

Bill No. 128 of 1953

A BILL TO PROVIDE FOR THE LICENSING OF
SEISMOGRAPHIC RECORDING AND DRILLING
EQUIPMENT

NOTE

This Bill enacts a new Act to be known as "*The Seismographic Recording and Drilling Equipment Licensing Act*".

The equipment to which this Act relates, upon the coming into force of this Act, is no longer to be taxable pursuant to *The Assessment Act* in and by municipalities as personal property. Such equipment will be required to be licensed before it can be used in a municipality. The licence fee will be five per cent of three-tenths of the current market price of the equipment, payable to the Province.

At the end of the calendar year the Minister of Municipal Affairs will apportion the licence fee to those municipalities in which the equipment has been used during the year. In this way each such municipality will receive a share of the licence fee.

Inspectors are to be appointed but the assessor of a municipality is *ex officio* an inspector under this Act.

There are certain offences created and penalties set out therefor.

The Lieutenant Governor in Council may make regulations prescribing forms and procedures under this Act.

This Bill comes into force upon Proclamation.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 128 of 1953

An Act to Provide for the Licensing of Seismographic Recording and Drilling Equipment

(Assented to , 1953)

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

1. This Act may be cited as "*The Seismographic Recording and Drilling Equipment Licensing Act*". Short title

2. In this Act, unless the context otherwise requires,
- | | |
|---|--|
| (a) "equipment" means seismographic recording and drilling equipment; | Interpretation
"equipment" |
| (b) "inspector" means an inspector under this Act; | "inspector" |
| (c) "licence" means a licence issued pursuant to the provisions of this Act; | "licence" |
| (d) "Minister" means Minister of Municipal Affairs; | "Minister" |
| (e) "municipality" means a municipal district, a county, an improvement district or a special area; | "municipality" |
| (f) "owner" means the person who is in legal possession of seismographic recording or drilling equipment; | "owner" |
| (g) "person" includes a partnership or corporation; | "person" |
| (h) "seismographic recording and drilling equipment" means the equipment used or capable of being used for the purposes of seismographic exploration and without restricting the generality of the foregoing includes | "seismographic recording and drilling equipment" |
| (i) recording equipment units and all appurtenances thereto together with the vehicle upon which they are mounted or carried, | |
| (ii) conductor cables and cable reels, geophones, amplifiers and cameras, if mounted or carried on a separate vehicle from a recording vehicle, together with the vehicle upon which they are mounted or carried, | |
| (iii) explosives and explosive and detonating equipment together with the vehicle on which they are mounted or carried, | |
| (iv) drilling units and all the component parts and appurtenances thereof together with the vehicle upon which they are mounted or carried, | |

- (v) water tanks and pumping equipment together with the vehicle upon which they are mounted or carried;
- "unit" (i) "unit" means a vehicle upon which or within which there is mounted or carried seismographic recording or drilling equipment together with the equipment so mounted or carried.

Exemption from assessment and taxation **3.** Upon the coming into force of this Act seismographic recording and drilling equipment shall be exempt from assessment and taxation pursuant to *The Assessment Act*.

Licensing of equipment **4.** A person who is the owner of equipment shall obtain a licence in the manner provided in this Act before he engages in the use of any such equipment in a municipality.

Application for licence **5.** (1) A person who is the owner of equipment may apply to the Minister for a licence under this Act.

(2) The application shall be accompanied by an affidavit setting out with respect to each unit owned by the applicant,

- (a) the name, description and public service vehicle licence number of the vehicle,
- (b) the name, description and type of equipment mounted on or carried in the vehicle as being ordinarily part of the unit,
- (c) the current market price of all the items set out in clauses (a) and (b).

Calculation of licence fee **6.** (1) Upon receipt of an application and accompanying affidavit the Minister shall calculate the annual licence fee for each unit

- (a) by determining the total current market price on all the items comprising the unit,
- (b) by calculating three-tenths of the total current market price determined pursuant to clause (a),
- (c) by computing five per cent of the amount calculated pursuant to clause (b).

(2) Upon payment of the amount computed pursuant to clause (c) of subsection (1) the Minister shall issue a licence to the owner of the equipment.

Expiration of licence (3) A licence expires on the thirty-first day of December in the year in which the licence is issued.

Licence plate **7.** (1) A licence plate shall be issued by the Minister with each licence.

(2) The licence plate shall be attached in a conspicuous place to the unit for which it is issued.

Licence plate not to be transferred (3) A licence plate shall not be transferred from one unit to another.

8. (1) The owner of equipment, either himself or through his agent in charge of the equipment, Duties of owner of equipment

- (a) shall keep and maintain a complete record, in each calendar year, of the date of entry into each municipality of each unit of equipment for the purpose of engaging in seismographic exploration,
- (b) on or before the thirty-first day of December in each year, shall make a return to the Minister, in such form as he may prescribe, showing the number of days in that year a unit of equipment was in each municipality for seismographic exploration purposes, whether or not such unit was in actual use,
- (c) within twenty-four hours of commencing seismographic exploration work in a municipality, in writing, shall notify
 - (i) the Minister of Municipal Affairs in the case of an improvement district, or
 - (ii) the special areas board in the case of a special area, or
 - (iii) the secretary-treasurer of any other municipality,
 that he has within the municipality for seismographic exploration purposes each unit of equipment set out in the notification,
- (d) shall in writing notify the officials referred to in clause (c) of any withdrawals or additions of units from or into the municipality, as the case may be.

(2) For the purposes of subsection (1) reference to a unit of equipment shall be made by stating

- (a) the name or type of the unit of equipment, and
- (b) the number of the licence issued therefor.

9. As soon as may be in each year, the Provincial Secretary shall assemble the return made to him pursuant to clause (b) of subsection (1) of section 8 for the preceding year in respect of each unit of equipment and according to the returns shall Division of licence fees

- (a) determine the total number of days a unit was in all municipalities,
- (b) divide ninety-five per cent of the amount of the licence fee received by him pursuant to section 6 by the total number of days a unit was in all municipalities,
- (c) compute the number of days a unit was in each municipality,
- (d) pay to a municipality covered by the returns the amount arrived at by multiplying the result obtained pursuant to clause (b) by the number of days the unit was in that municipality.

- Regulations** **10.** The Lieutenant Governor in Council may make regulations not inconsistent with the provisions of this Act prescribing the procedure to be followed and the forms to be used in carrying out any of the provisions of this Act.
- Offences and penalties** **11.** A person
- (a) who gives false information in his application for a licence, or
 - (b) who after having been issued a licence plate attaches the licence plate to a unit for which it was not issued,
- is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.
- Inspectors** **12.** (1) The Minister may appoint persons as inspectors of equipment licences who shall have such duties as may be assigned to them by the Minister.
- (2) The assessor of a municipality shall be *ex officio* an inspector of equipment licences.
- (3) An inspector may inspect equipment for the purpose of ascertaining whether or not the equipment or any part thereof is duly licensed.
- Inspection of equipment** **13.** (1) Every person who is the owner or who has the control or management of equipment shall permit an inspector to inspect and examine the equipment at any reasonable time during the day and shall furnish such information as the inspector may require.
- Penalty for failure to allow inspection** (2) A person
- (a) who fails to comply with the provisions of subsection (1), or
 - (b) who knowingly makes a false statement to an inspector,
- is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.
- Penalty for unlicensed seismic exploration** **14.** (1) A person
- (a) who engages or attempts to engage in seismic exploration by the use of a unit of equipment for which a licence has not been obtained, or
 - (b) who engages or attempts to engage in seismic exploration by the use of a unit of equipment upon which a licence is not displayed,
- is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.

(2) Where a person is convicted of an offence under subsection (1) the convicting magistrate or justice, in addition to any penalty imposed in respect of such offence may order the impoundment of the unit concerned in the commission of the offence for a period not exceeding sixty days. Impound-
ment of unit

15. (1) The expenses of the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislative Assembly for the purposes of the Department of Municipal Affairs. Appropriation

(2) Any surplus moneys from licence fees remaining with the Minister after the annual apportionment to municipalities pursuant to section 9 shall be paid into the General Revenue Fund of the Province. Surplus

16. This Act shall come into force on a date to be fixed by Proclamation of the Lieutenant Governor in Council. Coming into
force

No. 128

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to Provide for the Licensing
of Seismographic Recording and
Drilling Equipment

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART.
