

The Lloydminster Municipal Amalgamation Act, 1930

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Chapter 94 of *The Statutes of Saskatchewan, 1930*
(Originally effective on March 27, 1930. Consult Tables of
Saskatchewan Statutes for subsequent amendments and
effective dates).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 94

An Act respecting the Amalgamation of Lloydminster

(Assented to March 27, 1930)

WHEREAS it is desirable that provision should be made for the central administration of the municipal, school and other local affairs of the town of Lloydminster, in the Province of Saskatchewan, (hereinafter called “the town”), and the village of Lloydminster in the Province of Alberta, (hereinafter called “the village”); and

WHEREAS the effective central administration of an area can only be based upon the identity of the laws applicable to the component parts thereof; and

WHEREAS it is anticipated that an Act in terms similar to those of this Act will be passed by the Legislature of Alberta:

Now therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Lloydminster Municipal Amalgamation Act, 1930*.

1930, c.94, s.1.

Interpretation

2 In this Act, unless the context otherwise requires, the expression:

(a) “**approved Act**” means an Act, or part of an Act, of either of the provinces, made applicable to a part of the other province, under the provisions of this Act or *The Lloydminster Municipal Amalgamation Act, 1930*, of Alberta;

(b) “**approved outlying area**” means any part of the province, joined with the town for the purpose of any municipal school or other local matter;

(c) “**complementary order in council**” means an order in council expressed as being complementary to an order in council issued under the provisions of *The Lloydminster Municipal Amalgamation Act, 1930*, of Alberta;

(d) “**composite area**” means the town and the village, together (where the context so requires) with any approved outlying area.

1930, c.94, s.2.

Government of municipal and educational matters

3 From and after the appointed day:

(a) the town, as part of the composite area, shall be governed by a council, to be elected under the provisions of an approved Act for the government of the composite area;

(b) educational matters relating to public schools in the town shall be governed by a board of trustees, to be elected under the provisions of an approved Act;

(c) educational matters relating to high schools in the town shall be governed by a board of trustees, to be elected under the provisions of an approved Act;

(d) any institution, works, construction, improvement or service, with respect to which an agreement might be entered into under the provisions of *The Border Areas Act, 1924*, shall be subject to a governing authority elected or otherwise ascertained under the provisions of an approved Act.

1930, c.94, s.3.

Appointed days

4(1) Appointed days shall be fixed by a complementary order in council.

(2) An appointed day may be fixed with respect to all or any of the matters mentioned in this Act.

(3) No appointed day shall be fixed until it has been ascertained either before or after the passing of this Act, in manner and form determined or at any time approved by the Lieutenant Governor in Council, that the majority of the persons deemed by the Lieutenant Governor in Council to be chiefly interested in the matter have assented thereto.

(4) In the case of a rural municipality, the assent of the council thereof shall be deemed to be the assent of the people of the municipality.

(5) A declaration in an order in council to the effect that any assent has been given shall be final and incontestable proof thereof.

1930, c.94, s.4.

Powers of Lieutenant Governor in Council

5 A complementary order in council may:

(a) apply the provisions of any Act of Alberta or of any part thereof, either with or without modification, to the town or to any approved outlying area;

(b) declare that any Act of Saskatchewan, or any part thereof, shall cease to operate with respect to the town or to any approved outlying area;

(c) if any difficulty arises in the application of any Act of Alberta or of any part thereof, or in bringing into operation any of the provisions thereof, make such provisions for removing the difficulty as the Lieutenant Governor in Council may judge necessary for that purpose, and in so doing may modify the provisions of any such Act in so far as the town is concerned;

- (d) declare that all or any persons resident in or at any time in the town or any approved outlying area shall for the purposes mentioned in the order in council, and for such purposes only, be subject to the same laws and liabilities, and possess the same rights as if they were resident in or were in the village;
- (e) direct that any Act or part thereof, shall be read, so far as possible, as if the town and the village or any approved outlying area mentioned in the order formed a village or other separate area or district, subject to the legislative authority of Alberta;
- (f) provide for the holding of elections or the doing of any thing whether required by an approved Act or not, which should in the opinion of the Lieutenant Governor in Council be done prior to an appointed day;
- (g) appoint a commission with authority to redraft any approved Act or Acts in conformity with the provisions of this Act, and any order in council issued under the provisions thereof, with the intention that such redrafted Act or Acts shall serve as the Charter of the composite area, which conformity shall be conclusively presumed, upon the redrafted Act or Acts being approved by complementary orders in council;
- (h) appoint a commission to prepare bylaws to have effect in the town in addition to or in lieu of those previously operative;
- (i) appoint a representative of the town to serve on a commission together with a representative of the village appointed by an order in council of the Lieutenant Governor in Council of Alberta, together with a third person appointed by such previously mentioned persons, or, in default of agreement, by a complementary order in council, to inquire into the indebtedness of the town and the village and to fix a rate to be payable by the residents of the town to discharge that portion of such indebtedness which it may seem to the commission to be inequitable to be imposed upon the composite area;
- (j) prescribe procedure to be followed in any matter required or permitted to be done by this Act or any order in council made under the provisions thereof, whether other procedure is prescribed by an approved Act or not;
- (k) make rules and regulations calculated to carry out the general intent of this Act, which rules and regulations shall have the same force and effect as if they were set out herein;
- (l) in particular, but without in any way affecting the generality of the powers hereinbefore conferred, change the provisions of any Act:
 - (i) to provide for the increase or decrease in the number of members of any body of persons or corporation, so that suitable representation thereon may be accorded to the town or any approved outlying area;
 - (ii) to provide for the imposition and collection of municipal, school or other taxes, not being provincial taxes, in the town or any approved outlying area in the same manner and to the same amount as if the town or the area were a part of the village;

- (iii) to provide that magistrates having jurisdiction in the village and the police of such village shall have all such jurisdiction in the town or approved outlying area as they possess in the village and as is derived from the authority of Alberta;
- (iv) to provide for the substitution of the council of the composite area for the council of the town, and conferring and imposing upon such council all the rights and liabilities of the town arising from contract or otherwise;
- (v) to provide for the substitution of any authority mentioned in any approved Act for any authority which otherwise would have jurisdiction in the matter under the legislation of the province;
- (vi) to give a name to the composite area;
- (vii) to provide for the payment of grants to the council of the composite area which would otherwise be payable to some other local authority;
- (viii) to provide for the transfer of any property vested in the town to the council of the composite area and the appointment of persons to effect such transfer.

1930, c.94, s.5.

Same

- 5a(1)** Where by reason of a provision in the Charter of the composite area or in an order of the Lieutenant Governor in Council of Alberta an Act of Alberta or any part thereof does not apply to that part of the composite area situated within Alberta, a complementary order in council may declare that that Act or part thereof shall apply to that part of the composite area situated within Alberta.
- (2) Where an Act of Alberta or any part thereof is by a complementary order in council declared to apply to the part of the composite area situated within Alberta, that Act or that part thereof applies, notwithstanding anything in the Charter of the composite area or in any order in council, with respect to that part of the composite area situated within Alberta.
- (3) Where an Act of Alberta, or any part thereof, declared by a complementary order in council to apply to the part of the composite area situated within Alberta requires a city to pay a sum of money annually to the Government of Alberta, the council of the composite area may, in the manner in which property taxes are usually levied, raise the money required to meet the payment by the levy of an additional tax on the taxable property in that part of the composite area situated within Alberta.

(4) Where, prior to the making of a complementary order in council under this section:

(a) the Act, or part thereof, to which the order in council relates has been applied with respect to the part of the composite area situated within Alberta; or

(b) the council of the composite area, or any government or municipal official, has complied with any of the requirements of the Act, or part thereof, to which the order in council relates;

the order in council may be made retroactive in effect to a date prior to the date on which the Act was first applied or the action was first taken and may validate anything done under or pursuant to the Act or part thereof.

1962, c.38, s.1.

Construction of Act

6 In the event of there being any conflict between the provisions of this Act or any order in council made thereunder and those of any other Act, either direct or arising by implication, the provisions of this Act and any such order in council shall prevail.

1930, c.94, s.6.

Reports

7 Whenever in any approved Act, it is directed that a report shall be made to the Lieutenant Governor of Alberta or to any minister of the Government of Alberta, a similar report shall be made to the Lieutenant Governor in Council or a minister of Saskatchewan.

1930, c.94, s.7.

Retrospective orders

8 Any order in council made under the provisions of this Act may be expressed to have a retroactive operation and thereupon shall have such operation.

1930, c.94, s.8.

Disposal of property

9 The council of the composite area shall hold all property or the proceeds thereof, for the component parts thereof, but this provision shall not prevent the council from disposing of or dealing with any property in accordance with the provisions of any approved Act.

1930, c.94, s.9.

Delegation of powers

10 The Lieutenant Governor in Council shall have power to delegate any of the duties or powers conferred or imposed upon him by this Act to any minister of the Crown.

1930, c.94, s.10.

Removal of difficulties arising on change in administration

11 If any difficulty is occasioned by the town or any approved outlying area falling under the provisions of an approved Act in lieu of the Act previously governing the administration of the town or such area in respect of the matter in question, then the Lieutenant Governor in Council may make any regulations which seem to him necessary or convenient to facilitate the passing from one Act to another, and all such regulations shall have the same effect as if they were set out herein, notwithstanding that they may in some particular or particulars affect the substantive rights of a person or persons.

1930, c.94, s.11.

Crown rights not affected

12 Subject to the provisions of section 13, this Act shall not affect any taxes payable to the Crown nor the collection thereof, nor any other right of the Crown.

1930, c.94, s.12.

Saskatchewan Public Revenues Tax

13 The council of the composite area shall in each year cause to be levied upon the equalized assessment of lands, businesses and special franchises in that portion of the composite area within Saskatchewan, as determined pursuant to the provisions of *The Department of Municipal Affairs Act*, the tax rate provided by *The Public Revenues Act* and the provisions of *The Public Revenues Act* shall *mutatis mutandis* apply.

1952, c.61, s.1.

Debentures

14 Every debenture issued by the council of the composite area shall, upon being countersigned by the Minister of Municipal Affairs, have the same effect upon the property of the *council situate* in Saskatchewan, and the rates and taxes payable in respect of property or persons therein, as if it were a debenture countersigned by the minister under the provisions of section 335 of *The Town Act, 1927*, and as if the council of the composite area were the council of a town consisting of the present town of Lloydminster.

1930, c.94, s.14.

Erection of Town of Lloydminster into a city and provision for a Charter, etc.

15(1) The order of the Lieutenant Governor in Council, numbered 2329/57 and dated December 17, 1957, declaring the area constituting the composite area to be a city is ratified and confirmed.

(2) The order of the Lieutenant Governor in Council, numbered 51/58 and dated January 10, 1958, approving a Charter for the composite area, and declaring the said Charter to be applicable to the composite area, is ratified and confirmed, and the Charter so approved shall be deemed to have been the Charter of the composite area on, from and after the first day of January, 1958, and the said Charter, including any amendments thereto thereafter made, or any revision or consolidation thereof, shall serve as the Charter for the government of the composite area.

(3) The council of the composite area in office on the first day of January, 1958, shall be the council of the composite area thereafter and until succeeded by a new council elected under the provisions of the said Charter, and the said council and succeeding councils shall possess all the rights, powers and authority and shall assume all the liabilities conferred or imposed upon the council of the composite area by this Act, by the Charter and by any complementary orders in council hereafter passed.

(4) With respect to debentures issued by the council of the composite area after the thirty-first day of December, 1957, section 14 shall be read and construed as if the words and figures 'section 389 of *The City Act*' were substituted for the words and figures 'section 335 of *The Town Act, 1927*' in the seventh line and as if the word 'city' were substituted for the word 'town' in the eighth line.

1958, c.49, s.1.

Effect of Charter

16(1) Order in Council 208/79, approving a Charter for the composite area and declaring the said Charter to be applicable to the composite area, is ratified and that Charter is deemed to have been the Charter of the composite area on and from February 1, 1979, and that Charter, as amended from time to time, is the Charter for the government of the composite area.

(2) Judicial notice shall be taken of the provisions of the Charter, as amended from time to time.

1980-81, c.26, s.2.

