

Bill No. 72 of 1934.

A BILL TO AMEND THE PUBLIC UTILITIES ACT,
1923.

NOTE.

This Bill continues in force the provisions of *The Public Utilities Act, 1923, Amendment Act, 1933*, until the first day of July, 1935. (Section 3.)

Section 2 of the Bill gives the Board a discretionary power to suspend or cancel licenses, and the power to prohibit persons not authorized by the Board to engage in the production, distribution, selling or keeping for sale of milk and milk products.

Express provision is made as to what constitutes a sale at less than the minimum price.

The amendment further provides that any contravention of an order of the Board made under this section is an offence punishable upon summary conviction, and fixes penalties.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 72 of 1934.

An Act to amend The Public Utilities Act, 1923.

(Assented to _____, 1934.)

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

1. This Act may be cited as "*The Public Utilities Act, 1923, Amendment Act, 1934.*"

2. *The Public Utilities Act, 1923*, being chapter 53 of the Statutes of Alberta, 1923, is hereby amended as to section 51a thereof—

- (a) by striking out the words "where in its opinion the public convenience or health so requires," where the same occur in paragraph (b) of subsection (2) thereof, and by substituting therefor the words "and in its uncontrolled discretion to suspend or cancel any license previously issued";
- (b) by striking out paragraph (c) of subsection (2) thereof and by substituting therefor the following:
"(c) to prohibit any person or any person of any class or classes of persons which may be designated by the Board from engaging in the production, distribution, selling or keeping for sale of milk and milk products or such of them as may be designated by the Board unless authorized so to do by the Board, and to suspend or cancel any authorization previously given";
- (c) by striking out the words "shall have the same powers in respect of any plant, premises, equipment, service or organization for the distribution and retail sale of that product as if the same were a public utility within the meaning of this Act," where the same occur in subsection (3) thereof, and by substituting therefor the words "shall have the same powers in respect to the plant, premises, equipment, service or organization for the distribution and sale by wholesale or retail of that product as are by this section conferred upon the Board in respect of milk, and shall in addition have in respect thereof all the powers conferred by this Act on the Board in the case of a public utility";

- (d) by striking out the word "retails" where the same occurs in subsection (4) thereof, and by substituting therefor the words "sells or otherwise disposes of";
- (e) by adding at the end of the said section the following new subsections:

"(5) Where a minimum price has been fixed in respect of a commodity and upon the sale thereof any discount or rebate, either in money or in kind, is allowed, or any plan, system or device is used whereby any advantage of any kind, whether in money, goods, services or otherwise, accrues to the purchaser either directly or indirectly and whether as a term of the sale or collaterally or incidentally which has the effect of reducing the price paid for that commodity to a price less than the minimum price fixed in respect of it, the sale so made shall be deemed to be a sale at less than the minimum price.

"(6) Any person who contravenes any order of the Board made pursuant to this section by producing or distributing or keeping for sale or selling any commodity without being the holder of a subsisting license from the Board shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty of not more than two hundred and fifty dollars per day for every day during which any commodity has been so produced or distributed or kept for sale or sold by him, together with costs, and in default of payment, to imprisonment for a term of not more than six months.

"(7) Any person who contravenes any order of the Board made pursuant to this section by producing or distributing or keeping for sale or selling any commodity without being authorized by the Board so to do, shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty of not more than two hundred and fifty dollars per day for every day during which any commodity has been so produced or distributed or kept for sale or sold by him, together with costs, and in default of payment, to imprisonment for a term of not more than six months.

"(8) Every person who contravenes any provision of any order or regulation made by the Board pursuant to this section for the contravention whereof no penalty is by this section expressly provided, shall be guilty of an offence and shall be liable upon summary conviction therefor, in the case of a first offence, to a penalty of not more than two hundred and fifty dollars and costs, and in default of payment to imprisonment for not more than three months, and in the case of a second or subsequent offence, to a penalty of not more than five hundred dollars and costs, or in default of payment to imprisonment for a term of not more than six months,

and in any case, either in lieu of or in addition to a pecuniary penalty, to imprisonment for a term of not more than six months.

“(9) The remedies provided by this section for the enforcement of orders of the Board shall be in addition to any other remedy which is provided for that purpose in any other provision of this Act.”

3. The provisions of *The Public Utilities Act, 1923, Amendment Act, 1933*, being chapter 18 of the Statutes of Alberta, 1933, shall continue in force from and after the thirtieth day of June, until the first day of July, 1935.

4. This Act shall come into force on the day upon which it is assented to.

No. 72.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend The Public
Utilities Act, 1923.

Received and read the

First time

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934