

No. 127

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 127

A Bill to amend The Gas Utilities Act

HON. MR. MANNING

Explanatory Note

1. This Bill amends chapter 37 of the Statutes of Alberta, 1960.

2. (a) Makes a grammatical clarification.

(b) Section 49b, subsection (3) presently reads:

(3) In exercising its functions under subsection (1), the Gas Utilities Board

(a) may make any order that the Public Utilities Board or the Oil and Gas Conservation Board may make under this Act or The Oil and Gas Conservation Act, and

(b) may make such further order and impose such additional conditions with respect to the application or matter as it considers necessary in the public interest.

BILL

No. 127 of 1965

An Act to amend The Gas Utilities Act

(Assented to _____, 1965)

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

1. *The Gas Utilities Act* is hereby amended.
2. Section 49*b* is amended
 - (a) as to subsection (1), by adding immediately before the words "may involve" the words "considers that the application or matter",
 - (b) by striking out subsection (3) and by substituting the following:
 - (3) In exercising its functions under subsection (1) the Gas Utilities Board may do all or any of the following:
 - (a) make any order that the Public Utilities Board may make under this Act or the Oil and Gas Conservation Board may make under *The Oil and Gas Conservation Act*;
 - (b) with the approval of the Lieutenant Governor in Council, make any order that the Public Utilities Board may, with the approval of the Lieutenant Governor in Council, make under this Act, or, with the approval of the Lieutenant Governor in Council, make any order that the Oil and Gas Conservation Board may, with the approval of the Lieutenant Governor in Council, make under *The Oil and Gas Conservation Act*;
 - (c) make such further order and impose such additional conditions with respect to the application or matter as it considers necessary in the public interest;

and may make an order granting the whole or part only of the application or matter, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the Gas Utilities Board seems just and proper, as fully

3. The new sections set out in detail provisions for the enforcement of and appeal from orders of the Gas Utilities Board.

and in all respects as if the application or matter had been for such partial, further or other relief.

3. The following new sections are added after section 49b:

49c. The Oil and Gas Conservation Board and the Public Utilities Board or either of them may enforce any order made by the Gas Utilities Board in the same manner as an order made by either of them pursuant to the provisions of *The Oil and Gas Conservation Act* or this Act, as the case may be, may be enforced.

49d. (1) Subject to subsection (2), upon a question of jurisdiction or upon a question of law, an appeal lies from the Gas Utilities Board to the Appellate Division of the Supreme Court of Alberta.

(2) Leave to appeal shall be obtained from a judge of the Appellate Division upon application made within one month after the making of the order or decision, 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 to the Gas Utilities Board and upon hearing such of them as appear and desire to be heard, and the costs of the application are in the discretion of the judge.

(3) An order or direction of the Gas Utilities Board takes effect at the time prescribed by the order or direction and its operation is not suspended by any appeal to the Appellate Division or by any further appeal, but the Gas Utilities Board itself may, if it thinks fit, suspend the operation of its order, when appealed from, until the decision of the Appellate Division or other appellate court is rendered.

(4) Upon leave being obtained the party appealing shall deposit with the Registrar of the Appellate Division the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the next sittings.

(5) 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 Gas Utilities Board, and to the chairman of the Gas Utilities Board, notice in writing that the case has been set down for hearing, and the appeal shall be heard by the court as speedily as practicable.

(6) On the hearing of the appeal, no evidence other than the evidence that was submitted to the Gas Utilities Board upon the making of the order appealed from shall be admitted, and the court shall proceed either to confirm, vary or vacate the order appealed from and in the event that the order is vacated shall refer the matter back to the

4. Commencement of Act.

Gas Utilities Board for further consideration and redetermination.

(7) The Gas Utilities Board is entitled to be heard by counsel or otherwise upon the argument of any appeal.

(8) On the hearing of the appeal the court may draw all such inferences as are not inconsistent with the facts expressly found by the Gas Utilities Board and as are necessary for determining the question of jurisdiction or of law, as the case may be, and shall certify its opinion to the Gas Utilities Board, and the Gas Utilities Board shall make an order in accordance with that opinion.

(9) The court may fix the costs and fees to be taxed, allowed and paid upon the appeal and may make rules of practice respecting appeals under this Act, and until such rules are made the rules and practice applicable to appeals from a judge of the Supreme Court to the Appellate Division apply.

(10) Neither the Gas Utilities Board nor any member of the Gas Utilities Board is in any case liable to costs by reason or in respect of an appeal or application.

49e. Subject only to section 49d

(a) every decision or order of the Gas Utilities Board is final, and

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

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

No. 127

SECOND SESSION
FIFTEENTH LEGISLATURE
13 ELIZABETH II
1965

BILL

An Act to amend The Gas Utilities
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
