



## CHAPTER 29.

## An Act to amend the "Electric Power Act."

1945, c. 27; 1946,  
c. 26.

[Assented to 3rd April, 1947.]

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Electric Power Act Amendment Act, 1947." Short title.
2. Section 2 of the "Electric Power Act," being chapter 27 of the Statutes of 1945, is amended by inserting the following definition immediately after the definition of "generation":—  
 "' Judge ' means a Justice of the Court of Appeal, a Justice of the Supreme Court, or a Judge of the County Court." Amends s. 2.
3. Section 9 is amended by inserting before "distribution," in the second last line of subsection (2), the words "transmission or." Amends s. 9.
4. Section 9 is further amended by adding at the end of subsection (2) the words "but this subsection shall not apply to the right of the Commission to purchase power from, or sell power to, any person who operates a power plant." Further amends s. 9.
5. Section 46 is amended by striking out "twenty," which word was inserted in subsection (1) of that section by section 2 of chapter 26 of the Statutes of 1946, and substituting "thirty." Amends s. 46.
6. Section 46 is further amended by inserting before "such," in the third last line of subsection (1), the words "subject to the provisions of subsection (3)." Further amends s. 46.
7. Section 46 is further amended by striking out subsection (3), and substituting the following:— Further amends s. 46.

"(3.) Treasury bills or notes may be renewed and reissued from time to time, and when, subsequent to the issue of Treasury bills or notes, moneys are borrowed or raised by the issue and sale of debentures or British Columbia stock, the Lieutenant-Governor in Council may direct that the whole or any part of the net sum raised by the issue and sale thereof shall be applied to the repayment or retirement in whole or in part of any such original or renewed or reissued Treasury bills or notes that may then be outstanding, and in such case the net sum so raised and directed to be applied to such repayment or retirement shall not be taken into account for the purposes of the borrowing limitation prescribed by subsection (1)."

**Amends s. 50.** 8. Section 50 is amended by inserting before "shall," in the fourth line of subsection (1), the words "subject to the provisions of subsection (3) of section 46."

**Enacts s. 73A.** 9. Chapter 27 is further amended by inserting therein the following as section 73A:—

"73A. To the compensation as found by the valuator, or as determined on appeal, and remaining from time to time unpaid, shall be added an allowance to the owner of simple interest thereon at the rate of four per centum per annum from the date upon which the title in the property in question is vested in the Commission, pursuant to the provisions of section 66; but nothing in this section shall prejudice or take away any right of an owner in respect to interest or the rate thereof arising out of, or in relation to, any expropriation made or begun prior to the fifteenth day of September, 1945."

**Amends s 76** 10. Section 76 is amended by striking out "either a Judge of the County Court or a Judge of the Supreme Court" in the second and third lines, and substituting "a Judge."

**Further amends s 76** 11. Section 76 is further amended by striking out "rules of the County Court or the Supreme Court, as the case may be, and with the."

**Further amends s 76** 12. Section 76 is further amended by striking out "appropriate court registry" in the sixth and seventh lines, and substituting "Victoria Registry of the Supreme Court."

**Further amends s 76** 13. Section 76 is further amended by renumbering the section as subsection (1), and adding as subsection (2) the following:—  
"(2.) In an appeal under section 74 all process shall be issued from, and all proceedings and documents shall be recorded in, the Victoria Registry of the Supreme Court."

14. Chapter 27 is further amended by inserting as section 76A Enacts s. 76A.  
the following:—

“76A. If a Judge appointed by the Lieutenant-Governor in Council under the provisions of section 76 is unable to hear the appeal, the Lieutenant-Governor in Council shall, as often as is necessary, appoint another Judge to hear the appeal, and such Judge shall have jurisdiction to hear and dispose of the appeal notwithstanding that the Judge originally or previously appointed had, before the appointment of the last-named Judge, become seised of the appeal.”

15. Section 77 is amended by striking out “In the case of a hearing before a Judge of the Supreme Court” in the first and second lines of subsection (2), and substituting “In the hearing before a Judge.” Amends s. 77.

16. Section 77 is further amended by striking out “Rules of Court” in the last line of subsection (2), and substituting “Rules of the Supreme Court.” Further amends s. 77.

17. Section 77 is further amended by adding the following as subsections (3), (4), and (5):— Further amends s. 77.

“(3.) The Rules of the Supreme Court relating to the discovery of documents, the production of documents for examination, examinations for discovery, the administering of interrogatories, the taking of evidence under commission and de bene esse, and as to the scale and taxation of costs shall apply to the appeal.

“(4.) The Rules of the Supreme Court relating to the conduct of trials in that Court, and to a view by the Judge, shall, mutatis mutandis, apply to the hearing of the appeal.

“(5.) The Judge may give such further directions as he deems to be necessary for the conduct of the appeal.”

18. Section 78 is amended by renumbering the section as subsection (1), and adding the following as subsection (2):— Amends s. 78.

“(2.) No appeal shall be defeated by reason of the existence of any irregularity or the taking of any preliminary objections relating to a matter of procedure, but on any application to the Judge, or on the hearing of the appeal, the Judge may impose such terms as to adjournments, payment of costs, and otherwise as to the Judge may seem just; but nothing in this section shall be deemed to extend the time hereinbefore appointed for the bringing of an appeal.”

19. Chapter 27 is further amended by inserting as section 78A Enacts s. 78A.  
the following:—

"78A. It shall be lawful for the Judge on the hearing of an appeal, by a summons under his hand, to require the attendance as a witness before him, at a place and time to be mentioned in the summons, which time shall be a reasonable time after the date of the summons, of any person, and in like manner by summons to require any person to bring and produce before him all documents, writings, books, deeds, and papers in his possession, custody, or power touching or in anywise relating to or concerning the subject-matter of an appeal; and every person named in and served with any such summons shall attend before the Judge and answer upon oath, unless the Judge otherwise directs, all questions touching the subject-matter of the appeal, and produce all documents, writings, books, deeds, and papers as aforesaid, according to the tenor of the summons."

Enacts s 78a

20. Chapter 27 is further amended by inserting as section 78B the following:—

"78B. If any person on whom a summons has been served by the delivery thereof to him, or by the leaving thereof at his usual place of abode, fails to appear before the Judge at the time and place specified in the summons, or, having appeared before the Judge, refuses to be sworn, or to make answer to such questions as are put to him by the Judge, or to produce and show to the Judge any documents, writings, books, deeds, and papers in his possession, custody, or power touching or in anywise relating to or concerning the subject-matter of the appeal, or if any person is guilty of any contempt of the Judge or his office, the Judge shall have the same powers, to be exercised in the same way, as if the appeal were being heard and disposed of by him in the Supreme Court of British Columbia; and all gaolers, sheriffs, constables, and all other police officers shall give their aid and assistance to the Judge in the execution of his office."

Re-enacts s 79

21. Said chapter 27 is further amended by striking out section 79, and substituting the following:—

"79. The costs of the parties to the appeal shall be in the discretion of the Judge."

22. Section 80 is amended by striking out subsection (1).

Amends s 81

23. Section 81 is amended by renumbering subsection (2) as subsection (3), and inserting the following as subsection (2):—

"(2.) Within fifteen days after the making of an interlocutory order by the Judge, either party may appeal therefrom to the Court of Appeal."

Further amends s 81

24. Section 81 is further amended by renumbering subsections (1) and (2) as subsections (2) and (3) respectively, and inserting the following as subsection (1):—

"(1.) The decision of the Judge whereby an award is made shall be entered in the Victoria Registry of the Supreme Court."

25. Section 91 is amended by striking out "superannuation or other allowances" in the second line of subsection (1), and substituting "superannuation allowances, or allowances." Amends s. 91.

26. Chapter 27 is further amended by inserting as section 91A the following:— Enacts s. 91A.

"91A. (1.) No moneys in any fund and no superannuation allowance under any fund established and maintained by the Commission under the provisions of section 91 may be assigned, charged, or attached by process in any Court, but a contributor to the fund may make such bequests of benefits under the fund as are authorized by a regulation made pursuant to the provisions of this Act.

"(2.) Where a contributor dies while in the service of the Commission, no payment from such fund to a person nominated by the contributor, or to his widow, shall be subject to the control of the creditors of the contributor or form part of his estate."

27. The amendments made by the foregoing sections shall respectively relate back to and shall be deemed to have had effect on, from, and after the twenty-eighth day of March, 1945. Retroactive effect.

VICTORIA, B.C. :

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