

1974 Bill 203

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 203

**An Act Respecting the Control of Wholesale Prices of Refined
Petroleum Products**

MR. NOTLEY

First Reading

Second Reading

Third Reading

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AN ACT RESPECTING THE CONTROL OF WHOLESALE PRICES OF REFINED PETROLEUM PRODUCTS

(Assented to , 1974)

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

1. This Act may be cited as "*The Refined Petroleum Products Wholesale Prices Control Act*".

2. In this Act:

- (a) "consumer" means a person who purchases or acquires refined petroleum products from a retailer for his own use or consumption;
- (b) "existing agreement" means an agreement between a wholesaler and a retailer for the transfer, sale or delivery of refined petroleum products to a retailer and any other agreement between a wholesaler and a retailer in existence on the date the Minister pursuant to this Act establishes a wholesale price;
- (c) "Board" means the Public Utilities Board;
- (d) "refined petroleum product" means a commodity made from oil and, without limiting the generality of the foregoing, includes motor and tractor gasoline, naphtha gasoline, kerosene, diesel fuel, aviation fuel, turbo fuel, bunker oil and lubrication products;
- (e) "retailer" means a person who in the course of his business regularly sells refined petroleum products to a consumer;
- (f) "wholesaler" means a person who transfers, sells or delivers refined petroleum products to a retailer or to a wholesaler or where he is a wholesaler to another wholesaler and includes a retailer who is also a wholesaler;

- (g) "wholesale price" means the consideration for a transfer, sale or delivery by a wholesaler to a retailer or to another wholesaler and includes the consideration in a transfer, sale or delivery to a consumer by a wholesaler who is also a retailer.

3. (1) The Board, with the approval of the Lieutenant Governor in Council, may determine, establish or set the wholesale price, the maximum wholesale price or the minimum wholesale price at which refined petroleum products may be transferred, sold or delivered in Alberta by a wholesaler to a retailer for use in Alberta.

(2) Without limiting the generality of the foregoing, the Board may:

- (a) establish different wholesale prices for different parts of Alberta;
- (b) establish different wholesale prices for different wholesalers;
- (c) establish different wholesale prices for different qualities, quantities, standards, grades, kinds and classifications of use of refined petroleum products.

(3) Where a wholesaler is also a retailer, the Board, with the approval of the Lieutenant Governor in Council, may establish such different wholesale prices as he considers appropriate.

4. (1) When the Board establishes a wholesale price, every existing agreement shall be varied so as to not exceed the wholesale price established by the Board and may be further varied by the Board, with the approval of the Lieutenant Governor in Council, in any other term or condition, directly or indirectly, which obligates a retailer to pay a wholesaler more than the wholesale price established by the Board.

(2) Except as varied by subsection (1), every existing agreement shall in all respects remain in full force and effect.

5. Where the Board has established a wholesale price or has varied such price, no wholesaler shall agree to transfer, sell or deliver a refined petroleum product to a retailer at a wholesale price greater than that established by the Board or the price as varied and any such agreement shall be invalid to the extent, and insofar as, the agreed wholesale price exceeds the wholesale price established by the Board or the price as so varied.

6. (1) The Board may require wholesalers to keep in a prescribed form, records of all purchases, transfers, sales or deliveries of refined petroleum products and to forward to the Board such records or extracts therefrom at such times and in such manner as it considers appropriate.

(2) The Board or its appointee may audit or cause to be audited the books and records of any wholesaler and each wholesaler shall make available in Alberta his books and records for the purpose of the audit or shall make such other arrangements in respect of his books and records as may be satisfactory to the Board.

(3) Every wholesaler who fails or refuses:

(a) to keep records as required under subsection (1);
or

(b) to forward to the Board records or abstracts therefrom as required under subsection (1); or

(c) to make available his books and records for an audit under subsection (2) or to make any other arrangements required under that subsection;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.

7. (1) Every person who contravenes section 5 is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 and in the case of a continuing offence to a further fine of not more than \$1,000 for each day during which the offence continues.

(2) No information may be laid under this section without the written permission of the Board being first obtained.

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