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# OIL SANDS CONSERVATION ACT

## Chapter O-7

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

**Interpretation****Interpretation**

1(1) In this Act,

- (a) “Board” means the Energy Resources Conservation Board under the *Energy Resources Conservation Act*;
- (b) “contractor” means a person who undertakes to perform any drilling, mining, service or other operation at an oil sands site by agreement
  - (i) directly with the operator of the oil sands site, or

- (ii) with a person who has entered directly into an agreement with the operator;
- (c) “crude bitumen” means a naturally occurring viscous mixture, mainly of hydrocarbons heavier than pentane, that may contain sulphur compounds and that, in its naturally occurring viscous state, will not flow to a well;
- (d) “declared oil sands” means those hydrocarbon substances declared to be oil sands under section 7(2);
- (e) “discard” means solid or liquid material, whether naturally occurring or introduced during operations at a mine site, an in situ operation site or a processing plant, that does not have an immediate use and is removed or rejected during recovery or processing operations or during the operation of an associated power plant;
- (f) “discard site” means an area within which discard is stored, either temporarily or permanently;
- (g) “experimental scheme” means a scheme or operation
  - (i) for the recovery of oil sands or crude bitumen, or
  - (ii) for the processing of crude bitumen, derivatives of crude bitumen or declared oil sandsnot designed for commercial purposes, utilizing methods that may be untried or unproven in a particular application and includes, but is not limited to, test and pilot schemes;
- (h) “in situ operation” means
  - (i) a scheme or operation ordinarily involving the use of well production operations for the recovery of crude bitumen from oil sands, or
  - (ii) a scheme or operation designated by the Board as an in situ operationbut does not include a mining operation;
- (i) “in situ operation site” means an area within which an in situ operation is being conducted or that is the subject of an approval under this Act for an in situ operation, and includes a discard site and any area within which any facilities or equipment used in connection with the in situ operation are located;
- (j) “mine site” means an area within which mining operations are being conducted or that is the subject of an approval

under this Act for a mining operation, and includes a stockpile area, a discard site and any area within which facilities or equipment used in connection with a mining operation are located;

- (k) “mining operation” means
  - (i) a surface or underground operation for the recovery of oil sands, or
  - (ii) an operation designated by the Board as a mining operation;
- (l) “oil sands” means
  - (i) sands and other rock materials containing crude bitumen,
  - (ii) the crude bitumen contained in those sands and other rock materials, and
  - (iii) any other mineral substances, other than natural gas, in association with that crude bitumen or those sands and other rock materials referred to in subclauses (i) and (ii);
- (m) “oil sands products” means any products obtained by processing oil sands, crude bitumen or derivatives of crude bitumen;
- (n) “oil sands site” means an in situ operation site, a mine site or a processing plant, or any one or more of them;
- (o) “operator” means the holder of an approval under this Act;
- (p), (q) repealed 2011 c11 s6;
- (r) “processing plant” means
  - (i) a facility for obtaining crude bitumen from oil sands that have been recovered,
  - (ii) a facility for obtaining oil sands products from oil sands, crude bitumen, de-asphalted bitumen or synthetic crude oil, or
  - (iii) a stand-alone gas fractionating plant for obtaining methane, ethane, propane, butane or other similar light hydrocarbons from oil sands products;

- (r.1) “synthetic crude oil” means a mixture, mainly of pentanes and heavier hydrocarbons, that may contain sulphur compounds, that is derived from crude bitumen and that is liquid at the conditions under which its volume is measured or estimated, and includes all other hydrocarbon mixtures so derived;
- (s) “waste”, in addition to its ordinary meaning, means wasteful operations;
- (t) “wasteful operations” means
- (i) the establishment, construction, operation, suspension or abandonment of an oil sands site in a manner that results or tends to result in a reduction
    - (A) in the quantity or quality of oil sands, crude bitumen or derivatives of crude bitumen ultimately recovered from an oil sands deposit, or
    - (B) in the quantity or quality of oil sands products obtained from oil sands, crude bitumen or derivatives of crude bitumenrelative to that which would otherwise be recovered or obtained under sound engineering and economic principles,
  - (ii) the locating, drilling, equipping, completing, operating or producing of a well in a manner that causes or tends to cause excessive loss or destruction of crude bitumen, derivatives of crude bitumen or declared oil sands,
  - (iii) the inefficient storing on the surface or underground of oil sands, crude bitumen, derivatives of crude bitumen or oil sands products, or
  - (iv) the production of oil sands, crude bitumen, derivatives of crude bitumen or oil sands products in excess of proper storage facilities or transportation and marketing facilities or of market demand for them;
- (u) “zone” means a geological formation, member or zone.

**(2)** A decision of the Board is final as to whether any substance or mixture comes within a definition in subsection (1) or as to whether a definition in subsection (1) is applicable in a particular case.

RSA 2000 cO-7 s1:2011 c11 s6

**References to subdivisions of unsurveyed land**

**2** In this Act and in any regulations or orders made under this Act, unsurveyed land may be described or referred to as if it were surveyed into sections in accordance with the *Surveys Act*, and reference to a legal subdivision, section or township in land not so surveyed is deemed to refer to what would be the legal subdivision, section or township if the land were so surveyed.

1983 cO-5.5 s2

**Application and Purposes of the Act****Purposes of the Act**

**3** The purposes of this Act are

- (a) to effect conservation and prevent waste of the oil sands resources of Alberta,
- (b) to ensure orderly, efficient and economical development in the public interest of the oil sands resources of Alberta,
- (c) to provide for the appraisal of Alberta's oil sands resources,
- (d) to provide for appraisals of oil sands, crude bitumen, derivatives of crude bitumen and oil sands product requirements in Alberta and in markets outside Alberta,
- (e) to assist the Government in controlling pollution in the development and production of the oil sands resources of Alberta,
- (f) to provide for the recording and for the timely and useful dissemination of information regarding the oil sands resources of Alberta, and
- (g) to ensure the observance, in the public interest, of safe and efficient practices in the exploration for and the recovery, storing, processing and transporting of oil sands, discard, crude bitumen, derivatives of crude bitumen and oil sands products.

1983 cO-5.5 s3

**Overriding provisions**

**4(1)** A provision of

- (a) this Act,
- (b) the regulations made pursuant to this Act,

- (c) a declaration, order or approval of the Board pursuant to this Act in any matter over which the Board has jurisdiction, or
- (d) an order of the Lieutenant Governor in Council under this Act,

overrides any term or condition of any contract or other arrangement that conflicts with the provision of this Act, the regulations, the declaration, the order or the approval.

(2) No term or condition of a contract or other arrangement that conflicts with a provision referred to in subsection (1) is enforceable or gives rise to any cause of action by any party against any other party to the contract or arrangement.

RSA 2000 cO-7 s4;2011 c11 s6

## **Powers and Duties of the Board**

### **Jurisdiction of the Board**

**5** Except as otherwise provided in this or any other Act, the Board has exclusive jurisdiction to examine, inquire into, hear and determine all matters or questions arising under this Act.

1983 cO-5.5 s5

### **Scope of authority to make orders**

**6** The Board, with the approval of the Lieutenant Governor in Council, may make any just and reasonable orders or directions that it considers to be necessary to effect the purposes of this Act and that are not otherwise specifically authorized by this Act.

1983 cO-5.5 s6

### **Board's power to make orders**

**7(1)** The Board may by order

- (a) designate a scheme or operation as an in situ operation;
- (b) designate an operation as a mining operation;
- (c) prescribe official names for oil sands sites.

(2) The Board may by order, with respect to a zone within a specified area set out in the order, declare any hydrocarbon substance, except natural gas and coal, to be oil sands if the Board is satisfied

- (a) that the zone adjoins or is in reasonable proximity to an oil sands deposit, and

- (b) that to do so would be in the interests of the orderly, efficient or economic development of
  - (i) the hydrocarbon substance, or
  - (ii) the oil sands in the oil sands deposit referred to in clause (a).
- (3)** An oil sands deposit may be designated by the Board
  - (a) by describing the surface area vertically above the oil sands deposit and by naming the geological formation, member or zone in which the oil sands deposit occurs, or
  - (b) by any other method of description that the Board considers appropriate.
- (4)** Where the Board under subsection (2) declares a hydrocarbon substance in a zone to be oil sands, a reference in this Act to oil sands includes a reference to the hydrocarbon substance in that zone.

1983 cO-5.5 s7

### **Inspections and investigations**

- 8(1)** At any reasonable time, a member of the Board, or a person authorized by the Board, when acting in the performance of any duties or when exercising any powers under this Act,
  - (a) shall have access to an oil sands site, and to any facilities used in connection with operations at an oil sands site,
  - (b) may make inspections, investigations or tests and take samples at an oil sands site, and
  - (c) may examine all books, records and documents pertaining to operations at an oil sands site.
- (2)** A person authorized by the Board to exercise any powers referred to in subsection (1) shall, when exercising them, produce on demand the person's certificate of authority from the Board.
- (3)** A Board member, or a person authorized by the Board, may, if the member or authorized person considers that the circumstances so warrant, take possession of any book, record or document referred to in subsection (1)(c) for a period of time that the member or authorized person considers reasonable and proper and shall issue a receipt for the book, record or document so taken.
- (4)** Every operator, agent or other person at an oil sands site shall provide to a Board member or a person authorized by the Board any reasonable assistance that the member or authorized person

requires for the proper exercise of any of the powers conferred on the member or authorized person under subsection (1).

**(5) A person**

- (a) who prevents any Board member or person authorized by the Board from exercising the powers referred to in subsection (1),
- (b) who hinders or obstructs or fails to assist any Board member or person authorized by the Board in the exercise of the powers referred to in subsection (1), or
- (c) who fails to permit any Board member or person authorized by the Board to exercise the powers referred to in subsection (1)

is guilty of an offence.

1983 cO-5.5 s8

**Stop orders**

**9(1)** If it appears to the Board, or a person authorized by the Board, that in respect of any construction or operation at an oil sands site there has been or is a contravention of, or a failure to comply with, any provision of this Act, the regulations or an approval, order, direction, term or condition of the Lieutenant Governor in Council or the Board, or that a method or practice employed or any equipment or facility at the oil sands site is hazardous, inadequate or defective, the Board, or the person authorized by the Board, may, by order, direct that the contractor, operator or owner of the oil sands site shall

- (a) adopt methods or use equipment approved by the Board or take remedial measures before proceeding further with the construction or operation, or
- (b) suspend the construction or operation in whole or in part.

**(2)** Where the Board, or a person authorized by the Board, makes an order under subsection (1), it or the authorized person shall, as soon as possible, advise the contractor, operator or owner in writing setting out the reasons for its action.

**(3)** If the Board, or a person authorized by the Board, has made an order under subsection (1), the Board on its own initiative may, or at the request of a person directly affected by the order shall, hold an inquiry within a reasonable time of the date of the making of the order or of the request of that person, as the case may be, to investigate the circumstances leading to the making of the order.

- (4) After an inquiry under subsection (3), the Board may
- (a) renew or rescind the order issued under subsection (1), or
  - (b) take any other action or make any other order not inconsistent with this Act that it considers to be warranted by the circumstances.

1983 cO-5.5 s9

### Approvals

#### Approval of scheme or operation

**10(1)** No person shall

- (a) construct facilities for a scheme or operation, or
- (b) commence or continue a scheme or operation

for the recovery of oil sands or crude bitumen, unless the Board, on application, has granted an approval in respect of the scheme or operation.

(2) The Board shall, on receiving an application referred to in subsection (1), make any investigations or inquiries and hold any hearings that it considers necessary or desirable in connection with the application.

(3) The Board may, with respect to an application referred to in subsection (1),

- (a) if in its opinion it is in the public interest to do so, and with the prior authorization of the Lieutenant Governor in Council, grant an approval on any terms and conditions that the Board considers appropriate,
- (b) refuse to grant an approval,
- (c) defer consideration of the application on any terms and conditions that the Board may prescribe, or
- (d) make any other disposition of the application that the Board considers appropriate.

(4) An authorization of the Lieutenant Governor in Council is subject to any terms and conditions prescribed by the Lieutenant Governor in Council.

(5) Notwithstanding subsections (3) and (4), the authorization of the Lieutenant Governor in Council is not required under this section in respect of

- (a) an approval of an experimental scheme where the total quantity of energy, as estimated by the Board, in the oil sands, crude bitumen or derivatives of crude bitumen recovered in any year will not exceed 12.5 petajoules, or
- (b) an approval of a scheme or operation, other than an experimental scheme, where the total quantity of energy, as estimated by the Board, in the oil sands, crude bitumen or derivatives of crude bitumen recovered in any year will not exceed 5 petajoules.

1983 cO-5.5 s10

**Approval of processing plant**

**11(1)** No person shall construct or operate a processing plant unless the Board has, on application, granted an approval in respect of the processing plant.

**(2)** The Board shall, on receiving an application referred to in subsection (1), make any investigations or inquiries and hold any hearings that it considers necessary or desirable in connection with the application.

**(3)** The Board may, with respect to an application referred to in subsection (1),

- (a) if in its opinion it is in the public interest to do so, and with the prior authorization of the Lieutenant Governor in Council, grant an approval on any terms and conditions that the Board considers appropriate,
- (b) refuse to grant an approval,
- (c) defer consideration of the application on any terms and conditions that the Board may prescribe, or
- (d) make any other disposition of the application that the Board considers appropriate.

**(4)** An authorization of the Lieutenant Governor in Council is subject to any terms and conditions prescribed by the Lieutenant Governor in Council.

**(5)** Notwithstanding subsections (3) and (4), the authorization of the Lieutenant Governor in Council is not required under this section in respect of

- (a) an approval relating to a processing plant associated with an experimental scheme, where the total quantity of energy, as estimated by the Board, of oil sands products obtained in any year will not exceed 12.5 petajoules, or

- (b) an approval, other than an approval relating to a processing plant associated with an experimental scheme, where the total quantity of energy, as estimated by the Board, of oil sands products obtained in any year will not exceed 5 petajoules.

1983 cO-5.5 s11

**12** Repealed 2011 c11 s6.

#### **Amendment of approvals**

**13(1)** The Board may, on application or its own motion, amend an approval granted under section 10 or 11.

**(2)** The prior authorization of the Lieutenant Governor in Council is not required in respect of

- (a) an amendment to an approval referred to in subsection (1), or
- (b) a consolidation of an approval referred to in subsection (1) and one or more amendments to that approval.

**(3)** No change in the operator of an oil sands site has force or effect until the approval has been amended to reflect the change.

RSA 2000 cO-7 s13;2009 c20 s8;2011 c11 s6

#### **Failure to comply with orders**

**14(1)** The Lieutenant Governor in Council may direct that the Board conduct an inquiry to determine any question relating to the compliance with a term or condition of an authorization of the Lieutenant Governor in Council under this Act.

**(2)** The Board shall, where directed by the Lieutenant Governor in Council under subsection (1) to conduct an inquiry,

- (a) fix a time and place for the inquiry,
- (b) give the operator not less than 60 days' notice in writing of the time and place so fixed, and
- (c) publish notice of the inquiry.

**(3)** The Board shall report its findings to the Lieutenant Governor in Council.

**(4)** The Lieutenant Governor in Council may after receipt of the report of the Board direct that the Board amend or cancel the approval or make any other order that in the opinion of the

Lieutenant Governor in Council is just and reasonable under the circumstances.

RSA 2000 cO-7 s14;2011 c11 s6

### **Cancellation of approvals**

**15(1)** If an operator fails to comply with this Act or the regulations or with a term or condition of an approval issued under this Act, the Board, with the prior authorization of the Lieutenant Governor in Council, may by order cancel or suspend the approval or make any other order that in the opinion of the Board is just and reasonable under the circumstances.

**(2)** Notwithstanding subsection (1), the authorization of the Lieutenant Governor in Council is not required under this section if the approval was granted without the authorization of the Lieutenant Governor in Council.

**(3)** Unless, in the opinion of the Board, an immediate danger to a person or to public or private property exists, the Board shall not

- (a) cancel or suspend the approval or make any other order under subsection (1) until it has given the operator at least 30 days' notice to rectify the operator's default, or
- (b) require any action that would result in any significant expense, loss or deprivation to the operator without giving the operator notice and an opportunity to be heard by the Board.

RSA 2000 cO-7 s15;2011 c11 s6

### **General**

#### **Registered address of holder and agent**

**16(1)** Subject to the regulations made under section 20(1)(t.1), each operator shall register with the Board the operator's address and,

- (a) if the operator is resident outside Alberta, shall
  - (i) register with the Board an address for service in Alberta,
  - (ii) appoint an agent within Alberta to carry out the operator's duties and responsibilities under this Act and the regulations,
  - (iii) notify the Board in writing of the appointment of the agent under subclause (ii), and

- (iv) register with the Board the address in Alberta of the operator's agent,

or

- (b) if the operator is resident in Alberta,
  - (i) may carry out the operator's duties and responsibilities under this Act and the regulations through an agent, and
  - (ii) shall, if the operator carries out the operator's duties and responsibilities through an agent, notify the Board in writing of the appointment of the agent and register with the Board the address in Alberta of the agent.

(2) The appointment of an agent in accordance with subsection (1) and the registration of the agent's appointment and address with the Board does not relieve the operator of any duty or responsibility under this Act or the regulations.

(3) If any of the addresses required or the agent appointed in accordance with subsection (1) is changed, the operator shall within 15 days after the change register the change with the Board.

RSA 2000 cO-7 s16;2008 c7 s6

#### **Statutory obligations of holder not affected by agreement**

**17** No agreement between an operator, owner or person having an interest in a mining operation, in situ operation or processing plant or in oil sands and any other person

- (a) relieves the operator, owner or person having the interest of the obligation
  - (i) to perform a required abandonment operation, or
  - (ii) to comply with the relevant provisions, orders, directives, terms or conditions prescribed by the Board or by the Lieutenant Governor in Council,
- (b) precludes or prevents the conduct of any operation necessary for the purposes of clause (a), or
- (c) relieves the operator, owner or person having the interest, as between the operator, owner or person having the interest and any other person, of liability with respect to any abandonment or other operation and the costs and expenses of that operation.

1983 cO-5.5 s18

**Scheme to maximize recovery of oil sands or crude bitumen****18(1)** The Board

(a) shall, on the direction of the Lieutenant Governor in Council, or

(b) may, on receiving an application or on its own initiative,

prepare a scheme to enable an operator to maximize the recovery of oil sands or crude bitumen in the area at or adjoining the boundaries of the operator's oil sands site.

(2) The Board shall refer a scheme prepared under subsection (1) to the Minister of Resource Development for the Minister's approval insofar as the scheme affects mines and minerals that are the property of the Crown in right of Alberta.

(3) The Minister of Resource Development may approve a scheme with or without conditions.

(4) The Board shall, with respect to a scheme prepared under subsection (1),

(a) hold a public hearing to hear representations of interested persons regarding the proposed scheme, or

(b) obtain the views of interested persons in any manner other than at a public hearing that, in the opinion of the Board, is suitable in the circumstances.

(5) The Board shall, following the proceedings held under subsection (4), make a recommendation to the Lieutenant Governor in Council with respect to the establishment of a scheme.

(6) The Lieutenant Governor in Council may order the scheme recommended by the Board to be established with or without all or any of the conditions prescribed under subsection (3).

(7) The Lieutenant Governor in Council may, in an order establishing a scheme, prescribe that the scheme is general in its application or is restricted to those operators or oil sands sites designated in the order.

(8) The Lieutenant Governor in Council may, in an order establishing a scheme, provide for all or any of the following:

(a) the circumstances and conditions under which any person is entitled to receive compensation under the scheme;

- (b) the matters in respect of which compensation is payable as a result of the scheme and the method by which the amount of any compensation is to be ascertained;
- (c) the manner in which compensation ascertained under clause (b) is to be payable;
- (d) the persons to whom and by whom compensation ascertained under clause (b) is to be payable;
- (e) any other matter or thing that the Lieutenant Governor in Council considers necessary or appropriate for carrying out the scheme.

**(9)** The Lieutenant Governor in Council may, on the recommendation of the Board, amend or revoke any scheme established under this section.

1983 cO-5.5 s19;1986 cD-18.1 s14;1986 cD-20.5 s17;  
1994 cG-8.5 s95;1999 c26 s16

#### **Remedial action by the Board**

**19(1)** If, in the opinion of the Board, an operation at an oil sands site or a suspension or abandonment of any scheme or operation is not in accordance with the terms or conditions prescribed under this Act or the regulations or in an approval issued under this Act, the Board or any person authorized by it may enter on the oil sands site and do whatever the Board considers necessary to ensure that the operation, suspension or abandonment complies with the conditions prescribed in the approval.

**(2)** Any costs incurred or authorized by the Board under this section are a debt payable to the Board by the holder of the approval.

1983 cO-5.5 s20

### **Regulations**

#### **Regulations**

**20(1)** The Board may make regulations

- (a) prescribing the manner in which an application under this Act or the regulations is to be made;
- (b) specifying the information that is to be included in or to accompany an application under this Act or the regulations;
- (c) requiring that an applicant deposit a specified performance bond with the Board as a guarantee of proper operation and abandonment of any operation authorized

by this Act, and prescribing the form and amount of the deposit;

- (d) regulating, restricting or prohibiting the construction or operation of an oil sands site at a point within a prescribed distance of a railway, pipeline or other right of way, road allowance, surveyed roadway, dwelling or other structure made by persons;
- (e) requiring the erection of fences and the posting of signs or notices at an oil sands site;
- (f) prescribing the methods, equipment and materials to be used in the construction, operation or abandonment of an oil sands site;
- (g) respecting methods of operation to be observed for the prevention of waste;
- (h) requiring and prescribing the taking and method of taking of samples of any kind;
- (i) requiring and prescribing any tests, analyses, surveys and logs;
- (j) requiring the submission to the Board of samples, cores, information obtained by tests, analyses, surveys or logs, or any other data relating to oil sands, crude bitumen or oil sands products;
- (k) prescribing the methods to be used for the measurement of oil sands, crude bitumen, derivatives of crude bitumen or oil sands products or of other products or materials obtained from or used in the recovery or production of oil sands or crude bitumen or oil sands products and the standard conditions to which those measurements shall be converted;
- (l) respecting the construction, operation and abandonment of oil sands sites;
- (m) exempting experimental schemes or parts of them from all or any part of this Act or the regulations, except with respect to the granting of an approval under section 10 or 11;
- (n) requiring the submission to the Board of records and reports of operations, plot plans, process flow diagrams, process piping and instrument diagrams, operating and equipment schedules, mine plans, geological, geotechnical

- and hydrological studies and capital and operating cost information;
- (o) prescribing the inspections that shall be made at an oil sands site and by whom those inspections shall be carried out and reported;
  - (p) prescribing the records to be kept and the persons by whom, the manner in which, the place at which and the length of time for which they shall be kept, and providing for their submission to the Board;
  - (q) respecting the records, reports and information submitted to or acquired by the Board under this Act that shall be confidential, and prescribing when, to whom and the manner in which those records, reports or information may be made available;
  - (r) specifying types, classes or kinds of reports that shall be made, the persons required to make them, the authority or person to whom they shall be submitted, the times at which they shall be made, and the form, nature and extent of those reports;
  - (s) establishing a schedule of fees
    - (i) pertaining to an application or proceeding under this Act or the regulations;
    - (ii) for providing any map, report, document or other record of the Board;
    - (iii) for any other service provided by the Board;
  - (t) prescribing the forms to be used under this Act or the regulations, either generally or for a particular case;
  - (t.1) respecting the exemption of operators or classes of operators from the application of some or all of the requirements in section 16, subject to any terms and conditions provided for in the regulations, including the substitution of any other requirements;
  - (u) generally, to conserve oil sands and crude bitumen and to prevent the waste or improvident disposition of oil sands, crude bitumen, derivatives of crude bitumen, declared oil sands or oil sands products;
  - (v) respecting compliance with and enforcement of ALSA regional plans.

(2) If a regulation made pursuant to subsection (1) authorizes the Board to approve an activity or method of operation, the Board may prescribe the conditions under which it grants the approval.

(3) Notwithstanding a regulation made under subsection (1)(b), the Board may act on an application that does not contain all the information specified in the regulation or may require any other information in addition to or instead of the information specified in that regulation.

(4) A regulation made pursuant to subsection (1)(q) respecting confidentiality of records, reports or information submitted to or acquired by the Board under this Act prevails despite the *Freedom of Information and Protection of Privacy Act*.

RSA 2000 cO-7 s20;2002 c12 s6;2006 c23 s61;  
2008 c7 s6;2009 cA-26.8 s86

## Offences and Penalties

### False reports

**21** No person shall knowingly make a false statement in a report or entry required by this Act or the regulations.

1983 cO-5.5 s22

### Waste

**22(1)** No person shall commit waste.

(2) No prosecution may be instituted under subsection (1) without the consent in writing of the Board.

(3) Notwithstanding a prosecution under this Act, the Board may commence and maintain an action to enjoin a person from committing waste.

1983 cO-5.5 s23

### Civil cause of action not affected by prosecution

**23** A prosecution under this Act does not deprive a person suffering damages or injury of any cause of action that the person may have.

1983 cO-5.5 s24

### Offences

**24** A person who

- (a) whether as a principal or otherwise, contravenes or fails to comply with this Act or the regulations or with a term or condition of an authorization or approval, as the case may be,

- (b) either alone or in conjunction or participation with any other person induces or causes a holder of an authorization, approval or permit to contravene or to default in complying with a provision of the authorization, approval or permit, or
- (c) instructs, orders, directs, induces or causes an officer, agent or employee of a holder of an authorization, approval or permit to contravene or to default in complying with a term or condition of the authorization, approval or permit

is guilty of an offence.

RSA 2000 cO-7 s24;2011 c11 s6

#### **Limitations on prosecutions**

**25** A prosecution of an offence under this Act may be commenced within 18 months from the date on which the subject-matter of the prosecution arose, and not afterwards.

1983 cO-5.5 s26

#### **General offence**

**26(1)** A person who is guilty of an offence under this Act is liable,

- (a) in the case of a corporation, to a fine of not less than \$500 and not more than \$5000, and
- (b) in the case of an individual, to a fine of not less than \$50 and not more than \$1000 or to a term of imprisonment not exceeding 6 months or to both fine and imprisonment.

**(2)** A person who is guilty of a continuing offence under this Act is liable,

- (a) in the case of a corporation, to a fine of not less than \$500 and not more than \$5000 for the first day on which the offence occurs and of not less than \$300 and not more than \$3000 for each subsequent day during which the offence occurs, and
- (b) in the case of an individual, to a fine of not less than \$50 and not more than \$500 for the first day on which the offence occurs and of not less than \$25 and not more than \$500 for each subsequent day during which the offence occurs.

**(3)** A penalty imposed for a breach of a provision of this Act or the regulations is in addition to a penalty imposed by any other Act for the same offence or matter.

1983 cO-5.5 s27

## **Cancellation of Industrial Development Permits and Applications**

### **Cancellation of permits and applications**

**27** On the coming into force of section 6(5) of the *Energy Statutes Amendment Act, 2011*, all subsisting permits granted under section 12 of this Act as it read immediately before the coming into force of section 6(5) of the *Energy Statutes Amendment Act, 2011* and all subsisting applications for permits under section 12 of this Act as it then read are cancelled.

2011 c11 s6