

CHAPTER P-8.1

Pipe Line Act

Assented to June 24, 1976

Chapter Outline

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Board — Commission	
flow line — conduite d'écoulement	
highway — route	
inspector — inspecteur	
installation — installation	
licence — licence	
licensee — titulaire d'une licence	
local authority — autorité locale	
manufacturing plant — usine de fabrication	
marketing plant — usine de mise en marché	
mineral — minéral	
mineral line — canalisation de minéraux	
Minister — Ministre	
oil — pétrole	
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permit — permis	
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Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

1 In this Act

"bituminous shale" means bituminous shale as defined in the *Bituminous Shale Act*;

"Board" means the Board of Commissioners of Public Utilities appointed under the *Public Utilities Act*;

"building" Repealed: 1999, c.G-2.11, s.104.

"distribution line" Repealed: 1999, c.G-2.11, s.104.

"flow line" means a pipe for

- (a) the transmission of oil from a well to a tank or tank battery,
- (b) the transmission of water obtained from oil for disposal to other than an underground formation, or
- (c) the transmission of water to be used in the drilling or operating of wells or for any other purpose associated with the production or processing of oil or minerals;

and includes installations in connection therewith;

"gas" Repealed: 1999, c.G-2.11, s.104.

"gas line" Repealed: 1999, c.G-2.11, s.104.

"highway" means a highway as defined in the *Highway Act*;

"inspector" means an inspector appointed under this Act;

"installation" means

(a) any equipment, apparatus, mechanism, machinery or instrument incidental to the operation of a pipe line and includes a separator, pumping station, compressor station, regulator station, treating plant, purifying plant, meter facility, connection, tank, pump, rack, storage facility or loading or other terminal facility or any other structure connected to the pipe line for treating or handling the substance being transmitted, and

(b) any building or structure that houses or protects anything referred to in paragraph (a), but does not include a refinery, processing plant, marketing plant or manufacturing plant;

"licence" means a provisional licence or licence to operate a pipe line issued under this Act;

"licensee" means the holder of a provisional licence or licence, or a person who is deemed to be the holder thereof;

"local authority" means any person, board or other governing body given the authority over or the control or administration of a road by an Act of the Legislative Assembly;

"manufacturing plant" means any plant that utilizes a mineral or any substance recovered therefrom as a component of a product manufactured by the plant;

"marketing plant" means any plant used for the marketing or distribution of any product obtained from the refining, processing or purifying of oil, gas or minerals;

"mineral" means any natural, solid, inorganic or fossilized organic substance and such other substances as are prescribed by regulation to be minerals, but does not include

(a) sand, gravel, clay or soil unless it is to be used for its chemical or special physical properties, or both, or where it is taken for contained minerals,

(b) ordinary stone used for building or construction,

(c) peat or peat moss,

(d) bituminous shale, oil shale, albertite or intimately associated substances or products derived therefrom,

(e) oil or natural gas, or

(f) such other substances as prescribed by regulation not to be minerals.

"mineral line" means a pipe for the transmission of a mineral whether in solution, suspension or other state and includes installations in connection therewith, but does not include oil line, secondary line, flow line, distribution line or private line;

"Minister" means the Minister of Natural Resources and includes any person designated by the Minister to act on the Minister's behalf;

"oil" means

- (a) crude oil both before and after it has been subjected to any refining or processing, and
- (b) any hydrocarbon, recovered from crude oil, bituminous shales, natural gas or coal for transmission in a liquid state,

and any substance in association therewith;

"oil line" means a pipe for the transmission of oil and includes installations in connection therewith but does not include a secondary line or flow line;

"permit" means a permit granted under this Act;

"permittee" means a person who is the holder of a permit or a person who is deemed to be the holder of a permit;

"pipe line" means a flow line, oil line, mineral line, secondary line, distribution line or private line as is determined by the Minister;

"private line" Repealed: 1999, c.G-2.11, s.104.

"processing plant" Repealed: 1999, c.G-2.11, s.104.

"refinery" means any facility where oil or minerals are processed or refined;

"road" means any public road, road allowance or right-of-way other than a highway;

"secondary line" means a pipe for

- (a) gathering oil in an area,
- (b) the transmission of oil, water or other substance, or
- (c) the transmission of water in connection with drilling or production

and includes installations in connection therewith but does not include a flow line;

"well" means a hole

- (a) made or being made by drilling, boring, or in any other manner from which any oil is obtained or obtainable, or for the purpose of obtaining oil or natural gas;
- (b) used, drilled, or being drilled for the purpose of obtaining water for injection or for injecting air, water, or any other substance into an underground formation; or
- (c) used, drilled, or being drilled to a depth in excess of four hundred fifty metres for the purpose of obtaining geological or geophysical information.

and includes any method by which oil is extracted or removed from bituminous shale or coal;
1977, c.M-11.1, s.23; 1982, c.49, s.1; 1985, c.M-14.1, s.136; 1986, c.8, s.97; 1999, c.G-2.11, s.104;
2004, c.20, s.48.

2(1) The Minister shall have the administration of this Act.

2(2) The Minister may designate such persons as he deems necessary to act on his behalf in carrying out the provisions of this Act.

3 The Minister may determine whether or not a pipe line is a oil line, mineral line, secondary line, flow line, distribution line or private line, and the determination of the Minister is final.
1999, c.G-2.11, s.104.

PART I APPLICATION OF ACT

4 Subject to section 16, this Act applies to all existing pipe lines in the Province and those lines which are constructed after the coming into force of this Act excepting

(a) a pipe line situated wholly within the property of a refinery, processing plant, marketing plant, or manufacturing plant,

(b) a pipe line for which there is in force

(i) a certificate, or

(ii) an order exempting the pipe line from a certificate,

issued or made by the National Energy Board under the *National Energy Board Act*, chapter N-6 of the Revised Statutes of Canada, 1970, or

(c) a pipe transmitting oil for use as fuel from a tank that is situated wholly within the property of a consumer and the installations in connection therewith.

1999, c.G-2.11, s.104.

5 This Act applies to and is binding upon the Crown.

PART 2 PERMITS AND LICENCES

6(1) Except as provided in this Act and the regulations, no person shall construct a pipe line or any part thereof or undertake any operations preparatory to the construction thereof unless he is the holder of a permit.

6(2) Notwithstanding subsection (1) but subject to the regulations, a person proposing to apply for a permit to construct a pipe line, or any part thereof, or his agents, may

(a) subject to the *Crown Lands and Forests Act*, enter upon any lands lying in the intended route of the pipe line to make surveys or examinations of only the surface of the land, or

(b) negotiate for the acquisition of interests in lands that may be required for the pipe line.

1982, c.3, s.56.

7(1) An application, in duplicate, for a permit shall be made to the Board on a form provided by the Minister.

7(2) Each copy of the application for a permit

(a) shall be accompanied by any information required under the regulations, and by a plan showing

(i) the proposed route of the pipe line coloured in red,

(ii) the point of any proposed connection with another pipe line and the name of the owner or operator of that pipe line, and

(iii) the location and capacity of each proposed installation, and

(b) shall have attached thereto a specification sheet prepared on a form provided by the Minister.

7(3) A copy of all materials specified in subsections (1) and (2) shall also be filed by the applicant with the Minister, and the Minister of Transportation, the Minister of Agriculture, Fisheries and Aquaculture and the Minister of the Environment and Local Government, all of whom have the right to be represented at any hearing before the Board.

7(4) Except where provided by regulation, the Board shall, upon the filing of an application for a permit, fix a time and place for the hearing thereof, at which hearing it may receive representation from persons affected by the construction of the proposed pipe line.

1983, c.30, s.26; 1985, c.20, s.1; 2000, c.26, s.237.

8(1) The Board shall order an applicant to publish a notice with respect to the proposed route of the pipe line in such newspapers and in such form as the Board prescribes.

8(2) The cost of publishing a notice ordered under subsection (1) shall be paid by the applicant.

9 In considering an application, the Board shall take into account

(a) the location of the proposed pipeline and its effect upon public health and safety and the environment;

(b) the financial responsibility of the applicant;

(c) public convenience and necessity; and

(d) such other matters as the Board considers relevant in the public interest.

10 In considering an application, the Board may make such changes and alterations in the plan and specifications of a pipe line as it considers expedient and in so doing may accept the advice of the Minister, and the Minister of Transportation, the Minister of Agriculture, Fisheries and Aquaculture and the Minister of the Environment and Local Government.

1983, c.30, s.26; 2000, c.26, s.237.

11(1) A permit for a pipe line may be granted by the Board or by a person authorized to do so by the Board subject to such terms and conditions as are expressed in the permit, or the Board may refuse to grant a permit.

11(2) In granting a permit for a pipe line, or at any time thereafter, the Board or a person authorized to do so by the Board may prescribe a date by which construction of the pipe line is to be commenced or completed.

11(3) Where the construction of a pipe line is not commenced or completed by the date prescribed under subsection (2), the Board may cancel the permit.

11(4) A permit is not required for the construction of a flow line but any person who proposes to construct a flow line is deemed to be the holder of a permit for the proposed flow line.

11(5) The Board may cancel a permit for failure of the permittee to comply with any provision of this Act.

12(1) Where a permittee desires to make any change with respect to a permit before commencing or during construction of a pipe line, an application, unless otherwise provided in the regulations, shall be submitted to the Board to amend the permit.

12(2) An application under subsection (1) shall be made and dealt with in the same manner as an application for a permit under this Part; but, notwithstanding sections 7 and 8, the Board may dispense with notice and hearing of the application where, in its opinion, granting the application does not involve a substantial change in the permit.

12(3) Where an amendment involves a relocation or diversion, the Board, or a person authorized to do so by the Board, may cancel the permit and grant a new permit.

1982, c.49, s.2.

13(1) After the construction of a pipe line, where a permittee desires to make any change with respect to it by alteration, addition, relocation, diversion or extension thereto, an application to do so shall be submitted to the Board.

13(2) An application under subsection (1) shall be made and dealt with in the same manner as an application for a permit under this Part; but, notwithstanding sections 7 and 8, the Board may dispense with notice and hearing of the application where, in its opinion, granting the application does not involve a substantial change in the permit.

13(3) In granting an application under subsection (1), the Board or a person authorized to do so by the Board may

(a) amend the permit for the pipe line,

(b) grant a new permit, or

(c) by order exempt the alteration, addition, relocation, diversion or extension from any or all of the provisions of this Part, and in the order may impose such terms and conditions as it deems advisable but the person obtaining the order is deemed to be the holder of a permit for the alteration, addition, relocation, diversion or extension.

13(4) Subsection (1) does not apply to

(a) repairs or maintenance made in the course of operations,

(b) minor improvements to an existing installation,

(c) changes in pumping capacity not to exceed the maximum operating pressure of the pipe line, or

(d) changes made in an emergency.

13(5) Where changes are made to a pipe line in an emergency, particulars thereof shall be forwarded to the Minister immediately.

1982, c.49, s.3.

14(1) The permittee of a flow line constructed under this Act is deemed to be the holder of a licence for the flow line.

14(2) The permittee of a flow line constructed under this Act shall forward to the Board, and to those persons named in subsection 7(3), within sixty days of the date the flow line is placed in operation, a sketch in duplicate showing the route of the flow line coloured in red, the size of the pipe and the substance transmitted.

14(3) A flow line shall not be operated as an oil line, secondary line, distribution line, or private line until a licence to so operate the line is granted under section 15.

1999, c.G-2.11, s.104.

15(1) No person shall operate a pipe line other than a flow line unless he is the holder of a provisional licence or a licence.

15(2) A provisional licence may be granted by the Minister or a licence may be granted by the Minister after the pipe line has been tested to the satisfaction of the Minister, and upon such terms and conditions as the Minister prescribes in the provisional licence or licence.

15(3) A provisional licence shall not be granted for a period exceeding six months but the period may be extended by the Minister if in his opinion the circumstances warrant.

15(4) A permittee of a secondary line shall be deemed to be the holder of a provisional licence for the secondary line for a period of six months from the date operation of the secondary line commences but during that period he shall

(a) furnish the Minister with particulars of testing of the secondary line, and

(b) apply for and obtain a licence for the secondary line from the Minister.

15(5) An application for a licence shall be made to the Minister on a form provided by the Minister, and shall be accompanied by any information required under the regulations, and by

(a) a plan in triplicate showing

(i) the surveyed location of the land in which an interest has been acquired for the pipe line with the points of commencement and termination of the pipe line indicated in red or where an interest in land has not been acquired, the location of the pipe line coloured in green,

(ii) the location and capacity of each installation,

(iii) where the size of the pipe changes, the point at which the change occurs,

(iv) in an insert, the relative locations of any other pipe lines within the land in which an interest was acquired, and

(v) the number of the permit or permits granted with respect to the pipe line, and

(b) a specification sheet in triplicate prepared on forms provided by the Minister.

15(6) Upon the granting of a licence, a copy of the plan and specification sheet supplied under subsection (5) identified as the plan and specification sheet referred to in the licence, shall be returned to the applicant.

1985, c.20, s.2; 1999, c.G-2.11, s.104.

16 No person shall operate a pipe line excepted under section 4 for any purpose under this Act other than for a flow line until he has

(a) furnished the Minister with particulars of the testing of the pipe line, and

(b) applied for and obtained a licence from the Minister in the same manner and subject to the same conditions as if application were made under section 15.

17 Where application is made to amend a licence the Minister may

(a) amend the licence, or

(b) cancel the licence and grant a new licence subject to such terms and conditions as he prescribes.

18(1) Unless a permittee or licensee obtains the written consent of the Board, the permittee or licensee shall not assign, lease, sublease or otherwise transfer or part with the ownership or control of rights described in his permit or licence or any part thereof under subsection (1).

18(2) A transfer of a permit or licence is not valid under this Act until the instrument of transfer, drawn up on a form provided by the Minister, is registered with the Board.

18(3) Upon registration of an instrument of transfer required by subsection (2), the transferee shall thereupon become the permittee or licensee, as the case may be.

18(4) Where a part of a licence is to be transferred, the transfer, on the form referred to in subsection (2), shall be modified to refer to an attached plan indicating the portion of the pipe line to which the part of the licence relates.

18(5) Upon registration of an instrument of transfer of a part of a licence the Minister shall issue a new licence for the part transferred and shall amend the original licence accordingly.

1985, c.20, s.3.

19(1) Unless consent of the Board is obtained, a pipe line other than a flow line shall not, in whole or in part, be sold, leased, or in any way change ownership or control, or be operated by any person other than the licensee.

19(2) A permittee or licensee of a pipe line other than a flow line shall not, without the consent of the Board, enter into an agreement for amalgamation with any other person.

20(1) No company shall acquire or hold a permit or licence unless it is a company authorized by the laws of the Province to carry on business therein.

20(2) No syndicate or other association of persons shall acquire or hold a permit or licence in the name of the syndicate or association unless it has been incorporated by or under an Act of the Province and approved by the Board as an association that may acquire or hold a permit or licence.

21(1) The Minister may cancel a licence for failure of the licensee to comply with any provision of this Act.

21(2) Except where a condition exists that in the opinion of the Minister is a danger to any person or to public or private property, the Minister shall not cancel a licence under subsection (1) until it has given the licensee thirty days notice to rectify his default.

21(3) Upon the cancellation of a licence by the Minister no oil, minerals, water or other substance shall be transmitted by the pipe line until a new licence has been issued by the Minister.

21(4) Where a licence has been cancelled under subsection (1), a new licence may be issued by the Minister in his discretion upon an application being made to him.

21(5) No pipe line for which a licence has been granted shall be used for the transmission of any substance other than the substance authorized by the licence.

21(6) Upon an application being made by a licensee to use his pipe line for the transmission of a substance other than the substance authorized by his licence, the Minister may amend or cancel the licence and issue a new licence subject to such terms and conditions as he prescribes.

1999, c.G-2.11, s.104.

22(1) The operation of a pipe line other than a flow line or mineral line shall not be discontinued except for repairs or maintenance in the ordinary course of operating the pipe line without the consent of the Minister and approval of the Board.

22(2) Where the operation of a pipe line other than a flow line has been discontinued except for repairs or maintenance in the ordinary course of operating the pipe line, the operation of the pipe line shall not be resumed without the consent of the Minister and approval of the Board.

22.1 For the purpose of determining whether a permit or licence should be issued for the construction or operation of a pipe line, or for the purpose of examining into the operation of any pipe line, the Board may appoint or direct any duly qualified person to make an inquiry and to report upon any application or upon the operation of any pipe line, and may direct by whom, and in what proportion, the costs and expenses incurred in making the inquiry and report shall be paid, and may fix the amount of the costs and expenses.

1982, c.49, s.4.

22.2 No permit or licence shall be issued to any person under this Act unless the person is insured, in an amount approved by the Board, by an insurance company licensed to do business in the Province, against liability that it may incur in the construction or operation of the pipe line.

1982, c.49, s.4.

PART 3 GENERAL

23(1) Any person who has the right to construct or operate a pipe line under this Act has the right to do so on, across, over or under any land, highway, road, stream, river, lake or other body of water.

23(2) In the exercise of any right granted under subsection (1)

(a) sections 24 and 25 shall be complied with, and

(b) care shall be taken to preserve a free and uninterrupted passage to and over the portion of the highway or road affected.

1982, c.49, s.5.

24(1) No pipe line shall be constructed on, across, over or under any highway without the approval of the Minister of Transportation or, if the highway is under the administration and control of the New Brunswick Highway Corporation, that Corporation and no pipe line shall be constructed across, over, under or within one hundred metres of any stream, river, lake or other body of water without the approval of the Minister of the Environment and Local Government and the Minister of Agriculture, Fisheries and Aquaculture.

24(2) An application for approval under subsection (1) shall be accompanied by a plan and profile of the portion of the highway, road, river, stream, lake or other body of water affected.

24(3) The land in which an interest is required for a pipe line parallel to a highway shall not be located nearer than thirty metres to the boundary of the highway without the approval of the Minister of Transportation or, if the highway is under the administration and control of the New Brunswick Highway Corporation, that Corporation.

24(4) Where a pipe line crosses a highway, no bend shall be permitted in that portion of the pipe line within the boundaries of the highway or within thirty metres of the boundary of the highway without the approval of the Minister of Transportation or, if the highway is under the administration and control of the New Brunswick Highway Corporation, that Corporation.

1977, c.M-11.1, s.23; 1983, c.30, s.26; 1995, c.N-5.11, s.46; 2000, c.26, s.237.

25(1) No pipe line shall be constructed on, across, over or under any road without the approval of the local authority concerned, or, where approval cannot reasonably be obtained therefrom, without the approval of the Board.

25(2) The land in which an interest is required for a pipe line parallel to a road shall not be located nearer than thirty metres to the boundary of the road without the approval of the local authority concerned, or, where approval cannot reasonably be obtained therefrom, without the approval of the Board.

25(3) Where a pipe line crosses a road, no bend shall be permitted in that portion of the pipe line within the boundaries of the road or within eight metres of the boundary of the road without the approval of the local authority concerned, or, where approval cannot reasonably be obtained therefrom, without the approval of the Board.

1977, c.M-11.1, s.23.

26 All work affecting any highway or road is subject to the supervision, inspection and approval of a person designated by the Minister of Transportation, a local authority or the New Brunswick Highway Corporation and the provisions of the *Highway Act* or the *New Brunswick Highway Corporation Act*, as the case may be, apply.

1983, c.30, s.26; 1995, c.N-5.11, s.46.

27(1) A sign shall be erected and maintained at each point where a pipe line enters or leaves a stream, river, lake or other body of water, and at the limits of a highway or road which it crosses outside the boundaries of a city, town or village.

27(2) Any sign erected under subsection (1) shall be in accordance with the regulations.

27(3) When a pipe line or part thereof has been taken up or removed any signs required to be erected shall be removed.

28(1) Except in the ordinary course of making repairs or of maintenance, no pipe line or part thereof shall be taken up or removed without the consent of the Minister and subject to such terms and conditions as he prescribes.

28(2) An application for consent of the Minister under subsection (1) shall be accompanied by

(a) a plan in triplicate showing in green the pipe line or part thereof to be taken up or removed, and

(b) any other information required under the regulations.

28(3) When a pipe line or part thereof is taken up or removed the licensee shall immediately fill any ditch or other opening resulting from the taking up or removal of the pipe line or part thereof.

28(4) The Minister may cancel the licence or amend the licence on the taking up or removal of the pipe line or part thereof.

1985, c.20, s.4.

29(1) No person, without the authority of the Minister, shall construct a pipe line or part thereof so as to interfere with the present workings or extension of a mine or quarry or obstruct any opening thereto.

29(2) If during construction or operation of a pipe line, any damage occurs to a gate, fence, other pipe line or to a private or public utility, the permittee or the licensee, as the case may be, shall immediately cause the damage to be repaired unless an arrangement has otherwise been made with the owner thereof.

29.1(1) No owner, lessee, licensee or occupier of mines or minerals lying under a pipe line, or within thirty-six metres therefrom, shall work the mines or minerals until he has obtained from the Minister leave to do so.

29.1(2) Upon an application to the Minister for leave to work mines or minerals, the applicant shall submit a plan and profile of the portion of the pipe line to be affected thereby, and of the mining works or plant proposed to be constructed or operated that may affect the pipe line, and shall give all reasonable and necessary information and details as to the extent and character thereof.

29.1(3) The applicant shall serve a copy of the application on the permittee or licensee at the time or before the application is made.

29.1(4) The Minister may grant the application upon such terms and conditions for the protection and safety of the public and the pipe line as he considers advisable; and he may order that such works be executed, or measures taken, as under the circumstances appear to him best adapted to remove or diminish the danger arising, or likely to arise, from mining operations.

1982, c.49, s.6.

30(1) The Minister may order that a sample of any substance being transmitted by a pipe line be taken and analyzed by such agency as he determines.

30(2) The Minister may at any time require the permittee or licensee of a pipe line to make tests of the pipe line and may prescribe the manner in which the tests are to be made.

31(1) Where a pipe line breaks, the licensee as soon as possible shall report the location of the break and the approximate quantity of the substance that has escaped to the Department of Natural

Resources, the Department of the Environment and Local Government and the Department of Agriculture, Fisheries and Aquaculture.

31(2) When a break in a pipe line has been repaired, the permittee or licensee shall make a report in writing to the Minister showing

- (a) the time the break occurred,
- (b) the approximate quantity of the substance lost,
- (c) the conditions that caused or contributed to the break, if they are known, and
- (d) the method by which the break was repaired.

31(3) In this section "break" means a rupture in any part of a pipe line not subject to inspection under the *Boiler and Pressure Vessel Act*.

1986, c.8, s.97; 1988, c.12, s.7; 1989, c.55, s.42; 2000, c.26, s.237; 2004, c.20, s.48.

32(1) Any sketch, plan of survey or plan required to be submitted or furnished under this Act shall be on a scale prescribed by regulation.

32(2) Symbols used on plans of survey or plans to denote installations shall be in accordance with or similar to the regulations or to a like effect.

33(1) The Board may, upon such terms and conditions as it considers proper, direct a licensee to alter or relocate any part of his pipe line if in the Board's opinion the alteration or relocation is in the public interest.

33(2) Where the Board under subsection (1) directs the alteration or relocation of any part of a pipe line, it may order the payment of such compensation as it may determine and by whom and to whom the compensation is payable, but prior to such order the Board shall hear all parties that are affected thereby.

34(1) No pipe line shall be constructed under a building used or capable of being used as a public building, residence, office, warehouse or factory without the approval of the Minister, and the Minister may make his approval subject to such terms and conditions as he prescribes.

34(2) Subsection (1) does not apply where the pipe line transmits a substance delivered for use to the building.

35(1) The Minister may, for the purpose of making any inspection, investigation or test pertaining to a pipe line or to the proposed route of a pipe line, enter upon any Crown lands in the Province and into any installations or other structures irrespective of who owns or occupies the lands, installations or structures.

35(2) The permittee or licensee or other person at the time in charge of the pipe line or part thereof shall render the Minister such assistance and supply such information as he reasonably requests.

36(1) Where a permittee or licensee requires an interest in land for the purposes of a pipe line the interest may be acquired

- (a) by negotiation with the owner, or
- (b) by proceeding under the *Expropriation Act*.

36(2) In this section "interest in land" does not include an interest in mines, minerals, oil, gas, coal or bituminous shale.

36.1 A permittee or licensee, in the exercise of a power granted by this Act, shall do as little damage as possible, and shall make full compensation for all damage caused by, or arising out of, the exercise of such power.

1982, c.49, s.7.

37 The Minister may, in accordance with the provisions of the *Civil Service Act*,

- (a) appoint a Superintendent of Pipe Lines, and
- (b) appoint inspectors and such other employees as are deemed necessary to carry out the purposes of this Act.

38 The Lieutenant-Governor in Council may make regulations

- (a) providing for the inspection of pipe lines during and after their construction, and for the cost of any inspection, and as to the persons by whom the cost is to be paid;
- (b) respecting the forms of security and terms and conditions thereof for the payment of damages arising from claims made against any person under section 43;
- (c) respecting measures of safety for the protection of life and property during and after the construction or installation of a pipe line and during the operation thereof;
- (d) providing for the reconstruction or removal of pipe lines or works that, through deterioration or otherwise, have become or may become in the opinion of the Minister a danger or menace to life or property;
- (e) fixing the minimum number, capacity and nature of storage tanks;
- (f) fixing the method of gauging the oil or other substance in any pipe line or pipe line system;
- (g) fixing the number, and providing for the installation of meters, governors and control valves;
- (h) providing for the analysis and testing of oil;
- (i) providing for the submission to the Minister of plans, profiles and other information relating to the construction, operation or maintenance of a pipe line;
- (j) respecting the method of making any test, analysis, survey or log and of obtaining other information, and respecting the submission of reports and information to the Minister;
- (k) providing for the marking of pipe lines with conspicuous signs;
- (l) respecting the maximum pressure to which any pipe line may be subjected;
- (m) governing any pipe or any system or arrangement of pipes that constitutes a collection system or distribution system;
- (n) fixing the percentage of loss allowable to the owner of a pipe line;

- (o) prescribing a schedule of fees for applications for permits, provisional licences and licences, and for amendments thereto, and for any other applications and for orders and any other things made, required or done under or pursuant to this Act;
- (p) fixing the types and gravities of oil that may be conducted through a pipe line or pipe line system;
- (q) respecting the manner of applying for and granting licences and permits and amendments to licences and permits, respecting the forms to be used and the information to be supplied in connection with such applications, and respecting the manner of filing plans and specifications;
- (r) respecting a form of agreement under which an interest in land may be acquired by negotiation;
- (s) respecting the design, construction, testing, operation, maintenance, discontinuance and resumption of pipe lines, including specifications and standards therefor;
- (t) respecting the abandonment and the removal of pipe lines;
- (u) prescribing the terms and conditions on which a person may enter lands under section 6;
- (v) defining the persons to be served with notice of application for a permit, and respecting the form and the method of service of the notice;
- (w) making inapplicable any provisions of regulations made under this Act to certain classes of pipe lines, or parts thereof;
- (x) governing generally all matters deemed advisable and convenient for the purpose of carrying into effect the provisions of this Act.

1982, c.49, s.8; 1985, c.20, s.5; 1987, c.6, s.80; 1999, c.G-2.11, s.104.

39 The *Boiler and Pressure Vessel Act* and the regulations thereunder apply to the manufacturing, installation and inspection of any pressure vessel and any steam or refrigerating or other pressure plant which form the whole or any part of an installation to which this Act applies.

40 No person shall

- (a) obstruct or cause any obstruction to the construction or operation of a pipe line,
- (b) wilfully do any damage to a pipe line, or
- (c) harm, remove, deface or destroy a sign erected under this Act except for replacement, repair or removal under section 27.

41(1) A person who violates or fails to comply with a provision of this Act that is listed in Column I of Schedule A commits an offence.

41(1.1) For the purposes of Part II of the *Provincial Offences Procedure Act*, each offence listed in Column I of Schedule A is punishable as an offence of the category listed beside it in Column II of Schedule A.

41(2) The conviction of a natural person, company, syndicate or association for an offence under this Act does not operate as a bar to further prosecution for the continuation of the offence.

1990, c.61, s.107.

42(1) Subject to subsection (2), in all hearings before the Board pursuant to the provisions of this Act, the Board shall be governed by the provisions of the *Public Utilities Act*.

42(2) The Board may determine its own procedure with respect to hearings and may prescribe the rules and forms to be used in connection therewith.

43 Any person, including a permittee or licensee, his agents or servants or anyone acting on his behalf, shall be liable to the owner or occupier for all damages caused to land and property while carrying out activities authorized by this Act.

44 *This Act or any provision thereof comes into force on a day to be fixed by proclamation.*

SCHEDULE A

Column I Column II
Section Category of Offence

6(1).....	F
14(2).....	C
14(3).....	F
15(1).....	E
15(4)(a)	E
15(4)(b)	C
16(a).....	E
16(b).....	E
18(1).....	E
19(1).....	E
19(2).....	E
20(1).....	C
20(2).....	C
21(5).....	J
22(1).....	F
22(2).....	F
23(2)(a)	E
23(2)(b)	C
24(1).....	E
24(4).....	E
25(1).....	E
25(2).....	E
25(3).....	E
27(1).....	C
28(1).....	F
28(3).....	F
29(1).....	F
29(2).....	F
29.1(1).....	I
31(1).....	I
31(2).....	C
34(1).....	H
35(2).....	E
40(a).....	E
40(b).....	J
40(c).....	C

N.B. This Act was proclaimed and came into force November 1, 1976.

N.B. This Act is consolidated to June 30, 2004.