



CHAPTER 30

An Act to amend the Gasoline Act

[Assented to, the 11th of March, 1931]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Gasoline Act (Revised Statutes, 1925, R. S., c. 36, chapter 36) is amended by replacing paragraph 5 thereof by the following paragraph:

“5. The word “person” includes a firm, partnership, club, “Person” or corporation;”.

2. Section 3 of the said act is amended:

R. S., c. 36,
s. 3, am.

a. By replacing subsection 3 thereof by the following:

“3. The Minister may refuse to issue such license to any person who has been found guilty of an infringement of this act. He may cancel a license issued if the licensee refuses or fails to comply with any provision of this act or with any of the regulations made under its authority by the Lieutenant-Governor in Council;”

Cancellation, etc.

b. By adding thereto, after the said subsection 3 thereof, the following subsection:

“4. For the purposes of this act, there must be given, if a license is requested by one or more persons doing business under a firm name, the name and address of such person or persons; if requested by a partnership, the names and addresses of each partner; if requested by a club or corporation, the name and address of the president, if he resides in this Province, if not, that of its manager or representative and the address of its place of business in this Province.”

Names and addresses to be furnished.

R. S., c. 36, s. 5, am. **3.** Section 5 of the said act is amended by adding thereto, after subsection 2 thereof, the following subsections:

Account of deliveries. "3. In order to verify the quantity of gasoline acquired by a vendor of gasoline in the Province, every person who sells gasoline to such vendor shall, in the form and manner established by the Minister, render an account of the deliveries of gasoline that he makes to him.

"Gasoline". "4. For the purposes of this section, the word "gasoline" includes as well gasoline intended for the operation of motor vehicles as that intended for other purposes."

R. S., c. 36, s. 7, re-placed. **4.** Section 7 of the said act is replaced by the following sections:

"7. Every person who:

Offences and penalties. *a.* Sells or delivers gasoline in the Province without a license still in force or otherwise contravenes the provisions of section 3 of this act; or

b. Being a vendor of gasoline in the Province, refuses or neglects to give a monthly account to the Bureau of the quantity of gasoline which such person has acquired, delivered and on hand, or otherwise contravenes the provisions of section 5 of this act; or

c. Being a vendor of gasoline in the Province, refuses or fails to permit a revenue officer to make, in each of the establishments of such person, the visits, examinations, verifications and inspections and to secure the information mentioned in section 6 of this act or otherwise contravenes the provisions of the said section 6,—

shall be guilty of an offence under this act, and shall be liable, in addition to the payment of the costs, to a fine of not less than one dollar and not more than one hundred dollars in the cases provided for in paragraph *a* for each sale so made or for each other contravention committed, and in the cases provided for in paragraphs *b* and *c* for each day of such offence, and in all the cases, in default of payment of the fine and costs, to imprisonment for three months.

Idem. "7*a.* Every person who, being agent for the Bureau for the purposes of this act, refuses or neglects to collect the duties imposed by this act or to keep account thereof, shall be guilty of an offence against this act, and shall be liable, in addition to the payment of the costs, to a fine not exceeding one thousand dollars and, in default of payment of such fine and costs, to imprisonment for three months.

“7b. Every person contravening any of the regulations made by the Lieutenant-Governor in Council, under the authority of this act, shall be guilty of an offence against this act, and shall be liable, in addition to the payment of the costs, to a fine of not less than ten dollars, but not exceeding one hundred dollars, and, in default of payment of the fine and costs, to imprisonment for one month.”

Offences and penalties.

5. The said act is amended by adding thereto, after section 8 thereof, the following sections:

R. S., c. 36.
ss. 8a, 8b,
added.

“8a. Whenever a violation of the provisions of this act has been committed by one or more persons doing business under a firm name, by a partnership, club, or corporation, whether a license-holder or not under this act, and judgment has been rendered under this act against such person or persons doing business under a firm name, or against such partnership, club, or corporation, such judgment may, in default of payment of the fine and costs by such person or persons doing business under a firm name, such partnership, club, or corporation, be executed: in the case of a firm, against such person or persons; in the case of a partnership, against each member of the partnership; in the case of a club or corporation, against its president if the latter be in the Province, and if not, against its manager or representative in the Province.

Execution of judgment.

“8b. In addition to the recourses under this act for violation of its provisions, His Majesty in the rights of the Province may apply to a judge of the Superior Court and obtain an injunction against any vendor—

Closing, etc., of certain establishments in certain cases.

a. Who sells gasoline without a license still in force, or,

b. Who, after the expiration of the delay fixed in a written notice given him by the Comptroller of Provincial Revenue, asking for payment of the duties owing under this act, has not paid such duties,—
ordering the closing of his establishment or establishments and the ceasing of his sales, until a license is issued or again put into force, and full payment of the duties, in addition to all costs.

In other respects, the provisions of the Code of Civil Procedure respecting injunctions shall apply to the injunction mentioned in this section.”

Provisions applicable.

6. Section 9 of the said act is amended by replacing subsection 1 thereof by the following:

R. S., c. 36.
s. 9, am.

“9. 1. The Lieutenant-Governor in Council may:

Powers of Lt.-Gov. in C.

- Posting up of price and duty; a. Require that in each gasoline depot or other establishment where gasoline is retailed, the price of gasoline, as then exacted, sold by the gallon, and, separately, the rate of duty to be paid on the sale, be posted up to inform and protect the buyer;
- Receipt; b. Require that, for and at the time of each sale of gasoline, the vendor shall issue to the purchaser, if requested by the latter so to do, a receipt showing the quantity of gasoline bought and the amount of duty paid; and take the steps necessary to control the issuing of receipts;
- Invoice; c. When an invoice is issued for the sale of gasoline, require that the amount of duty be shown separately;
- Regulation, etc., of gasoline pumps; d. Regulate the establishing of gasoline pumps and gasoline tanks, and prohibit their establishment in a place where, in the opinion of the Minister, they would interfere with the aspect and comfort of private properties or interfere with traffic on public roads maintained by the Minister of Roads;
- Additional regulations. And make all other regulations deemed necessary for the carrying out of this act."
- Coming into force. **7.** This act shall come into force on the first day of April, 1931.