

1978 BILL 66

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ~~ALBERTA~~

# BILL 66

THE FUEL OIL ADMINISTRATION  
AMENDMENT ACT, 1978 (NO. 2)

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THE PROVINCIAL TREASURER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

## BILL 66

1978

### THE FUEL OIL ADMINISTRATION AMENDMENT ACT, 1978 (NO. 2)

(Assented to \_\_\_\_\_, 1978)

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

1 *The Fuel Oil Administration Act is amended by this Act.*

2 *Section 1(1) is amended*

*(a) by repealing clause (b) and substituting the following:*

(b) "blended fuel" means fuel oil coloured or identified by a substance prescribed pursuant to section 15(j) where that substance is in a concentration that differs from the concentration prescribed by regulation in respect of marked fuel;

*(b) by repealing clause (h) and substituting the following:*

(h) "farming operations" means the production, or any step in the production, of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product and, without limiting the generality of the foregoing, includes

(i) the personal use of a farm truck owned or operated by a farmer,

(ii) the heating of buildings located on a farm and used in connection with the production, or any step in the production, of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product, and the heating of dwellings on that farm,

(iii) the transportation of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product by the farmer who produced them, and

(iv) any operation designated by the regulations as a farming operation for the purposes of this clause,

## Explanatory Notes

1 This Bill will amend chapter 16 of the Statutes of Alberta, 1978.

2 Section 1(1) presently reads in part:

*1(1) In this Act,*

*(b) "blended fuel" means a mixture or blend of marked fuel and fuel oil that is not marked fuel;*

*(h) "farming operations" means the production, or any step in the production, of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product and includes*

*(i) the personal use of a farm truck owned or operated by a farmer,*

*(ii) the heating of buildings located on a farm and used in connection with the production, or any step in the production, of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product, and the heating of dwellings on that farm, and*

*(iii) the transportation of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product by the farmer who produced them,*

*but does not include*

*(iv) any other type of business operation carried on by a farmer, or*

*(v) the transportation of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product by a processor or by any person other than the farmer who produced them;*

but does not include

(v) any other type of business operation carried on by a farmer, or

(vi) the transportation of livestock, grain, forage crops, poultry, furs, honey or any other agricultural product by a processor or by any person other than the farmer who produced them, if the transportation is for hire or gain.

3 *Section 15 is amended by adding the following after clause (a):*

(a.1) designating any operation as a farming operation for the purposes of section 1(1)(h);

4 *Section 18(1) is amended by striking out “evidence in the form prescribed by the Minister” and substituting “the evidence required by the regulations”.*

5 *Section 28 is repealed and the following is substituted:*

**28** For the purposes of a prosecution for an offence under this Act or the regulations and any action under section 11, a hydrocarbon substance taken from a fuel system shall be deemed to be fuel oil unless the contrary is proven.

6 *Section 30(b) is repealed and the following is substituted:*

(b) a certificate of the chief chemist or the deputy chief chemist of the gasoline and oil laboratory of The Research Council of Alberta stating the results of the examination of any substance referred to in the certificate and stating whether that substance

(i) is or is not a hydrocarbon substance,

(ii) is or is not marked or blended fuel, or

(iii) does or does not contain a colouring matter or identifying substance authorized to be used under the regulations,

and

**3** Section 15 permits the Lieutenant Governor in Council to make regulations.

**4** This amendment makes the subsection consistent with section 19(1)(a).

**5** Section 28 presently reads:

*28 In any prosecution for an offence under this Act or the regulations and in any action under section 11, unless the contrary is proven, fuel oil shall be taken to be blended fuel if it is proved that it contains a substance prescribed pursuant to section 15(j) but in a concentration less than that prescribed by the regulations in respect of marked fuel.*

**6** Section 30 presently reads:

*30 In a prosecution for an offence under this Act or the regulations*

*(a) a certificate of the Deputy Minister or the Minister charged with the administration of The Fuel Oil Licensing Act or a person lawfully acting on his behalf, stating whether the defendant is or is not licensed pursuant to The Fuel Oil Licensing Act, or was or was not so licensed at a time or during a period of time specified therein,*

*(b) a certificate*

*(i) of the chief chemist of the gasoline and oil laboratory of The Research Council of Alberta, or*

*(ii) of a provincial analyst,*

*stating the results of the examination of any substance referred to therein and stating whether that substance is or is not, in whole or in part, marked fuel or stating whether that substance does or does not contain a colouring matter or identifying substance authorized to be used under the regulations, and*

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

*(c) a certificate of the Minister stating that a person named in the certificate is an officer for the purposes of this Act,*

*shall be admitted in evidence as prima facie proof of the matters stated therein without any proof that the certificate was signed by the person purporting to sign it or of the appointment of the person signing it.*