

No. 65

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 65

A Bill to amend The Fuel Oil Tax Act

HON MR HOLOWACH

Explanatory Note

2. Subclause (i) of clause (i) of section 2 is amended to enlarge the meaning of the term "purchaser". The subclause presently reads:

"(i) "purchaser" means

(i) a person purchasing or receiving delivery of fuel oil in Alberta for his own use, and".

3. Clause (b) of section 29 is amended to revise the contents of a certificate that establishes prima facie proof of its contents in a prosecution. Clause (b) of section 29 presently reads:

"29. In a prosecution under this Act

.....

(b) a certificate

(i) of the chief chemist of the gasoline and oil laboratory of the Research Council of Alberta established under The Research Council Act, or

(ii) of the Provincial Analyst,
as to whether or not any substance referred to therein is fuel oil within the meaning of this Act or The Fuel Oil Licensing Act, is admissible in evidence, without any proof that the certificate was signed by the person purporting to sign it or of the official position of the person signing it, as prima facie proof of the matters set out therein.".

4. Commencement of Act.

BILL

No. 65 of 1963

An Act to amend The Fuel Oil Tax Act

(Assented to _____, 1963)

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

1. *The Fuel Oil Tax Act*, being chapter 125 of the Revised Statutes, is hereby amended.

2. Section 2, clause (i) is amended by striking out sub-clause (i) and by substituting the following:

(i) a person who purchases or otherwise obtains fuel oil in Alberta for his own use, and

3. Section 29 is struck out and the following section is substituted:

29. In a prosecution under this Act

(a) a certificate purporting to be under the hand of the Deputy Minister of the Department administering *The Fuel Oil Licensing Act*, or a person lawfully acting on his behalf, stating whether or not the defendant is licensed pursuant to *The Fuel Oil Licensing Act*, or was so licensed at a time or during a period of time specified therein, and

(b) a certificate

(i) of the chief chemist of the gasoline and oil laboratory of the Research Council of Alberta established under *The Research Council Act*,
or

(ii) of the Provincial Analyst,

certifying that a substance referred to in the certificate is fuel oil within the meaning of this Act or *The Fuel Oil Licensing Act*, or that the substance contains a chemical dye or agent of the kind supplied or approved pursuant to the regulations to colour fuel oil,

is admissible in evidence, without any proof that the certificate was signed by the person purporting to sign it or of the official position of the person signing it, as *prima facie* proof of the matters set out therein.

4. This Act comes into force on the day upon which it is assented to.

No. 65

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Fuel Oil
Tax Act

Received and read the

First time

Second time

Third time

HON. MR. HOLOWACH
