

1960

c 161 Gasoline Handling Act

Ontario

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CHAPTER 161

The Gasoline Handling Act

1. In this Act,

Interpre-
tation

- (a) "gasoline" includes any liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline as described by this clause;
- (b) "Minister" means the Treasurer of Ontario;
- (c) "person" includes a firm, partnership, corporation, club, association and syndicate;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1950, c. 156, s. 1; 1955, c. 26, s. 1.

2.—(1) No person shall offer for sale or sell gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister. Licence to
sell
gasoline

(2) No person, other than a railway company, shall transport gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister. Licence to
transport
gasoline

(3) Where it appears to the satisfaction of the Minister that a vendor of kerosene or distillate is retailing it for domestic purposes other than the generating of power by means of internal combustion, and the quantity of it retailed by him during the calendar year is not in excess of one thousand gallons, the Minister may exempt the vendor from this section. Exemption

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$25 and not more than \$100, or to a term of imprisonment of not less than ten days and not more than one month, or to both, and for a second or subsequent offence, to a fine of not less than \$100 and not more than \$500, or to a term of imprisonment of not less than one month and not more than six months, or to both. R.S.O. 1950, c. 156, s. 2. Offence

Licence to
mix
gasoline

3.—(1) No person shall mix, combine or compound any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering the mixture, combination or compound for sale unless licensed so to do by the Minister.

Offence

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$100 and not more than \$500, or to a term of imprisonment of not less than one month and not more than three months, or to both, and for a second or subsequent offence to a fine of not less than \$500 and not more than \$1,000, or to a term of imprisonment of not less than three months and not more than six months, or to both. R.S.O. 1950, c. 156, s. 3.

Powers of
Minister

4. The Minister may grant or refuse to grant a licence under this Act to any person and may revoke or suspend any licence issued under this Act. R.S.O. 1950, c. 156, s. 4.

Returns as
to sale, etc.,
of gasoline

5. Every person who, in Ontario, during any calendar month has manufactured gasoline, or has combined or compounded any constituent of gasoline with any other substance or material, whether a constituent of gasoline or not, for the purpose of offering the mixture, combination or compound for sale, or has imported gasoline into Ontario, or usually manufactures or imports gasoline, shall within ten days immediately following the end of such calendar month, furnish to the Minister a return in the prescribed form. R.S.O. 1950, c. 156, s. 5.

Returns of
persons
receiving
importations
of
gasoline

6. When gasoline is shipped from a place out of Ontario to a place in Ontario by means of a carrier, the person receiving the gasoline in Ontario shall obtain and retain the bill of lading issued for the shipment and show it to any officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, on his request, but every such inspection shall be made within two years from the receiving of the gasoline and, when the shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving the gasoline in Ontario shall state in his return to the Minister the means of conveyance, the points of shipment and destination and, if the shipment is made by water, the name of the vessel in which it is made. R.S.O. 1950, c. 156, s. 6; 1955, c. 26, s. 2.

Returns of
transporter

7. Every person who during any calendar month transports gasoline from a place out of Ontario to a place in Ontario, shall within ten days immediately following the end of such

calendar month furnish to the Minister a return in the prescribed form showing the quantity of gasoline so transported and the name of the person to whom it was delivered in Ontario. R.S.O. 1950, c. 156, s. 7.

8. No provision of this Act shall be interpreted as forbidding the continuous transportation of gasoline with or without trans-shipment through Ontario from a place out of Ontario to any other place out of Ontario, but the transportation of any gasoline without a bill of lading evidencing shipment from a place out of Ontario to any other place out of Ontario creates a *prima facie* presumption that the gasoline is intended for delivery in Ontario. R.S.O. 1950, c. 156, s. 8.

Exception as to shipments through Ontario

9.—(1) The Minister may require any manufacturer, importer, jobber or vendor of gasoline to instal, at his own expense, automatic meters or other apparatus approved by the Minister.

Installation of mechanical appliances

(2) The use of such meters or other apparatus is subject to the control of the Minister who may also at any time require the use of such other apparatus or devices as he deems advisable. R.S.O. 1950, c. 156, s. 9.

Approval of apparatus by Minister

10. Every officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may,

Inspection

(a) enter, at any reasonable hour, the premises of any manufacturer, importer, jobber or vendor of gasoline and examine all books and records, take measurements and otherwise obtain all information from the manufacturer, importer, jobber or vendor and the servants, agents and employees of the manufacturer, importer, jobber or vendor as he deems necessary or desirable; and

(b) take from any premises or conveyance samples or specimens of any liquid that he has reason to believe is, or contains gasoline, distillate or kerosene. R.S.O. 1950, c. 156, s. 10; 1955, c. 26, s. 3.

11. In addition to any other remedies given by this Act in the case of any person selling gasoline without having a subsisting licence under this Act, any person acting under the authority and instructions of the Minister may close the place or places of business of such person and prevent any sale of gasoline by him until he has complied with this Act and the regulations. R.S.O. 1950, c. 156, s. 11.

Power to close premises for contravention of Act

Regulations

12.—(1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of this Act and the regulations;
- (b) providing for the issuing of licences authorized by this Act and for the production or posting thereof and prescribing the fees payable therefor;
- (c) prescribing the records and books relating to gasoline, kerosene and distillate to be kept by any person or class of persons whether or not such person or class of persons is licensed under this Act;
- (d) providing for the making of returns and statements by any person or class of persons whether or not such person or class of persons is licensed under this Act;
- (e) exempting any person or class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
- (f) requiring that all gasoline stored or offered for sale in Ontario shall be graded according to such scale as the regulations prescribe;
- (g) requiring importers, manufacturers, jobbers and vendors of gasoline to indicate the grade and price of gasoline offered for sale;
- (h) fixing the grade or quality of gasoline that may be offered for sale;
- (i) providing for the sealing of pumps, tanks, reservoirs and other containers of gasoline;
- (j) prescribing the construction, equipment and operation of conveyances and containers used for the transportation and storage of gasoline, kerosene and distillate;
- (k) prescribing the method, manner, equipment and location of equipment to be used in the handling, storing, selling and disposing of gasoline, kerosene and distillate;
- (l) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has contravened any provision of this Act or the regulations, or has made any false statement in any return or statement required to be

made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act* including the power to take evidence under oath;

R.S.O. 1960,
c. 323

- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 156, s. 12; 1953, c. 41, s. 1 (1).

(2) Every regulation made under the authority of subsection 1 shall be deemed to be within the scope of this Act whether it is made for the purpose of facilitating the collection of the charge or tax under *The Gasoline Tax Act* or for the purpose of ensuring the safety of persons or property, or for both such purposes.

Scope of
regulations

R.S.O. 1960,
c. 162

(3) Where conflict exists between any regulation made under the authority of subsection 1 and any by-law passed by a municipality in the exercise of its powers, the regulation prevails. 1953, c. 41, s. 1 (2).

Conflict
with
municipal
by-law

13. Every person who signs any return or statement required by this Act or the regulations containing any false statement is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$100 and not more than \$1,000 or to a term of imprisonment of not less than one month and not more than six months, or to both, and for any subsequent offence to a fine of not less than \$500 and not more than \$5,000 or to a term of imprisonment of not less than six months and not more than three years, or to both. R.S.O. 1950, c. 156, s. 13.

False
return

14. Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$25 and not more than \$100 or to a term of imprisonment of not less than ten days and not more than one month, or to both, and for any subsequent offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not less than one month and not more than six months, or to both. R.S.O. 1950, c. 156, s. 14.

General
penalty

15.—(1) No person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

Informa-
tion to be
secret

Offence

(2) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1950, c. 156, s. 15.

Information
to be laid
within three
years

16. Any information with respect to a contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards. R.S.O. 1950, c. 156, s. 16 (1), *amended*.

Disposition
of fines

17. The fines imposed by this Act are payable to the Minister. R.S.O. 1950, c. 156, s. 16 (2).
