

1976 Bill 212

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 212**

**AN ACT TO AMEND THE FUEL OIL LICENSING ACT**

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MR. NOTLEY

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**First Reading** . . . . .

**Second Reading** . . . . .

**Third Reading** . . . . .

Bill 212  
Mr. Notley

## BILL 212

1976

### AN ACT TO AMEND THE FUEL OIL LICENSING ACT

(Assented to \_\_\_\_\_, 1976)

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

1. *The Fuel Oil Licensing Act is hereby amended.*
2. *Section 2 is amended by adding the following clauses after clause (c):*
  - (d) "distributor" shall mean any person who derives 30 per cent or more of his gross revenues from the sale of fuel oil to retail dealers in fuel oil in the Province;
  - (e) "financial interest" in a person means
    - (i) any direct or indirect or beneficial interest in more than 10 per cent of the effective means of control of that person, or
    - (ii) any agreement the result of which is to permit management control of that person;
  - (f) "gross revenues" shall mean total gross receipts in the Province without any deduction for expense, depreciation, interest or any other cost of carrying on business whatsoever;
  - (g) "oil manufacturer" means any person who derives 30 per cent or more of his gross revenues from the production, manufacture, distribution or sale of fuel oil in the Province;
  - (h) "person" where referring to a person that is not an individual shall be construed so as to include all of its affiliates, as defined in *The Combines Investigation Act, (Canada)* that carry on business in the Province;
3. *The following sections are added after section 4:*
  - 4.1** With effect from January 1, 1978 no person may carry on the business of a retail dealer in fuel oil if

**1. Amends Chapter 152 of the Revised Statutes of Alberta.**

**2. Definitions.**

**3. Oil manufacturers prohibited from retailing.**  
Oil supplies in time of restriction to be prorated to all contract customers on basis of previous sales.  
Supply conditions in leases void.

- (a) he is an oil manufacturer, or
- (b) he holds a financial interest in an oil manufacturer, or
- (c) any oil manufacturer holds a financial interest in him, or
- (d) he is party to any agreement with an oil manufacturer whereby he is principally remunerated for his operation of the business of a retail dealer in fuel oil by salary, wage or commission.

**4.2** Any distributor or oil manufacturer who is unable to supply the total amount of fuel oil requested by those retail dealers in fuel oil that have contracted to purchase fuel oil from him shall allocate supply between such retail dealers in proportion to the amount of fuel oil supplied by the distributor or oil manufacturer to the retail dealer during the previous year.

**4.3** Where land is leased by an oil manufacturer to a retail dealer in fuel oil any term or condition in the lease which relates to the supply of fuel oil to the retail dealer in fuel oil is void.

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

**4. Coming into force.**