REGULATIONS ACT

Revised Statutes of Alberta 2000
Chapter R-14

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Office Consolidation

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Note

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

Regulations

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

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

Interpretation

1(1) In this Act,

(a) “file” means file with the registrar in the manner prescribed in section 2;

(b) “local authority” means a city, town, village, municipal district, improvement district, specialized municipality, Metis settlement, health region under the Regional Health Authorities Act, irrigation district, drainage district, special area or school division;

(c) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;

(d) “publish” means publish in the manner prescribed in section 3;
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(e) “registrar” means the Registrar of Regulations appointed under this Act;

(f) “regulation” means a regulation as defined in the Interpretation Act that is of a legislative nature.

(2) The following are not regulations within the meaning of subsection (1)(f):

(a) a regulation, rule, order, bylaw or resolution of
   (i) a local authority,
   (ii) a corporation incorporated under a public Act, or
   (iii) a corporation incorporated by or under a private Act;

(b) a General Council Policy of the Metis Settlements General Council incorporated under the Metis Settlements Act;

(c) a proclamation;

(d) a document adopted or incorporated by reference in a regulation.

Filing

2(1) Every regulation or a certified copy of it shall be filed in duplicate with the registrar.

(2) Unless a later day is provided, a regulation comes into force on the day it is filed with the registrar and in no case does a regulation come into force before the day of filing.

(3) Unless expressly provided to the contrary in another Act, a regulation that is not filed as provided in this Act has no effect.

(4) If, before its filing, a regulation has been amended by any subsequent regulation, the filing of the first mentioned regulation with the amendment so made embodied in it or added to it is deemed compliance with this section in respect of all those regulations.

Publication

3(1) Subject to subsections (2) and (3), the registrar shall, within one month of the filing of the regulation, publish the regulation in The Alberta Gazette.
(2) The Minister may, by order, extend the time for publication of a regulation, and if the regulation is subsequently published a copy of the order or a notice of the order shall be published with the regulation.

(3) If a regulation, in the opinion of the Lieutenant Governor in Council,

(a) has been available in printed form to all persons who are likely to be interested in it, and

(b) is of a length that renders its publication in The Alberta Gazette unnecessary or undesirable,

the Lieutenant Governor in Council may, by order, dispense with the publication of it and the regulation on filing is as valid against all persons as if it had been published.

(4) When, by order of the Minister or of the Lieutenant Governor in Council, the time for publication of a regulation is extended or its publication is dispensed with, the registrar shall publish the order or a notice of the order in The Alberta Gazette within one month after the making of it.

(5) Unless expressly provided to the contrary in another Act, and subject to subsection (3), a regulation that is not published is not valid as against a person who has not had actual notice of it.

Proving filing

4(1) Production of a regulation proved in the manner provided by the Alberta Evidence Act is proof, in the absence of evidence to the contrary, of the filing of the regulation in accordance with this Act.

4(2) Production of a certificate by the registrar that the regulation was filed on a specified date is proof, in the absence of evidence to the contrary, that it was filed on that date.

Monthly report

5(1) Subject to subsections (2), (3) and (4), the registrar may decide whether any regulation, rule, order or bylaw that has been presented to the registrar for filing is a regulation within the meaning of this Act.

5(2) Whenever required by the Minister, and at least once in each month, the registrar shall submit to the Lieutenant Governor in Council a report setting out every regulation, rule, order and bylaw that, pursuant to subsection (1), the registrar has decided is not a regulation within the meaning of this Act and to which no reference
is made in any preceding report submitted by the registrar under this subsection.

(3) Unless otherwise required by the Lieutenant Governor in Council, submission by the registrar of a brief summary or description of the terms of a regulation, rule, order or bylaw is a sufficient compliance with subsection (2).

(4) The Lieutenant Governor in Council may approve the report or may order that any regulation, rule, order or bylaw to which reference is made therein shall be deemed to be a regulation within the meaning of this Act, and in that case it is deemed to have been subject to this Act from the time it was made or passed.

(5) When the registrar has decided that a regulation, rule, order or bylaw is not a regulation within the meaning of this Act, and the Lieutenant Governor in Council has approved the registrar’s report of that decision, the registrar with the approval of the Lieutenant Governor in Council may nevertheless reverse the registrar’s decision and decide that the regulation, rule, order or bylaw is a regulation within the meaning of this Act and in that case it is deemed to have been subject to this Act from the time it was made or passed.

Numbering, citation and references

6 A reference in any Act or regulation to a line, word, or other portion, of or in any section, subsection, clause, subclause or paragraph of or in a regulation is deemed to be a reference to it as it appears in the regulation

(a) as published in The Alberta Gazette as required in this Act, or

(b) in the case of a regulation, publication of which has been dispensed with under section 3(3), as published in the printed form in which it has been made available as mentioned in section 3(3).

Registrar

7(1) There shall be a Registrar of Regulations who

(a) shall be appointed by the Lieutenant Governor in Council,

(b) is under the control and direction of the Minister, and

(c) is responsible for the recording, numbering and indexing of all regulations filed with the registrar and for the publication of them in accordance with this Act.
(2) The Lieutenant Governor in Council may appoint a Deputy Registrar of Regulations who, in the absence of the registrar or at the request or with the approval of the registrar or of the Minister, may exercise the powers and shall discharge the duties of the registrar.

RSA 1980 cR-13 s7

Regulations

8(1) The Lieutenant Governor in Council may make regulations

(a) prescribing the powers and duties of the registrar;

(b) prescribing the form and arrangement of regulations;

(c) prescribing a system of filing or registration and of indexing regulations;

(d) respecting the numbering and citing of regulations;

(e) respecting the consolidation and revision of all or any regulations, including the powers of revision and the manner and time of filing, publishing and coming into force of revised regulations;

(f) providing for the discharge of filing of anything filed that is not required to be filed under this Act;

(g) exempting any regulations, rules, orders or bylaws or any class of them from the provisions of this Act;

(h) providing for the inspection of regulations;

(i) generally for the carrying out of the provisions of this Act.

RSA 1980 cR-13 s7;1988 c42 s4

Revised regulations

9(1) In this section, “enactment” means a regulation or part of a regulation.

(2) On the coming into force of a revised regulation,

(a) the revised regulation has effect to all intents as if it were made by the regulation making authority and all requirements respecting the making and approval of the regulation had been complied with, and
(b) except to the extent specified, the enactment for which the revised regulation is substituted is repealed.

(3) A revised regulation shall not be held to operate as a new law but shall be construed and have effect as a consolidation of the law contained in the enactment for which it is substituted.

(4) The various provisions of a revised regulation corresponding to and substituted for those of the enactment previously in force shall, when they are the same in effect as those of the previous enactment, operate retrospectively as well as prospectively and are deemed to have come into force on the day on which the corresponding previous enactment came into force.

(5) If on any point the provisions of a revised regulation are not the same in effect as those of the previous enactment for which they are substituted, then, with respect to any transaction, matter and thing on or subsequent to the day on which the revised regulation came into force, the provisions of the revised regulation prevail, but with respect to all earlier transactions, matters and things the provisions of the previous enactment prevail.

(6) A reference in an Act, regulation, document or instrument to an enactment that is repealed and replaced by a revised regulation is, with respect to any transaction, matter or thing subsequent to the coming into force of the revised regulation, deemed to be a reference to the revised regulation or the provision of it having the same effect the repealed enactment had.

(7) A reference in a revised regulation to another enactment shall not be construed as a declaration that the other enactment was or was not in force immediately before the coming into force of the revised regulation.

Authority to make corrections, etc.

10(1) The Lieutenant Governor in Council may, by regulation,

(a) for the purpose of ensuring that references contained in the regulations filed under this Act are correct, amend the regulations to correct references to the name of a department, a minister, an official, an Act or a regulation of Alberta or of the Government of Canada;

(b) repeal a regulation for which the statutory authority to make the regulation has been repealed, has expired or is spent;

(c) correct typographical and grammatical errors;

(d) repeal a regulation that is spent.
(2) An amendment or repeal under subsection (1) may be made even though the regulation being amended or repealed was made by a member of the Executive Council or some other body or person.

1995 c23 s22

(NOTE: Section 16 of the Statutes Amendment Act, 2014 provides as follows:

**Related Amendments to Regulations**

**Related amendments to regulations**

**16(1)** The Lieutenant Governor in Council may make regulations for the purpose of amending terminology, definitions or references in regulations for purposes of gender neutrality in respect of a spousal or family relationship or for consistency with the law governing spousal relationships.

(2) An amendment under subsection (1) may be made notwithstanding that the regulation being amended was made by a member of the Executive Council or some other person or body.)