

1977 Bill 208

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 208

THE SERVICE STATION OPERATORS' PROTECTION ACT

MR. NOTLEY

First Reading

Second Reading

Third Reading

Bill 208
Mr. Notley

BILL 208

1977

THE SERVICE STATION OPERATORS' PROTECTION ACT

(Assented _____, 1977)

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

The Fuel Oil Licensing Act

1. (1) *The Fuel Oil Licensing Act is amended by this section.*

(2) *Section 2 is amended by adding the following clauses after clause (c):*

- (d) "distributor" shall mean any person who derives 30 percent 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 percent 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 percent 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;

Explanatory Notes

- 1. Amends chapter 152, Revised Statutes of Alberta, 1970.**

(3) The following sections are added after section 4:

4.1 With effect from July 1, 1978 no person may carry on the business of a retail dealer in fuel oil if

- (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.

The Public Utilities Board Act

2. (1) The Public Utilities Board Act is amended by this section.

(2) Section 2 is amended by adding the following clauses after clause (k):

- (l) "fuel oil"
 - (i) means a liquid that is capable of being used for the generation of power in an internal combustion engine,
 - (ii) includes liquefied petroleum gas, and
 - (iii) includes, without derogating from the generality of the foregoing,
 - (A) All liquid products obtained, whether by distillation or condensation or absorption or any other process, from petroleum, natural gas, casing head or natural gasoline, benzol, benzine, naptha, coal, coal tar, bituminous sands, oil shales, kerosene, gas oil and any combination of any such products, and prepared, advertised,

2. Amends chapter 302, Revised Statutes of Alberta, 1970.

offered for sale, sold for use as or used for or capable of being used for the generation of power in an internal combustion engine, and

- (B) any, product obtained by blending any such liquid product with another product if the resultant product so obtained is capable of use for the generation of power in an internal combustion engine;
- (m) "distributor" means any person who derives 30 per cent or more of his gross revenue from the sale of fuel oil to retail dealers in fuel oil in the province.
- (n) "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.

(3) The following section is added after section 86:

86.1 (a) An oil manufacturer shall not increase the price of fuel oil supplied to a distributor without the approval of the Board.

(b) The Board shall consider every application made by a manufacturer for an increase in the price of fuel oil, and may approve, reject or amend the application.

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

3. Coming into force.