

1985 BILL 6

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 6

**BEVERAGE CONTAINER AMENDMENT ACT, 1985**

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THE MINISTER OF THE ENVIRONMENT

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 6

1985

### BEVERAGE CONTAINER AMENDMENT ACT, 1985

(Assented to \_\_\_\_\_, 1985)

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

1 *The Beverage Container Act is amended by this Act.*

2 *Section 1(1) is amended*

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

(b) "beverage" means any liquid designated by the regulations as a beverage for the purposes of this Act;

(b) *in clause (j) by striking out "of Beverage Container Depots" and substituting "under the Beverage Container Act";*

(c) *in clause (k) by striking out "and" at the end of subclause (i) and repealing subclause (ii).*

3 *Section 3 is amended*

(a) *by renumbering it as section 3(1) and by striking out all the words preceding clause (a) and substituting the following:*

**3(1)** A person shall not sell or distribute or offer to sell or distribute or permit to be sold or distributed any beverage in a container

(b) *by adding the following after subsection (1):*

(2) A person shall not sell or distribute or offer to sell or distribute or permit to be sold or distributed any beverage in a container unless that person has previously sent written notice to the Registrar indicating that intention and specifying the particular kind of beverage to be sold or distributed and the particular kind of container for that beverage.

## Explanatory Notes

**1** This Bill will amend chapter B-4 of the Revised Statutes of Alberta 1980.

**2** Section 1(1)(b), (j) and (k) presently read:

*1(1) In this Act,*

*(b) "beverage" means*

*(i) carbonated or uncarbonated soft drinks,*

*(ii) liquor, or*

*(iii) any other liquid designated by the regulations as a beverage;*

*(j) "Registrar" means the employee of the Government designated by the Minister as the Registrar of Beverage Container Depots;*

*(k) "retailer" means a person who sells beverages in containers and includes*

*(i) a person acting or purporting to act on his behalf, and*

*(ii) a person who controls the normal operation of an automatic vending machine that dispenses beverages in containers.*

**3** Section 3 presently reads:

*3 No manufacturer, retailer or other person shall sell, offer to sell or permit to be sold any beverage in a container*

*(a) that when empty cannot be reasonably identified as having contained the beverage manufactured by the manufacturer of that beverage, or*

*(b) on which is written, stamped or in any way inscribed or to which is attached any label, cap or any other thing indicating that*

*(i) the container is not returnable, or*

*(ii) no refund is payable with respect to the container.*

4 *Section 5 is amended by adding “accept the container and” after “the retailer shall”.*

5 *Section 7(2) is amended by adding “, within the time specified in the stop sale order,” after “shall”.*

6 *Section 16 is amended*

*(a) in subsection (1),*

*(i) in clause (l) by adding “in writing” after “prescribe”;*

*(ii) in clause (m) by adding “in writing” after “limit”;*

*(iii) by repealing clause (t);*

*(b) by repealing subsection (2).*

7 *The following is added after section 18:*

**19(1)** The Minister may appoint a committee of 3 or more persons to be known as the Beverage Container Advisory Committee.

**(2)** The Committee shall advise the Minister with respect to the content, administration, enforcement and application of this Act and the regulations.

8 *This Act comes into force on Proclamation.*

**4** Section 5 presently reads:

*5 Subject to any regulations made under section 16(n), when a person presents to a retailer at the retailer's retail premises a container that*

*(a) is the same size, class or type of container as containers that are sold by the retailer, and*

*(b) is reasonably identifiable as having contained a beverage*

*(i) manufactured by the manufacturer of that beverage, and*

*(ii) of the same kind as a beverage sold by a retailer,*

*the retailer shall pay to that person a cash refund of not less than the amount prescribed by the regulations for each container presented.*

**5** Section 7(2) presently reads:

*(2) On the issue of a stop sale order, no person shall sell or offer to sell or permit to be sold the beverage or the beverage in the container named in the stop sale order.*

**6** Section 16 presently reads in part:

*16(1) The Lieutenant Governor in Council may make regulations*

*(l) authorizing the Registrar to prescribe the form of a notice indicating the requirements of section 5 and to require the retailer to post the notice in his retail premises;*

*(m) authorizing the Registrar to limit the number of depots in all or any part of Alberta;*

*(t) prohibiting the sale from any beverage vending machine of beverages and beverage containers where there are no facilities for the payment of refunds pursuant to section 5;*

*(2) Any notice under subsection (1)(l) and any limitation imposed under subsection (1)(m) shall be in writing and shall be published in The Alberta Gazette within one month of the making of the notice or limitation.*

**7** Beverage Container Advisory Committee.

**8** Coming into force.