off-street parking areas, structures or facilities, whether or not the municipality owns the land or has an interest therein.

PART X

EQUIPMENT REQUIRED ON VEHICLES

Offence
to
lack
equip-
ment

112.(1) Every person who

- (a) operates a vehicle, or
- (b) permits another person to operate a vehicle, on a highway without complying with any requirements of this Part as to equipment is guilty of an offence.

Headlamps

Location
of
headlamps

113.(1) Every motor vehicle, other than a motor cycle, moped or snowmobile, shall be equipped with at least two headlamps and shall have at least one headlamp mounted on each side of the front of the motor vehicle.

(2) A headlamp upon a motor vehicle, other than a vehicle equipped for plowing snow, shall be mounted on the motor vehicle at a height of not more than 1400 millimetres nor less than 600 millimetres measured from the centre of the headlamp to the level of the ground when the motor vehicle stands unloaded.

- (3) The lens and bulb of every headlamp on a motor vehicle shall consist of clear, untinted glass.
 - (4) No person shall attach to or apply to any headlamp or part thereof any material or substance which causes the beam of light emitted therefrom to be any colour other than that which is commonly accepted as being white.
- 114.(1) Headlamps on motor vehicles, shall be so arranged
- (a) that the driver may select at will between distribution of light projected to different elevations, or
 - (b) that the selection of light distribution may be made automatically.
- (2) Every headlamp shall have
- (a) an uppermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 100 metres ahead under all conditions of loading of the motor vehicle, and
 - (b) a lowermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 30 metres ahead.
- (3) In addition to the requirements in subsection (2), the headlamps of a motor vehicle shall be so aimed that on a straight, level road and under any condition of loading the high intensity portion of the beam will not strike the eyes of an approaching driver.
- 115.(1) No person shall sell a new motor vehicle that has multiple beam road lighting equipment unless the motor vehicle is equipped with a beam indicator that will light up whenever the uppermost distribution of light from the headlamps is in use but not otherwise.
- (2) The beam indicator shall be so designed and mounted that when lit it will be readily visible without glare to the driver of the vehicle upon which it is mounted.
- 116.(1) Every motor cycle, moped and snowmobile shall be equipped with at least one headlamp but not more than two headlamps.

Multiple
beam
head-
lamps

High
beam
indi-
cator

Head-
lamps
on motor
cycles,
mopeds and
snowmobiles

Head-lamps on tractors, etc.

- 117.(1) If a tractor or self-propelled implement of husbandry is equipped with any headlamps, it shall not be equipped with any less than two or any more than four headlamps.
- (2) Headlamps upon a tractor or self-propelled implement of husbandry may be of the single beam or multiple beam type but in either case the headlamps shall conform with the requirements and limitations of this section.
- (3) The headlamps shall be of sufficient intensity to reveal a person or vehicle
- (a) at a distance of not less than 30 metres ahead when the tractor or self-propelled implement of husbandry is operated at any speed of less than 40 kilometres per hour,
 - (b) at a distance of not less than 60 metres ahead when the tractor or self-propelled implement of husbandry is operated at a speed of 40 to 60 kilometres per hour, and
 - (c) at a distance of not less than 100 metres ahead when the tractor or self-propelled implement of husbandry is operated at a speed of more than 60 kilometres per hour.
- (4) When the tractor or self-propelled implement of husbandry is equipped with a multiple beam headlamp
- (a) the uppermost beam of light shall conform to the minimum requirements set out in subsection (3) of this section and shall not exceed the limitations set out in subsection 114(2), and
 - (b) the lowermost beam of light shall conform to the requirements applicable to lowermost distribution of light as set out in subsection 114(2).
- (5) When a tractor or self-propelled implement of husbandry is equipped with single beam headlamps, the headlamps shall be so aimed that none of the high intensity portion of the light will be directed higher, at a distance of 10 metres ahead, than the level of the centre of the headlamp from which the light comes.

Tail Lamps

- 118.(1) Except as provided in subsections (2) and (3), Tail
lamps
- (a) every motor vehicle,
 - (b) every self-propelled implement of husbandry,
 - (c) every tractor,
 - (d) every trailer, and
 - (e) every vehicle being drawn at the end of a train of vehicles,
- shall be equipped with at least two tail lamps mounted at the rear of the vehicle.
- (2) Every motor cycle, moped or snowmobile shall be equipped with at least one tail lamp mounted at the rear of the vehicle.
- (3) Subsection (1) does not apply during daylight hours to such classes of equipment as may be exempted by the regulations.
- (4) The tail lamps on a vehicle shall be as widely spaced laterally as is practicable.
- (5) When lit as required by this Ordinance, a tail lamp shall be capable of emitting a red light plainly visible from a distance of not less than 150 metres to the rear of the vehicle at a height of not more than 1850 millimetres nor less than 500 millimetres measured from the centre of the tail lamp to the level ground when the vehicle stands unloaded.
- (6) A tail lamp upon a vehicle shall be on the vehicle at a height, which shall be measured from the centre of the tail lamp, of not more than 1850 millimetres nor less than 500 millimetres to the level ground when the vehicle stands unloaded.
- (7) A tail lamp shall be so constructed that the rear licence plate of the vehicle will be illuminated and clearly visible from a distance of 15 metres to the rear, or a separate lamp shall be mounted on the rear of the vehicle to illuminate the licence plate and make it visible from a distance of 15 metres to the rear.

- (8) All tail lamps and, if any, separate lamps for illuminating the rear licence plate shall be so wired that they will light and remain lit whenever the head lamps or auxiliary driving lamps are alight.

Over-
hanging
load

- 119.(1) A vehicle carrying a load that overhangs the rear of the vehicle to the extent of 150 centimetres or more shall
- (a) during nighttime hours display a red light, and
 - (b) at all other times, display a red flag, which shall be not less than 300 millimetres square, upon and at the extreme rear end of the overhanging load and sufficient in either case to indicate the projection of the load.

Color
of
rear
lights

- 120.(1) Except as permitted by this Ordinance, no vehicle shall display to the rear thereof a light of any colour other than red.
- (2) Subsection (1) does not apply to back-up lights when used in the process of backing up a vehicle.

Stop Lamps

Brake
lights

- 121.(1) Unless otherwise provided by the regulations
- (a) every motor cycle, moped and snowmobile shall be equipped with at least one stop lamp mounted on the rear of the vehicle, and
 - (b) every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles shall be equipped with at least two stop lamps mounted on the rear of the vehicle.
- (2) A stop lamp shall light up when the service brake is applied and when lit shall emit a red light plainly visible from a distance of not less than 30 metres to the rear of the vehicle in normal sunlight.

Glaring
lights
pro-
hibited

- 122.(1) No stop lamp or signal lamp or device shall project a glaring light at any time.

Flashing Lights

- 123.(1) No motor vehicle other than a vehicle used Flashing
lights
- (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or
 - (b) for the transportation of any peace officer, or
 - (c) as an ambulance,
- shall be equipped with any red light or flashing light visible from the front of the vehicle.
- (2) Subsection (1) does not apply to:
- (a) signal lights for indicating an intention to turn as required by Section 124,
 - (b) alternate flashing red lights displayed by a school bus,
 - (c) flashing lights of such colour other than red as is provided in this Ordinance or the regulations and displayed by
 - (i) a snowplow,
 - (ii) a vehicle transporting explosives,
 - (iii) a tow truck while towing or pushing a disabled vehicle,
 - (iv) a vehicle engaged in highway inspection, highway construction or highway maintenance,
 - (v) a vehicle engaged in the transportation of or towing of a building,
 - (vi) a vehicle owned and operated by a public utility when engaged in the construction, maintenance or repair of utility systems,
 - (vii) a vehicle leading a funeral procession, or
 - (viii) a vehicle that has become immobile or inoperative,
 - (d) simultaneously flashing turn signal lights displayed at a railway crossing by a vehicle required to stop at railway crossings,
 - (e) simultaneously flashing turn signal lights displayed by a vehicle that has become immobile or inoperative,
 - (f) flashing lights or coloured lights as prescribed by the regulations displayed by a vehicle of a class authorized by the regulations to display those lights.
- (3) Any motor vehicle belonging to a municipal fire department may be equipped with such red lights or other coloured lights as may be designated by by-law of the council.

- (4) No vehicle other than a school bus or one used for the transportation of a peace officer shall be equipped with alternate flashing red lights visible from the front or the rear of the vehicle.

Turn
lights

- 124.(1) No person shall sell a motor vehicle or trailer unless it is equipped with lamps or mechanical signal devices that comply with the requirements of this section and that show to the front and rear for the purpose of indicating an intention to turn either to the right or left.
- (2) No person shall
- (a) operate a motor vehicle, or
 - (b) pull a trailer;
- equipped with lamps or mechanical signal devices to indicate an intention to turn the vehicle or trailer unless the lamps or device show to the front and rear of the vehicle and to the rear of the trailer and otherwise comply with the requirements of this section.
- (3) When lamps are used for the purpose of indicating turns
- (a) the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light visible from a distance of not less than 30 metres to the front in normal sunlight, and
 - (b) the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light visible at a distance of not less than 30 metres to the rear in normal sunlight.
- (4) Lamps used for indicating turns shall be so constructed and arranged that when used for indicating turns the intended direction of the turn can be indicated by flashing the lights showing to the front and rear on the side toward which the turn is to be made.
- (5) Where mechanical signal devices are used for the purpose of indicating turns, the mechanical devices shall be self-illuminating when in use during the times head-lamps are required to be alight.

- (6) The owner of a motor vehicle equipped with lamps or mechanical signal devices to indicate an intention to turn shall maintain those lamps or mechanical signal devices in good working order.

Other Lights

- | | | |
|---------|---|--|
| 125.(1) | In addition to the lamps required by this Ordinance, every self-propelled implement of husbandry shall, at other times prescribed, be equipped with and display such other lights and reflectors as may be prescribed by the regulations. | Lights and reflectors on implements of husbandry |
| 126.(1) | No motor vehicle shall be equipped with a light that is commonly known as a search light. | Search and spot-lights |
| (2) | A spot light may be carried upon any motor vehicle but when the vehicle is in motion the ray of the light therefrom shall be directed to the extreme right of the travelled portion of the highway in such manner that the beam of light will strike the extreme right of the travelled portion of the highway within 25 metres of the vehicle. | |
| (3) | No person shall use a spotlight carried upon a motor vehicle, whether such motor vehicle is in motion or not, in such a manner as to create a hazard to users of the highway. | |
| 127.(1) | A motor vehicle may be equipped with fixed or movable auxiliary lamps or fog lamps mounted upon the front of the vehicle and below the level of the centres of the headlamps and at a height not less than 400 millimetres above the level on which the vehicle stands. | Auxiliary or fog lamps |
| (2) | Not more than two auxiliary lamps or two fog lamps mounted on opposite sides of a vehicle may be used and the use of such lamps shall be in connection with, but not in substitution for, headlamps except under such atmospheric conditions as to render disadvantageous the use of headlamps. | |
| (3) | In no event shall the number of auxiliary and fog lamps upon a motor vehicle exceed a combined total of three and in no event shall more than two of those lamps be lighted for use with lighted headlamps. | |

- (4) Every auxiliary lamp and every fog lamp used upon a motor vehicle shall be so adjusted and aimed that the top of the main substantial portion of the beam will strike the road at approximately 25 metres in advance of the vehicle and will not project a glaring or dazzling light into the eyes of approaching drivers.
- (5) The term "auxiliary lamp" or "fog lamp" denotes any combination of reflector, lens and lamp bulb designed to illuminate the roadway close to, and forward or forward and to the sides of, the motor vehicle and otherwise meeting the requirements of this section.

Brakes

- | | | |
|----------------------------------|---------|---|
| Brakes | 128.(1) | No motor vehicle, other than a motor cycle, moped or snowmobile, tractor or self-propelled implement of husbandry shall be operated upon a highway unless it has <ul style="list-style-type: none">(a) an adequate service brake, and(b) an adequate emergency or parking brake capable of being operated separately. |
| | (2) | No motor cycle, moped, snowmobile, tractor or self-propelled implement of husbandry shall be operated upon a highway unless it has an adequate service brake. |
| Inspection and testing of brakes | 129.(1) | In this section "motor vehicle" includes a self-propelled implement of husbandry. |
| | (2) | Every person driving a motor vehicle on any highway shall upon request of a peace officer <ul style="list-style-type: none">(a) permit the officer to inspect and test the brakes with which the motor vehicle is equipped and for that purpose to operate the vehicle, or(b) at the option of the officer, operate the motor vehicle as directed by the officer for the purpose of the inspection and testing of the brakes, and the officer shall, if the brakes are inadequate, so notify the driver of the vehicle who shall forthwith proceed to have the brakes made adequate. |
| | (3) | Where the service brakes of a motor vehicle equipped with two-wheel brakes are not capable of bringing the vehicle to a standstill |

- (a) within 12 metres from the point at which the brakes were applied when the brakes are applied while the vehicle is loaded to its full capacity and moving,
 - (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 30 kilometres per hour, the service brakes of the vehicle are inadequate.

- (4) When the service brakes upon any motor vehicle other than a motor vehicle mentioned in subsection (3) or any combination of vehicles are not capable of bringing the vehicle or combination of vehicles to a standstill
 - (a) within a distance of 10 metres from the point at which the brakes were applied, when the brakes are applied while the vehicle or combination of vehicles is loaded to its full capacity and moving,
 - (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 30 kilometres per hour, the service brakes of the motor vehicle or combination of vehicles are inadequate.

- (5) Where the emergency or parking brake upon a motor vehicle or combination of vehicles is not capable of bringing the motor vehicle or combination of vehicles to a standstill
 - (a) within a distance of 16 metres from the point at which the brake was applied, when the brake is applied while the motor vehicle or combination of vehicles is loaded to its full capacity and moving,
 - (b) on a level surface of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 30 kilometres per hour, the emergency or parking brake of the motor vehicle or combination of vehicles is inadequate.

- (6) The emergency or parking brake of a motor vehicle or combination of vehicles shall be capable of holding the vehicle or combination of vehicles at a standstill upon any grade upon which the motor vehicle or combination of vehicles is operated.

- (7) All brakes shall at all times be maintained in good working order and shall be so adjusted that the brake pressure upon the wheels on each side of the vehicle is as nearly as possible equal.

Bus,
trucks,
tractors
and
trailers

- 129.1(1) Any person who operates or permits the operation of any bus, truck, truck-tractor or commercial trailer in contravention of this Ordinance or the regulations thereunder commits an offence.
- (2) Any officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests to ensure that the motor vehicle is fit and safe for transportation.
- (3) The operator of a vehicle shall, on the direction of an officer, drive the vehicle to and park it on a safety lane or other place designated by the officer for the purpose of examination of the vehicle as provided by this section.
- (4) Where the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the officer making the examination or test
 - (a) may require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and
 - (b) may order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.
- (5) Where a motor vehicle or trailer is found unfit or unsafe for transportation and is ordered removed from the highway under subsection (4), an officer may seize the licence plates and registration certificate of the motor vehicle or trailer and hold the licence plates and registration certificate until the motor vehicle or trailer is fit and safe for transportation.
- (6) An owner or operator
 - (a) who fails to comply with a requirement of subsection (2) or (4), or
 - (b) who in contravention of an order under subsection (4) operates a vehicle, equipment or

trailer on a highway before it has been rendered fit and safe for transportation, or
 (c) who fails to comply with the direction of an officer given pursuant to subsection (3), is guilty of an offence.

Other Equipment

- 130.(1) Every motor vehicle, motor cycle, moped and bicycle shall be equipped with an adequate horn, gong or bell and it shall be kept in good working order and shall be sounded whenever it is reasonably necessary to warn persons on or approaching the highway in the vicinity of the vehicle or motor cycle, moped or bicycle. Horn etc.
- (2) No person having the control of any motor vehicle, motor cycle, moped or bicycle shall use the horn, gong, bell or other signalling device thereon except for the purpose of giving notice to persons on or approaching the highway in the vicinity of the motor vehicle, motor cycle, moped or bicycle of the approach of the vehicle, and in so doing shall not make any more noise than is reasonably necessary for the purpose of giving the warning.
- 131.(1) A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust system consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without the emission of any flame or sparks. Mufflers
- (2) No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.
- (3) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed a baffle-plate or other part.
- (4) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler, the exhaust outlet of which has been opened or widened.
- (5) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached

any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be ignited from the exhaust system.

Wind-
shield
wipers

- 132.(1) Every motor vehicle equipped with a windshield, other than a motor cycle, moped or snowmobile shall be equipped with a mechanically or electrically operated device
- (a) for cleaning rain, snow or other moisture from the windshield, and
 - (b) that can in each case be controlled or operated by the driver of the motor vehicle.
- (2) The owner of a motor vehicle shall maintain in good working order the device required by subsection (1).

Mud-
guards

- 133.(1) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

Rear
view
mirror

- 134.(1) Every motor vehicle shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the rear and of any vehicle approaching from the rear.
- (2) Where the view afforded by the mirror required under subsection (1) is obstructed or interfered with in any manner, a side rear vision mirror shall be attached to each side of the motor vehicle and shall be placed in such a position as to afford the driver a clear view of the roadway to the rear and to each side of the motor vehicle.
- (3) In addition to any mirrors required under subsections (1) and (2), every new motor vehicle sold shall carry a side rear vision mirror attached to the left side of the motor vehicle in such a position as to afford the driver a clear view of the roadway to the rear left side of the vehicle.
- (4) Every self-propelled implement of husbandry when operated on a highway shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the

rear and of any vehicle approaching from the rear.

- 135.(1) Every motor vehicle shall be equipped with a speedometer to indicate the speed of the vehicle when moving forward. Speedometer
- 135.1(1) Where a motor vehicle is equipped with an odometer, no person shall alter the reading of the odometer except where necessary for repairs to or replacement of the unit. Odometer
- (2) Where any dealer is aware of any change in the odometer reading of any motor vehicle which he has for sale or exchange in the course of his business, that dealer shall advise any person who, in the course of that business subsequently acquires the vehicle, of such change in writing.
- 136.(1) Without in any way restricting the provisions of this Part, the owner of a vehicle shall keep and maintain the vehicle and all equipment thereof in a condition of conformity at all times with any standards or specifications prescribed by the regulations and shall keep and maintain all equipment prescribed by this Ordinance or the regulations
 (a) in good working order, and
 (b) properly attached to the vehicle, having regard to the purpose for which that equipment is intended. Maintenance of equipment
- (2) Where requested to do so by a peace officer, the owner of a vehicle shall, as soon as is reasonably possible, have any work done to the vehicle that is necessary to make it comply with the provisions of this Part and shall report the compliance to the peace officer.
- 137.(1) Every motor vehicle, except a motor cycle, moped or snowmobile shall be equipped with a windshield. Windshield
- (2) No person shall sell or offer for sale a new motor vehicle unless the glass in the windshield and in the other windows complies with the conditions prescribed by the regulations.
- (3) No person shall
 (a) sell or offer for sale any windshield or glass intended to be used for glazing a motor vehicle, or
 (b) glaze a motor vehicle with glass,

that does not comply with the conditions prescribed by the regulations.

- (4) No person shall
- (a) sell or offer for sale a new holiday camper designed for truck mounting unless the glass in the windows complies with the conditions prescribed by the regulations, or
 - (b) sell or offer for sale any glass intended to be used for glazing a holiday camper unless the glass complies with the conditions prescribed by the regulations, or
 - (c) glaze a holiday camper with glass that does not comply with the conditions prescribed by the regulations.

Brake
fluid

- 138.(1) No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway
- (a) that does not comply with the standards and specifications prescribed by the regulations, or
 - (b) in a container not marked in compliance with the regulations.

Standards
for
equip-
ment

- 139.(1) No person shall sell or offer for sale for use in vehicles upon a highway any equipment that does not comply with the standards and specifications that may be prescribed for that equipment by the regulations.
- (2) No person shall sell a new motor vehicle of a class which by the regulations is required to be marked with the displacement or horsepower of its motor unless it is so marked in accordance with the regulations.

Sirens

- 140.(1) No vehicle other than a vehicle used
- (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or
 - (b) for the transportation of any peace officer, or
 - (c) as an ambulance, or
 - (d) as a gas disconnecting unit of a public utility company,
- shall, while on a highway, be equipped with a siren without the authorization of the Commissioner.

- 141.(1) Except as provided in subsection (2), no person shall drive upon a highway any motor vehicle that is equipped with a television set. Tele-
vision
in
motor
vehicles
- (2) Notwithstanding subsection (1), a television set may be located and operated in a motor vehicle if the driver of the motor vehicle cannot by any means see the screen of the television set while the vehicle is in motion.
- 142.(1) No person shall drive upon a highway a vehicle that is equipped with or that carries or contains a device capable of detecting or interfering with radar or any other electronic equipment as may be used from time to time for measuring the speed of vehicles. Radar
dete-
ctors
- (2) Subsection (1) does not apply to
 - (a) a vehicle used by a peace officer in the course of his duties, or
 - (b) a vehicle used by a person in conducting a traffic survey authorized by the Commissioner.
- (3) Where a peace officer apprehends a person operating a motor vehicle contrary to subsection (1), the peace officer may seize the device or equipment and it is forfeited to the Commissioner.
- (4) No person shall, without the approval of the Commissioner, sell or offer for sale any device capable of detecting or interfering with radar or such other electronic equipment as may be used from time to time for measuring the speed of vehicles.
- 142.1(1) No person operating a motor cycle or moped shall carry a passenger unless the motor cycle or moped is equipped with Motor-
cycles,
mopeds
 - (a) an adequate pillion seat,
 - (b) adequate hand grips, and
 - (c) adequate foot rests
 for use by the passenger.

PART XI

RULES OF THE ROAD

Application

- 143.(1) Every person operating a motor vehicle, a tractor, an Observance
of rules of
the road

implement of husbandry or any other type of vehicle upon a highway shall insofar as they are applicable, obey the rules of the road set out in this Part, except

- (a) when otherwise instructed by any applicable traffic control device, or
- (b) when otherwise directed by a peace officer.

- (2) Every driver shall obey the instructions of any applicable traffic control device.
- (3) Notwithstanding anything in this Part, every driver shall obey the directions of any peace officer directing traffic.
- (4) Where all or any lights of a traffic control signal are not operating properly or are not operating at all, every driver shall use the roadway in the vicinity of the traffic control signal with caution.
- (5) Notwithstanding anything in this Part, when
 - (a) a flagperson is stationed, or
 - (b) a barricade or sign is erected upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every driver shall obey the directions given by the flagperson or, if none, by the barricades or signs.

Direction of traffic contrary to rules

- 144.(1) Where a peace officer considers it necessary
 - (a) to ensure orderly movement of traffic, or
 - (b) to prevent injury or damage to persons or property, or
 - (c) to permit proper action in an emergency,
 he may direct traffic according to his discretion, notwithstanding anything in this Part.
- (2) Where a peace officer is not present at the scene of a fire or emergency, any member of a fire brigade present may exercise the powers of a peace officer under subsection (1).

Driving and parking contrary to rules

- 145.(1) Any motor vehicle equipped with a siren and being
 - (a) used for the transportation of any member of a fire brigade in response to an emergency call,

- (b) used for the transportation of a peace officer in response to an emergency call or for the purpose of
 - (i) investigating a reported accident,
 - (ii) detecting or preventing crime,
 - (iii) making an arrest,
 - (c) an ambulance used in response to an emergency call,
 - (d) a gas disconnecting unit of a public utility company used in response to an emergency call,
 - (e) a vehicle used in an emergency in accordance with an authorization granted by the Commissioner pursuant to Section 140,
may while being so used and while the siren is being continuously sounded,
 - (f) be operated at such speed as is reasonable and proper having regard to
 - (i) the traffic ordinarily upon the highway,
 - (ii) the use of the highway, and
 - (iii) the fact that it is being so used,
 - (g) proceed past a red or stop signal or stop sign without stopping, and
 - (h) be operated at such speed as is reasonable and safe under the circumstances.
- (2) Where required to do so for the purpose of carrying out his duties as a peace officer, a peace officer may, notwithstanding subsection (1),
- (a) operate a motor vehicle on a highway in excess of the speed limit thereon and at such speed as is necessary and reasonable having regard to the traffic ordinarily upon the highway and the fact that it is being so used,
 - (b) drive past a red or stop signal or stop sign without stopping but only at such speed as is reasonable and prudent under the circumstances, or
 - (c) drive and park a motor vehicle contrary to any rule of the road prescribed by this Ordinance or a municipal by-law,
if in the interest of law enforcement it is necessary and in the circumstance safe to do so.
- (3) Where required to do so for the purpose of carrying out his duties as a member of a fire brigade or ambulance service, a fireman or ambulance driver may drive and park a motor vehicle contrary to any rule of the road

prescribed by this Ordinance or a municipal by-law, if it is necessary and in the circumstances safe to do so and shall, in the absence of a peace officer, have the powers of a peace officer under this Ordinance with respect to traffic control and direction to the extent necessary to enable him to efficiently perform his duties or safeguard the public.

- (4) Vehicles used in highway maintenance or highway construction work may be operated upon such portions of a highway as may be requisite for the highway maintenance, highway construction or other work in which it is engaged.

Speed

Speed appropriate to circumstances

- 146.(1) Notwithstanding any speed limit prescribed by or pursuant to this or any other Ordinance, no driver shall drive at any rate of speed that is unreasonable having regard to all the circumstances of the case, including, without restricting the generality of the foregoing,
 - (a) the nature, condition and use of the highway,
 - (b) the atmospheric, or other conditions that might affect the visibility of the driver or the control of the vehicle,
 - (c) the amount of traffic there is, or that might reasonably be expected to be, on the highway, and
 - (d) the mechanical condition of the vehicle or any equipment of the vehicle.

Standard maximum speed

- 147.(1) Except where a higher rate of speed is prescribed pursuant to Section 102 no person shall drive on a primary highway outside a municipality at any greater rate of speed than 90 kilometres per hour.
- (2) Except where a higher rate of speed is prescribed pursuant to Section 108 no person shall drive in a municipality at a greater rate of speed than 50 kilometres per hour.
- (3) Where a municipality has prescribed a maximum rate of speed of less than 50 kilometres per hour pursuant to Section 108 and where that rate is designated by signs erected along the highway, no person shall drive at a rate of speed greater than that so prescribed.

- 148.(1) No person shall drive at a greater rate of speed than the maximum rate designated by signs erected along the highway pursuant to Section 102 or 108, or by the Department of Highways and Public Works. Posting speed limits
- (2) Where a speed limit is prescribed pursuant to Section 102 or 108 or the Department of Highways and Public Works the speed limit applies to all that part of the highway between the point where the first sign indicating the prescribed speed limit is posted and the point where a sign is posted indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.
- 149.(1) In this section "school zone" and "playground zone" means a zone on a highway identified by a traffic control device as an area where children (a) may be expected to be on the highway, or (b) are permitted to cross the highway at a designated point along the highway. Speed in school and playground zone
- (2) On any day on which school is held, no driver shall drive within a school zone outside a municipality at a rate of speed greater than 40 kilometres per hour at any time between 8:00 o'clock in the morning and 4:30 o'clock in the afternoon.
- (3) On any day on which school is held, no driver shall drive within a school zone within a municipality at a rate of speed greater than 30 kilometres per hour between 8:00 o'clock in the morning and 4:30 o'clock in the afternoon.
- (4) No driver shall drive within a playground zone (a) at a rate of speed greater than 30 kilometres per hour where the zone is within a municipality, or (b) at a rate of speed greater than 40 kilometres per hour where the zone is outside a municipality.
- (5) No driver shall pass or attempt to pass a vehicle moving in the same direction as he is in a school zone or a playground zone when the speed limit prescribed by subsection (2), (3) or (4) is in effect.
- (6) Where a school zone or playground zone is identified by a traffic control device capable of showing rapid

intermittent flashes of yellow light as provided in subsection 184(5), then subsections (2) and (3) do not apply to the zone and subsection (4) does not apply to the zone, except when the rapid intermittent flashes of yellow light are being shown.

- (7) Notwithstanding subsections (2) and (3), a municipality may by by-law increase the prescribed hours where appropriate for any school zone within its corporate limits having regard to the hours of opening and closing of any school or schools, in which case the council shall cause the traffic control devices displayed to identify the prescribed hours as increased.
- (8) A school zone or playground zone
 - (a) begins where there is a traffic control device indicating the school zone or playground zone, and
 - (b) ends where there is a traffic control device indicating a greater rate of speed or the end of the zone.

Slow
moving
vehicles

- 150.(1) A driver who is proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall drive
 - (a) in the right hand traffic lane then available for traffic, or
 - (b) as close as practicable to the right hand curb or edge of the roadway,
 except when overtaking and passing another vehicle travelling in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (2) Where a traffic control device directs slow moving traffic to use a designated traffic lane, a driver when driving slowly shall drive in that lane only.

Driving
near
centre
line

- 151.(1) Subject to the other provisions of this Part, on a highway outside of a municipality where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction, a driver shall not drive in the traffic lane nearest the centre line unless he is driving at or near the maximum speed permitted.

- (2) Subsection (1) does not prohibit a slower moving vehicle from using the traffic lane nearest to the centre line for the purpose of overtaking and passing another vehicle.
- 152.(1) No driver shall drive at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic then existing on a highway, except when it is necessary to do so for safe operation or to comply with this Part. Travel-
ling at
too
slow
speed
- (2) No person shall drive
- (a) on a highway, or
 - (b) in traffic,
- at a slower rate of speed than the minimum speed designated therefor by signs erected along the highway pursuant to Section 102.
- (3) A peace officer may require a driver who is contravening this section to
- (a) increase his rate of speed,
 - (b) remove his vehicle from the roadway, or
 - (c) drive in a different traffic lane,
- and any driver who fails to obey the order of the peace officer is guilty of an offence.

Driving on Right Side of Roadway

- 153.(1) No person shall drive to the left of the centre line of a highway except Driving
on
right
side
of
roadway
- (a) when overtaking and passing another vehicle travelling in the same direction,
 - (b) when the roadway to the right of the centre line is obstructed by a parked vehicle or other object,
 - (c) when the roadway to the right of the centre line is closed to traffic,
 - (d) when turning left off the highway into another highway or into a private road or driveway,
 - (e) when a traffic control device otherwise requires or permits,
 - (f) upon a one-way highway, or
 - (g) when the width of a roadway does not otherwise permit.
- (2) Where a highway is divided into two or more roadways by a boulevard, ditch or other physical barrier, no

person shall drive into, across or along the boulevard, ditch or physical barrier.

Vehicular crossings 154.(1)

Except as may be provided for by a municipal by-law pursuant to Section 110 or 110.1, no person shall drive any vehicle into, across or along any boulevard, ditch or sidewalk except at proper and lawful vehicular crossings provided therefor.

Meeting and passing on-coming vehicles 155.(1)

Where the condition of a section of roadway is such that it is impractical or unsafe for two vehicles being driven in opposite directions to pass each other in a normal manner,
(a) if a vehicle is being driven upon that section, another driver approaching that section from the opposite direction shall stop before entering upon the section and shall not proceed until the oncoming vehicle reaches and passes him, or
(b) if two vehicles are being driven upon that section in opposite directions and meet thereon, each of the drivers shall immediately stop and before proceeding to pass the other shall take all reasonable steps to learn whether he can do so with safety to himself and others, and, if necessary, each of the drivers shall assist the other to pass in safety.

Rules for traffic lanes 156.(1)

On a highway:
(a) where double solid lines exist between traffic lanes, a driver shall not cross the double solid lines from one lane to another,
(b) where, in a municipality a single solid line only exists between traffic lanes, a driver shall not cross the single solid line from one lane to another except when overtaking and passing another vehicle,
(c) where, outside a municipality, a single solid line only exists between traffic lanes, a driver shall not cross the single solid line from one lane to another,
(d) where a single solid line and a broken line together exist between traffic lanes, a driver shall not cross the solid line from the lane next to which the solid line is located unless he crosses the broken and solid lines from the lane next to which the broken line is located for the purpose of and when overtaking and passing another vehicle in that

lane and immediately thereafter recrosses both lines and returns to the lane on the right in which he was originally travelling, or

- (e) where one or more broken lines only exist between traffic lanes, a driver shall not cross the broken line or lines from one lane into another unless it is safe to do so.
- (2) Before driving from one traffic lane into another, or from a curb lane or a parking lane into a traffic lane, a driver
- (a) shall signal his intention to do so in the manner prescribed by the regulations, and
 - (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of his intentions.
- (3) Notwithstanding subsection (1) and unless prohibited by a traffic control device, a driver may cross a single solid line or, outside of a municipality a double solid line
- (a) when necessary to turn left into a highway, private road or driveway,
 - (b) when necessary upon entering the highway from a private road or driveway, or
 - (c) when necessary to enter a parking lane on the right side of the centre line.
- (4) Notwithstanding anything in this section, a driver shall not
- (a) drive from one traffic lane to another,
 - (b) cross a solid or broken line,
 - (c) drive from a curb lane into a traffic lane, or
 - (d) drive from a parking lane into a traffic lane when the movement cannot be made in safety.
- (5) Where a highway has been divided into lanes by clearly visible lines marked on the road surface, the driver of a vehicle other than a bicycle shall drive his vehicle as closely as practical in the centre of the lane so marked.
- (6) No person shall drive a vehicle in such a manner as to occupy space in two lanes except during the act of passing another vehicle or changing lanes or unless road conditions make the use of a single lane impractical.

- Three lane highways 157.(1) On a highway consisting of three traffic lanes, a driver shall not drive in the centre traffic lane except
- (a) when passing another vehicle proceeding in the same direction,
 - (b) when approaching an intersection where he intends to turn left, or
 - (c) when a traffic control device otherwise permits.
- (2) Subsection (1) does not apply to a one-way highway.
- One-way highways 158.(1) A driver shall drive on a one-way highway only in the direction designated by the signs on or along the highway.
- Following other vehicles 159.(1) No driver shall follow another vehicle more closely than is reasonable and prudent, having due regard for
- (a) the speed of the vehicles,
 - (b) the amount and nature of traffic upon the highway, and
 - (c) the condition of the highway.
- (2) Each driver in a caravan or motorcade, other than a funeral procession, on a highway outside a built-up area along the highway, shall leave sufficient space between his vehicle or combination of vehicles to enable a vehicle to enter and occupy that space without danger.

Overtaking and Passing

- Passing on hills etc. 160.(1) A driver shall not pass or attempt to pass another vehicle travelling in the same direction
- (a) when proceeding uphill,
 - (b) when on a curve in the highway, or
 - (c) when approaching within 30 metres of or traversing a level railway crossing,
- unless a traffic control device otherwise directs or permits.
- (2) Subsection (1) does not apply where there are two or more traffic lanes on the same side of the centre line for vehicles proceeding in that direction, and the driver desiring to pass can do so by continuing to drive on the right hand side of the centre line.
- (3) Notwithstanding subsection (1), where a curve or grade

on a highway is divided into traffic lanes by a broken line or by a broken line and a solid line existing together, a driver may pass on the curve or grade if he crosses the solid line from the lane next to which the broken line is located.

- | | |
|--|---|
| <p>161.(1) A driver shall not drive to or upon the left of the centre line of a highway in overtaking and passing another vehicle or an obstruction unless</p> <ul style="list-style-type: none"> (a) the left side is clearly visible, and (b) is free of oncoming and overtaking traffic, <p>for a sufficient distance to permit overtaking and passing to be completely made without interfering with the safe operation of another vehicle.</p> | <p>Passing when meeting on-coming vehicle</p> |
| <p>162.(1) Subject to Section 163, a driver overtaking another vehicle</p> <ul style="list-style-type: none"> (a) shall pass to the left of the other vehicle at a safe distance, and (b) shall not return to the right side of the roadway until safely clear of the overtaken vehicle whereupon he shall return to the right side of the roadway. <p>(2) Except when overtaking and passing on the right is permitted, a driver being overtaken by another vehicle</p> <ul style="list-style-type: none"> (a) shall give way to the right in favour of the overtaking vehicle, and (b) shall not increase his speed until completely passed by the overtaking vehicle. | <p>Over-taking and passing</p> |
| <p>163.(1) A driver may overtake and pass on the right of another vehicle</p> <ul style="list-style-type: none"> (a) when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn, or (b) upon a one-way highway where the roadway is of sufficient width for two or more lines of moving vehicles and is free from obstructions. <p>(2) On a highway where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction:</p> <ul style="list-style-type: none"> (a) a driver overtaking another vehicle travelling in the same direction, may pass on the right or | <p>Over-taking and passing on the right</p> |

- left of the other vehicle if there is a lane available for passing to the right or the left of the lane being used by the overtaking vehicle,
- (b) a driver being overtaken by another vehicle travelling in the same direction shall remain in the lane in which he is driving so as to allow the overtaking vehicle free passage in the lane to the right or the left of the lane in which the overtaken driver is travelling.

Restrictions on overtaking and passing

164.(1) Notwithstanding anything in this Part, a driver shall not overtake and pass or attempt to overtake or pass another vehicle

- (a) when the movement cannot be made safely,
- (b) by driving off the roadway, or
- (c) by driving in a parking lane.

Turns

Signalling for turns

165.(1) Before turning a vehicle to the left or right the driver

- (a) shall signal his intention to do so in such manner as may be prescribed by the regulations, and
- (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

Right turns

166.(1) A driver intending to turn right from a two-way highway onto another two-way highway shall make the turn

- (a) by driving as closely as practicable to the right curb or edge of the roadway while approaching the intersection and turning, and
- (b) upon leaving the intersection by driving as closely as practicable to the right curb or edge of the roadway then entered,

unless a traffic control device otherwise directs or permits.

(2) A driver intending to turn right to enter or leave a one-way highway shall drive as closely as practicable to the right curb or edge of the roadway when entering and leaving the intersection, unless a traffic control device otherwise directs or permits.

(3) On a highway divided into traffic lanes, a driver

approaching an intersection and intending to turn right

- (a) shall drive in the traffic lane nearest to the right hand side of the roadway, and
- (b) may pass any other vehicle travelling in the same direction in a lane to his left, unless a traffic control device otherwise directs or permits.

- (4) A driver approaching an intersection and intending to turn right shall, wherever practicable, drive his vehicle into the position required by this section at least 15 metres before reaching that intersection.

- 167.(1) A driver intending to turn left from a two-way highway onto another two-way highway shall make the turn Left turns
- (a) by driving to the right of and as closely as practicable to the centre line of the highway while approaching the intersection and turning, and
 - (b) upon leaving the intersection by driving to the right of and as closely as practicable to the centre line of the highway then entered, unless a traffic control device otherwise directs or permits.
- (2) A driver intending to turn left from a two-way highway onto a one-way highway shall make the left turn
 - (a) by driving to the right of and as closely as practicable to the centre line of the two-way highway where it enters the intersection, and
 - (b) upon leaving the intersection by driving as closely as practicable to the left hand side of the one-way highway entered, unless a traffic control device otherwise directs or permits.
 - (3) A driver intending to turn left from a one-way highway onto a two-way highway shall make the left turn
 - (a) by driving as closely as practicable to the left side of the one-way highway where it enters the intersection, and
 - (b) upon leaving the intersection by driving to the right of and as closely as practicable to the centre line of the two-way highway entered,

unless a traffic control device otherwise directs or permits.

- (4) A driver intending to turn left from a one-way highway onto another one-way highway shall make the left turn
- (a) by driving as closely as practicable to the left hand side of the one-way highway where it enters the intersection, and
 - (b) upon leaving the intersection by driving as closely as practicable to the left hand side of the other one-way highway entered,
- unless a traffic control device otherwise directs or permits.
- (5) A driver approaching an intersection and intending to turn left shall, wherever practicable, drive his vehicle into the position required by this section at least 15 metres before reaching that intersection.

Directional
arrows

- 168.(1) When a traffic lane is marked by a traffic control device showing a directional arrow or arrows, with or without accompanying words, a driver travelling in that lane may make only the movement indicated or permitted by the traffic control device at the intersection or other place to which the traffic control device applies.
- (2) When a traffic lane is marked by a traffic control device showing the words "no left turn" or "no right turn" a driver travelling in that lane and approaching the traffic control device shall not make the turn prohibited by the device.
- (3) A driver who approaches
- (a) a traffic control device that shows a downward pointing illuminated green arrow symbol marking the lane in which he is travelling may continue to drive in that lane, or
 - (b) a traffic control device that shows an illuminated red "X" symbol marking the lane in which he is travelling shall not drive into or continue to drive in that lane.

U-Turns

- 169.(1) A driver shall not turn his vehicle so as to proceed in the opposite direction unless he can do so in safety and without interfering with other traffic. U-turns
- (2) A driver shall not turn his vehicle so as to proceed in the opposite direction
- (a) upon a curve, or
 - (b) upon the approach to or near the crest of a grade where his vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres.
- (3) In a municipality, a driver shall not turn his vehicle so as to proceed in the opposite direction
- (a) on a roadway between intersections,
 - (b) at a place where a sign prohibits making a U-turn,
 - (c) at an intersection controlled by a traffic control signal, or
 - (d) at any other intersection unless the movement can be made in safety.
- (4) The turns referred to in this section include those commonly known as "U-turns."
- 170.(1) The driver of a school bus shall not make a U-turn on any highway other than a four-lane divided highway. U-turns by school bus
- (2) The driver of a school bus shall not make a U-turn on a four-lane divided highway if the total length of the school bus exceeds the shortest distance separating the traffic lanes for traffic proceeding in one direction from the traffic lanes for traffic proceeding in the opposite direction.
- (3) The driver of a school bus making a U-turn on a four-lane divided highway shall, before completing the turn, bring the school bus to a stop on the cross-road across the median so that no part of the bus projects over the traffic lanes on either side of the centre strip of the divided highway.

Backing

- Backing up 171.(1) No person shall back a motor vehicle unless the movement can be made
- (a) in safety, and
 - (b) without interfering with other traffic on the highway.
- (2) In a municipality, no person shall back a vehicle into an intersection or crosswalk.

Yielding and Stopping

- Right-of-way at inter-sections 172.(1) Except as otherwise provided in this Part, when two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle to the left shall yield the right of way to the vehicle on the right.
- (2) A driver intending to turn left across the path of any vehicle approaching from the opposite direction shall not make or attempt to make the left turn unless the turn can be completed in safety.
- Signalling stops 173.(1) Before stopping a vehicle the driver
- (a) shall signal his intention to do so in such manner as may be prescribed by the regulations, and
 - (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.
- Stopping before entering highway 174.(1) A driver about to enter upon
- (a) a Territorial highway or a street from a road, or driveway, or
 - (b) a road from a driveway,
- shall, unless the intersection of the two roadways is marked with a "yield" sign or a "merge" sign, bring his vehicle to a stop
- (c) before entering upon the intersecting roadway and at a point no further than 3 metres from the intersecting roadway, or
 - (d) if there is a marked crosswalk on the near side of the intersection, immediately before entering upon the crosswalk, or

- (e) if there is a marked stop line on the near side of the intersection, at the stop line.
- (2) Notwithstanding subsection (1)
 - (a) a driver emerging from any driveway shall stop his vehicle before driving onto a sidewalk crossing and shall yield the right of way to any pedestrian on the sidewalk or sidewalk crossing, and
 - (b) a driver entering a driveway shall yield the right of way to any pedestrian on a sidewalk or sidewalk crossing.
- 175.(1) A driver about to enter upon any highway from a highway that is marked by a "stop" sign shall bring his vehicle to a stop
 - (a) before entering upon the intersecting roadway and at a point no further than 3 metres from the intersecting roadway,
 - (b) if there is a marked crosswalk on the near side of the intersection, immediately before entering upon the crosswalk, or
 - (c) if there is a marked stop line on the near side of the intersection, at the stop line.

Stop signs
- 176.(1) Where a driver is required to stop pursuant to Section 174 or 175
 - (a) he shall not proceed until the condition of the traffic upon the highway being entered upon is such that he can enter thereon in safety, and
 - (b) he shall yield the right of way to all traffic approaching thereon.

Proceeding after stopping
- 177.(1) A driver about to enter upon a highway that is marked by a "yield" sign need not stop his vehicle before entering but he shall yield the right of way to all traffic upon the highway being entered upon.

Yield signs
- 178.(1) A driver shall yield the right of way to a pedestrian crossing the roadway within a crosswalk.

Yielding to pedestrians
- (2) Whenever any vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, any other driver approaching from the rear shall not overtake and pass the stopped vehicle.

- (3) At any place upon a roadway other than at a cross-walk, the driver of a vehicle has the right-of-way over pedestrians, unless otherwise directed by a peace officer or a traffic control signal, but nothing in this subsection relieves a driver from the duty of exercising due care for the safety of pedestrians.

Yielding to
vehicle with
siren

- 179.(1) A driver meeting or being overtaken or being approached from the right or the left by a vehicle on which a siren is being sounded shall
 - (a) drive his vehicle as close as practicable to the right of the roadway,
 - (b) bring his vehicle to a stop, and
 - (c) remain stopped,until the vehicle sounding its siren has passed.
- (2) On a one-way highway where there are more than two traffic lanes a driver meeting or being overtaken or being approached from the right or left by a vehicle on which a siren is being sounded, shall
 - (a) drive his vehicle as close as practicable to the right of the roadway,
 - (b) bring his vehicle to a stop, and
 - (c) remain stopped,until the vehicle sounding its siren has passed.
- (3) Subsections (1) and (2) do not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the highway.

Railway
crossing

- 180.(1) At a railway crossing at any time when
 - (a) a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train,
 - (b) a crossing gate is lowered or a flagperson is giving a signal of the approach of passage of a railway train,
 - (c) a railway train within approximately 500 metres of the crossing is approaching the crossing and either sounds an audible signal or is visible, or
 - (d) a railway train is visible and approaching the crossing and by reason of its speed or nearness is an immediate hazard,

- a driver approaching the railway crossing
- (e) shall stop his vehicle no closer than 5 metres from the nearest rail of the railway, and
 - (f) shall not proceed until the train
 - (i) has passed by the railway crossing, or
 - (ii) has come to a stop,and he can safely proceed.
- (2) No person shall drive through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.
- (3) Where a stop sign is erected at a railway crossing, a driver approaching the railway crossing
- (a) shall stop his vehicle
 - (i) no closer than 5 metres, and
 - (ii) no further than 15 metres, from the nearest rail of the railway, and
 - (b) shall not proceed until he can do so safely.
- (4) In the case of a railway crossing that is not controlled by a traffic control signal, the driver of a vehicle that
- (a) is a school bus,
 - (b) is carrying explosive substances as cargo, or
 - (c) is used for carrying flammable liquids or gas, whether or not it is then empty,
- shall stop the vehicle no closer than 5 metres or further than 15 metres from the nearest rail of the railway, and
- (d) remaining stopped, shall listen and look in both directions along the railway for an approaching train and for signals indicating the approach of a train,
 - (e) shall not proceed until he can do so safely, and
 - (f) in the case of a school bus, shall before proceeding open the front door and where practicable to do so with one hand, shall also open the window immediately to his left.
- (5) Subsection (4) does not apply where a peace officer or a flagperson otherwise directs.

- (6) A municipality may, by by-law, provide that subsection (4) does not apply to all or any railway crossings in the city.
 - (7) Where a driver has stopped in accordance with this section he
 - (a) shall cross the railway tracks in a gear that he will not need to change while crossing the tracks, and
 - (b) shall not shift gears while so crossing.
- Stopped school bus
- 181.(1) When a vehicle bearing the sign "school bus" has stopped on a highway outside of a municipality to receive or discharge passengers or while the vehicle is displaying alternately flashing red lights, a driver approaching the school bus
 - (a) from the rear, if the highway is physically divided by a median into two separate roadways, or
 - (b) from either direction, if the highway is not so divided,shall stop before reaching the school bus.
 - (2) A person who is required by subsection (1) to stop before reaching a school bus shall not proceed to pass the school bus
 - (a) until the school bus resumes motion,
 - (b) until the driver of the school bus indicates by a signal that he may proceed, or
 - (c) where the school bus is displaying alternately flashing red lights, until the lights stop flashing.
 - (3) Notwithstanding subsection (1), where upon a highway within a municipality the maximum speed limit is higher than 50 kilometres per hour the municipality may by by-law make the stopping and proceeding requirements of this section applicable to all vehicles travelling on that highway and in that case the council shall cause warning signs to be posted at all appropriate locations thereon.

Merging

- Merging
- 182.(1) A driver about to enter upon an intersecting highway

from a highway marked by a "merge" sign need not stop his vehicle before so entering but shall take all necessary precautions and merge safely with the traffic on the intersecting highway.

- (2) A driver on a highway marked by a "merging traffic" sign near the intersection of another highway marked by a "merge" sign shall take all reasonable precautions to allow a merging vehicle to enter in safety upon the highway on which he is driving.

- 183.(1) When a green light alone is shown at an intersection by a traffic control signal, the driver of a vehicle facing the green light
 - (a) may proceed straight through the intersection or may turn left or right, subject to any sign or signal prohibiting a left or right turn, or both, or designating the turning movement permitted,
 - (b) shall yield the right-of-way to pedestrians lawfully within the intersection or within an adjacent crosswalk at the time the green light is shown, and
 - (c) shall yield the right-of-way to other vehicles lawfully within the intersection at the time the green light is shown.

Green traffic lights

- (2) When a green light alone is shown at a place other than an intersection by a traffic control signal, the driver of a vehicle facing the green light
 - (a) may proceed to pass the signal, and
 - (b) shall yield the right-of-way to any pedestrian still in the roadway, or on a crosswalk, if any, in the vicinity of the signal when the green light is shown.
- (3) When a green arrow is shown at an intersection by a traffic control signal the driver of a vehicle facing the green arrow may enter the intersection and make only the movement indicated by the green arrow, but shall yield the right of way
 - (a) to pedestrians lawfully within the intersection or within an adjacent crosswalk, and
 - (b) to other vehicles lawfully within the intersection.

- (4) When a green arrow and a red light are shown at the same time at an intersection by a traffic control signal
 - (a) the driver of a vehicle approaching the intersection and facing the green arrow and red light may, without stopping, cautiously enter the intersection and make only the movement indicated by the green arrow, and
 - (b) the driver of the vehicle shall yield the right-of-way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection.

- (5) Where rapid intermittent flashes of green light are shown at an intersection by a traffic control signal together with a sign or symbol indicating that it is an advanced light or delayed light, the driver of a vehicle facing the flashes of green light
 - (a) has the right of way over any vehicles facing him across the intersection and may enter the intersection and turn left, or
 - (b) may proceed straight through the intersection or turn right, while the light is flashing, but he shall yield the right-of-way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection at the time the flashing green light is shown.

- (6) This section does not apply so as to prohibit a bus that forms part of the municipal bus system of a municipality turning at an intersection in the direction determined by the municipality.

Yellow traffic lights

- 184.(1) When a yellow light is shown at an intersection by a traffic control signal at the same time as or following the showing of a green light the driver of a vehicle approaching the intersection and facing the yellow light shall stop before entering
 - (a) the marked crosswalk on the near side of the intersection, or
 - (b) if there is no such marked crosswalk, then before entering the intersection, unless such a stop cannot be made in safety.

- (2) When a yellow light is shown at a place other than an intersection by a traffic control signal at the same time as or following the showing of a green light the driver of a vehicle approaching the signal shall stop before reaching the closer of
 - (a) the signal, or
 - (b) the nearest crosswalk, if any, in the vicinity of the signal,unless such a stop cannot be made in safety.
 - (3) When rapid intermittent flashes of yellow light are shown at an intersection by a traffic control signal the driver of a vehicle facing the flashes of yellow light may enter the intersection and proceed only with caution, but shall yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and to other vehicles lawfully within the intersection.
 - (4) When rapid intermittent flashes of yellow light are shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal may pass the signal only with caution and shall yield the right-of-way to pedestrians in the roadway or on a crosswalk, if any, in the vicinity of the signal.
 - (5) When rapid intermittent flashes of yellow light are shown at an intersection or other place together with a sign reading or symbol indicating "school zone", "playground zone", "school crossing", "pedestrian crossing", "pedestrian zone" or other wording or symbol indicating a pedestrian hazard, the driver of a vehicle approaching the signal
 - (a) shall cross the intersection or pass the sign, if at a place other than an intersection, only with extreme caution and shall in no case cross the intersection or pass the sign at a greater rate of speed than 30 kilometres per hour, and
 - (b) shall yield the right-of-way to pedestrians in the intersection or on the roadway in the vicinity of the sign or signal.
- 185.(1) When a red light alone is shown at an intersection by

Red
traffic
lights

a traffic control signal the driver of a vehicle approaching the intersection and facing the red light

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so, but, unless a traffic control device prohibits a right turn from being made on a red light, he may turn and proceed right at the intersection if he first stops and yields the right of way to any pedestrians in the intersection and any vehicles in or approaching the intersection.

(2) Where a red light alone is shown by a traffic control signal at the intersection of two one-way streets, the driver of a vehicle approaching the intersection facing the red light and intending to make a left turn onto the other one-way street

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so, but unless a traffic control device prohibits a left turn from being made on the red light, he may turn and proceed left at the intersection, if he first stops and yields the right of way to any pedestrians in the intersection and any vehicles in or approaching the intersection.

(3) When a red light is shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal shall stop before reaching the closer of

- (a) the signal, or
- (b) the nearest crosswalk, if any, in the vicinity of the signal.

(4) When rapid intermittent flashes of red light are shown at an intersection by a traffic control signal the driver

of a vehicle approaching the intersection and facing the flashes of red light

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until it is safe to do so.

(5) When rapid intermittent flashes of red light are shown at a place other than an intersection by a traffic control signal, the driver of a vehicle approaching the signal

- (a) shall stop immediately before reaching the signal or immediately before entering the nearest crosswalk, if any, in the vicinity of the signal, and
- (b) may, after having stopped, proceed to pass the signal and the crosswalk, if any, only if conditions of pedestrian traffic in the roadway or crosswalk, if any, in the vicinity of the signal are such that the vehicle can do so with safety.

186.(1) Notwithstanding Sections 172, 174 to 177, 184 and 185 where a municipal by-law so permits, any vehicle in a funeral procession except the lead vehicle may, during daylight hours, enter an intersection without stopping if

Vehicles in procession or parade

- (a) the headlamps of the vehicle are alight,
- (b) the vehicle is travelling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and
- (c) the passage into the intersection can be made in safety.

(2) No driver shall

- (a) break through the ranks of a military or funeral procession, or
- (b) break through the ranks of any other authorized parade or procession.

Use of Lights

187.(1) At any time either during the nighttime hours or when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible on

Use of lights

the highway at a distance of 150 metres ahead:

- (a) no motor vehicle or tractor or self-propelled implement of husbandry shall be in motion on a highway unless both headlamps are alight and are providing sufficient light to make objects on the highway clearly visible,
 - (i) in the case of a motor vehicle at distances specified in Section 114, and
 - (ii) in the case of a tractor or self-propelled implement of husbandry at distances specified in Section 117.
- (b) no bicycle shall be in motion upon a highway unless the lamp or lamps with which it is required to be equipped are alight,
- (c) no motor vehicle or tractor or self-propelled implement of husbandry or trailer shall be in motion upon a highway unless the tail lamps with which it is required to be equipped are alight,
- (d) no motor vehicle or tractor or self-propelled implement of husbandry shall be stationary on a highway outside the corporate limits of any city, town or village unless either
 - (i) the tail lamps with which it is required to be equipped are alight or
 - (ii) it has affixed thereto reflectors of any type approved by the regulations and so fixed as to reflect the lights of any motor vehicle approaching the stationary vehicle from the rear,
- (e) no vehicle other than a motor vehicle, motor cycle, moped, snowmobile or bicycle, whether in motion or stationary, shall be upon any highway unless
 - (i) there is displayed thereon at least one light visible at a distance of 30 metres or more from both the front and rear of the vehicle, or
 - (ii) there are affixed thereon reflectors of a type approved by the regulations, situated toward the front so as to reflect the lights of any motor vehicle approaching from the front and at the rear so as to reflect the lights of any motor vehicle approaching from the rear,
- (f) no trailer shall be upon any highway unless it has at the rear thereof two reflectors

- (i) of a type approved by the regulations, and
 - (ii) affixed as prescribed by the regulations so as to reflect the lights of any motor vehicle approaching from the rear,
- (g) no trailer drawn by or attached to a motor vehicle and having a width at any part, including any load thereon, in excess of 205 centimetres, shall be upon any highway unless it has affixed in conspicuous positions, at its widest point and as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear,
- (h) no self-propelled mobile home having a width at any part, including the load thereon, in excess of 205 centimetres, shall be in motion upon any highway unless it has affixed in conspicuous positions, as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear.
- (2) No motor cycle shall be in motion upon a highway at any time unless the lamp or lamps with which it is required to be equipped are alight.
- 188.(1) Subject to this section, when a motor vehicle is being operated on a highway at any time during which headlamps are required to be alight, the driver shall use a distribution of light or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of his motor vehicle.
- (2) When a driver of a vehicle approaches within 300 metres of an oncoming vehicle, he shall use a distribution of light or composite beam that is so aimed that the glaring rays are not directed into the eyes of the driver of the on-coming vehicle.
- (3) The lowermost distribution of light or composite beam specified in subsection 114(2) shall be beamed to avoid glare regardless of the road contour or loading or time of day.

Use of
high
beam

- (4) When the driver of a vehicle follows within 150 metres of the rear of another vehicle he shall not use the uppermost distribution of light referred to in subsection (1).

Parking

- Parking 189.(1) No person shall park a vehicle upon a roadway outside of a municipality when it is practicable to park the vehicle off the roadway and in no event shall a person park a vehicle upon the roadway
- (a) unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles thereon, and
 - (b) unless a clear view of the parked vehicle may be obtained for a distance of 60 metres along the roadway in both directions.
- (2) Notwithstanding subsection (1), except
- (a) when his motor vehicle is incapable of moving under its own power,
 - (b) where some other emergency arises, or
 - (c) as is otherwise permitted by law,
- no person shall park a vehicle on the roadway, parking lane or shoulder portions of a Territorial highway outside a municipality.
- (3) No vehicle shall remain at a standstill on a highway outside of a municipality for longer than one minute at any place within 10 metres of the point of intersection of that highway with any other highway.
- (4) Nothing in this section shall be construed to prohibit police vehicles, ambulances or vehicles engaged in highway repair, maintenance or inspection work from parking upon the roadway when it is advisable to do so
- (a) to prevent accidents,
 - (b) to give warning of hazards or of person on the highway,
 - (c) to remove injured persons,
 - (d) to repair roadway, or
 - (e) for similar purposes.
- (5) Subsection (1) does not prohibit the driver of a vehicle of a public utility from parking the vehicle upon the

roadway of a highway when it is advisable or necessary to do so for the purpose of the construction, repair, maintenance or inspection of public utility facilities adjacent to, along, over or under the highway.

- (6) Nothing in this section shall be construed to prohibit the driver of a school bus from parking the school bus on the roadway of a highway for the purpose of loading or unloading passengers if he cannot park off the roadway and still have a suitable space available on the ground for the passengers being loaded or unloaded.

- 190.(1) Unless required or permitted by this Ordinance or by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, a driver shall not stop or park his vehicle Parking restrictions
- (a) on a sidewalk or boulevard,
 - (b) on a crosswalk or on any part of a crosswalk,
 - (c) within an intersection other than immediately next to the curb in a "T" intersection,
 - (d) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when his vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted,
 - (e) within 5 metres upon the approach to any stop sign or yield sign,
 - (f) within 5 metres of any fire hydrant, or when the hydrant is not located at the curb, within 5 metres of the point on the curb nearest the hydrant,
 - (g) within 150 centimetres of an access to a garage, private road or driveway, or a vehicle crossway over a sidewalk,
 - (h) within 5 metres of the near side of a marked crosswalk,
 - (i) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic,
 - (j) on any bridge or in any subway or on the approaches thereto,
 - (k) at any other place where a traffic control device prohibits stopping or parking during such times as stopping or parking is so prohibited, or

- (1) on the roadway side of a vehicle parked or stopped at the curb or edge of the roadway.

Parallel
parking

- 191.(1) When parking on a roadway, a driver shall park his vehicle with the sides thereof parallel to the curb or edge of the roadway and
 - (a) with the right hand wheels thereof not more than 500 millimetres from the right hand curb or edge of the roadway, or
 - (b) in the case of a one-way highway where parking on either side is permitted, with the wheels closest to a curb or edge of the roadway not more than 500 millimetres from the curb or edge and with the vehicle facing the direction of travel authorized for that highway.
- (2) This section does not apply where angle parking is permitted or required.

Angle
parking

- 192.(1) Where a sign indicates that angle parking is permitted or required and parking guide lines are visible on the roadway, a driver shall park his vehicle
 - (a) with its sides between and parallel to any two of the guide lines, and
 - (b) with one front wheel not more than 500 millimetres from the curb or edge of the roadway.
- (2) Where a sign indicates that angle parking is permitted or required but no parking guide lines are visible on the roadway, a driver shall park his vehicle
 - (a) with its sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway, and
 - (b) with one front wheel not more than 500 millimetres from the curb or edge of the roadway.

Parking
on hills

- 193.(1) No person shall permit a vehicle to stand unattended upon any grade or slope without first having
 - (a) effectively set the vehicle's brake, and
 - (b) turned the front wheels to the nearest curb or edge of the roadway in such a manner as to impede any movement of the vehicle.

Vehicle
on jack

- 194.(1) No person shall leave a vehicle unattended on a roadway if the vehicle has been placed on a jack or a similar device and

- (a) one or more wheels have been removed from the vehicle, or
- (b) part of the vehicle is raised, unless it is placed on blocks which are adequate to bear the weight of the vehicle.

PART XII

OTHER PROHIBITIONS

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|---------|---|-------------------------------------|
| 195.(1) | Every person who drives a vehicle on a highway
(a) without due care and attention, or
(b) without reasonable consideration for persons using the highway,
is guilty of the offence of driving carelessly. | Careless
driving |
| 196.(1) | No person shall drive a vehicle upon a highway in a race or on a bet or wager. | Racing
pro-
hibited |
| 197.(1) | No person, whether as a pedestrian or driver and whether or not with the use or aid of any animal, vehicle or other thing, shall perform or engage in any stunt or other activity upon a highway that is likely to distract, startle or interfere with other users of the highway. | Stunts,
etc. pro-
hibited |
| 198.(1) | No person shall create or cause the emission of any loud and unnecessary noise from the motor vehicle, any part thereof, or anything or substance that the motor vehicle or a part thereof comes into contact with. | Unnecessary
noise
prohibited |
| 199.(1) | No person shall drive a vehicle upon a highway if the view through the windshield or windows thereof is so obscured by mud, frost, steam or any other thing as to make the driving of the vehicle hazardous or dangerous. | Windshield
to be
clear |
| 200.(1) | No driver shall permit any person to occupy the front seat of his vehicle in such a manner as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle on a highway, nor shall any driver permit any person in the vehicle to cause any obstruction to his clear vision in any direction. | Inter-
ference
with
driver |

- (2) No person shall ride in such position in a vehicle so as to interfere with the driver's control over the driving mechanism of the vehicle or so as to obstruct his clear vision in any direction.
 - (3) Where a vehicle is in motion
 - (a) the driver shall not exchange places with any other person, and
 - (b) no person shall exchange places with the driver.
- Passengers in house trailers
- 201.(1) No person shall occupy or permit any other person to occupy a house trailer while it is being moved upon a highway.
 - (2) In this section "house trailer" means a vehicle capable of being attached to and drawn by a motor vehicle and designed, constructed or equipped as a dwelling place, living abode or sleeping place.
- Riding on outside of vehicle
- 202.(1) No person shall ride or permit any other person to ride on the outside of a motor vehicle.
 - (2) Subsection (1) does not apply to a person riding
 - (a) on a regular seat on a motor cycle, moped or snowmobile,
 - (b) in the box of a truck,
 - (c) in or on any fire-fighting vehicle,
 - (d) in or on a vehicle engaged in highway construction or maintenance,
 - (e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the municipality within which it is taking place, or
 - (f) in or on a municipal maintenance or municipal service vehicle upon which a special seat or stand has been affixed providing for the safety of the person so riding.
 - (3) No person shall draw or tow by a motor vehicle on a highway any person riding a sled, toboggan, skis, motor cycle, scooter, moped, snowmobile or bicycle.
- Air cushion vehicles
- 203.(1) Excepted as provided by regulations, no person shall operate an air cushion vehicle on, along or across a highway.

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| <p>204.(1) No person under the age of 16 years shall drive a tractor or self-propelled implement of husbandry on a highway.</p> <p>(2) No person shall permit another person under the age of 16 years to drive a tractor or self-propelled implement of husbandry on a highway.</p> | <p>Age restrictions re farm implements</p> |
| <p>205.(1) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or any other injurious substance or thing dropped upon the highway from the vehicle.</p> <p>(2) A person who removes a wrecked or damaged vehicle from a highway without removing glass or any other injurious substance or thing dropped upon the highway from the vehicle is guilty of an offence.</p> | <p>Removal of damaged vehicle</p> |
| <p>206.(1) No person shall open the door of a motor vehicle unless it is reasonably safe to do so.</p> <p>(2) No person shall leave a door open on a motor vehicle where it may constitute a hazard to moving traffic.</p> | <p>Opening car doors</p> |
| <p>207.(1) No person other than a peace officer shall use, interfere or tamper with any motor vehicle or any of its accessories or anything placed therein or thereon, without the consent of the owner.</p> | <p>Tampering prohibited</p> |
| <p>208.(1) No person shall operate a vehicle on a residential street within a municipality or local improvement district between the hours of 10:00 o'clock in the evening and 7:00 o'clock of the next morning so as to unduly disturb residents of any such street or any part thereof.</p> | <p>Noise in residential areas</p> |
| <p>209.(1) No person shall abandon a vehicle upon a highway.</p> <p>(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.</p> <p>(3) A vehicle left standing, at a location referred to in subsection (1) or (2), for more than 72 consecutive hours shall be deemed to have been abandoned</p> | <p>Abandoning of vehicle</p> |

at that location for the purposes of Section 96 of this Ordinance.

- Adver-
tising
on
highways
- 210.(1) No person shall park on a highway
- (a) a vehicle displayed for sale, or
 - (b) a vehicle displaying advertising directing persons to any commercial premises.
- (2) No person shall
- (a) display any goods for sale, or
 - (b) offer any goods for sale, or
 - (c) sell any goods upon a highway.
- (3) Notwithstanding subsection (2), a municipality or local improvement district may, by by-law, permit the display or sale of goods upon a sidewalk.
- Unauth-
orized
traffic
signs
- 211.(1) No person shall place or maintain or display in view of persons using a highway any sign, marking or device
- (a) which purports to be or is in imitation of or resembles a traffic control device, or
 - (b) which gives any warning or direction as to the use of the highway by any person.
- (2) Subsection (1) does not apply to the placing, maintaining or displaying of a sign, marking or device
- (a) on publicly owned land by or under the authority of the Commissioner with respect of highways under his jurisdiction or of a municipality with respect to highways under its jurisdiction, or
 - (b) on privately owned land for the purpose of regulating, warning or guiding traffic on a privately owned highway.
- (3) When a sign, marking or device is placed, maintained or displayed in contravention of subsection (1),
- (a) a peace officer, or
 - (b) a person authorized by the Commissioner or a municipality
- may, without notice or compensation, remove the sign marking or device and may, for that purpose, enter upon privately owned land.

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| 212.(1) | No person shall remove, throw down, deface or alter, injure or destroy a traffic control device placed, marked or erected upon a highway. | Damage to traffic signs |
| 213.(1) | No person shall place or cause to be placed any hand bill or other advertising matter upon or in a vehicle without the permission of the owner or the person in charge of the vehicle. | Placing handbills on vehicles |
| (2) | Subsection (1) applies whether the vehicle is on a highway or on any public or privately owned property. | |
| 214.(1) | No dealer shall sell a used motor vehicle unless
(a) the vehicle has passed the inspections and tests required under Section 107 within such period of time preceding the sale as may be prescribed by the regulations, and
(b) the dealer furnishes to the buyer a certificate in the form prescribed by the regulations, certifying that the vehicle passed those inspections and tests. | Sale of used motor vehicles |
| (2) | Subsection (1) does not apply where the dealer furnishes the buyer with a signed statement disclosing such information about the condition of the vehicle as may be prescribed by the regulations. | |

PART XIII

BICYCLES, MOTOR CYCLES, MOPEDS AND SNOWMOBILES

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| 215.(1) | Unless the context otherwise requires, a person operating a bicycle, motor cycle, moped or snowmobile on a highway has all the rights and is subject to all the duties that the driver of a vehicle has under Parts XI and XII. | Rules of road apply to bicycles, motor cycles, mopeds and snowmobiles |
| (2) | In this Part "cycle" includes a bicycle, motor cycle, moped or snowmobile. | |
| 216.(1) | No person under the age of 16 years shall operate a motor cycle, moped or snowmobile on a highway. | Restrictions on those under 16 |
| 217.(1) | A person who is operating a cycle on a highway | Operation of cycle |

- (a) shall keep both hands on the handlebars of his cycle, except when making a signal in accordance with this Ordinance,
- (b) shall keep both feet on the pedals or foot rests of his cycle,
- (c) shall not ride other than upon or astride a regular seat of the cycle, and
- (d) shall not use the cycle to carry more persons at one time than the number for which it is designed or equipped.

(2) A person who is operating a cycle on a highway shall ride as near as practicable to the right hand curb or edge of the roadway.

(3) A person shall not operate a cycle on a roadway where signs prohibit its use.

- (4) A person who is riding as a passenger on a cycle
 - (a) shall not ride other than upon a regular seat of the cycle intended for a passenger, and
 - (b) shall keep both feet on the foot-rests provided for the use of the passenger riding on the seat.

Passenger on cycle

- 218.(1) A person who is operating or riding as a passenger on a cycle shall not
- (a) hold onto,
 - (b) attach himself to, or
 - (c) attach the cycle to, any other moving vehicle.

Riders to cycle single file

- 219.(1) A person operating a cycle on a highway
- (a) shall not ride to the side of another cycle travelling in the same direction, but
 - (b) shall ride directly in line to the rear or front of the other cycle, except when overtaking and passing the other cycle.

Safety helmets

- 220.(1) No person shall operate a motor cycle, moped or snowmobile unless he is wearing a safety helmet securely attached on his head.
- (2) No person shall ride as a passenger on motor cycle, moped or snowmobile unless he is wearing a safety helmet securely attached on his head.

- (3) No person shall operate a motor cycle, moped or snowmobile on which a passenger is riding unless the passenger is wearing a safety helmet securely attached to his head.
 - (4) Subsections (1), (2) and (3) do not apply to the operator or passengers of a motor cycle which is manufactured with a cab that encloses and protects the operator and passengers.
 - (5) No person shall buy, sell or offer for sale any helmet intended for the use of operators or passengers of motor cycles, mopeds or snowmobiles unless it conforms to the specifications prescribed by the regulations.
- 221.(1) Every bicycle operated on any highway at any time during the nighttime hours shall be equipped with
- (a) at least one headlamp but not more than two headlamps,
 - (b) at least one red tail lamp, and
 - (c) at least one red reflector mounted on the rear.
- Required
equipment
for
bicycles
- (2) No bicycle shall be operated upon a highway unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
 - (3) A peace officer may require the operator of a bicycle to submit the bicycle to examination and tests to ensure that the bicycle is fit and safe to be ridden.
 - (4) If in the opinion of a peace officer a bicycle is unfit or unsafe for transportation or dangerous to the public, the peace officer
 - (a) may require the operator of the bicycle to have the bicycle rendered fit and safe for transportation, and
 - (b) may order the bicycle removed from the highway until the bicycle has been rendered fit and safe to be ridden.
 - (5) A bicycle operator who fails to comply with a requirement or order of a peace officer under subsection (3) or (4) is guilty of an offence.

PART XIV

ANIMALS

- Duty of person riding or driving animals 222.(1) Unless the context otherwise requires, a person riding an animal or driving an animal-powered vehicle upon a highway
- (a) has all the rights, and
 - (b) is subject to all the duties, of a driver under Parts XI and XII.
- Riding animal on highway 223.(1) A person riding an animal on a highway
- (a) shall not ride to the side of another animal travelling in the same direction, but
 - (b) shall ride directly in line to the rear or front of the other animal, except when overtaking and passing the other animal.

PART XV

PEDESTRIANS

- Pedestrians on roadway 224.(1) Where a sidewalk or path is located beside a roadway, a pedestrian shall at all times when reasonable and practicable to do so, use the sidewalk or path and shall not walk or remain on the roadway.
- (2) Where there is no sidewalk or footpath, a pedestrian walking along or upon a highway shall at all times when reasonable and practicable to do so, walk only on the left side of the roadway or the shoulder of the highway facing traffic approaching from the opposite direction.
- Pedestrians crossing roadway 225.(1) Every pedestrian crossing a roadway shall cross as quickly as is reasonably possible without stopping or loitering or otherwise impeding the free movement of vehicles thereon.
- (2) A pedestrian shall not step onto a roadway and walk or run into the path of any vehicle that is so close that it is impracticable for the driver of the vehicle to yield the right-of-way.

- 226.(1) Every pedestrian crossing a roadway at any point other than within a crosswalk shall yield the right of way to vehicles upon the roadway. Yielding by pedestrians

- 227.(1) At a place where there is a crosswalk a pedestrian has the right-of-way over vehicles for the purpose of crossing the roadway within the crosswalk, unless otherwise directed by a peace officer or a traffic control signal, but nothing in this section relieves a pedestrian from the duty of exercising due care for his own safety. Pedestrians right-of-way

- 228.(1) Where a green light alone is shown at an intersection by a traffic control signal, a pedestrian facing the green light Pedestrians at green light
 - (a) may proceed across the roadway within any crosswalk, subject to any special pedestrian traffic control signal directing him otherwise, and
 - (b) has the right-of-way for that purpose over all vehicles.

- (2) Where a green light alone is shown facing the vehicular traffic at a place other than an intersection by a traffic control signal,
 - (a) a pedestrian shall not enter upon the roadway in the vicinity of the signal until either
 - (i) the traffic control signal facing the vehicular traffic shows a red light, or
 - (ii) a traffic control signal instructs him that he may cross the roadway, and
 - (b) a pedestrian still on the roadway or on a crosswalk in the vicinity of the signal when the green light is shown shall proceed as quickly as possible from the roadway.

- (3) Where a green arrow is shown at an intersection by a traffic control signal, a pedestrian facing the green arrow shall not enter the roadway unless or until
 - (a) a pedestrian traffic control signal, or
 - (b) the showing of a green light by a traffic control signal
 instructs him that he is permitted to do so.

- Pedestrians
at yellow
lights
- (4) Where a green arrow and red light are shown at the same time at an intersection by a traffic control signal, a pedestrian facing the green arrow and red light shall not enter the roadway unless or until
- (a) a pedestrian traffic control signal, or
 - (b) the showing of a green light by a traffic control signal
- instructs him that he is permitted to do so.
- 229.(1) Where a yellow light is shown at an intersection by a traffic control signal at the same time as or following the showing of a green light,
- (a) a pedestrian facing the yellow light shall not enter the roadway, and
 - (b) a pedestrian proceeding across the roadway and facing the yellow light shown after he entered the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right-of-way for that purpose over all vehicles.
- (2) Where a yellow light facing the vehicular traffic is shown at a place other than an intersection by a traffic control signal at the same time as or following the showing of a green light, a pedestrian shall not enter the roadway in the vicinity of the signal until either
- (a) the traffic control signal facing the vehicular traffic shows a red light, or
 - (b) a traffic control signal instructs him that he may cross the roadway.
- (3) Where rapid intermittent flashes of yellow light are shown at an intersection by a traffic control signal, a pedestrian facing the flashes of yellow light may proceed across the roadway within a crosswalk with caution.
- (4) Where rapid intermittent flashes of yellow light are shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway with caution.

- 230.(1) Where a red light alone is shown at an intersection by a traffic control signal, Pedestrians at red light
- (a) a pedestrian facing the red light shall not enter the roadway unless instructed that he may do so by a pedestrian traffic control signal, and
 - (b) a pedestrian proceeding across the roadway and facing the red light shown after he entered upon the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.
- (2) When a red light facing the vehicular traffic is shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway.
- (3) Where rapid intermittent flashes of red light are shown at an intersection by a traffic control signal, a pedestrian facing the flashes of red light may proceed across the roadway within a crosswalk with caution.
- (4) Where rapid intermittent flashes of red light facing the vehicular traffic are shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway.
- 231.(1) When a word or symbol indicating "walk" is shown at an intersection by a pedestrian traffic control signal, a pedestrian Walk and wait lights
- (a) may proceed across the roadway in the direction of the signal within a crosswalk, and
 - (b) has the right-of-way over all vehicles within the intersection or any adjacent crosswalk.
- (2) When a word or symbol indicating "walk" is shown at a place other than at an intersection by a pedestrian traffic control signal, a pedestrian
- (a) may proceed across the roadway in the direction of the signal, and
 - (b) has the right-of-way over all vehicles.

- (3) When a word or symbol indicating "wait" or "don't walk" is shown at an intersection or at a place other than an intersection by a pedestrian traffic control signal
- (a) a pedestrian shall not enter the roadway, and
 - (b) a pedestrian proceeding across the roadway and facing the word or symbol indicating "wait" or "don't walk" shown after he entered upon the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right-of-way for that purpose over all vehicles.
- Crossing at traffic lights
- 232.(1) Where and when a pedestrian is instructed or permitted by a traffic control signal to enter or to proceed across a roadway, he shall do so
- (a) at an intersection, only within a crosswalk, and
 - (b) at a place other than an intersection in the vicinity of which there is a marked crosswalk, only within the crosswalk.
- (2) A pedestrian waiting for a traffic control signal to change shall not stand on the roadway.
- Traffic lights not operating
- 233.(1) Where all or any of the lights of a traffic control signal are not operating properly or are not operating at all, every pedestrian shall use the highway in the vicinity of the traffic control signal with caution.
- Peace officer directing traffic
- 234.(1) Notwithstanding anything in this Part, every pedestrian shall obey the directions of any peace officer directing traffic.
- (2) Notwithstanding anything in this Part, when
- (a) a flagperson is stationed, or
 - (b) a barricade or sign is erected upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every pedestrian shall obey the directions given by the flagperson or, if none, by the barricade or signs.

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| <p>235.(1) No pedestrian shall</p> <p>(a) break through the ranks of a military or funeral procession, or</p> <p>(b) break through the ranks of any other authorized parade or procession, or in any way obstruct, impede or interfere therewith.</p> <p>(2) No pedestrian shall cross on a green or a walk light while a parade or procession is in the intersection.</p> | <p>Parades and processions</p> |
| <p>236.(1) Any person crossing or walking upon a highway in a manner contrary to this Ordinance or any municipal by-law regulating pedestrian traffic shall, upon request, give his name and address to any peace officer who so requests.</p> | <p>Giving name etc., to peace officer</p> |
| <p>237.(1) Nothing in this Part shall be construed as authorizing a pedestrian to cross a roadway in a municipality at a place where a municipal by-law prohibits the crossing.</p> | <p>Pedestrian crossing</p> |
| <p>238.(1) Notwithstanding anything contained in this Part, a pedestrian who is</p> <p>(a) a Canada Lands Surveyor, or who is in the employ of such a surveyor,</p> <p>(b) a person in the employ of a municipal corporation, a local improvement district, the Government of Yukon, the Government of Canada or of the owner of a public utility, or</p> <p>(c) a person operating under contract to, or with authority from, the persons listed in paragraph (a) or (b),</p> <p>and who, while in the conduct of his duties is required to use the roadways or other portions of the highway contrary to the provisions of this Part or of a municipal by-law or of a local improvement district by-law passed under the authority of this Ordinance, is not in contravention of this Part if adequate advance warning is given of his presence on the highway by means of signs, barriers or the use of a flagperson.</p> | <p>Protection</p> |

PART XVI

PROSECUTIONS

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| <p>239.(1) Any person who contravenes any provision of this Ordinance or the regulations is guilty of an offence.</p> | <p>Offence</p> |
|---|----------------|

- Penalties 240.(1) Except as otherwise provided in this Ordinance, a person who is guilty of an offence under this Ordinance or the regulations for which a penalty is not otherwise provided is liable on summary conviction to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding six months or to imprisonment for a term not exceeding six months without the option of a fine.
- (2) A person who is guilty of an offence under subsection 7(6) or subsection 36(4) or (5) is liable on summary conviction
- (a) for a first offence to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding 30 days, and
 - (b) for any subsequent offence to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding 60 days.
- (3) A person who is guilty of an offence under subsection 18(2) is liable on summary conviction
- (a) for a first offence to a fine of not more than one thousand dollars and in default of payment to imprisonment for a term not exceeding six months, and
 - (b) for any subsequent offence to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- (4) A person who is guilty of an offence under Section 28, subsection 32(2), Section 59 or Section 85 is liable on summary conviction to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding 30 days.
- (5) A person who is guilty of an offence under Section 34, 46, or 81 is liable on summary conviction to a fine of not more than twenty-five dollars.
- (6) A person other than a corporation who is guilty of an offence under subsection 72(5), Section 73 or Section 74 is liable on summary conviction

- (a) for a first offence to a fine of not less than four hundred dollars and not more than two thousand dollars, and
 - (b) for any subsequent offence to a fine of not less than seven hundred fifty dollars and not more than two thousand dollars,
- and in default of payment to imprisonment for a term not exceeding 90 days.
- (7) A corporation that is guilty of an offence under Section 73 or 74 is liable on summary conviction
 - (a) for a first offence to a fine of not less than one thousand dollars and not more than twenty-five hundred dollars,
 - (b) for any subsequent offence to a fine of not less than fifteen hundred dollars and not more than three thousand dollars.
 - (8) A person who is guilty of an offence under Section 87 is liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars.
 - (9) A person who is guilty of an offence under Section 195 is liable on summary conviction to a fine of not less than two hundred dollars and in default of payment to imprisonment for a term not exceeding 60 days.
 - (10) A person who contravenes any provision of Part II or Part IV for which no penalty is therein prescribed is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars or in default of payment to imprisonment for a term not exceeding 30 days.
 - (11) Where a person convicted of an offence under Section 147, 148 or 149 exceeded the maximum speed permitted by not more than 15 kilometres per hour, he shall pay a fine of fifty dollars or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than three days.
 - (12) Where a person convicted of an offence under Section 147, 148 or 149, exceeded the maximum speed permitted by more than 15 kilometres per hour but not more than 30 kilometres per hour, he shall pay a fine of one hundred dollars

or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than seven days.

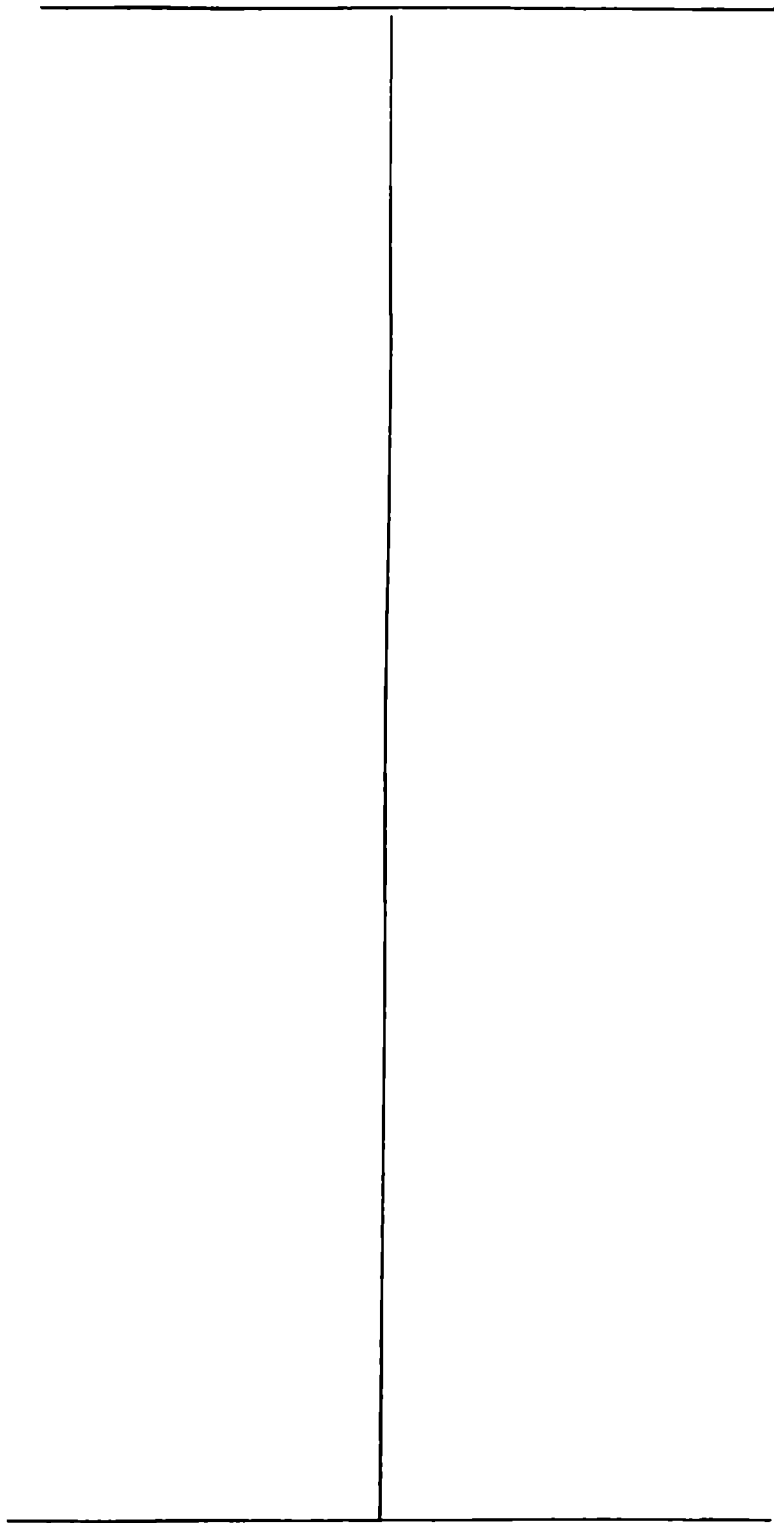
- (13) Where a person convicted of an offence under Section 147, 148 or 149 or subsection 184(5) exceeded the maximum speed permitted by more than 30 kilometres per hour but not more than 50 kilometres per hour he shall pay a fine of one hundred fifty dollars or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than 14 days.
- (14) Where a person convicted of an offence under Section 147, 148 or 149 or subsection 184(5) exceeded the maximum speed permitted by more than 50 kilometres per hour he shall pay a fine of two hundred dollars or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than 21 days.
- (15) A person who is guilty of an offence under Section 196 is liable on summary conviction to a fine of not more than one thousand dollars and in default of payment to imprisonment for a term of not more than six months or to imprisonment for a term of not more than six months without the option of a fine.
- (16) A person who is guilty of an offence under Section 205 is liable on summary conviction to a fine of not more than one hundred dollars.

Liability of owner

- 241.(1) The owner of a motor vehicle which is involved in any contravention of this Ordinance or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.
- (2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle he is not in any event liable to imprisonment.

Summary of offence

- 242.(1) Where a person is convicted of an offence pursuant to this Ordinance, the regulations thereto, or a municipal



by-law, the judge by whom the person was convicted shall forward to the Registrar with the conviction a summary outlining the facts and circumstances of the offence and setting forth

- (a) the full name, address, birth date and the operator's licence number of the person so convicted,
- (b) the licence number of the motor vehicle,
- (c) the section thereof contravened, and
- (d) the time the offence was committed.

- | | | |
|---------|---|----------------------------------|
| 243.(1) | When a person who is the holder of an operator's licence is convicted of an offence pursuant to this Ordinance, the regulations thereto, or a municipal by-law, if authority to suspend the operator's licence is not given under any other provision of this Ordinance, the judge, upon making the conviction, may suspend the operator's licence of the convicted person for a period not exceeding three months. | Suspension of operator's licence |
| 244.(1) | When a person who is <ul style="list-style-type: none"> (a) temporarily within the Yukon, and (b) licensed to drive by the law of the place at which he is a resident, is convicted of an offence under any of the provisions of this Ordinance, the regulations or municipal by-law, the judge making the conviction may by order prohibit that person from driving in the Yukon for any period, not exceeding three months, stated in the order. | Order prohibiting driving |
| 245.(1) | Where a person is convicted under Section 234, 235 or 236 of the <i>Criminal Code</i> anywhere in Canada, the convicted person thereupon becomes disqualified from holding an operator's licence <ul style="list-style-type: none"> (a) for a period not less than one month from the date of his conviction under Section 235 of the <i>Criminal Code</i>, or (b) for a period of not less than one month from the date of his conviction under Section 234 or 236 of the <i>Criminal Code</i>, or (c) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited, | Driving while impaired |

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

- (2) Notwithstanding subsection (1), where a person
- (a) is convicted under Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, and
 - (b) has, within the preceding five years been convicted of any offence under Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada,
- the convicted person thereupon becomes disqualified to hold an operator's licence
- (c) for a period of not less than 6 months from the date of his conviction, or
 - (d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction for the period he is so prohibited,
- whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

- (3) Notwithstanding anything in this section, where a person
- (a) is convicted under Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, and
 - (b) has, at any time within 10 years of the date of the offence for which such conviction was entered, been convicted on two previous occasions of any offences under either Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada,
- the convicted person thereupon becomes disqualified from holding an operator's licence and any operator's licence held by the convicted person becomes suspended for a period of 36 months from the date of his conviction.
- (4) Where a person who holds an operator's licence is convicted under Section 234, 235 or 236 of the *Criminal Code* the convicting judge shall forward the operator's licence of that person to the Registrar.

Surrender
of operator's
licence

- 246.(1) Where a peace officer suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into his body any alcohol, drug or other substance in such

quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.

- (2) The request of a peace officer under subsection (1) suspends any operator's licence belonging to the driver to whom the request is made and the driver shall forthwith surrender any such licence to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.
- (3) Where a driver who has been required under subsection (1) to surrender his operator's licence is not the holder of an operator's licence, the request disqualifies the driver from holding an operator's licence.
- (4) A suspension or disqualification arising pursuant to this section terminates upon the expiration of 24 hours from the time the suspension or disqualification arose.
- (5) Notwithstanding subsection (4), where the suspension or disqualification involves alcohol and
 - (a) the driver voluntarily undergoes a test at a place designated by the peace officer and the test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams in 100 millilitres of blood, or
 - (b) the driver produces to the peace officer a certificate signed by a duly qualified medical practitioner stating that the driver's blood, as tested by the medical practitioner after the commencement of the suspension or disqualification did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,the peace officer shall thereupon return the driver's licence, if any, to the driver and the suspension or disqualification thereupon terminates.
- (6) This section does not apply to a case arising out of the circumstances described in subsection (1) where a peace officer decides to lay an information against the driver alleging that the driver has contravened Section 234 or 236 of the *Criminal Code*.

Licence
disquali-
fication

- 247.(1) Where a person is convicted anywhere in Canada of an offence under Section 233 of the *Criminal Code* the convicted person thereupon becomes disqualified from holding an operator's licence
- (a) for a period of not less than six months from the date of his conviction, or
 - (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,
- whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.
- (2) Where a person is convicted anywhere in Canada of an offence under Section 203, 204 or 219 of the *Criminal Code* committed by means of a motor vehicle, the convicted person thereupon becomes disqualified from holding an operator's licence
- (a) for a period of not less than six months from the date of his conviction, or
 - (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,
- whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

Suspension
after second
conviction

- 248.(1) Where a person
- (a) is convicted under subsection 238(3) of the *Criminal Code*, and
 - (b) has, at any time before, been convicted under subsection 238(3) of the *Criminal Code* anywhere in Canada,
- the convicting judge may order that the certificate of registration of the motor vehicle being driven at the time of the latest offence be suspended for a period of 30 days in accordance with this section.
- (2) Where an order is made under subsection (1), the registered owner shall deliver the certificate of registration and the licence plates of the vehicle to the Registrar and the period of suspension commences

- (a) in the case of personal delivery, from the date the certificate of registration and the licence plates are delivered to the Registrar, or
 - (b) in the case of delivery by mail, from the date on the postmark of the post office of origin.

- (3) A registered owner who does not within 14 days from the date of the order deliver both the certificate of registration and licence plates to the Registrar in accordance with subsection (2) is guilty of an offence.

- (4) Subject to Section 66, the certificate of registration and licence plates shall be returned by the Registrar to the registered owner upon the expiry of the suspension period.

- (5) Notwithstanding anything in this section, if the convicted person was not the registered owner of the motor vehicle at the time the offence was committed,
 - (a) the registered owner may apply to the Registrar for the provisions of subsection (1) to be waived, and
 - (b) the Registrar, if he is of the opinion that the registered owner's application is a proper case for relief, may waive the provisions of subsection (1).

- (6) The owner of a motor vehicle for which the registration has been suspended pursuant to this section who
 - (a) re-registers or attempts to re-register the motor vehicle or
 - (b) registers or attempts to register any other motor vehicle in his name,before the period of suspension prescribed by this section has expired is guilty of an offence.

- (7) Notwithstanding that the registration of a motor vehicle is suspended pursuant to this section, the Registrar may re-register the vehicle
 - (a) upon the application of, and
 - (b) in the name of,a person who is a member of the family of the owner residing at the same address as the owner.

- Appeal 249.(1) If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply until the conviction is sustained on appeal or the appeal is abandoned or struck out.
- Owner to disapprove liability 250.(1) The owner of a motor vehicle which is involved in any contravention of this Ordinance or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.
- (2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle, he is not in any event liable to imprisonment.
- Dismissal 251.(1) Where a person is charged with an offence under this Ordinance, if the judge trying the case is of the opinion that the offence
- (a) was committed wholly by accident or misadventure and without negligence, and
 - (b) could not by the exercise of reasonable care or precaution have been avoided,
- the judge may dismiss the charge.
- Proof of existence of traffic control device 252.(1) In a prosecution for contravening this Ordinance, the *Highways Ordinance* or the regulations or a municipal by-law the existence of a traffic control device is *prima facie* proof that the device was properly designated and erected by the proper authority without other or further proof thereof.
- Engineer's certificate as proof 253.(1) Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate purporting to be signed by an officer of the Department of Highways and Public Works and certifying the measured distance between such lines shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.
- Seizure of motor cycle 254.(1) When a person has been convicted of operating a motor cycle, moped or snowmobile in contravention of Sections 195, 196, 197, 198 or 220 or of any provision of Part XI,

the judge making the conviction may order that the motor cycle, moped or snowmobile driven by the person at the time of the commission of the offence be seized, impounded and taken into custody of the law for a period of not more than three months if the motor cycle, moped or snowmobile was at that time owned by or registered in the name of that person or his parent or guardian.

- 255.(1) A certificate purporting to be signed by the Registrar or his deputy and certifying
- (a) that the person named therein is, or was, at a stated time, the registered owner of a described motor vehicle or trailer, or
 - (b) that a licence issued under this Ordinance to the person named therein is, or was, at a stated time, suspended, restricted or revoked, or
 - (c) as to the last recorded address of the person named therein as shown on the records of the Registrar,

Registrar's certificate is evidence

shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.

- (2) When proof of the disqualification of a person from holding a licence under this Ordinance is required, the production of a certificate purporting to be signed by the Registrar or his deputy stating that the person named therein is disqualified from holding a licence under this Ordinance, is *prima facie* proof that the person so named is disqualified, without proof of the signature or official character of the person signing the certificate.

- 256.(1) For a contravention of any of the provisions of this Ordinance, or of the regulations made hereunder, or for a contravention of a municipal by-law made under Section 108, 110 or 110.1, an information may be laid and a summons issued by means of a traffic ticket in accordance with this section.

Traffic ticket as summons

- (2) A traffic ticket may be composed of any one or more of the following:

- (a) Information,
 - (b) Notice,
 - (c) Report of Conviction,
 - (d) Police Record,
 - (e) Summons.
- (3) Where a person on whom a traffic ticket has been served appears to defend the charge, the traffic ticket may be amended in the like manner and to the like extent as an information may be amended under the *Criminal Code*.
- (4) The Commissioner may make regulations
- (a) prescribing the form or forms and content of traffic tickets,
 - (b) defining any word or expression used in the regulations,
 - (c) authorizing, or providing for the authorization by a municipal by-law of the use on traffic tickets of any word or expression to designate an offence under this Ordinance or the regulations made hereunder or any municipal by-law made under Section 108, 110 or 110.1, and
 - (d) respecting any other matter that he deems necessary for the use of traffic tickets.
- (5) The use on a traffic ticket of any word or expression authorized by this Ordinance or the regulations made hereunder or any municipal by-law made under this section, or when the traffic ticket is or includes a notice of a general description of an offence, shall be deemed sufficient for all purposes to describe the offence designated by such word or expression.
- (6) A peace officer shall sign the traffic ticket, and shall indicate the offence charged by marking the traffic ticket in the space provided to the left of the word or expression describing the offence charged as printed on the traffic ticket, or if the word or expression describing the offence charged is not printed on the traffic ticket, he shall write it in the space provided therefor.
- (7) A traffic ticket summons may, without the swearing of an information, be delivered by a peace officer

or by registered mail to the person charged with an offence therein or left by a peace officer on the motor vehicle in respect of which the offence is alleged, and delivery of the traffic ticket summons shall be deemed to be personal service of the summons upon the person.

- (8) Where a notice on the traffic ticket summons or notice indicates the fine for the commission of the offence charged therein, instead of appearing before a Justice at the time and place specified in the traffic ticket summons or notice, a person to whom a traffic ticket summons or notice is delivered or on whose motor vehicle a traffic ticket summons or notice has been left may,
 - (a) attend voluntarily before a Justice as directed on the summons or notice and plead guilty to the offence described therein and pay the fine specified in the notice, or
 - (b) cause to be delivered, in accordance with a notice appearing on the summons or notice, payment of the fine specified in the notice, whereupon the person shall be deemed to have pleaded guilty to the offence with which he is charged in the summons or the offence described in the notice and to have paid the fine imposed for the commission of the offence, but no conviction need be drawn up or entered unless required by the person convicted or for the purpose of reporting the conviction as required under this Ordinance.

- (9) Where a form or forms of traffic ticket is or are prescribed for a municipality, the Magistrate may, subject to the provisions of this Ordinance, fix fines to be indicated on the form or forms of traffic ticket.

257.(1) Subsections 147(1),(2) and (3) of the *Insurance Ordinance* are repealed and the following substituted therefor:

"Insurance Ordinance"

147.(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of not less than

seventy-five thousand dollars, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

(2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

(a) claims against the insured arising out of bodily injury or death have priority to the extent of sixty-five thousand dollars claims arising out of loss of or damage to property, and

(b) claims against the insured arising out of loss of or damage to property have priority to the extent of ten thousand dollars over claims arising out of bodily injury or death.

(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least seventy-five thousand dollars, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least seventy-five thousand dollars exclusive of interest and costs, against liability for loss of or damage to property.

Repeal 258.(1) The *Motor Vehicles Ordinance*, Chapter M-11 of the Revised Ordinances of the Yukon Territory, 1971, or any portion thereof, shall be repealed on such day or days as may be fixed by the Commissioner.

Proclamation 259.(1) Subject to subsection (2), this Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.

(2) Section 257 shall come into force on the day that the *Insurance Ordinance*, being Chapter 1 of the Ordinances of the Yukon Territory, 1977 (First Session), comes into force.

CHAPTER 5
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE CONDOMINIUM ORDINANCE

(Assented to December 15, 1977)

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

1. The *Condominium Ordinance* is amended by adding immediately after subsection 11(9) thereof the following subsection:
 - (9.1) The corporation may borrow monies required by it in the performance of its duties or in the exercise of its powers, and may secure the repayment of those monies and the payment of the interest thereon by means of
 - (a) negotiable instrument,
 - (b) mortgage of unpaid contributions, whether levied or not,
 - (c) mortgage of any real or personal property vested in it, or
 - (d) by any combination of those means.
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CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE LOCAL IMPROVEMENT DISTRICT ORDINANCE

(Assented to March 1, 1978)

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

1. The *Local Improvement District Ordinance* is amended by adding immediately after Section 3 thereof, the following section:
 - 3.1(1) Subject to subsection (2), the Commissioner may, upon request in the form of a resolution from the Board of Trustees of a District, alter the boundaries of that District by proclamation. Alteration
of
boundaries
 - (2) No alteration of the boundaries of a District shall be proclaimed by the Commissioner unless such alteration has been, following a plebiscite thereon, approved by the affirmative vote of a majority of persons who,
 - (a) are Canadian citizens,
 - (b) have attained the age of nineteen years, and
 - (c) have resided within the boundaries of the District and the area of the proposed alteration, for one year prior to the day of the plebiscite.
 - (3) Where the boundary of a District, herein referred to as the "Old District", is altered pursuant to this section so as to include within its boundaries an additional area that is not part of another District, thereby creating a larger District, herein referred to as the "New District",
 - (a) the Chairman of the Board of Trustees of the Old District shall continue as Chairman of the New District until his successor is sworn to office,
 - (b) each trustee of the Board of Trustees of the Old District continues to be a trustee of the Board of Trustees of the New District until his successor is sworn to office,

- (c) each officer and employee of the Old District continues as an officer or employee of the New District with the same powers, duties and responsibilities until the Board of Trustees of the New District directs otherwise; and
- (d) all by-laws and resolutions of the Old District continue as by-laws or resolutions of the New District, insofar as they are not inconsistent with the provisions of this or any other Ordinance or law governing the additional area, until they are repealed by the Board of Trustees of the New District.

2. Section 10 of the said Ordinance is amended:

- (a) by repealing subsection (5) thereof and substituting the following therefor:
 - (5) The Board of Trustees may from time to time,
 - (a) appoint a secretary, a manager and such other officers and employees as, in their discretion, they may consider necessary to operate and maintain local improvements and to keep the records of the district,
 - (b) subject to the approval of the Commissioner, fix the salaries or wages of the secretary, manager or such other officers and employees appointed pursuant to paragraph (a), and
 - (c) by by-law, provide for the payment of superannuation benefits, group medical or life insurance premiums or income continuance plans to such officers and employees as the Board may specify, and for the contributions, if any, as may be required of any such officer or employee with respect thereto.
- (b) by repealing subsection (10) thereof and substituting the following therefor:
 - (10) The Board of Trustees may, by resolution, approve the payment of an annual allowance to the Chairman that shall not exceed one thousand dollars per year, and an annual allowance to each trustee that shall not exceed seven hundred fifty dollars per year.

3. The said Ordinance is further amended by adding immediately after Section 11 thereof the following sections:

11.1(1) Any manager appointed in accordance with subsection 10(5) shall be the chief administrative officer of the District, and shall, pursuant to the direction of the Board of Trustees, direct all other officers and employees of the District in the conduct of their work and direct the management of the business and affairs of the District.

Duties
of
manager

(2) The manager or, where no manager is appointed in accordance with subsection 10(5), the Chairman of the Board of Trustees shall sign, jointly with any other person authorized by resolution of the Board, all cheques issued by the District.

11.2(1) The Board of Trustees shall, by by-law, appoint an auditor who shall hold office during the pleasure of the Board.

Appoint-
ment of
auditor

(2) The auditor shall, at such intervals as the Board may, by resolution, prescribe, but at least once annually, audit all books and accounts relating to the expenditures of the District or relating to any matter under its control or within its jurisdiction and submit a report of the results of that audit to the Chairman and a copy thereof to the Commissioner.

(3) The Chairman shall submit each report prepared by the auditor to the Board of Trustees at the meeting next following receipt thereof and at the annual general meeting of the District.

(4) Every elector of the District may inspect any report prepared by the auditor and may, either personally or by agent, obtain a copy thereof or take extracts therefrom at his expense.

4. Section 13 of the said Ordinance is amended

(a) by repealing paragraphs (1)(f) and (g) thereof and substituting the following therefor:

(f) adopting such procedures as are necessary to enable it to perform its functions as set forth in this Ordinance;

- (g) providing for the licensing and control of animals within their District and for appointing an animal control officer;
- (b) by adding immediately after paragraph (1)(g) thereof the following paragraphs:
 - (h) regulating, subject to the *Motor Vehicles Ordinance*, the rate of speed of any vehicle within their district;
 - (i) establishing a hospital advisory committee or public health committee to provide advice to any hospital within the District and to the Board of Trustees concerning hospital policies and public health practices;
 - (j) establishing a fire and ambulance department, appointing officers and other members thereto, prescribing the powers, duties and responsibilities of those officers and members;
 - (k) providing for the creation of reserve or revolving funds resulting from any operational surplus, and determining the purposes for which such funds may, pursuant to this Ordinance, be expended; and
 - (l) controlling, regulating or prohibiting all-terrain vehicles, motorcycles and motorized toboggans whether on or off a highway.
- (c) by adding immediately after subsection (1) thereof the following subsections:
 - (2) Subject to the *Public Health Ordinance* and the regulations made thereunder, the Board of Trustees may pass by-laws providing for the collection, removal and disposal of garbage and refuse within the District.
 - (3) The Board of Trustees before passing a by-law under this section, shall give notice of its intention to do so by notice posted in at least two conspicuous public places within the District at least ten days before the date fixed for the final passing of the by-law.
 - (4) The notice referred to in subsection (3) shall state the place where and the hours during which the proposed by-law may be inspected by any interested person, and the time and place set for the consideration by the Board of Trustees of any objections to the by-law.

(5) The Board of Trustees shall make suitable provisions for inspection of the proposed by-law by interested persons and shall, before finally passing the by-law, hear and determine all objections thereto.

5. The said Ordinance is further amended by adding immediately after Section 13 thereof the following section:

13.1(1) The Board of Trustees may, by by-law, name or number the streets and avenues and change the names and numbers of any streets and avenues now existing or hereafter laid out by the District, and, whenever it is expedient to do so, the Board may, by by-law, change the name of any subdivision or area of the District or any part thereof without regard to the names shown on the plan registered in the land titles office for the Yukon Land Registration District and without the necessity of having the name shown upon the registered plan changed.

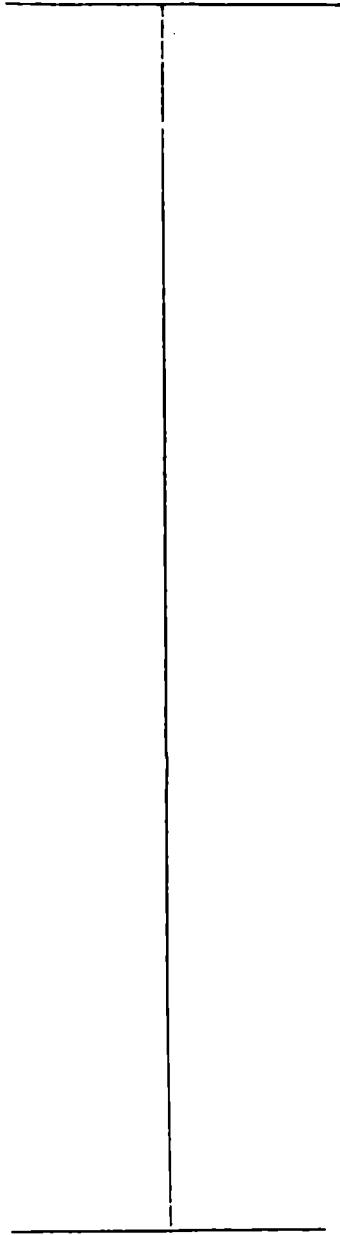
Change of street, subdivision names

6. The said Ordinance is further amended by adding immediately after Section 16 thereof the following section:

16.1(1) The Board of Trustees may, on behalf of the District, acquire, operate, maintain, hold, sell, lease or otherwise dispose of any real or personal property within the District for recreational, community or public use including, but not restricted to public libraries, art galleries, museums, arenas, community halls, exhibition buildings, parking areas, parks and recreation grounds.

Activity to acquire, manage public lands

7. This Ordinance or any provision thereof comes into force on such day or days as may be proclaimed by the Commissioner.



CHAPTER 7
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to March 1, 1978)

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

1. Subsection 30(1) of the *Municipal Ordinance* is repealed and the following substituted therefor:
 - 30.(1) The council may provide by by-law for an annual indemnity to the mayor and to the aldermen, and the indemnity for the mayor may be greater than for the aldermen.

2. Section 40 of the said Ordinance is amended
 - (a) by repealing subsection (1) thereof and substituting therefor the following:
 - 40.(1) The mayor of a municipality shall,
 - (a) be active in causing the laws governing the municipality to be duly executed,
 - (b) communicate from time to time to the council all such information and recommend such measures as may tend to the betterment, prosperity and good government of the municipality, andwhere a manager has not been appointed pursuant to Section 43, the mayor shall,
 - (c) direct all administrative officers and other employees of the municipality in the conduct of their work and direct the management of the business and affairs of the municipality, and
 - (d) suspend, where necessary, an administrative officer or other employee of the municipality and cause such officer or employee to be prosecuted or disciplined for any negligence, carelessness or violation of duty on his part.
 - (b) by adding immediately after subsection (1) thereof the following subsection:

(1.1) Where a manager has been appointed pursuant to Section 43, the mayor of a municipality shall,

(a) provide direction to the manager in the interpretation of policies adopted by the council, and

(b) suspend, where necessary, an administrative officer of the municipality and cause such officer to be prosecuted or disciplined for any negligence, carelessness or violation of duty on his part.

(c) by repealing subsection (2) thereof and substituting therefor the following:

(2) An administrative officer or other employee who has been suspended pursuant to this section may appeal in writing to the council within five working days of his suspension, and the council may, after hearing, in committee or otherwise, an administrative officer or other employee who has appealed his suspension pursuant to this section,

(a) extend, reduce or confirm the suspension of the officer or employee,

(b) reinstate the officer or employee, or

(c) otherwise vary any penalty imposed on the officer or employee.

3. Section 43 of the said Ordinance is amended

(a) by repealing paragraph (2)(b) thereof and substituting therefor the following:

(b) appoint or dismiss an administrative officer.

(b) by repealing subsection (4) thereof and substituting the following therefor:

(4) The manager, or any person authorized by the manager, may suspend any employee of the municipality, other than an administrative officer, and shall, where the suspension is for a period of more than five working days, report the suspension to a committee meeting of the council together with the reasons therefor.

(c) by adding immediately after subsection (5) thereof the following subsections:

- (6) An employee who has been suspended or dismissed pursuant to this section may appeal in writing to the council within five working days of his suspension or dismissal.
- (7) The council may, after hearing in committee or otherwise an employee who has appealed his suspension or dismissal pursuant to this section,
 - (a) extend, reduce or confirm the suspension of the employee,
 - (b) confirm the dismissal of the employee,
 - (c) reinstate the employee, or
 - (d) otherwise vary any penalty imposed on the employee.

4. The said Ordinance is further amended by adding immediately after Section 69 thereof the following section:

69.1(1) Subject to subsection (2), every violation or failure to comply with the provisions of any by-law made under this Ordinance may be proceeded on through the laying of an information and issuing of a summons in the form of a ticket in accordance with this section in lieu of proceeding by way of summary conviction under the *Criminal Code*.

Ticket
as
summons

- (2) No municipality shall lay an information or issue a summons in the form of a ticket pursuant to subsection (1) with respect to any violation or failure to comply with the provisions of any by-law made under this Ordinance unless the Commissioner has approved the use of tickets with respect to such violation or failure to comply with the provisions of such by-law.
- (3) Where an information is laid and a summons issued in the form of a ticket pursuant to subsection (1), instead of appearing before a magistrate at the time and place specified in the ticket, the person on whom the ticket is served may, whether or not the information has been sworn to, cause to be delivered in accordance with a notice appearing on the ticket, payment of a fine specified on the ticket pursuant to subsection (7), whereupon the person shall be deemed to have pleaded guilty

to the offence with which he is charged and to have paid the fine imposed for the commission of the offence, and the proceedings shall be deemed concluded.

- (4) A ticket may, without the swearing of an information, be delivered by a peace officer or by registered mail to the person charged with an offence therein, and such delivery shall be deemed to be personal service of the ticket upon the person.
- (5) Where a person to whom a ticket has been served appears before a magistrate to defend the charge at the time and place specified in the ticket, the ticket may be amended in the like manner and to the like extent as an information may be amended under the *Criminal Code*, and the matter may be proceeded on by way of summary conviction under the *Criminal Code*.
- (6) Where a person to whom a ticket has been served
 - (a) fails to cause to be delivered pursuant to subsection (3) the payment of the fine specified on the ticket, and
 - (b) fails to appear before a magistrate to defend the charge at the time and place specified on the ticket,the matter may be proceeded on by way of summary conviction under the *Criminal Code*.
- (7) The council may, by by-law,
 - (a) prescribe the form or forms and content of tickets,
 - (b) authorize the use on tickets of any word or expression to designate an offence under any by-law made under this Ordinance,
 - (c) fix fines, to be indicated on tickets, with respect to any violation or failure to comply with the provisions of any by-law made under this Ordinance, and
 - (d) provide for any other matter that is considered necessary for the use of tickets under this section.

5. The said Ordinance is further amended by adding immediately after section 73 thereof the following section:

73.1(1) No council shall, without the approval of the Commissioner, receive funds from the Government of Canada, or any corporation or agency thereof, that would, either directly or indirectly, create an obligation or liability, financial or otherwise, on the part of the Government of Yukon.

Receipt
of funds
from
Canada

6. The said Ordinance is further amended by adding immediately after Section 92 thereof the following heading and section:

PUBLIC TRANSIT COMMISSION

92.1(1) The council of a municipality may, by by-law:

(a) establish a Public Transit Commission having not less than five nor more than seven members, two of whom shall be chosen from among the members of council;

(b) prescribe the qualifications and terms of office of the members of the Commission, and provide for payment of an annual indemnity to those members;

(c) prescribe the manner in which the chairman and members of the Commission and their successors are to be appointed and the manner in which the chairman and members of the Commission are to conduct meetings and vote on any matter;

(d) empower the Commission to organize, operate or maintain a public transit system;

(e) empower the Commission to incur liabilities for the purposes of the organization, operation or maintenance of a public transit system within the amounts included therefor in the annual budget of the operations of the Commission as approved by the council;

(f) provide for the expenditure of funds of the municipality with respect to the organization, operation or maintenance of a public transit system; and

(g) prescribe such other powers or duties of the Commission as are necessary for organization, operation or maintenance of a public transit system.

Public
Transit
Commission

- (2) Where a Public Transit Commission is established under subsection (1), the Commission shall, in addition to any duties imposed by by-law,
- (a) establish and monitor the general operating policies of any public transit system organized, operated or maintained by the Commission,
 - (b) hire a manager and such staff as may be necessary to assist the manager in the execution of his duties,
 - (c) on or before the fifteenth day of November in each year, prepare and submit an operating and capital budget of the operations of the Commission for council's review and approval, and
 - (d) prepare and submit annually, and as requested by council, a report of the operations of the Commission for council's review.

7. The said Ordinance is further amended by adding immediately after Section 96 thereof, the following section:

96.1(1) Notwithstanding Sections 92, 94 and 96, a council may, by resolution, close a highway for purposes of a celebration, parade or other special event for any period of time not exceeding three days.

Closing
of
highway

8. Paragraphs 100(1)(1) and (m) of the said Ordinance are repealed and the following substituted therefor:

- (1) providing for a zoning appeals board and giving such board any necessary authority;
- (m) providing for the establishment of a municipal planning board and giving such board any necessary authority; and

9. The said Ordinance is further amended by adding immediately after Section 100 thereof the following section:

100.1(1) The council may pass by-laws providing for the issuing of land development permits.

Land
develop-
ment
agreement

- (2) Prior to the issuing of any land development permit pursuant to subsection (1), the council of a municipality may require the owner of the land to which the permit would apply, or his agent, to enter into a land development agreement with the municipality with respect to that land.

- (3) Any land development agreement referred to in subsection (2) may include agreement as to:
 - (a) the use of the land in relation to any existing or proposed building or structure;
 - (b) the timing of construction of any proposed building or structure;
 - (c) the siting and design, including exterior materials, of any proposed building or structure;
 - (d) the provision for traffic control and parking space;
 - (e) the provision of open space, the grading of land and landscaping;
 - (f) the construction, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution and sewage disposal;
 - (g) the provision of recreational or other amenities, or, where such amenities are not provided, the levying of fees in lieu thereof; or
 - (h) the establishment of such other conditions as the council may consider reasonable under the circumstances.

- (4) The use and development of any land to which a development agreement applies shall, notwithstanding any by-law of the municipality, or any amendment thereto, be in accordance with the land development agreement.

- (5) The council may require any land development agreement entered into pursuant to subsection (2) to be registered in the Land Titles Office, and any such agreement as registered shall have the force and effect of a restrictive covenant running with the land.

- (6) Council shall not enter into a land development agreement until it has held a public hearing, the notice of which has been published in the manner prescribed by subsection 100(2).

- (7) Nothing in this section restricts the right of any owner to develop his land in accordance with the regulations, restrictions or prohibitions of the municipality applying to the zone

in which the land is situated where that owner is not required to enter into a land development agreement with council.

- (8) A land development agreement shall not be valid unless it has been submitted to and approved by the Commissioner.

10. Section 103 of the said Ordinance is amended:

- (a) by repealing subsection (7) thereof and substituting the following therefor:
- (7) Every parcel of land in any proposed subdivision shall have some portion of its perimeter fronting on a highway sufficient to allow motor vehicle access thereto.
- (b) by adding immediately after subsection (7) thereof the following subsection:
- (8) The Commissioner or the council may refuse to approve a subdivision plan where there is an unpaid balance of taxes already levied against part or all of the land included within the subdivision plan, and for the purposes of this subsection "taxes" shall include the full amount of any outstanding local improvement charges assessed or charged against the land, whether levied or not.

11. Section 116 of the said Ordinance is amended,

- (a) by repealing paragraph (1)(e) thereof and substituting therefor the following paragraph:
- (e) regulating the transfer of licences relating to the vehicles described in paragraph (a), their operators and drivers;
- (b) by adding immediately after paragraph (1)(e) thereof the following paragraph:
- (e.1) requiring every driver of a taxi cab to obtain annually a permit to drive a taxi cab within the municipality; and
- (c) by adding immediately after subsection (3) thereof the following subsections:
- (4) The council may refuse to issue or renew a permit to drive a taxi cab within the municipality to any person whose driving record, criminal record, character, age, or state of health is such that, in the opinion of council, that person is unfit to drive a taxi cab.

- (5) For the purposes of determining the driving record, criminal record, character, age or state of health of any person applying for the issue or renewal of a permit to drive taxi cabs within the municipality, the council, or any person authorized by council in accordance with subsection (6), may
 - (a) request, in writing, any such information from any person or organization, including any law enforcement agency, whether located within Yukon or not, or
 - (b) require that any such information be provided by the applicant before a permit is issued.
 - (6) The council may, by by-law or resolution, delegate to any person, including a peace officer, the authority to issue, renew, or to refuse to issue or renew permits to drive taxi cabs within the municipality.
 - (7) Where the council has delegated to any person the authority with respect to the issuance or renewal of permits to drive taxi cabs pursuant to subsection (5), an appeal from the decision of that person may be had to the council of the municipality, and the decision of the council is final, with no appeal lying therefrom.
12. Subsection 134(1) of the said Ordinance is amended by deleting the words "authorize any officer" where they occur in paragraph (a) thereof and substituting therefor the words "authorize any employee".
13. Section 134 of the said Ordinance is amended by adding immediately after subsection (1) thereof the following subsections:
 - (2) The council or any person authorized by the council may apply to the court for an injunction ordering any person to cease carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1), and, where the court is satisfied,
 - (a) that any employee of the municipality has ordered any person carrying out any work or doing anything contrary to the provisions of such by-law to cease carrying out such work or doing such thing, and

(b) that such person has failed to obey such order, the court shall issue an injunction ordering such person to cease carrying on such work or doing such thing together with any ancillary orders necessary thereto.

(3) Where any employee of the municipality authorized by the council under subsection (1) has reason to believe that any person is carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1) on any premises within the municipality, he may enter onto such premises for the purposes of making an inspection; but, where such premises are used as a dwelling place, such employee shall not, without the consent of the owner or occupant or without a warrant issued by a magistrate, enter such premises.

14. Section 139 of the said Ordinance is amended

(a) by repealing subsections (6) and (8) thereof and substituting the following therefor:

(6) On receiving the copy of the annual budget, the Commissioner shall consider it and may approve it, or may approve it subject to any change or condition and shall notify the council of his decision prior to the first day of March in each year.

(8) Any expenditure made in excess of the sum shown for any classification of items in the annual budget as approved or amended by the Commissioner shall by resolution of Council, be provided for by making an equal reduction of expenditure with respect to the sum shown for another classification of items.

(b) by repealing subsection (9) thereof.

15. Section 141 of the said Ordinance is amended by adding immediately after subsection (1) thereof, the following subsection:

(2) The council may, by by-law approved by the Commissioner, cancel any arrears of taxes appearing on the tax roll where such taxes are not secured against land in the municipality and, in the opinion of the council, are no longer collectable from the person liable to pay the same.

16. This Ordinance or any provision thereof comes into force on such day or days as may be proclaimed by the Commissioner.
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CHAPTER 8
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE PARTNERSHIP ORDINANCE

(Assented to November 21, 1977)

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

1. Subsection 2(1) of the *Partnership Ordinance* is amended repealing the definition "registration clerk" and substituting therefor the following:
"registration clerk" means the Registrar of Companies appointed pursuant to the *Companies Ordinance*.
2. Section 48 of the said Ordinance is repealed and the following substituted therefor:
48.(1) The declaration required to be filed under Section 47 shall be in Form A of Schedule I or in words to the same effect containing the name and residence of each member of the partnership, the name under which business is carried on or intended to be carried on, the time during which the partnership has existed or is intended to exist, and stating that the persons named therein are the only members of the partnership.
3. Section 49 of the said Ordinance is repealed and the following substituted therefor:
49.(1) The declaration required to be filed under Section 47 shall be filed,
 - (a) within two months next after the formation of any partnership,
 - (b) when and so often as any change or alteration takes place in the membership of the partnership, in the name under which they carry on business or in the place of residence of any member, or
 - (c) at any time, if a *fiat* is obtained from a judge.

4. Section 51 of the said Ordinance is repealed and the following substituted therefor:
- 51.(1) The declaration required to be filed under Section 50 shall be in Form A of Schedule I insofar as it applies or in words to the same effect containing the name and residence of the person making the same and the name under which business is carried on or intended to be carried on, and stating that no other person is associated with him in partnership.
- (2) The declaration required to be filed under Section 50 shall be filed,
- (a) within two months of the time the name under which business is carried on or intended to be carried on is first used, or
- (b) at any time, if a *fiat* is obtained from a Judge.
5. The said Ordinance is further amended by adding immediately after Section 51 thereof the following section:
- 51.1(1) Where a declaration required to be filed under Section 47, or 50 is presented to the registration clerk for filing, that declaration shall not be accepted for filing if it contains a name under which business is carried on or intended to be carried on,
- (a) that is a name identical to that by which another partnership, company, society or association of any kind is registered in the Territory, or
- (b) that is a name bearing such degree of similarity to that by which another partnership, company, society or association of any kind is registered in the Territory so as, in the opinion of the registration clerk, to be deceiving.
- (2) Subsection (1) does not apply where a partnership, company, society or association of any kind registered in the Territory consents in writing to the use of its name in whole or in part by another partnership, company, society or association.

- (3) No declaration required to be filed under Section 47 or 50 shall be accepted for filing by the registration clerk if it contains a name under which business is carried on or intended to be carried on that is, in his opinion, offensive or discriminatory in any way.

- 6. Section 55 of the said Ordinance is repealed and the following substituted therefor:
 - 55.(1) Every member of any partnership or other person required to register a declaration under the provisions of this Ordinance who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding two hundred fifty dollars.

- 7. Form A of Schedule I to the said Ordinance is repealed and the following substituted therefor:

FORM A
DECLARATION OF PARTNERSHIP

YUKON TERRITORY)
) We,

of in (occupation) and
of in (occupation), hereby certify:

1. That we have carried on (or that we intend to carry on) trade and business as at
in partnership under the name of
(or I or we) the undersigned of in
hereby certify that I (or we) have carried on (or intend to carry on) trade and business as at
in partnership with of and
of (as the case may be).

2. That the said partnership has subsisted since the day of one thousand

3. And that (I or we) and the said
and are and have been since the said day the only members of the said partnership.

Witness our hands at this
day of one thousand

8. This Ordinance or any provision thereof shall come into force on such day or days as may be fixed by the Commissioner.
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CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY

1977 (Second Session)

AN ORDINANCE TO AMEND THE
SOCIETY OF INDUSTRIAL ACCOUNTANTS ORDINANCE

(Assented to November 21, 1977)

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

1. The *Society of Industrial Accountants Ordinance* is amended by repealing the title thereof and substituting therefor the following:

SOCIETY OF MANAGEMENT ACCOUNTANTS ORDINANCE

2. The said Ordinance is further amended by repealing subsection 1.(1) thereof and substituting therefor the following:

1.(1) This Ordinance may be cited as the *Society of Management Accountants Ordinance*.

3. The said Ordinance is further amended by adding immediately after subsection 3.(1) thereof the following subsection:

(1.1) The Society of Industrial Accountants of the Yukon, constituted a body corporate by subsection (1) and herein referred to as the Society, shall be known henceforth as the Society of Management Accountants of the Yukon.

4. The said Ordinance is further amended by repealing subsection 17.(1) thereof and substituting therefor the following:

17.(1) The Professional Conduct Committee shall be the Professional Conduct Committee of the Society of Management Accountants of British Columbia.

CHAPTER 10
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE WORKMEN'S COMPENSATION ORDINANCE

(Assented to December 15, 1977)

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

- 1.(1) The *Workmen's Compensation Ordinance* is amended:
- (a) by deleting the word "WORKMEN'S" where it appears in the title thereof and substituting therefor the word "WORKERS";
 - (b) by deleting the word "*Workmen's*" when it appears in Section 1 thereof and substituting therefor the word "*Workers*";
 - (c) by deleting the word "WORKMAN" where it appears in the heading immediately preceding Section 38 thereof and substituting therefor the word "WORKER";
 - (d) by deleting the word "Workmen's" where it appears throughout the Ordinance and substituting therefor the word "Workers";
 - (e) by deleting the word "workman" when it appears throughout the Ordinance and substituting therefor the word "worker";
 - (f) by deleting the word "workmen" when it appears throughout the Ordinance and substituting therefor the word "workers";
 - (g) by deleting the word "workman's" where it appears throughout the Ordinance and substituting therefor the word "worker's"; and
 - (h) by deleting the word "workmen's" where it appears throughout the Ordinance and substituting therefor the word "workers'".
- (2) Where any Ordinance, regulation, rule, order or by-law made under an Ordinance enacted before the coming into force of this Ordinance refers to the *Workmen's Compensation Ordinance*, that reference shall be deemed to be a reference to the *Workers' Compensation Ordinance*.

2. Subsection 2(1) of the said Ordinance is amended
 - (a) by adding immediately after the definition "accident" the following definitions:
 - "Secretary" means the Secretary appointed by the Board pursuant to subsection 10.1(2);
 - "Board" means the Workers' Compensation Board established pursuant to subsection 10(1);
 - (b) by adding immediately after the definition "child" the following definition:
 - "Commissioner" means the Commissioner of the Yukon Territory or such other person as may be authorized by the Commissioner to act on his behalf, including the Workers' Compensation Board;
 - (c) by repealing the definition "flight crew member".

- 3.(1) Paragraphs 5(1)(b), (c) and (d) of the said Ordinance are repealed and the following substituted therefor:
 - (b) an outworker, or
 - (c) a domestic servant.

- (2) Section 5 of the said Ordinance is further amended by adding immediately after subsection (2) thereof the following subsection:
 - (3) Notwithstanding subsection (1) or (2), compensation may, upon the application of an employer therefor and subject to such terms, conditions and period of time as the Commissioner considers satisfactory, be paid with respect to a worker who suffers injury or death by accident arising out of and in the course of employment where that worker is
 - (a) employed in employment of a casual nature otherwise than for the purposes of the employer's industry,
 - (b) an outworker,
 - (c) a domestic servant, or
 - (d) a person who is exempted from the application of this Ordinance by subsection (2).

4. Subsections 6(8) and (9) of the said Ordinance are repealed and the following substituted therefor:
 - (8) The Commissioner may enter into an agreement with the Workers' Compensation Board of any province providing for the payment of compensation in conformity with the provisions of this Ordinance for injuries to workers who

are employed under such conditions that part of the work incidental to the employment is performed in the Yukon and part of the work in another province, the purpose of such agreement being to ensure that such workers or their dependants receive compensation either in conformity with this Ordinance or in conformity with the Act in force in the other province relating to Workers' Compensation, as the case may be, and to avoid a duplication of assessments.

(9) Payment out of the Compensation Fund of money required to be paid pursuant to an agreement made under subsection (8) may be made to the Workers' Compensation Board of any province, and all money received by the Commissioner of the Yukon pursuant to any such agreement shall be paid by him into the Compensation Fund.

5. Subsections 8(2) and (6) of the said Ordinance are repealed and the following substituted therefor:

(2) The application shall be made by the employer and shall contain the names of all the members of his family employed by him together with a statement of the estimated amount of their wages for the current year or balance thereof, or where no regular wage is paid or received, a stated sum in lieu of wages not exceeding the maximum wage rate and not less than such amount as the Commissioner may prescribe;

(6) the application shall be made by the employer and shall contain the stated sum for which compensation coverage is desired in an amount not exceeding the maximum wage rate and not less than such amount as the Commissioner may prescribe, and such assessment as the Commissioner fixes in respect of such application shall be levied on such sum for the period during which coverage is to be provided.

6. The said Ordinance is further amended

(a) by repealing section 10 thereof, and the heading immediately preceeding section 10, and substituting the following therefor:

WORKERS' COMPENSATION BOARD

Workers' 10.(1)
Compensation
Board

- There is hereby established a body corporate, to be known as the Workers' Compensation Board consisting of four members appointed by the Commissioner as follows:
- (a) one member shall be appointed from among representatives of industry in the Territory;
 - (b) one member shall be appointed from among representatives of labour in the Territory;
 - (c) the remaining members shall be appointed from among representatives of the public-at-large in the Territory, one of whom shall be designated as Chairman.
- (2) Members of the Board shall hold office during good behaviour for such term, not exceeding three years, as may be designated by the Commissioner upon their appointment, and may be reappointed upon the expiration of such term.
 - (3) The Commissioner shall fix the remuneration of each member of the Board and such remuneration shall be paid out of the Compensation Fund.
 - (4) Three members of the Board constitute a quorum and the Board may act on all matters and things required to be done by it on the decision of the quorum of the members.
 - (5) The Chairman shall be the chief executive officer of the Board, having the supervision over and direction of the work of the Board, and shall not engage in any other business or employment for remuneration during the term of his appointment which may create a conflict of interest with his duties as Chairman.
 - (6) Where the Chairman of the Board is ill, absent or unable to act, the Board may appoint an acting Chairman from amongst the members who, for the period of his appointment has all the power and shall perform all the duties of the Chairman in respect of whom he is acting.

- (7) No vacancy on the Board impairs the right of the remaining members to act.

- (b) by adding immediately after section 10 thereof the following heading and section:

JURISDICTION OF THE BOARD

- 10.1(1) The Board may administer this Ordinance on behalf of the Commissioner and the Commissioner shall delegate to the Board all administrative duties under this Ordinance that are not inconsistent with the provisions of the *Yukon Act*. Jurisdiction of Board
- (2) The Board shall appoint a Secretary and a staff of such other persons as it considers necessary for carrying out the provisions of this Ordinance and it may designate their duties.
- (3) The Board may delegate all or any of its powers of administration to such of the staff as it designates.
- (4) The Secretary and the staff shall be members of the Public Service of the Yukon.
- (5) The office of the Board shall be situated at Whitehorse, but meetings of the Board may be held at Whitehorse or at such other place in the Yukon as the Board may direct.
- (6) The Board shall sit at such times, not less often than once each month, and conduct its proceedings in such manner as it considers most satisfactory for the proper discharge and speedy dispatch of its business.
- (7) The Board may from time to time appoint one or more persons having special technical or other knowledge to enquire into and report on any matter before the Board or in respect of which the Board deems it necessary to have information.
- (8) The Commissioner shall designate the Board to act as referee, to have and exercise all powers, duties, responsibility and jurisdiction vested in the referee pursuant to this Ordinance.

- (9) The Board shall report to the Commissioner once in each year or more often as directed on all matters respecting the administration of the Ordinance including reports on
- (a) investment policies concerning the assets of the Compensation Fund,
 - (b) actuarial reviews of assessment rates,
 - (c) actuarial reviews of the liabilities of the pension and other reserves and provisions forming part of the Compensation Fund,
 - (d) financial and management practices, plans and policies, and
 - (e) such other matters as the Commissioner requests
- and the Commissioner shall lay the report or reports of the Board before the next session of the Territorial Council.

7. The said Ordinance is further amended

- (a) by repealing Section 16 thereof and substituting the following therefor:

- 16.(1) No action lies for the recovery of compensation and all claims for compensation shall be determined pursuant to the provisions of this Ordinance.
- (2) The provisions of this Ordinance and the regulations are in lieu of all rights and causes of action, statutory or otherwise, to which a worker or his legal personal representative or his dependants are or might become entitled against the employer of the worker by reason of personal injury to or the death of the worker arising out of any accident happening to the worker in the course of his employment and no action in respect of such personal injury or death lies against the employer.
- (3) Any party to an action may, upon notice to any other parties thereto, apply to the Commissioner for adjudication and determination of the question of plaintiff's right to compensation under this Ordinance and the regulations and his adjudication and determination is final and conclusive.

(4) Where an accident happens to a worker in the course of employment entitling him or his dependants to compensation under this Ordinance and the circumstances of the accident are such as to also entitle the worker, his legal personal representative or his dependants to an action against some person other than his employer, the Commissioner is subrogated to the cause of action of the worker, his legal personal representative or his dependants against each other person for or in respect of the personal injury to or death of the worker.

(b) by adding immediately after Section 16 thereof the following sections:

16.1(1) Where the Commissioner has become subrogated to the rights of a worker or his personal representative or his dependants under section 16: Sub-rogation

- (a) no payment or settlement shall be made to or with the worker or his legal personal representative or dependants for or in respect of those rights or for or in respect of any claim, cause of action or judgements arising therefrom except with the consent of the Commissioner, and any payment or settlement made in contravention of this clause is void;
- (b) an action may be taken against any person arising out of injury to or death of a worker
 - (i) by the worker or his legal personal representative or his dependants with the consent of the Commissioner, or
 - (ii) by the Commissioner in the name of the worker or his legal personal representative or his dependants, as the case may be, without the consent of the person in whose name the action is taken;
- (c) the Commissioner shall indemnify and save harmless the worker, his legal personal representative or his dependants from and against all costs or damages incurred in respect of any action, including costs or damages awarded by the court to the defendant, but excluding any costs which have been incurred by the worker, his legal personal representative or his dependants without authority of the Commissioner; and

- (d) the Commissioner may at any time, whether or not action has been taken by the Commissioner or the worker, his legal personal representative or his dependants and whether or not judgement has been given in any action, effect a settlement of the claim for such amount as he considers satisfactory.
- (2) Where in any action in which the Commissioner is subrogated to the rights of the worker, his legal personal representative or dependants, payment into court is made pursuant to the Yukon Rules of Court, the clerk of the court, upon receipt of notice by the Commissioner of his subrogation in the matter, shall not make payment out of court except with the consent of the Commissioner.
- (3) Notice to the clerk of the court under subsection (2) may be made in the same manner as is provided in the Yukon Rules of Court for service by registered mail.
- (4) Where money is received by the Commissioner because he is subrogated to the rights of a worker or his legal personal representative or his dependants:
 - (a) the Commissioner may accept the money and give a receipt therefor and, where the money is accepted in full settlement, may release the person paying the money or on whose behalf the money is paid from liability in respect of the personal injury to or death of the worker resulting from the accident;
 - (b) if the judgement of the court under which the money is received clearly indicates that a portion of the award is for pain and suffering suffered by the worker and resulting from the injury, the Commissioner may pay to the worker from the money remaining in his hands after payment of all legal costs incurred in recovering that money, an amount that bears the same proportion to the money remaining in his hands as the portion of the award that is attributable to pain and suffering bears to the total award;
 - (c) if the money is received as a result of action taken or negotiations carried on by the worker, his legal personal representative or his dependants, the Commissioner may pay to that person, from the money remaining in his hands after payment of all legal costs incurred in

- recovering the money, an amount equal to twenty-five percent of the gross amount received by the Commissioner, but in any case where payment is made to the worker under the provisions of paragraph (b), payment to the worker under the provision of this paragraph shall be made only to the extent by which twenty-five percent of the money received exceeds the payment made to the worker under the provisions of paragraph (b);
- (d) if the balance of the money remaining in the Commissioner's hands after payment of all legal costs incurred in recovering the money and after payment of such amounts, if any, as are required to be paid under paragraphs (b) and (c), exceeds the costs of the accident to the Commissioner, including the capital cost of any pension award, the excess shall be paid over to the worker, his legal representative or his dependants, as the case may be.

- 16.2(1) Where the conduct of a worker or the employer of a worker causes or contributes to the injury or death of another who is, or whose dependants are, entitled to compensation under this Ordinance, neither the worker suffering injury or death, his legal personal representative, his dependants nor his employer has, in respect of the personal injury suffered by, or the death of, the worker arising out of and in the course of his employment, any cause of action against any other worker or employer except a worker or the employer of a worker who, pursuant to the the provisions of Section 5, is not eligible to be paid compensation or is exempted from the application of this Ordinance. Contributory negligence
- (2) In an action taken pursuant to paragraph 16.1(1)(b) arising out of injury to or death of a worker, a defendant may not bring third party or other proceedings against any employer or worker whom the plaintiff may not bring an action against because of the provisions of this Ordinance, but where the court is of the opinion that such employer or worker, by his fault or negligence, contributed to the damage or loss of the plaintiff it shall hold the defendant liable only for that portion of the damage or loss occasioned by the defendant's own fault or negligence.

8. Section 22 of the said Ordinance is repealed and the following substituted therefor:

- 22.(1) Where a worker alleges that
- (a) he has a greater disability than that which he has been found to have,
 - (b) he has a right to continuation of compensation beyond the period for which compensation has been awarded,
 - (c) an error, relating to his physical condition, was made in some feature or circumstance of the determination of his claim, or
 - (d) the medical opinion upon which the determination of his claim was made is erroneous,

and makes a request in writing to the Commissioner for examination pursuant to the provisions of this section, the Commissioner shall refer the claim to the referee who, after consultation with the worker and his attending medical practitioner, if any, may nominate a duly qualified medical practitioner.

- (2) The referee may of his own motion or at the request of the employer require a worker to be examined under the provisions of this section and, where he so requires, the referee shall
- (a) nominate a duly qualified medical practitioner, and
 - (b) notify, in writing, the worker and the employer of the name of the medical practitioner so nominated,

and thereafter the provisions of subsections (3) and (4) apply in respect of the examination.

- (3) The medical practitioner selected pursuant to subsection (1) or (2) shall examine the worker and certify to the referee:
- (a) the condition of the worker;
 - (b) his fitness for employment;
 - (c) if he is unfit for employment, the cause of such unfitness;
 - (d) the extent of his temporary or permanent disability by reason of the injury in respect of which he has claimed compensation; and
 - (e) such other matters as may, in his opinion, be pertinent to the claim.

- (4) A certificate given pursuant to subsection (3) is conclusive as to the matters certified therein, unless the referee at any time directs otherwise.

9. Section 30 of the said Ordinance is amended

(a) by repealing paragraphs (1)(d), (e) and (f) thereof and substituting therefor the following:

(d) to a dependant widow or widower, a monthly payment of two hundred seventy-five dollars;

(e) to a dependant child under the age of sixteen years, other than a dependant invalid child, a monthly payment of ninety dollars to continue until the child attains the age of sixteen years or dies before attaining that age;

(f) to a dependant invalid child of any age, monthly payments of one hundred five dollars, the payment to be continued for as long as, in the opinion of the referee, it might reasonably have been expected that, had the worker lived, he would have continued to contribute to the support of the child;

(b) by repealing subsection (2) thereof and substituting therefor the following:

(2) Where it appears to the referee to be desirable to continue the existing household of a deceased worker who has died leaving no surviving spouse, or to continue the existing household of the surviving spouse of a deceased worker, when that surviving spouse has subsequently died, an amount of compensation equal to the compensation that would be paid to the surviving spouse shall be paid to the person acting as a foster parent while that person acts in a manner satisfactory to the referee in keeping up the household and maintaining and caring for the children who are entitled to compensation.

(c) by adding immediately after subsection (2) thereof the following subsection:

- (3) for the purposes of subsection (2), "existing household" in respect of a worker who dies means a household wherein all of the children entitled to compensation at the time of the worker's death are maintained and cared for by a person acting as a foster parent to each of the children.

10. Section 31 of the said Ordinance is repealed and the following substituted therefor:

31.(1) Where a worker who dies leaving no dependant spouse

- (a) cohabited immediately preceding his death with a person of the opposite sex who was dependant on him for maintenance and support and by whom he had one or more children, or
- (b) cohabited for the three years immediately preceding his death, with a person of the opposite sex who was dependant on him for maintenance and support,

the compensation to which the dependant spouse of the worker would have been entitled under this Ordinance may be paid to the person who was dependant on him for maintenance and support until that person marries or commences to cohabit with another person of the opposite sex.

- (2) A person who receives or is eligible to receive compensation pursuant to subsection (1) is not entitled to receive any compensation pursuant to subsection 30(2).

11. Subsection 33(1) of the said Ordinance is repealed and the following substituted therefor:

33.(1) Where the only dependants of a worker who dies as a result of an accident are persons other than those to whom compensation is payable pursuant to subsections 30(1), 31(1) and 32(1), any such dependant is entitled to be paid compensation in a reasonable amount, to be determined by the referee, that takes into account the pecuniary loss to the dependant caused by the worker's death.

12. The said Ordinance is further amended by adding immediately after Section 51 thereof the following section:
- 51.1(1) Where any worker entitled to be paid compensation under this Ordinance suffers injury by accident arising out of and in the course of his employment, the employer of that worker shall, where conveyance of the worker is necessary, Transport
of injured
workers
- (a) immediately provide the worker with transportation to such place as his condition requires him to be taken, including
 - (i) a hospital,
 - (ii) the office of a medical practitioner, or
 - (iii) the home of the worker, and
 - (b) subsequently provide the worker with transportation to such place as, in the opinion of the Commissioner, the condition of the worker requires him to be sent.
- (2) Where an employer fails to provide transportation for an injured worker as required under subsection (1), the Commissioner may authorize from and out of the Compensation Fund the payment of such expenses as were necessarily incurred with respect to the conveyance of the injured worker, and the employer is liable to pay to the Commissioner the amount so paid, the repayment of which may be enforced in the same manner as the payment of an assessment may be enforced.
13. Section 52 of the said Ordinance is amended by adding immediately after subsection (2) thereof the following subsections:
- (3) The Commissioner may delete from the accounts in whole or in part any obligation or debt due the Compensation Fund.
 - (4) The obligations or debts deleted from the accounts under this section during any year shall be reported in the accounts for that year.
14. Section 54 of the said Ordinance is amended by adding immediately after subsection (1) thereof the following subsection:
- (1.1) Where a worker has been injured, or killed owing, in the Commissioner's opinion, wholly or partially to the negligence of an employer who is not the employer of that worker, or wholly or partially to the negligence of a worker of that employer,

the costs of any claim respecting that worker suffering injury or death shall be included in the experience account of that employer in proportion to such degree of negligence as the Commissioner attributes to that employer or his worker and, where that employer is classified, may be charged to the class in which that employer is included in the same manner as if those costs had been incurred with respect to a claim by a worker of that employer.

15. Subsection 59(1) of the said Ordinance is repealed and the following substituted therefor:
 - 59.(1) No assessment of less than twenty-five dollars shall be levied in respect of any industry to which this Ordinance applies.

16. Subsection 71(1) of the said Ordinance is repealed and the following substituted therefor:
 - 71.(1) Any employer who refuses or neglects to make or transmit any payroll return or other statement required to be furnished by him under any of the provisions of this Ordinance or any regulation or order made hereunder, or who refuses or neglects to pay any assessment, or the provisional amount of any assessment or any installment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the Commissioner a sum of money, not exceeding one-half of the amount of compensation payable and not exceeding in any case one thousand dollars in respect of any accident to a worker in his employ that happens during the period of the default, and the payment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.

17. Subsection 77(1) of the said Ordinance is repealed and the following substituted therefor:
 - 77.(1) Where an employer engaged in an industry to which this Ordinance applies directs a worker who is working in that industry to do other work that is not in an industry to which this Ordinance

applies, and the workman is injured in the course of that other work, that other work shall be deemed to be in the industry of the employer to which this Ordinance applies and the employer shall pay to the Commissioner in respect of that other work an additional assessment equal to the full cost of the claim in respect of the injury up to a maximum of five hundred dollars.

18. Subsection 80 (3) of the said Ordinance is repealed and the following substituted therefor:
 - (3) The amount of the maximum wage rate to be proclaimed by the Commissioner from time to time pursuant to subsection (2) shall be the annual earnings of a worker paid at the weekly rate established by Statistics Canada as the average weekly earnings of workers in the Territory pursuant to the industrial composite of average weekly wages and salaries for the Territory.

 19. This Ordinance or any provision thereof shall come into force on such day or days as may be fixed by the Commissioner.
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CHAPTER 11
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE RESPECTING ASSESSMENT IN THE CITY OF WHITEHORSE

(Assented to December 15, 1977)

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

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|-------|---|--|
| (1) | In this Ordinance:
"assessor" means the assessor for the Territory appointed pursuant to the <i>Taxation Ordinance</i> ;
"Court of Revision" means a Court of Revision constituted under the <i>Taxation Ordinance</i> ;
"taxing authority" means taxing authority as defined in the <i>Taxation Ordinance</i> . | Definitions
"assessor"

"Court of Revision"

"taxing authority" |
| 2.(1) | Where, in the opinion of the Commissioner, any provision of the <i>Taxation Ordinance</i> or <i>Municipal Ordinance</i> prescribing a date or limiting the time for the doing of any thing with respect to the assessment roll and the levying of taxes in the City of Whitehorse is, because of special circumstances, insufficient to enable,
(a) the assessor,
(b) the taxing authority,
(c) the person liable to taxation,
(d) the Court of Revision, or
(e) a judge to whom an appeal from a decision of the Court of Revision is taken,
to comply with that provision, the Commissioner may, by regulation, substitute a new date or extend the time for the doing of that thing as he considers necessary under those circumstances, notwithstanding the provisions of the <i>Taxation Ordinance</i> or <i>Municipal Ordinance</i> . | Regulations |
| (2) | Where the Commissioner substitutes a new date or extends the time for the doing of any thing pursuant to subsection (1), he may, by regulation, substitute a new date or abridge or extend the time for the doing of any other thing with respect to the assessment roll and the levying of taxes in the City of Whitehorse, notwithstanding the provisions of the <i>Taxation Ordinance</i> or <i>Municipal Ordinance</i> . | |

Coming
into
force

- 3.(1) This Ordinance, and any regulation made pursuant to this Ordinance, shall be deemed to have come into force on the fifteenth day of October, 1977.

 - (2) This Ordinance expires on the thirty-first day of December 1978.
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CHAPTER 12.
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

METRIC INFORMATION AGREEMENT ORDINANCE

(Assented to November 21, 1977)

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

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|-------|--|---|
| 1.(1) | This Ordinance may be cited as the <i>Metric Information Agreement Ordinance</i> . | Short
title |
| 2.(1) | The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Government of Canada for the purposes of providing information about the International System of Units and the plans, progress and implications of metric conversion relating to individual enterprises and organizations directly involved in the economic process within the Territory. | Commissioner
may enter
agreement |
| 3.(1) | The Commissioner is authorized to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement entered into pursuant to this Ordinance. | Commissioner
may
implement
agreement |
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TABLE OF CONSOLIDATED ORDINANCES

Legend:

In. = Included in	Am. = Amended
En. = Enacted	Sp. = Spent
Rp. = Repealed	History = from the earlier of
Re. = Re-enacted	(i) enactment; or
---- = To be consolidated	(ii) inclusion in R.O.Y.T., 1971

<u>ORDINANCES</u>	<u>CONSOLIDATION CHAPTER NO.</u>	<u>HISTORY</u>
Age of Majority	A-01	En. O.Y.T. 1972 (1st), c.1
Animal Protection	----	En. O.Y.T. 1977 (2nd), c.1
Apprentice Training	A-1	In. R.O.Y.T. 1971, c. A-1
Arbitration	A-2	In. R.O.Y.T. 1971, c. A-2
Archives	A-3	In. R.O.Y.T. 1971, c. A-3
Area Development	A-4	In. R.O.Y.T. 1971, c. A-4; Am. O.Y.T. 1975 (3rd), c. 3
Assignment of Book Debts	A-5	In. R.O.Y.T. 1971, c. A-5
Bills of Sale	B-1	In. R.O.Y.T. 1971, c. B-1
Blasting	B-2	In. R.O.Y.T. 1971, c. B-2
Brands	B-3	In. R.O.Y.T. 1971, c. B-3
Building Standards	B-3.1	En. O.Y.T. 1973 (1st), c.1
Bulk Sales	B-4	In. R.O.Y.T. 1971, c. B-4
Business Licence	B-5	In. R.O.Y.T. 1971, c. B-5
Cancer Diagnosis	C-1	In. R.O.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.O.Y.T. 1971, c. C-2
Change of Name	C-3	In. R.O.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.O.Y.T. 1971, c. C-4; Am. O.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.O.Y.T. 1971, c. C-5; Am. O.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.O.Y.T. 1971, c. C-6
Citizenship Instruction Agreement	C-7	In. R.O.Y.T. 1971, c. C-7
Civil Emergency Measures	C-8	In. R.O.Y.T. 1971, c. C-8
Collection	C-9	In. R.O.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. O.Y.T. 1975 (1st), c. 1; Am. O.Y.T. 1975 (3rd), c. 4; Am. O.Y.T. 1976 (1st), c. 4; Am. O.Y.T. 1977 (1st), c. 8

Companies	C-10	In. R.O.Y.T. 1971, c. C-10; Am. O.Y.T. 1975 (3rd), c. 5
Compensation for Victims of Crime	C-10.1	En. O.Y.T. 1975 (1st), c. 2; Am. O.Y.T. 1976 (1st), c. 5
Conditional Sales	C-11	In. R.O.Y.T. 1971, c. C-11
Condominium	C-12	En. R.O.Y.T. 1971, c. C-12; Am. O.Y.T. 1977 (2nd), c. 5
Conflict of Laws (Traffic Accidents)	C-12.1	En. O.Y.T. 1972 (1st), c. 3
Consumers' Protection	C-13	In. R.O.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.O.Y.T. 1971, c. C-14
Controverted Elections	C-15	In. R.O.Y.T. 1971, c. C-15; Am. O.Y.T. 1977 (2nd), c. 3, s.103
Co-operative Associations	C-16	In. R.O.Y.T. 1971, c. C-16; Am. O.Y.T. 1973 (1st), c. 8; Am. O.Y.T. 1975 (2nd), c. 7
Cornea Transplant	C-17	In. R.O.Y.T. 1971, c. C-17
Coroners	C-18	In. R.O.Y.T. 1971, c. C-18; Am. O.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.O.Y.T. 1971, c. C-19
Corrections	C-19.1	En. O.Y.T. 1973 (1st), c. 2
Court of Appeal	C-20	In. R.O.Y.T. 1971, c. C-20
Credit Union	---	En. O.Y.T. 1977 (1st) c. 2
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Dental Profession	D-2	In. R.O.Y.T. 1971, c. D-2; Am. O.Y.T. 1973 (1st), c. 9
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Elections, 1977	----	En. O.Y.T. 1977 (2nd), c. 3
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Electoral District Boundaries Commission	----	En. O.Y.T. 1977 (1st), c. 3 Sp. November 7, 1977
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Fraudulent Preferences and Conveyances	F-9.1	En. O.Y.T. 1973 (1st), c. 3
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Mediation Board	M-5.1	En. O.Y.T. 1972 (1st), c. 9
Medical Profession	M-6	In. R.O.Y.T. 1971, c. M-6; Am. O.Y.T. 1975 (3rd), c. 11

Mental Health	M-7	In. R.O.Y.T. 1971, c. M-7; Am. O.Y.T. 1973 (1st), c. 14
Miners' Lien	M-8	In. R.O.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.O.Y.T. 1971, c. M-9; Am. O.Y.T. 1974 (2nd), c. 10; Am. O.Y.T. 1975 (1st), c. 15
Motion Pictures	M-10	In. R.O.Y.T. 1971, c. M-10
Motor Vehicles	M-11	In. R.O.Y.T. 1971, c. M-11; Am. O.Y.T. 1972 (1st), c. 23; Am. O.Y.T. 1973 (1st), c. 15; Am. O.Y.T. 1974 (2nd), c. 11; Am. O.Y.T. 1975 (3rd), c. 12; Am. O.Y.T. 1976 (2nd), c. 4; Am. O.Y.T. 1977 (1st), c. 1, s.236; Rp. O.Y.T. 1977 (2nd), c.4, s.258; En. O.Y.T. 1977 (2nd), c. 4
Municipal	M-12	En. O.Y.T. 1959 (2nd), c. 1; Rp/Re. O.Y.T. 1972 (1st), c. 10; Am. O.Y.T. 1975 (1st), c. 16; Am. O.Y.T. 1975 (2nd), c. 14; Am. O.Y.T. 1976 (3rd), c. 10; Am. O.Y.T. 1977 (2nd), c. 7
Municipal Aid	M-13	En. O.Y.T. 1972 (1st), c. 11
Municipal Elections	M-14	En. O.Y.T. 1972 (1st), c. 12
Municipal Employees Benefits	M-15	En. O.Y.T. 1975 (2nd), c. 1
Newspaper	N-1	In. R.O.Y.T. 1971, c. N-1
Noise Prevention	N-2	In. R.O.Y.T. 1971, c. N-2
Notaries	N-3	In. R.O.Y.T. 1971, c. N-3; Am. O.Y.T. 1974 (2nd), c. 12
Occupational Training	O-01	En. O.Y.T. 1975 (2nd), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.O.Y.T. 1971, c. O-1; Rp. O.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.O.Y.T. 1971, c. O-2
Partnership	P-1	In. R.O.Y.T. 1971, c. P-1; Am. O.Y.T. 1977 (2nd), c. 8
Pawnbrokers and Second- Hand Dealers	P-2	In. R.O.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.O.Y.T. 1971, c. P-3
Pharmaceutical Chemists	P-4	In. R.O.Y.T. 1971, c. P-4; Am. O.Y.T. 1973 (1st), c. 16; Am. O.Y.T. 1975 (3rd), c. 13
Plebiscite	P-5	In. R.O.Y.T. 1971, c. P-5
Pounds	P-6	In. R.O.Y.T. 1971, c. P-6; Am. O.Y.T. 1973 (1st), c. 17
Presumption of Death	P-7	In. R.O.Y.T. 1971, c. P-7
Public Health	P-8	In. R.O.Y.T. 1971, c. P-8; Am. O.Y.T. 1972 (1st), c. 24; Am. O.Y.T. 1975 (3rd), c. 14

Public Inquiries	P-8.1	En. O.Y.T. 1973 (1st), c. 5
Public Printing	P-9	In. R.O.Y.T. 1971, c. P-9
Public Service	P-10	In. R.O.Y.T. 1971, c. P-10; Rp. O.Y.T. 1976 (2nd), c.2, s.217
Public Service Commission	P-10.1	En. O.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.O.Y.T. 1971, c. P-11; Am. O.Y.T. 1974 (2nd), c. 13; Am. O.Y.T. 1976 (3rd), c. 11
Real Estate Agents' Licensing	----	En. O.Y.T. 1977 (1st), c. 5
Reciprocal Enforcement of Judgments	R-1	In. R.O.Y.T. 1971, c. R-1
Reciprocal Enforcement of Maintenance Orders	R-2	In. R.O.Y.T. 1971, c. R-2
Recording of Evidence by Sound Apparatus	R-3	In. R.O.Y.T. 1971, c. R-3
Recreation Development	----	En. O.Y.T. 1977 (1st), c.6
Regulations	R-4	In. R.O.Y.T. 1971, c. R-4
Rehabilitation Services	R-5	In. R.O.Y.T. 1971, c. R-5; Am. O.Y.T. 1975 (1st), c. 17
Sale of Goods	S-1	In. R.O.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.O.Y.T. 1971, c. S-2
School	S-3	In. R.O.Y.T. 1971, c. S-3; Am. O.Y.T. 1974 (2nd), c. 14
Scientists and Explorers	S-4	In. R.O.Y.T. 1971, c. S-4
Securities	S-5	In. R.O.Y.T. 1971, c. S-5; Am. O.Y.T. 1976 (3rd), c. 12
Social Assistance	S-6	In. R.O.Y.T. 1971, c. S-6
Societies	S-7	In. R.O.Y.T. 1971, c. S-7; Am. O.Y.T. 1974 (2nd), c. 15
Society of Industrial Accountants	S-7.1	En. O.Y.T. 1975 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 9
Stabilization Loan Fund	----	En. O.Y.T. 1977 (1st), c. 7
Steam Boilers	S-8	In. R.O.Y.T. 1971, c. S-8
Students' Financial Assistance	S-8.1	En. O.Y.T. 1975 (2nd), c. 3
Students' Grants	S-9	In. R.O.Y.T. 1971, c. S-9; Rp. O.Y.T. 1975 (2nd), c. 6
Superannuation, Territorial Employees	S-10	In. R.O.Y.T. 1971, c. S-10; Am. O.Y.T. 1975 (2nd), c. 16
Survivorship	S-11	In. R.O.Y.T. 1971, c. S-11

Taxation	T-01	En. O.Y.T. 1959 (2nd), c. 2; Rp/Re. O.Y.T. 1972 (1st), c. 13; Am. O.Y.T. 1975 (1st), c. 18; Am. O.Y.T. 1975 (2nd), c. 15; Am. O.Y.T. 1976 (1st), c. 7, 8; Am. O.Y.T. 1976 (2nd), c. 5; Am. O.Y.T. 1977 (1st), c. 12
Tenants in Common	T-1	In. R.O.Y.T. 1971, c. T-1
Territorial Court	T-2	In. R.O.Y.T. 1971, c. T-2
Tobacco Tax	T-2.1	En. O.Y.T. 1974 (2nd), c. 3; Am. O.Y.T. 1976 (1st), c. 9
Trade Schools Regulation	T-3	In. R.O.Y.T. 1971, c. T-3
Transport Public Utilities	T-4	In. R.O.Y.T. 1971, c. T-4
Travel for Medical Treatment	T-4.1	En. O.Y.T. 1975 (2nd), c. 4
Trustee	T-5	In. R.O.Y.T. 1971, c. T-5
Variation of Trusts	V-1	In. R.O.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.O.Y.T. 1971, c. V-2; Am. O.Y.T. 1973 (1st), c. 18
Wages Recovery	W-1	In. R.O.Y.T. 1971, c. W-1
Warehousemen's Lien	W-2	In. R.O.Y.T. 1971, c. W-2
Wills	W-3	In. R.O.Y.T. 1971, c. W-3
Woodmen's Lien	W-4	In. R.O.Y.T. 1971, c. W-4
Workmen's Compensation	W-5	In. R.O.Y.T. 1971, c. W-5; Rp/Re. O.Y.T. 1973 (3rd), c. 6; Am. O.Y.T. 1975 (3rd), c. 6, s. 4; Am. O.Y.T. 1977 (2nd), c. 10
Workmen's Compensation Supplementary Benefits	W-6	En. O.Y.T. 1973 (3rd), c. 7

