

Bill No. 19 of 1948.

A BILL TO AMEND THE RIGHT OF ENTRY
ARBITRATION ACT

NOTE

This Bill amends *The Right of Entry Arbitration Act*.

The purpose of the Bill is to remove an inconsistency between that Act and *The Pipe Line Act*. *The Right of Entry Arbitration Act* was intended to apply to mineral operators who had a right of entry to recover minerals by reason of their ownership of the minerals or an interest in them. The reference in section 8 to pipe lines applies to pipe lines necessary for or incidental to production, such as flare lines, or flow lines from wells to the operator's storage.

The Right of Entry Arbitration Act was not intended to apply to pipe lines of a pipe line company which were already covered by *The Pipe Line Act*. A pipe line company is a transportation company which is a public utility and may be declared to be a common carrier and a common purchaser.

To clarify this, the Bill amends the definition of "Operator" so that it does not include a company engaged solely in transporting or storing minerals.

Section 8 is amended to make it clear that it applies to pipe lines of an operator incidental to his production, and not to those of a pipe line company engaged in transportation.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 19 of 1948.

An Act to amend The Right of Entry Arbitration Act.

(Assented to _____, 1948.)

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

1. *The Right of Entry Arbitration Act*, being chapter 24 of the Statutes of Alberta, 1947, is hereby amended as to section 2 by striking out paragraph (g) thereof and by substituting therefor the following:

“(g) ‘Operator’ means any person, company, syndicate, or partnership entitled to remove minerals, or any agent thereof engaged in the work of searching for (including drilling, mining, getting, removing or producing minerals;”.

2. The said Act is further amended as to section 8 by striking out the same and by substituting therefor the following:

“**8.**—(1) No operator shall have the right of entry, user or taking of the surface of any land for the removal of minerals or for or incidental to any mining, or drilling operations; or for the laying of pipe lines used for or in connection with any mining or drilling operations or the production of minerals; or for the erection of tanks, stations and structures on such lands until he shall have obtained the consent of the owner of such surface rights and the occupant thereof, or shall have become entitled to entry by reason of an order of the Board made pursuant to this Act.

“(2) This Act does not apply to any pipe line of a pipe line company which is subject to the provisions of *The Pipe Line Act* and the regulations made thereunder.”.

3. This Act shall come into force on the day upon which it is assented to.

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act to amend The Right of Entry
Arbitration Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1948