

No. 14

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 14

A Bill respecting Pipe Lines

HON. MR. MANNING

Explanatory Note

General. This Bill will enact a new Act to be entitled The Pipe Line Act, 1958, which will repeal and replace The Pipe Line Act, being chapter 234 of The Revised Statutes of Alberta, 1955. The new Act classifies the various types of pipe lines in use in the Province according to the function for which each is used and brings under the Act pipe lines carrying gas to consumers other than distribution systems within cities, towns and villages. It is proposed to bring the control and supervision of the operation of the pipe lines under the Department of Mines and Minerals rather than the Board of Public Utility Commissioners, and for that purpose a Superintendent of Pipe Lines and inspectors are to be appointed. The pipe lines to which the new Act does not apply are set out specifically in order to avoid conflict with other provincial Acts relating to pipe lines and the Pipe Lines Act (Canada). So that a record will be available of the locations of all provincial pipe lines other than those excepted, provision has been made for the filing of plans of the locations of pipe lines whether constructed before or after the coming into force of the new Act. (In these notes the section references are to The Pipe Line Act, chapter 234 of The Revised Statutes of Alberta, 1955.)

1. Short title.

2. (1) (a) New.

(b) New.

(c) Section 2(a) expanded.

(d) Section 2(a1) but "subjected to any processing" replaces "subjected to a treatment or process by absorption, purification, scrubbing or otherwise".

(e) Replaces section 2(a2).

(f) New.

(g) New.

BILL

No. 14 of 1958

An Act respecting Pipe Lines

(Assented to _____, 1958)

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 Pipe Line Act, 1958*".

PART I

INTERPRETATION

2. (1) In this Act,
 - (a) "Department" means the Department of Mines and Minerals;
 - (b) "distribution system" means pipes and installations in connection therewith for the distribution of gas to consumers constructed or operated under Part VII of *The City Act* or Part VIII of *The Town and Village Act*;
 - (c) "flow line" means a pipe for
 - (i) the transmission of oil from a well to a tank or tank battery,
 - (ii) the transmission of water obtained from oil or gas to a point of disposal, or
 - (iii) the transmission of gas or water to be used in the drilling of a well,and includes installations in connection therewith;
 - (d) "gas" means natural gas both before or after it has been subjected to any processing and includes any other hydrocarbon not defined as oil;
 - (e) "gas line" means a pipe for the transmission of gas and includes installations in connection therewith but does not include a secondary line or a distribution line or private line within the meaning of Part V;
 - (f) "highway" means a main or secondary highway that is denoted by a number under *The Public Highways Act*;
 - (g) "inspector" means an inspector appointed under this Act;

(h) New.

(i) New.

(j) New.

(k) New.

(l) New.

(m) Section 2(b).

(n) Changes section 2(c) to make this definition conform with the definition "gas" in 2(d) above.

(o) Replaces section 2(c1).

(p) New.

(q) Section 2(d) but the reference to person "deemed to be the holder of a permit" is added.

(r) Replaces section 2(e) to make the meaning of this term correspond to the new terminology used.

(s) New.

(t) New.

(u) Section 2(f).

(v) New.

- (h) “installation”
- (i) means any equipment, apparatus, mechanism, machinery or instrument incidental to the operation of a pipe line and includes a separator, pumping station, metering facility, connection, tank, pump, rack, storage facility or loading or other terminal facility or any other structure connected to the pipe line for treating the substance being transmitted, but
 - (ii) does not include a refinery, processing plant or marketing plant;
- (i) “licence” means a licence to operate a pipe line under this Act;
- (j) “licensee” means the holder of a licence or a person who is deemed to be the holder of a licence;
- (k) “local authority” means any person, board or other governing body given the authority over or the control or administration of a road by an Act of the Legislature;
- (l) “marketing plant” means any plant used for the marketing or distribution of any product obtained from the refining, processing or purifying of oil or gas;
- (m) “Minister” means the Minister of Mines and Minerals;
- (n) “oil” means crude oil both before or after it has been subjected to any refining or processing and includes
- (i) any hydrocarbon recovered therefrom, or
 - (ii) any other carbon compound, and any substance in association therewith;
- (o) “oil line” means a pipe for the transmission of oil and includes installations in connection therewith but does not include a secondary line or flow line;
- (p) “permit” means a permit granted under this Act or *The Pipe Line Act, 1952*;
- (q) “permittee” means a person who is the holder of a permit or a person who is deemed to be the holder of a permit;
- (r) “pipe line” means a flow line, gas line, oil line or secondary line or a distribution line or private line within the meaning of Part V;
- (s) “processing plant” means any plant for the processing of gas produced from one or more wells for the extraction from the gas of a sulphur compound, carbon dioxide or any hydrocarbon except oil;
- (t) “refinery” means any manufacturing or industrial plant where oil is processed or refined;
- (u) “regulations” means regulations made under this Act;
- (v) “road” means any public road or road allowance other than a highway;

(w) New.

(x) New.

(y) New.

(2) New.

3. New. This Part will exclude certain types of pipe lines from the purview of the Act.

4. (1) Section 3(1) in part, and provides the type of pipe line for which a permit is required.

(2) Section 4(2) in substance.

- (w) "road allowance" means a road allowance as prescribed under *The Alberta Surveys Act* whether containing an existing thoroughfare or not;
 - (x) "secondary line" means a pipe for
 - (i) gathering oil or gas in an area,
 - (ii) the transmission of oil, gas, water or other substance in connection with any scheme within the meaning of section 38 of *The Oil and Gas Conservation Act*, or
 - (iii) the transmission of gas or water in connection with drilling or production operations in any area,
 and includes installations in connection therewith but does not include a flow line;
 - (y) "Superintendent" means the Superintendent of Pipe Lines appointed under this Act.
- (2) The decision of the Minister is final as to whether or not a pipe line is a gas line, oil line, secondary line or flow line or a distribution line or private line within the meaning of Part V and there is no appeal therefrom.

PART II

APPLICATION OF ACT

3. This Act applies to all pipe lines in the Province excepting
- (a) a pipe line situated wholly within the property of a refinery, processing plant or marketing plant,
 - (b) a pipe line being constructed or operated by leave of of the Board of Transport Commissioners for Canada under the *Pipe Lines Act* (Canada),
 - (c) that portion of a distribution system within the boundaries of a city, town or village, or
 - (d) a pipe transmitting gas or fuel oil from a tank that is situated wholly within the property of a consumer and the installations in connection therewith.

PART III

PERMITS AND LICENCES

4. (1) No person shall construct a gas line, oil line or secondary line or any part thereof or undertake any operations preparatory to the construction thereof unless he is the holder of a permit.

(2) Notwithstanding subsection (1) but subject to the regulations, a person proposing to apply for a permit to construct a gas line, oil line or secondary line or any part

5. (1) New. Replaces section 4(1).

(2) Section 4(2) in substance.

(3) Section 4(4) but requirement that copy of application be filed with Minister of Highways removed.

6. Replaces section 4(1a). The requirement that a notice of intent to apply for a permit is abolished and in place thereof a ministerial power to require publication of a notice of the proposed route substituted.

7. (1) In substance section 5 in respect of a gas line.

(2) In substance section 5 in respect of oil lines.

8. (1) Section 6(1) in substance, but express reference to financial responsibility of applicant and to objections of Minister of Highways removed.

thereof, or his agents, may enter upon any Crown or other lands lying in the intended route of the pipe line,

- (a) to make surveys, examinations or other necessary arrangements on the lands for fixing the site of the pipe line, or
- (b) to set out and ascertain such parts of the lands in which an interest may be required for the pipe line.

5. (1) An application for a permit shall be forwarded to the Department in Form A in the Schedule to this Act.

(2) An application for a permit

- (a) shall be accompanied by a plan showing
 - (i) the proposed route of the pipe line coloured in red,
 - (ii) the intended size and capacity of the pipe, and
 - (iii) the location and capacity of each proposed installation,

and

- (b) shall have attached thereto a specification sheet in Form B in the Schedule to this Act if the information required therein is not shown on the plan.

(3) A copy of the application for a permit and a copy of the plan with the specifications shall be forwarded to the Oil and Gas Conservation Board.

6. (1) The Minister may order an applicant to publish a notice with respect to the proposed route of the pipe line in such newspapers and in such form as the Minister may prescribe.

(2) The cost of publishing a notice ordered under subsection (1) shall be borne by the applicant.

7. (1) In the case of a gas line, the Oil and Gas Conservation Board

- (a) shall notify the Department whether it approves or disapproves thereof, and
- (b) may recommend such changes in the plan and in the specifications as the Oil and Gas Conservation Board deems advisable.

(2) In the case of an oil line or a secondary line for gas the Oil and Gas Conservation Board shall notify the Department of any objections it may have thereto.

8. (1) When he is considering an application, the Minister may have regard to

- (a) in the case of a gas line
 - (i) any approval or disapproval and any recommendations of the Oil and Gas Conservation Board,
 - (ii) any objection of an interested party, and

(2) In substance, section 6(2) and (3) combined.

(3) Section 6(4) in substance.

9. (1) Section 7(1).

(2) New.

(3) New.

(4) New.

(5) New.

(6) Section 7(2) in substance.

10. (1) Section 11 in part, revised.

(2) Balance of section 11 revised.

(iii) any public interest that, in the opinion of the Minister, may be affected by the granting or refusal of a permit,
and

(b) in the case of an oil line or a secondary line for gas any objections of the Oil and Gas Conservation Board.

(2) The Minister may make such changes and alterations in the plan and specifications of a gas line, oil line or secondary line as he may deem expedient.

(3) The decision of the Minister as to whether a person is or is not an interested party within the meaning of sub-clause (ii) of clause (a) of subsection (1) is final and there is no appeal therefrom.

9. (1) The Minister or a person authorized to do so by the Minister may grant a permit for a gas line, oil line or secondary line in accordance with the plan and specifications originally submitted to the Department, or as changed or altered by him, as the case may be, and subject to such terms and conditions as he may express in the permit or he may refuse to grant the permit.

(2) In granting a permit for a gas line, oil line or secondary line or at any time thereafter, the Minister or a person authorized to do so by the Minister may prescribe a date by which construction of the line is to be commenced or completed.

(3) Where the construction of a gas line, oil line or secondary line is not commenced or completed by the date prescribed under section (2) the Minister may cancel the permit.

(4) A permit is not required for the construction of a flow line but any person who proposes to construct a flow line is deemed to be the holder of a permit for the proposed flow line.

(5) The Minister may cancel a permit for failure of the permittee to comply with any provision of this Act.

(6) The decision of the Minister with respect to an application for a permit or the cancellation of a permit is final and there is no appeal therefrom.

10. (1) When the Oil and Gas Conservation Board makes an order for the construction of a pipe line under section 46 of *The Oil and Gas Conservation Act*, a copy of the order shall be forwarded by the Board to the Department.

(2) Notwithstanding the provisions of this Act relating to an application for a permit, upon receipt of an order under subsection (1), the Minister or a person authorized to do so by the Minister shall issue a permit to the person named therein for the construction of the pipe line in accordance with the plan and specifications set out in the order.

11. Replaces section 24.

12. Replaces section 9 for the purpose of conforming with present day conditions in the industry.

13. New.

11. (1) Where a permittee desires to make any change with respect to a permit before commencing or during construction of a gas line, oil line or secondary line, an application, unless otherwise provided in the regulations, shall be submitted to the Department to amend the permit.

(2) An application under subsection (1) shall be made and dealt with in the same manner as an application for a permit under this Part.

(3) Where an amendment involves a relocation or diversion, the Minister, or a person authorized to do so by the Minister, may cancel the permit and grant a new permit.

12. (1) After the construction of a gas line, oil line or secondary line, where a permittee or licensee desires to make any change with respect to it by alteration, addition, relocation, diversion or extension thereto, an application to do so shall be submitted to the Department.

(2) An application under subsection (1) shall be made and dealt with in the same manner as an application for a permit under this Part.

(3) In granting an application under subsection (1), the Minister or a person authorized to do so by the Minister may

- (a) amend the permit for the gas line, oil line or secondary line,
 - (b) grant a new permit, or
 - (c) by order exempt the alteration, addition, relocation, diversion or extension from any or all of the provisions of this Part, and in the order may impose such terms and conditions as he deems advisable but the person obtaining the order is deemed to be the holder of a permit for the alteration, addition, relocation, diversion or extension.
- (4) This section does not apply
- (a) to repairs or maintenance made in the ordinary course of operating a gas line, oil line or secondary line,
 - (b) in an emergency, or
 - (c) to a modification made to an existing installation.

13. (1) The operator of a flow line constructed before the coming into force of this Act or the permittee of a flow line constructed under this Act is deemed to be the holder of a licence for the flow line.

(2) The permittee of a flow line constructed under this Act shall forward to the Department within sixty days of the date the flow line is placed in operation a sketch in duplicate showing the route of the flow line coloured in red and the size of the pipe.

(3) The Superintendent may require a licensee of a flow line constructed prior to the coming into force of this Act to

14. (1) New. Authorizes Superintendent to grant licence for the operation of a pipe line; under present Act a permittee obtains an order from the Board of Public Utility Commissioners.

(2) New. Deals specifically with secondary lines for substances other than gas.

(3) New.

(4) New.

15. In substance section 23(2a) but Superintendent replaces Board of Public Utility Commissioners.

16. New. This section will require the furnishing of plans of surveys for pipe lines built before the commencement of this Act and the granting of licences for this operation.

furnish a sketch in duplicate showing the route of the flow line coloured in red and the size of the pipe.

14. (1) No permittee shall commence the operation of a gas line or oil line or a secondary line for gas until he has

- (a) tested the pipe line to the satisfaction of the Superintendent,
- (b) furnished the Superintendent with a plan of survey in duplicate of the land in which an interest has been acquired for the pipe line, and
- (c) applied for and obtained from the Superintendent a licence for the pipe line.

(2) The permittee of a secondary line for any substance other than gas is deemed to be the holder of a licence for the secondary line for a period of six months from the date operation of the secondary line commences but during that period he shall

- (a) furnish the Superintendent with a plan of survey in duplicate of the land in which an interest has been acquired for the secondary line, and
- (b) apply for and obtain from the Superintendent a licence for the secondary line.

(3) The plan of survey to be furnished under subsections (1) and (2) shall show on it the number of any permit granted with respect to the pipe line.

(4) No person shall operate a pipe line that was constructed or operated under an authority, other than one derived from an Act of the Legislature relating to pipe lines, for any purpose under this Act until he has

- (a) tested the pipe line to the satisfaction of the Superintendent,
- (b) furnished the Superintendent with a plan of survey in duplicate of the land in which an interest has been acquired for the pipe line, and
- (c) applied for and obtained from the Superintendent a licence if the pipe line is of a kind for which a licence is required.

15. Notwithstanding section 14, where a permittee is not able to comply with subsection (1) or (2) thereof with respect to the plan of survey for the gas line, oil line or secondary line, the Superintendent may grant a licence subject to the licensee furnishing the Superintendent with the prescribed plan within such time as the Superintendent may specify.

16. (1) The operator of a gas line, oil line or secondary line at the date of the coming into force of this Act, shall within one year from that date, furnish the Superintendent with a plan of survey in duplicate of the land in which an interest has been acquired for the pipe line, unless prior to that date the plan of survey has been furnished to the Department.

17. New.

18. Section 23(4) in substance.

19. (1) New.

(2) New.

(3) and(4) Section 31(1) in substance but reference to permission of Board of Public Utility Commissioners changed to Minister.

20. New.

(2) The Superintendent shall grant a licence for the gas line, oil line or secondary line on receipt by him of the plan of survey required under subsection (1).

(3) During the period of one year referred to in subsection (1) the operator shall be deemed to be the holder of a licence for the pipe line until a licence is granted.

(4) The Superintendent shall grant a licence with respect to any gas line, oil line or secondary line where the plan of survey required under subsection (1) was furnished to the Department before the coming into force of this Act and until the licence is granted, the operator shall be deemed to be the holder of a licence for the pipe line.

17. The Superintendent shall cause to be forwarded to the Oil and Gas Conservation Board a copy of every sketch under section 13 and of every plan of survey and licence under sections 14, 15 and 16.

18. A licensee who has been declared to be a common carrier under *The Oil and Gas Conservation Act*, if his pipe line could, in the opinion of the Minister, reasonably be used to transport oil that has been obtained or produced from bituminous sands as defined in *The Mines and Minerals Act* and processed to make it marketable, shall not unreasonably discriminate between the oil and any other oil.

19. (1) No transfer of a permit or licence is valid without the consent of the Minister and the registration of the instrument of transfer in the Department.

(2) Upon registration of an instrument of transfer the transferee shall thereupon become the permittee or licensee, as the case may be.

(3) A permittee of a gas line, oil line or secondary line shall not, without the consent of the Minister,

(a) sell or lease to any person his permit in whole or in part, or

(b) enter into an agreement

(i) for amalgamation with any other person, or

(ii) for the operation of his gas line, oil line or secondary line.

(4) A licensee of a pipe line, other than a flow line, shall not, without the consent of the Minister,

(a) sell or lease to any person his licence in whole or in part, or

(b) enter into an agreement

(i) for amalgamation with any other person, or

(ii) for the operation of his pipe line.

20. (1) No company shall acquire or hold a permit or licence unless it is a company

21. New.

22. Section 25 in substance but reference to Board of Public Utility Commissioners changed to Superintendent.

23. Replaces section 8 and gives right to construct a pipe line across a public highway.

24. In substance section 22(4) extended to provide that no pipe line be constructed across any highway or closer than 100 feet to a highway without the consent of the Minister of Highways.

- (a) registered under the provisions of *The Companies Act* of the Province,
- (b) incorporated by an Act of the Province and approved by the Minister as a company that may acquire or hold a permit or licence, or
- (c) incorporated under the *Bank Act* (Canada).

(2) No syndicate or other association of persons shall acquire or hold a permit or licence unless it has been incorporated by or under an Act of the Province and approved by the Minister as an association that may acquire or hold a permit or licence.

21. (1) The Minister may cancel a licence for failure of the licensee to comply with any provision of this Act.

(2) Except where a condition exists that in the opinion of the Minister is a danger to any person or to public or private property, the Minister shall not cancel a licence under subsection (1) until he has given the licensee thirty days' notice to rectify his default.

(3) Upon the cancellation of a licence by the Minister, no oil, gas, water or other substance shall be transmitted by the pipe line until a new licence has been issued by the Superintendent.

(4) Where a licence has been cancelled under subsection (1), a new licence may be issued by the Superintendent in his discretion upon an application being made to him.

22. No licensee shall discontinue the operation of a pipe line except for repairs, maintenance or in the ordinary course of operating the pipe line without the consent of the Superintendent.

PART IV GENERAL

23. (1) Any person who has the right to construct or operate a pipe line under this Act has the right to do so on, across, over or under any highway or road.

- (2) In the exercise of any right granted under subsection (1),
- (a) sections 24 and 25 shall be complied with, and
 - (b) care shall be taken to preserve, as far as possible, a free and uninterrupted passage to and over the portion of the highway or road affected.

24. (1) No pipe line shall be constructed on, across, over or under any highway without the approval of the Minister of Highways.

(2) An application for approval under subsection (1) shall be accompanied by a plan and profile of the portion of the highway affected.

25. New.

26. New.

27. New.

28. Section 27 in substance.

(3) The land in which an interest is required for a pipe line parallel to a highway shall not be located nearer than one hundred feet to the centre line of the highway without the approval of the Minister of Highways.

25. (1) No pipe line shall be constructed on, across, over or under any road without the approval of the local authority concerned, or, where approval cannot reasonably be obtained therefrom, without the approval of the Minister.

(2) The land in which an interest is required for a pipe line parallel to a road shall not be located nearer than fifty feet to the centre line of the road without the approval of the local authority concerned, or, where approval cannot reasonably be obtained therefrom, without the approval of the Minister.

26. (1) No pipe line shall be constructed on, across, over or under an irrigation canal or ditch or a drainage ditch under *The Drainage Districts Act* without the approval of the owner, or, where approval cannot reasonably be obtained therefrom, without the approval of the Minister.

(2) An approval granted under subsection (1) may include a requirement for the erection and maintenance of signs with respect to the canal or ditch in accordance with section 28.

27. (1) Where a pipe line has been constructed under a river or stream that has an average general width of twenty-five feet or over at the low water stage, the operator shall

(a) within three months of the date that construction was completed if under this Act, or

(b) within six months of the date of the coming into force of this Act if construction were completed prior to that date,

furnish the Superintendent with a plan and profile of the crossing.

(2) At each crossing under subsection (1), signs shall be erected and maintained in accordance with section 28 at a point above the high water mark of the river or stream.

28. (1) A sign shall be erected and maintained at each point where a pipe line enters or leaves the limits of a highway or road outside the boundaries of a city, town or village.

(2) Any sign erected under subsection (1) shall be in accordance with the regulations.

(3) When a pipe line or part thereof has been taken up or removed any signs erected in connection with it shall be removed.

(4) Except when replacements are made or required, this section does not apply to signs erected before the coming into force of this Act.

29. New.

30. Section 29 in substance.

31. New.

32. New.

33. New.

34. Section 9(a) expanded to permit the Minister to direct the payment of compensation in the case provided for.

35. New.

29. (1) Except in the ordinary course of making repairs or of maintenance, no pipe line or part thereof shall be taken up or removed without the consent of the Superintendent and subject to such terms and conditions as he may prescribe.

(2) When a pipe line or part thereof is taken up or removed the licensee shall immediately fill any ditch or other opening resulting from the taking up or removal of the pipe line or part thereof.

30. No person, without the authority of the Director of Mines of the Department and the Superintendent shall construct a pipe line or part thereof so as to interfere with the present workings of a mine or quarry or obstruct any opening thereto.

31. (1) The Superintendent may order that a sample of gas being transmitted by a pipe line be taken and analyzed by such agency as he may determine.

(2) The Superintendent may at any time require the permittee or licensee of a pipe line to make tests of the pipe line and may prescribe the manner in which the tests are to be made.

32. Where a pipe line that is transmitting oil breaks on Crown land or in a forested area, the licensee as soon as possible shall report the location of the break and the approximate quantity of oil that has escaped to an employee or officer of the Department of Lands and Forests.

33. (1) Any sketch, plan of survey or plan required to be submitted or furnished under this Act shall be on a scale of not less than one inch to two miles unless otherwise permitted by the Superintendent.

(2) Symbols used on plans of survey or plans to denote installations shall be in accordance with the regulations or to a like effect.

34. (1) The Minister may, upon such terms and conditions as he deems proper, direct a licensee to alter or relocate any part of his pipe line if in the Minister's opinion the alteration or relocation would be in the public interest.

(2) Where the Minister directs the alteration or relocation of any part of a pipe line, he may order the payment of such compensation as he may determine and by whom and to whom the compensation is payable.

35. (1) The Superintendent or any inspector may, for the purpose of making any inspection, investigation or test pertaining to a pipe line or to the proposed route of a pipe line, enter upon any Crown or other lands in the Province and into any installations or other structures irrespective of who may own or occupy the lands, installations or structures.

36. New.

37. New.

General. Because of uncertainty under the present Act with regard to the nature of the interest acquired by an operator under an order made by the Board of Public Utility Commissioners and with regard to the effect of orders when the land is unsurveyed, this Part specifically sets out the nature of the interest that may be acquired by an operator and also allows an operator to deal directly with the Crown when an interest in Crown land is required.

This Part provides for regulations to be made by the Lieutenant Governor in Council appointing a Board to deal with the acquisition and termination of interests in lands and prescribing the functions, powers and duties of the Board that is appointed.

38. Definitions.

39. Manner of acquiring interest in land.

(2) The permittee or licensee or other person at the time in charge of the pipe line or part thereof shall render the Superintendent or inspector such assistance and supply such information as may be reasonably required.

PART V

DISTRIBUTION LINES AND PRIVATE LINES

36. In this Part,

- (a) "building" means any structure whether fixed to the land or not but does not include an installation;
- (b) "distribution line" means a pipe used for transmitting gas for domestic, commercial or industrial purposes
 - (i) from a gas line, secondary line or a well, or
 - (ii) from that portion of a distribution system within the boundaries of a city, town or village, and includes the installations in connection therewith but does not include any pipe or installation on, within or under a building;
- (c) "private line" means a pipe used for transmitting gas from a gas line, secondary line, distribution line or a well to be used for domestic or commercial purposes on a farm or ranch or a separately owned parcel of land and includes the installations in connection therewith but does not include any pipe or installation on, within or under a building.

37. (1) Unless otherwise directed by the Superintendent all the provisions of this Act that apply to a secondary line for gas apply to a distribution line or private line.

(2) Where a private line or any part thereof is subject to *The Gas Protection Act*, the Superintendent may exempt the private line or any part thereof from any or all of the provisions of this Act.

PART VI

ACQUISITION OF LAND

38. In this Part,

- (a) "land" means land other than mines or minerals;
- (b) "operator" means a permittee or licensee.

39. Where, after the commencement of this Act an operator requires an interest in land for the purposes of his pipe line the interest may be acquired in lands owned by the Crown or by any other person

40. Effect of orders heretofore made.

41. The Lieutenant Governor in Council is given power to appoint a board to make orders under this Part.

42. (1) Application for order under this Part.

(2) The order is to vest the interest in land required and to fix compensation.

- (a) by negotiation with the owner,
- (b) by an order under *The Right of Entry Arbitration Act*, if the operator is entitled to apply under that Act,
- (c) by an order under *The Water, Gas, Electric and Telephone Companies Act*, if the operator is a company within the meaning of that Act, or
- (d) by an order under this Part.

40. An order heretofore made by the Board of Public Utility Commissioners with respect to land for the construction of a pipe line, whether the order was made in respect of Crown land or other land shall be treated in all respects as an order under this Part.

41. (1) The Lieutenant Governor in Council may by regulation

- (a) establish a board with authority to make orders under this Part, or
- (b) designate an existing board, commission or body as a board with authority to make orders under this Part.

(2) Any regulations made pursuant to subsection (1)

- (a) may, where they establish a board, prescribe
 - (i) the constitution of the board,
 - (ii) the functions, powers and duties of the board, and
 - (iii) the procedure to be followed by the board,
- (b) may, where an existing board, commission or body is designated, give to the board, commission or body such functions, powers and duties as may be necessary to carry out its duties under this Part, and may prescribe the procedure to be followed by the board, commission or body, and
- (c) may prescribe the form of the orders to be made under this Part.

42. (1) Where an operator requires an interest in land for the purposes of his pipe line he may apply, in accordance with the regulations, to a board established or designated pursuant to section 41.

(2) Upon hearing the application the board may make an order pursuant to this Part

- (a) vesting in the operator an interest in the land described in the order, and
- (b) fixing in such manner and over such periods of time as the board may decide, the compensation to be paid by the operator to the Crown or other person from whom the interest in land is acquired.

(3) Interim order.

43. Nature of the interest in land granted by an order under this Part.

44. Application of certain provisions to interests otherwise acquired.

45. Registration of order at land titles office.

46. Enforcement of order.

(3) Before making an order pursuant to subsection (2) the board may, in accordance with the regulations, issue an interim order permitting the operator to exercise such rights in respect of the land as may be specified in the order.

(4) An interim order heretofore made by the Board of Public Utility Commissioners with respect to land for the construction of a pipe line, whether the interim order was made in respect of Crown land or other land, shall be treated in all respects as an interim order under this Part.

43. (1) Notwithstanding any other Act of the Legislature, an order under this Part granting an operator any interest in land for the purposes of his pipe line vests in the operator, his successors and assigns, unless otherwise provided in the order but in any event subject to this Part and the regulations, an exclusive interest for the purposes of the pipe line in the land described in the order, with such annexed rights in or over other land as may be specified in the order.

(2) Nothing in this Part shall be construed to give an operator any right or entitlement to a certificate of title under *The Land Titles Act* for the interest in land acquired by the operator by an order under this Part.

(3) The interest acquired by an operator by an order under this Part does not include the right to carry away sand and gravel from the land in respect of which the order was made, but the operator may, in the construction, operation or removal of his pipe line, excavate or otherwise disturb any minerals or any sand and gravel within, upon or under the land without permission from or compensation to the Crown or any person.

44. (1) Subsections (2) and (3) of section 43 apply in respect of an interest in land acquired by negotiation from an owner, unless the instrument evidencing the acquisition otherwise provides.

(2) Subsections (2) and (3) of section 43 apply *mutatis mutandis* to the interest in land acquired for the purposes of a pipe line from the Crown or any person pursuant to an order under *The Water, Gas, Electric and Telephone Companies Act*, notwithstanding any provision contained in that Act.

45. Where an order under this Part pertains to land in respect of which a certificate of title has been issued under *The Land Titles Act*,

- (a) the order or a certified copy of the order may be registered under *The Land Titles Act*, and
- (b) the order shall be deemed to be an instrument referred to in section 71 of *The Land Titles Act*.

46. An order made under this Part may be enforced by

- (a) the sheriff or the sheriff's bailiff, or
- (b) any other person under the written direction of the sheriff,

in the same manner as a writ of possession issued upon the order of a court or judge.

47. (1) Termination of the interest in land granted by an order under this Part.

(2) Method of termination.

(3) Power to make regulations.

47. (1) Where, at any time after the expiration of six months from the date of an order under this Part or under *The Water, Gas, Electric and Telephone Companies Act*, or after the expiration of such later period as may be prescribed by the regulations, an operator who has acquired an interest in land for the purpose of a pipe line by an order under this part or that Act has not begun construction of his pipe line or has discontinued the use of his pipe line, or has failed to pay any sums fixed as compensation by the order the operator, or the owner or occupant of the lands from which the interest was derived, may in accordance with the regulations, apply to the board by whom the interest was granted or to the body prescribed by the regulations, as the case may be, for an order terminating the interest of the operator.

(2) Where upon the hearing of an application under subsection (1) the board or other body to whom application is made is of the opinion that the pipe line will not likely be constructed within a reasonable time, or that the operator, his successors or assigns, has discontinued the use of the pipe line or has failed to pay any sums fixed as compensation by the order, as the case may be, the board or other body may by order

- (a) terminate the interest acquired by the operator,
- (b) direct, as may be just in the circumstances,
 - (i) that the operator restore the land as nearly as possible to the same condition as it was before the acquisition by him of the interest therein, and
 - (ii) that the pipe or other structures be removed, excavations filled and all such other things be done as may be deemed proper by the board or body, as the case may be,
 and
- (c) prescribe penalties for failure or delay in carrying out the directions of the order.

(3) The Lieutenant Governor in Council may make regulations

- (a) prescribing that applications for terminating interests acquired in land for the purposes of a pipe line be heard and made before the board by whom the order granting the interest was made or before any other board, commission, official or other body designated in the regulation,
- (b) prescribing the procedure upon any such applica-

(4) Self-explanatory.

48. Form of order.

49. Proof of order.

50. Self-explanatory.

51. Forms.

52. Appointments.

53. Power to make regulations.

tion and the rules respecting hearings thereon,
and

- (c) prescribing the period within which applications may be made under this section, the circumstances upon which an application may be made, and governing such other matters and things as may be deemed necessary to carry out the intent of this section.

(4) Unless expressly otherwise provided in the instrument evidencing the acquisition of an interest in land for the purposes of a pipe line, the grant by the Crown of an interest in land for such purposes is subject to this section and the grant may be terminated in like manner to an order under this Part granting an interest in land.

48. An order made under this Part need not show upon its face that any proceedings were taken or notice given or that any circumstances existed necessary to give jurisdiction to the making of the order.

49. A certified copy of an order made under this Part is admissible in evidence in all proceedings in which the original order would be evidence.

50. An order made under this Part is final and there is no appeal therefrom.

PART VII

MISCELLANEOUS

51. The Minister may from time to time prescribe the forms to be used under this Act.

- 52.** The Lieutenant Governor in Council may
- (a) appoint a Superintendent of Pipe Lines, and
 - (b) appoint inspectors and such other employees as may be deemed necessary, who shall perform the duties assigned to them by the Minister.

- 53.** (1) The Lieutenant Governor in Council may from time to time
- (a) make regulations governing matters preparatory to or in connection with the construction or operation of pipe lines,
 - (b) make regulations to meet any special case that may arise and for which no provision is made in this Act, and
 - (c) establish a tariff of fees
 - (i) pertaining to applications, permits and licences, and

54. Section 35 in substance.

55. Penalty section.

56. Incidental amendments.

57. Present Pipe Line Act repealed.

This Act will come into force on the first day of July, 1958.
See section 4(4) (a) of The Statutes Act, of The Revised Statutes
of Alberta, 1955, chapter 320.

(ii) pertaining to any service supplied by the Department in connection with sketches, plans, permits and licences.

(2) Any regulations made under subsection (1) have, on coming into force, the same effect as if they had been enacted by this Act.

54. No person shall

- (a) obstruct or cause any obstruction to the construction or operation of a pipe line,
- (b) wilfully do any damage to a pipe line, or
- (c) harm, remove, deface or destroy a sign erected under this Act except for replacement, repair or removal under section 28.

55. A person who contravenes a provision of this Act is guilty of an offence and liable upon summary conviction to a fine, that

- (a) in the case of a company or association shall be not more than one thousand dollars for a single offence or one hundred dollars a day for a continuing offence, or
- (b) in the case of a natural person shall be not more than five hundred dollars for a single offence or one hundred dollars a day for a continuing offence.

56. (1) *The Town and Village Act* is hereby amended as to subsection (1) of section 267 by adding immediately after the words "*The Water, Gas, Electric and Telephone Companies Act*" the words "and *The Pipe Line Act, 1958*".

(2) *The Municipal District Act* is hereby amended as to subsection (2) of section 234 by adding immediately after the words "*The Water, Gas, Electric and Telephone Companies Act*" the words "and *The Pipe Line Act, 1958*".

(3) *The City Act* is hereby amended as to subsection (1) of section 287 by adding immediately after the words "*The Water, Gas, Electric and Telephone Companies Act*" the words "and *The Pipe Line Act, 1958*".

57. *The Pipe Line Act*, being chapter 234 of The Revised Statutes of Alberta, 1955, is hereby repealed.

SCHEDULE

FORM A

(Section 5)

APPLICATION FOR A PERMIT

To: Department of Mines and Minerals,
Edmonton, Alberta.

.....
(name of applicant)

.....
(address)

hereby makes application for a permit to construct a
..... line for the transmission of

.....
from a point in or about

to a point in or about

and the proposed route is coloured in red on the plan ac-
companying this application.

.....
per

FORM B

(Section 5)

SPECIFICATION SHEET

.....
(name of applicant)

1. Wall thickness and inside diameter of pipe.
2. Pipe specifications.
3. Proposed field test pressure.
4. Proposed working pressure.
5. Maximum working pressure.
6. Type of protective coating.
7. Remarks and additional information.

.....
per

Note: Where varying sizes of pipe are to be used, this
Form is to be completed for each section of the line.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act respecting Pipe Lines

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
