

Bill No. 2 of 1949 (2nd Session).

A BILL TO AMEND THE OIL AND GAS RESOURCES
CONSERVATION ACT.

NOTE.

This Bill amends *The Oil and Gas Resources Conservation Act*, being chapter 66 of the Revised Statutes of Alberta, 1942.

The Natural Gas Utilities Act and *The Pipe Line Regulation Act* are both being repealed and certain of the provisions contained in those Acts are being re-enacted in this Act. Those powers of The Natural Gas Utilities Board in Part III of *The Natural Gas Utilities Act*, which related to the production, handling and disposition of natural gas, and were designed to facilitate or enforce measures for its conservation, are being transferred to the Conservation Board. Similarly, *The Pipe Line Regulation Act* contained provisions enabling pipe line companies to be declared to be common carriers or common purchasers. These powers facilitate the enforcement of measures for the conservation of oil and gas and are also being transferred to the Conservation Board.

Section 2 of this Act is struck out and a new section is substituted. The purpose of this amendment is to incorporate definitions of additional terms which are necessary by reason of the addition of the sections taken from *The Natural Gas Utilities Act* and *The Pipe Line Regulation Act*. New definitions are also added of such terms as "reasonable market demand" and "waste" in connection with the new powers of the Board with respect to proration.

Section 3 is struck out and a new section is substituted. The new section states that the intention of the Act is to effect the conservation of oil and gas resources, to prevent waste and to give each owner the opportunity of obtaining his just and equitable share of the production of any pool.

Section 16 is struck out and a new section is substituted which restates and enlarges the power of the Board to carry out the intention of the Act. The principal additional power given in section 16 is that of proration to meet the market demand. The Board is empowered to fix a provincial allowable for oil not exceeding the reasonable market demand. This provincial allowable will be allocated among the pools in the Province by fixing an allowable for each pool. The production of oil allocated to each pool will then be prorated among the producers from the pool for the purpose of giving each producer the opportunity of receiving his just and equitable share of the oil in the pool. The Board has similar powers with respect to gas.

A number of new sections are added immediately after section 16.

Section 16*a* is new. This section prohibits waste and makes it an offence to commit waste of oil or gas. The expression "waste" has a wide meaning which is defined in the Act.

Section 16*b* enables the Board, with the approval of the Lieutenant Governor in Council to declare the proprietor of any pipe line to be a common carrier. This power is presently contained in section 7 (2) of *The Pipe Line Regulation Act*, in section 9 (3) of *the Pipe Line Act*, and in section 74 of *The Natural Gas Utilities Act*. These three sections are being struck out by amendments to or repeal of their respective Acts and the power is being transferred by this section to the Conservation Board.

Section 16*c* enables the Board, with the approval of the Lieutenant Governor in Council, to declare any person who purchases oil or gas in the Province, to be a common purchaser of oil or gas from the pool or pools designated by the Board. This power presently appears in section 7 (1) of *The Pipe Line Regulation Act*, in sections 9 and 10 of *The Pipe Line Act*, and in section 75 of *The Natural Gas Utilities Act*. These sections are being repealed by amendments to or repeal of the above mentioned Acts and the power to declare persons to be common purchasers is being transferred to the Conservation Board by the enactment of this new section.

Section 16*d* is a new section similar to a section which appears in many of the Conservation Acts of the various States. The object of the section is to prevent the use of gas for wasteful purposes such as the production of carbon black. It prohibits the use of gas for any purpose other than gas lift, repressuring, or for light or as fuel, unless a permit is obtained from the Board. The permit is granted if the applicant proves, at a hearing before the Board, that the gas is to be used for a beneficial purpose and that it would be in the public interest to grant the permit. The permit granted may prescribe the period for which it is granted and may be subject to other terms and conditions prescribed by the Board.

Section 16*e* was taken from *The Natural Gas Utilities Act* where it presently appears as section 71. This Act is being repealed and this power is being transferred to the Conservation Board.

Section 16*f* provides that in any case where the Conservation Board directs the purchase or sale of gas, if the price cannot be agreed upon by the parties, then it may be determined by the Board of Public Utility Commissioners on the application of any person interested.

Section 16*g* enables the Board to direct any purchaser of gas to purchase residue gas produced with oil, if, in the opinion of the Board, it can reasonably and economically

be utilized for the purchaser's requirements. The purpose of this section is to prevent the waste of residue gas where it can be collected and used economically. The section also enables the Board to direct any purchaser to purchase gas from any well, pool or field which can reasonably and economically be reached and utilized for the purchaser's requirements. The section further provides that if it is just, reasonable, and in the public interest, the Board may direct the owner or operator of a well to sell to any designated purchaser.

Section 16*h* is taken from *The Natural Gas Utilities Act* where it appears as subsection (3) of section 71. That Act is being repealed and the power is being transferred to the Conservation Board.

Section 16*i* is also taken from *The Natural Gas Utilities Act*, where it appears as subsection (4) of section 71.

Section 16*j* was taken from *The Natural Gas Utilities Act* where it appears as section 76.

Section 16*k* is new and enables the Board to prescribe the methods to be used for the measurement of gas.

Section 16*l* was taken from *The Natural Gas Utilities Act* where it appears as section 67.

Section 16*m* was also taken from *The Natural Gas Utilities Act* where it appears as section 67*a*.

Section 16*n* was taken from *The Pipe Line Act* where it appears as section 11 (1) (*d*) and (*f*). The power to regulate and control pipe lines other than pipe lines used as distribution systems to ultimate consumers is being transferred from the Board of Public Utility Commissioners to the Conservation Board. The Board of Public Utility Commissioners, of course, still retains its price fixing powers in respect of pipe lines which are public utilities but no longer regulates or controls them.

Section 43 is amended by the addition of two new subsections. Section 43 deals with the procedure to be followed in connection with hearings. The first new subsection is the same as section 34 of *The Natural Gas Utilities Act* and provides that notice shall be given of any hearing relating to a contentious matter. The second new subsection is the same as subsection (4) of section 35*a* of *The Natural Gas Utilities Act* and provides that if any person does not receive notice of a hearing who is interested or affected, such person may apply to the Board to vary, amend or rescind the order, and the Board may hold an additional hearing to consider this application.

A new section 44*a* is added immediately after section 44. It gives a right of appeal from orders and regulations of the Board made under Part I of the Act, on questions of law and jurisdiction, and is similar to section 48 of *The Public Utilities Act*.

Section 46 is amended slightly for purposes of clarification.

Two new sections 48*a* and 48*b* are added immediately after section 48. These two new sections relate to the compelling of the attendance of witnesses and the giving of evidence. If the witness fails or refuses to attend, the Board may apply to a judge of the Supreme Court who may issue a warrant requiring the attendance of the witness before the Board. If a witness refuses to give evidence a judge of the Supreme Court, on the application of the Board, may commit the witness for contempt.

Section 51, which is the general penalty section, is amended. It is broadened so that a contravention of the regulations made under this Act or a contravention of an order of the Board, or a contravention of a term of or condition of a permit granted under *The Gas Resources Preservation Act* will constitute an offence and the offender will be liable to the penalty prescribed in section 51.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

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

BILL

No. 2 of 1949 (2nd Session)

An Act to amend The Oil and Gas Resources
Conservation Act.

(Assented to _____, 1949.)

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

1. *The Oil and Gas Resources Conservation Act*, being chapter 66 of the Revised Statutes of Alberta, 1942, is hereby amended by striking out section 2 and by substituting the following:

“2. In this Act, unless the context otherwise requires,—

- “(a) ‘absorption plant’ means any plant for the treating or processing of gas for the extraction therefrom by absorption or otherwise of natural gasoline or other hydrocarbons;
- “(b) ‘Board’ means the Board constituted by this Act and appointed pursuant thereto;
- “(c) ‘field’ means the general area which is underlaid or appears to be underlaid by one or more pools, and includes the underground reservoir or reservoirs containing oil or gas, or both, and the words ‘field’ and ‘pool’ have the same meaning when only one underground reservoir is involved, but the word ‘field’ may relate to two or more underground reservoirs or pools;
- “(d) ‘gas’ means all natural gas both before and after it has been subjected to any treatment or process by absorption, purification, scrubbing or otherwise, and includes all other fluid hydrocarbons not defined as oil;
- “(e) ‘oil’ means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are or can be recovered from a pool in liquid form by ordinary production methods;
- “(f) ‘owner’ when used in connection with any well, in addition to its ordinary meaning, includes the person who is entitled to dispose of any production of any petroleum from the well, or property, or who would be so entitled in the absence of any contract, statute, regulation or order governing the disposition of the production;
- “(g) ‘petroleum’ in addition to its ordinary meaning, includes gas or oil, or both, and any mixture con-

sisting mainly of hydrocarbons, but does not include coal or bituminous shales, or other stratified deposits from which oil can be extracted by destructive distillation;

- “(h) ‘pipe line’ means any pipe or any system or arrangement of pipes wholly within the Province whereby petroleum is conveyed from any well-head or other place at which it is produced, to any other place, or from any place where it is stored, processed or treated, to any other place, and includes all property of any kind used for the purpose of, or in connection with, or incidental to, the operation of a pipe line in the gathering, transporting, handling and delivery of petroleum, and without restricting the generality of the foregoing, includes tanks, surface reservoirs, pumps, racks, storage and loading facilities, compressors, compressor stations, pressure measuring and controlling equipment and fixtures, flow controlling and measuring equipment and fixtures, metering equipment and fixtures, and heating, cooling and dehydrating equipment and fixtures, but does not include any pipe or any system or arrangement of pipes which constitutes a distribution system for the distribution of gas to ultimate consumers;
- “(i) ‘pool’ means an underground reservoir containing or appearing to contain an accumulation of petroleum, and includes any zone of the general structure which is separated from any other zone in the structure, which zone shall be deemed to be a separate pool;
- “(j) ‘reasonable market demand’ means the demand for oil or gas for reasonable current requirements and current consumption, or use within and outside the Province, together with such amounts as are reasonably necessary for building up or maintaining reasonable storage reserves and working stocks of oil and gas and the products thereof;
- “(k) ‘scrubbing plant’ means any plant for the purifying, scrubbing or otherwise treating of gas for the extraction or removal therefrom of hydrogen sulphide or other deleterious substance;
- “(l) ‘waste’ in addition to its ordinary meaning, means ‘waste’ as that term is ordinarily understood in the oil and gas industry, and without limiting the generality of the foregoing, includes,—
- “(i) the inefficient, excessive or improper use or dissipation of reservoir energy;
- “(ii) the locating, spacing, drilling, equipping, operating or producing of any well or wells in a manner which results or could result in reducing the quantity of oil or gas ultimately recoverable from any pool;

- “(iii) the inefficient storing of oil or gas, whether on the surface or underground;
- “(iv) the producing of oil or gas in excess of transportation or marketing facilities or of reasonable market demand;
- “(v) the locating, drilling, equipping, operating or producing of a well or wells in a manner which causes or could cause unnecessary or excessive surface loss or destruction of oil or gas;
- “(m) ‘well’ means any orifice in the ground made by drilling, boring or in any other manner, from which any petroleum is obtained or obtainable or which is being so made for the purpose of obtaining any petroleum.”.

2. The said Act is further amended by striking out section 3 and by substituting the following:

“**3.** The intent, purpose and object of this Act is,—

- “(a) to effect the conservation of the oil and gas resources of the Province;
- “(b) to prevent the waste thereof; and
- “(c) to give each owner the opportunity of obtaining his just and equitable share of the production of any pool.”.

3. The said Act is further amended by striking out section 16 and by substituting the following:

“Powers of the Board

“**16.**—(1) The Board is hereby authorized and empowered, with the approval of the Lieutenant Governor in Council, to make such just and reasonable orders and regulations as the Board deems requisite to effect the intent, purpose and object of this Act.

“(2) Without limiting the generality of the foregoing, the Board, with the approval of the Lieutenant Governor in Council, is authorized and empowered,—

- “(a) to designate and delineate areas within the Province as fields and pools;
- “(b) to designate the area which shall be allocated to a well in connection with fixing allowable production;
- “(c) to control and regulate the production of petroleum by restriction, proration, or prohibition;
- “(d) to require the repressuring, recycling or pressure maintenance of any pool or portion thereof, and for such purpose to require the introduction or injection into any pool or portion thereof of gas, air, water or other substance, and incidental thereto to provide for the compulsory purchase of any well or wells;
- “(e) to require the storage in an underground formation, in accordance with such terms and conditions as the Board may prescribe, of any gas gathered which is in excess of the reasonable market demand and in-

cidental thereto to provide for the compulsory purchase of any well or wells;

“(f) to limit the amount of petroleum which may be produced in the Province,—

“(i) by fixing a provincial allowable for oil not exceeding the reasonable market demand as determined by the Board; and

“(ii) by allocating the provincial allowable for oil in a reasonable manner among the pools in the Province by fixing the amount of oil which may be produced from each pool without waste to meet the provincial allowable so determined; and

“(iii) by prorating the production of oil allocated to each pool among the producers from the pool, for the purpose of giving each producer the opportunity of producing or receiving his just and equitable share of the oil in the pool; and

“(iv) by limiting the total amount of gas which may be produced from any pool having regard to both the reasonable market demand for gas therefrom as determined by the Board and the efficient use of gas for the production of oil; and

“(v) by prorating the production of gas allocated to each pool among the producers from the pool, for the purpose of giving each producer the opportunity of producing or receiving his just and equitable share of the gas in the pool.

“Waste

“16a.—(1) Waste is prohibited and any person who commits waste is guilty of an offence against this Act.

“(2) No prosecution shall be instituted under the provisions of subsection (1) without the consent in writing of the Board.

“(3) A prosecution under this Act shall not deprive any person suffering damage or injury of any cause of action he may have.

“(4) Notwithstanding any prosecution under this Act, the Board may commence and maintain an action to enjoin any person from committing waste under this Act or for violating any order or regulation of the Board.

“Common Carrier

“16b.—(1) The Board, with the approval of the Lieutenant Governor in Council, from time to time may declare the proprietors of all the pipe lines in any designated part of the Province or the proprietor of any designated pipe line to be a common carrier as and from a date fixed by the order for that purpose, and thereupon any such proprietor shall be and shall be deemed to be a common carrier of oil or gas or both in accordance with the declaration.

“(2) No proprietor of a pipe line who is a common carrier shall directly or indirectly, make or cause to be made, or suffer or allow to be made, any discrimination of any kind as between any of the persons for whom any petroleum is gathered, transported, handled or delivered by means of the pipe line.

“(3) No common carrier shall discriminate in favour of its own petroleum or petroleum in which it may be directly or indirectly interested in whole or in part.

“Common Purchaser

“16c.—(1) The Board, with the approval of the Lieutenant Governor in Council, may declare any person who purchases oil or gas produced from any pool in the Province to be a common purchaser of oil or gas from the pool or pools designated by the Board.

“(2) Every common purchaser shall purchase oil or gas, as the case may be, offered for sale to him without discrimination in favour of one producer or owner as against another in the same pool.

“(3) Every common purchaser shall purchase without discrimination between the pools in the Province from which he is designated to be a common purchaser.

“(4) No common purchaser shall discriminate in favour of his own production, or production in which he may be directly or indirectly interested either in whole or in part.

“(5) The Board, by order, may relieve any common purchaser, after due notice and hearing, from the duty of purchasing oil or gas of inferior or different quality or grade.

“Relating to the Conservation and Prevention of Waste of Gas Resources

“16d.—(1) No gas produced in the Province shall be used or consumed in the Province for any purpose other than for gas lift, repressuring, recycling, pressure maintenance, or for light or as fuel, until a permit authorizing its use or consumption for such purpose is granted by the Board.

“(2) A permit shall be granted when the applicant therefor, after giving notice to such persons as the Board may direct, proves to the satisfaction of the Board, at a hearing before the Board, that the gas is to be used or consumed for a beneficial purpose, and that it would be in the public interest to grant the permit.

“(3) Any permit granted pursuant to the provisions of this section,—

“(a) shall authorize the use or consumption of the gas for the purpose or purposes prescribed in the permit; and

“(b) may designate the period for which the permit is granted; and

“(c) may be subject to such other terms and conditions as the Board may prescribe.

“16e. Notwithstanding the provisions of any contract or arrangement relating to gas, the Board, with the approval of the Lieutenant Governor in Council, may by order, direct that the owner or operator of any well or the proprietor of any gas pipe line, scrubbing plant or absorption plant named and described in the Board’s order, shall,—

- “(a) construct gas pipe lines, rearrange gas pipe lines, install compressor and all other equipment required, and do and perform all further acts and things which the Board deems necessary or advisable for the purpose of conserving, gathering and transporting to any absorption plant, scrubbing plant or compressor, or to any other point as directed by the Board, any gas at wells or elsewhere which, in the opinion of the Board, can be effectively and economically used or stored as hereinafter provided;
- “(b) gather in and transport to an absorption plant or a scrubbing plant or elsewhere as directed by the Board, any gas which, in the opinion of the Board, can be effectively and economically used or stored as hereinafter provided;
- “(c) purify, scrub or otherwise treat for the removal therefrom of hydrogen sulphide or other deleterious substance, that portion of the gas gathered in accordance with the provisions of paragraphs (a) or (b) which is required for the market;
- “(d) purchase and take delivery of all gas ordered by the Board to be delivered or sold, and in the quantities fixed by the Board, that in the opinion of the Board, can be effectively and economically purchased and delivered;
- “(e) sell the gas gathered and treated in accordance with paragraphs (a), (b), (c) or (d) in the quantities fixed by the Board to such wholesale or retail marketers or users of gas as the Board directs from time to time.

“16f. In any case where the Board directs the purchase or sale of gas under this Act the price to be paid for such gas shall be the price agreed upon by the parties, and failing agreement, the price shall be determined by the Board of Public Utility Commissioners on the application of any person interested.

“16g.—(1) For purposes of this section ‘purchaser’ means a person who purchases or otherwise acquires property in gas within the Province, and includes a person who produces gas for use and consumption for domestic, commercial or industrial purposes.

“(2) The Board, with the approval of the Lieutenant Governor in Council, by order, may,—

- “(a) direct any purchaser to purchase or otherwise acquire in such amounts and in such manner as the Board may direct, residue gas produced with oil, which gas is not required for repressuring, recycling or pressure maintenance, and which reason-

ably and economically, in the opinion of the Board, may be utilized for the purchaser's requirements;

“(b) direct any purchaser to purchase or otherwise acquire gas from any well, pool or field which reasonably and economically, in the opinion of the Board, may be utilized for the purchaser's requirements;

“(c) if, in the opinion of the Board, it is just, reasonable, and in the public interest so to do, direct the owner or operator of any well producing or capable of producing gas to sell and deliver to the purchaser designated by the Board all the gas produced at the owner's or operator's well or wells or such portion of the gas as the Board stipulates in its order, and in the event of neglect or refusal by the owner or operator of any well to comply with the terms of any order of the Board made hereunder, the Board may, by order, prohibit production of gas at such well for such time as the Board prescribes in its order.

“**16h.** If in the opinion of the Board it is just, reasonable and in the public interest so to do the Board, with the approval of the Lieutenant Governor in Council, by order, may,—

“(a) require the owner or operator of any gas well, oil well at which gas is produced or other well producing or capable of producing gas to maintain, continue or resume production of gas from such well subject to such terms and conditions as the Board may prescribe;

“(b) for the purpose of retaining in or returning to the underground formation gas for storage, require the owner or operator of any oil well or well producing or capable of producing gas, to restrict or discontinue production of gas from such well, or permit and allow such well to be used as an in-put well subject to such provisions as to compensation as the Board may prescribe.

“**16i.** If in the opinion of the Board, it is just, reasonable and in the public interest so to do, the Board, with the approval of the Lieutenant Governor in Council, by order, may require the owner or operator of an absorption plant or any other person who has in his possession or under his control gas, the property of the producer thereof, or has in his possession or under his control gas in which he has proprietary interest, to sell and deliver such gas or such portion thereof as the Board directs, to the person designated by the Board.

“**16j.** Unless otherwise directed by The Petroleum and Natural Gas Conservation Board, each owner or operator of a scrubbing plant shall accept and treat at prices and charges agreed upon, or in the event of failure to agree, at prices and charges fixed by the Board of Public Utility Commissioners, all gas offered to it for treating, and no such

owner or operator shall, directly or indirectly, make or cause to be made or suffer or allow to be made, any discrimination of any kind as between any of the persons for whom any gas is purified, scrubbed or otherwise treated in such plant.

“**16k.** For the purposes of this Act the Board may prescribe the method to be used for the measurement of gas.

“General

“**16l.**—(1) Each contract or other arrangement, written or oral, express or implied, which restricts or reserves to any one person the exclusive right to sell or supply, or to purchase or take delivery of oil or gas to or for the markets available or to become available for such oil or gas, shall be null and void to the extent that such contract or arrangement conflicts with the provisions of this Act, or an order or regulation of The Petroleum and Natural Gas Conservation Board, or of the Board of Public Utility Commissioners.

“(2) The provisions of this section shall not apply to any franchise, conferred by statute, nor to contracts or arrangements entered into pursuant to any statute in so far as such franchise, contract or arrangement relates to the supply or distribution of gas by wholesale or retail within the confines of any municipality, and made between any municipal corporation and any person supplying gas to the ultimate consumer whether by wholesale or by retail.

“**16m.**—(1) Any order or regulation of the Board with respect to any matter over which it has jurisdiction shall over-ride the terms and conditions of any contract or other arrangement conflicting with the terms of the order or regulation and no terms or conditions of any contract or other arrangement which conflict with the terms of the order or regulation shall be enforceable or give rise to any cause of action by any party against any other party to such contract or other arrangement.

“(2) Any person, a party to any contract or arrangement, the terms or conditions of which conflict with and are over-riden by the terms of any order or regulation of the Board, within ten days after becoming aware of any such order or regulation, or within such further time as the Board may allow, may apply to the Board to amend or rescind the order or regulation, and the Board shall thereupon, on such notice, if any, to other parties interested as it may in its discretion think desirable, hear the application and either amend or rescind the order or regulation or dismiss the application.

“**16n.**—(1) The Board, with the approval of the Lieutenant Governor in Council, by order, may regulate and control the operation of any pipe line and anything incidental thereto.

“(2) Without limiting the generality of subsection (1) the Board may make orders and regulations,—

“(a) prescribing the number, capacity and nature of storage tanks required for the operation of any pipe line and the methods of gauging the petroleum therein;

“(b) prescribing the types and gravities of petroleum which may be transported through any pipe line and the methods of measuring the quantity of petroleum transported.”.

4. The said Act is further amended as to section 43,—
- (a) by renumbering the same as subsection (1) of section 43;
 - (b) by adding immediately after subsection (1) the following new subsections:
 - “(2) In contentious matters the Board shall require such notice of an application to, or hearing by the Board, to be given as the Board deems requisite.
 - “(3) Any person interested in or affected by any order of the Board to whom notice may not have been given may, at any time within ten days after becoming aware of the order, apply to the Board to vary, amend or rescind the same, and the Board may, after notice to other parties interested, and after hearing any oral or written representations that may be made by the applicant, and any person interested in or affected by the order, either amend, alter or rescind the order or dismiss the application as to it may seem just.”.

5. The said Act is further amended by adding immediately after section 44 the following new section:

44a.—(1) An appeal shall lie from an order or regulation of the Board made under Part I to the Appellate Division of the Supreme Court of Alberta upon a question of jurisdiction or upon a question of law, upon leave therefor being obtained from a judge of the Appellate Division upon application made within one month after the making of the order or regulation sought to be appealed from, or within such further time as the judge, under special circumstances, may allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, and the costs of the application shall be in the discretion of the judge.

“(2) Each order of the Board shall go into effect at the time prescribed by the order, and its operation shall not be suspended by any appeal to the Appellate Division, or any further appeal, but the Board itself may suspend the operation of its order, when appealed from, until the decision of the Appellate Division, or other Appellate tribunal, is rendered, if the Board thinks fit.

“(3) Upon leave being obtained the party appealing shall deposit with a Registrar of the Appellate Division the sum of two hundred and fifty dollars, by way of security for costs.

“(4) Within thirty days after leave has been obtained the Board shall state and sign a case setting forth the facts of the case as found by the Board, and the grounds on which the order or regulation appealed from is questioned, and no

evidence, other than the facts as set forth in the case stated by the Board, shall be admitted before the court on the hearing of the appeal.

“(5) Upon receipt of the case stated by the Board and the said security the said Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days after the appeal has been set down, give to the parties affected by the appeal or the respective solicitors, by whom the parties were represented before the Board, and to the secretary of the Board, notice in writing that the case has been set down to be heard in appeal as aforesaid; and the appeal shall be heard by the Appellate Division as speedily as practicable.

“(6) On the hearing of the appeal the court may draw all such inferences as are not inconsistent with the facts set forth by the Board in the case stated, and are necessary for determining the question of jurisdiction or of law, as the case may be.

“(7) The Board shall be entitled to be heard by counsel or otherwise, upon, the argument of any appeal.

“(8) The Appellate Division shall have power to fix the costs and fees to be taxed, allowed and paid upon the appeal and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Supreme Court to the Appellate Division shall be applicable to appeals under this Act.

“(9) Neither the Board nor any member of the Board shall in any case be liable to costs by reason or in respect of an appeal or application.

“(10) Save as otherwise provided in this Act,—

“(a) every order or regulation of the Board shall be final; and

“(b) no order, regulation or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in any court.

“(11) Upon the hearing of the appeal the Appellate Division or other Appellate tribunal may confirm, vary or set aside the order or regulation appealed from.

“(12) If the order or regulation of the Board is varied or set aside by a judgment of the Appellate Division or other Appellate tribunal, its operation shall not be suspended by any such judgment until the time for appeal from that judgment has expired, or if an appeal has been taken, until the appeal has been finally disposed of.

“(13) If the order or regulation is varied or set aside the matter shall be reconsidered and redetermined by the Board, and the Board shall vary or rescind its order in accordance with the judgment of the Appellate Division or other Appellate tribunal.

6. The said Act is further amended as to section 46 by striking out the words “the whole or part of the movable and

immovable property in, on or about any”, where they occur in subsection (1) and by substituting the words “any well, together with the whole or part of the movable and immovable property in, on, or about such”.

7. The said Act is further amended by adding immediately after section 48 the following new sections:

“48a. No person shall be excused from testifying or from producing any book, document or paper in any investigation or inquiry by or upon a hearing before the Board, when ordered so to do by the Board, upon the ground that the testimony or evidence, book, document or paper required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence.

“Provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

“48b.—(1) In case of failure or refusal on the part of any person to comply with a notice to attend issued by the Board, a judge of the Supreme Court of Alberta, on the application of the Board, may issue a bench warrant requiring the attendance of the witness before the Board.

“(2) In case of the refusal of a witness to give evidence or answer as to any matter regarding which he is questioned before the Board, a judge of the Supreme Court of Alberta, on the application of the Board, may commit the witness for contempt of the Board, and shall have the same power of committal in respect of such contempt as he has in respect of contempts of the Supreme Court.”.

8. The said Act is further amended as to section 51 by striking out the words “any of the provisions of this Act”, and by substituting the words “any provision of this Act or of the regulations, or with any order of the Board, or with any term or condition of a permit granted under the provision of this Act, or *The Gas Resources Preservation Act*”.

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

SECOND SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to amend The Oil and Gas
Resources Conservation Act.

Received and read the

First time

Second time

Third time

HON. MR. TANNER.
