

1971 Bill 103

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 103

The Beverage Container Act

THE MINISTER OF HIGHWAYS AND TRANSPORT

First Reading

Second Reading

Third Reading

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BILL 103

1971

THE BEVERAGE CONTAINER ACT

(Assented to _____, 1971)

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

1. In this Act

- (a) "beverage" means carbonated or uncarbonated soft drinks;
- (b) "container" means a glass bottle or metal can container of a beverage;
- (c) "manufacturer" means the manufacturer of a beverage;
- (d) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (e) "retailer" means the retailer of a beverage in a container.

2. (1) A retailer, or person on his behalf, shall accept an empty container presented by any person

- (a) where it is in reasonably indentifiable condition,
- (b) where it was purchased on or after January 1, 1972 for consumption or use off the premises on which it was purchased, and
- (c) where it is a container of a beverage sold by the retailer

and shall pay the person a refund of not less than an amount prescribed by the regulations for each empty container presented.

(2) An empty container presented to a retailer or a person on his behalf, shall be deemed to have been purchased on or after January 1, 1972 for consumption or use off the premises on which it was purchased unless the retailer produces evidence to the contrary.

(3) Upon the request of a retailer or a person on his behalf, a manufacturer or a person on his behalf shall collect from the retailer the empty containers formerly containing the beverage manufactured by him and dispose of them in accordance with the regulations.

Explanatory Notes

1. Definitions.

2. Conditions upon which an empty container must be accepted by the retailer or the manufacturer.

(4) The manufacturer shall reimburse the retailer for each refund paid by the retailer in accordance with subsection (1).

3. On and after January 1, 1972

- (a) no manufacturer shall sell or permit his beverage to be sold or offered for sale, and
- (b) no retailer or other person shall sell or offer for sale any beverage

in a container on which is written or stamped or in any other manner inscribed, words indicating that the container is not returnable or that no refund is payable thereon.

4. (1) Where a manufacturer fails to comply with a request of a retailer made pursuant to section 2, subsection (3), or fails to comply with this Act or the regulations, the Minister, after an investigation of the circumstances, may issue a stop sale order with respect to a beverage.

(2) Upon the issue of a stop sale order, no person shall sell or offer for sale the beverage or the beverage in a container named in the stop sale order.

5. The Lieutenant Governor in Council may make regulations

- (a) exempting any beverage or container or the sale thereof, from all or any of the provisions of this Act, and prescribing conditions for the exemption,
- (b) limiting the number of empty containers that a retailer or a person on his behalf is required to accept from any one person in any one day,
- (c) governing the disposal of empty containers,
- (d) prescribing the refund payable by retailers under section 2, and
- (e) concerning such other matters as are necessary for the proper administration of this Act.

6. A person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000 and in default of payment to imprisonment for a term not exceeding 100 days.

7. (1) This Act, except section 6, comes into force on the day upon which it is assented to.

(2) Section 6 comes into force on January 1, 1972.

3. Prohibition on sale of beverages in non-returnable containers.

4. Stop sale order.

5. Regulations.

6. Penalties.