

1969 Bill 50

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 50**

**An Act to amend The Pipe Line Act, 1958**

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THE MINISTER OF MINES AND MINERALS

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 50

1969

An Act to amend The Pipe Line Act, 1958

(Assented to \_\_\_\_\_, 1969)

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

**1.** *The Pipe Line Act, 1958* is hereby amended.

**2.** Section 2, subsection (1) is amended

(a) by striking out clause (f) and by substituting the following:

(f) "highway" means a primary highway within the meaning of *The Public Highways Development Act*;

(b) by striking out clause (o1) and by substituting the following:

(o1) "oil sands" means oil sands within the meaning of *The Mines and Minerals Act, 1962*;

(c) by adding the following clause after clause (y):

(z) "transmission" includes storage.

**3.** The following is added after section 16:

**17.** Where application is made to amend a licence the Superintendent may

(a) amend the licence, or

(b) cancel the licence and grant a new licence subject to such terms and conditions as he may prescribe.

**4.** Section 18 is struck out.

**5.** Section 19 is amended by striking out subsection (4) and by substituting the following:

(4) Where an instrument is registered under subsection (3), the Minister

## Explanatory Notes

**1.** This Bill amends chapter 58 of the Statutes of Alberta, 1958.

**2.** Section 2 (1) (f) and (o1) presently read:

2 (1) In this Act,

.....

(f) "highway" means a main or secondary highway that is denoted by a number under The Public Highways Act;

.....

(o1) "oil sands" means oil sands within the meaning of Part 6A of The Oil and Gas Conservation Act;

**3.** Licence amendment provided for.

**4.** Section 18 presently reads:

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 oil sands and processed to make it marketable, shall not unreasonably discriminate between that oil and any other oil.

The provisions of The Oil and Gas Conservation Act respecting common carriers were amended by chapter 74 of the Statutes of Alberta, 1968 and apply to oil that has been obtained or produced from oil sands.

**5.** Section 19 (3) and (4) presently read:

(3) Where a permit or licence is hypothecated, the instrument of hypothecation may be registered in the Department.

(4) Upon registration of an instrument under subsection (3), the Minister shall cause a memorandum thereof to be endorsed on or attached to the departmental copy of the permit or licence.

- (a) shall cause a memorandum thereof to be endorsed on or attached to the departmental copy of the permit or licence, and
- (b) shall cause a copy of the memorandum referred to in clause (a) to be endorsed on or attached to any permit, provisional licence or licence subsequently granted in respect of the pipe line.

**6.** Section 20, subsection (1) is amended by adding the following after clause (a1) :

- (a2) registered under the provisions of *The Trust Companies Act, 1967*, or

**7.** Section 25, subsection (2) is amended by striking out the words "twenty-five" and by substituting the figures "100".

**8.** Section 27 is amended by striking out the words "*The Public Lands Act*," and by substituting the words "*The Public Lands Act, 1966*,".

**9.** Section 40, subsection (3), clause (b) is amended by striking out the words "sand and gravel" and by substituting the words "sand, gravel, clay and marl".

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

**6. Section 20 (1) presently reads:**

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

- (a) registered under the provisions of The Companies Act of the Province, or
- (a1) licensed under the provisions of The Alberta Insurance Act, or
- (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).

**7. Section 25 (2) presently reads:**

(2) The land in which an interest is required for a pipe line parallel to a road shall not be located nearer than 25 feet to the boundary 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.

**8. Section 27 presently reads:**

27. Where the description of land in a certificate of title issued to a person other than the Crown does not except, reserve or otherwise refer to land, owned by the Crown, that comprises at any time the bed or shore of a lake, river, stream or other body of water then, notwithstanding anything in The Public Lands Act, 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 such bed or shore.

Consequential of the enactment of chapter 80 of the Statutes of Alberta, 1966.

**9. Section 40 (3) presently reads:**

(3) An order vests in the operator, unless otherwise provided in the order, an exclusive interest in the land described in the order for the purposes named therein, with such annexed rights in or over other land as may be specified in the order, but the order does not give an operator

- (a) any right or entitlement to a certificate of title under The Land Titles Act for the interest in land acquired by the operator by the order, or
- (b) the right to carry away sand and gravel from the land in respect of which the order was made.