

1992 BILL 226

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 226

ETHANOL ACT

MR. FOX

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 226
Mr. Fox

BILL 226

1992

ETHANOL ACT

(Assented to , 1992)

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

Interpretation

1 In this Act:

Gasoline

(a) "gasoline" means gasoline type fuels for use in internal combustion engines.

(b) "ethanol" means any ethyl alcohol produced from renewable sources which is suitable for use either by itself or in combination with gasoline as a motor fuel;

(c) "domestically produced" means produced in Canada;

(d) "Minister" means the Minister of Energy.

**Sale of certain
gasoline prohibited**

2(1) After January 1, 1994, all retail outlets selling gasoline to consumers shall make available for purchase by consumers gasoline blended at least 10% with domestically produced ethanol by volume.

(2) After January 1, 1994, all gasoline powered vehicles owned and (or) operated by Departments or Agencies of the Province of Alberta shall use gasoline blended at least 10% with domestically produced ethanol by volume.

(3) The Minister may by regulation, exempt from the

requirements of this section any motor fuel that is sold for specific purpose or used in specific applications where the use of a motor fuel containing the required volume of ethanol would be impractical.

3 The Minister may require any person who produces or imports any gasoline for use or sale in Alberta or who sells or offers for sale any gasoline in Alberta

(a) to maintain books and records necessary for the administration of section 2;

(b) to submit samples of the gasoline to the Minister, on request; and

(c) to submit to the Minister, on request, such information as the Minister considers necessary regarding

(i) the gasoline,

(ii) the oxygen content of the gasoline,

(iii) any additive contained in the gasoline or any substance intended for use as an additive to the gasoline, and

(iv) the ethanol content of the gasoline.

Offences

4 Every person who

(a) contravenes section 2 or 3

(b) fails to comply with a request made pursuant to section 5 or

(c) provides the Minister with any false or misleading information in purported compliance with any request made pursuant to section 3

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

Continuing offence

5 Where an offence under this Act is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on

which the offence is committed or continued.

- Proof of offence** 6(1) In any prosecution of an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or prosecuted for the offence.
- Defense** (2) No person shall, by virtue of subsection (1), be found guilty of an offence under this Act, if the person establishes that the offence was committed without the person's knowledge or consent and that the person exercised all due diligence to prevent its commission.
- Limitation period** 7(1) Proceedings in respect of an offence under this Act may be instituted at any time within, but not later than two years after, the time when the Minister became aware of the subject-matter of the proceedings.
- (2) A document purporting to have been issued by the Minister, certifying the day on which the Minister became aware of the subject-matter of any proceedings, shall be received in evidence and, in the absence of any evidence to the contrary, the document shall be considered as conclusive proof of that fact without proof of the signature or of the official character of the person appearing to have signed the document and without further proof.
- Paramountcy** 8 Where a provision of this Act conflicts with a provision of any other Act of the Legislature, this Act shall prevail to the extent of the inconsistency.
- Coming into force** 9 This Act shall come into force six months after it is assented to.