

The Pipelines Act, 1998

being

Chapter P-12.1* of the *Statutes of Saskatchewan, 1998* (effective April 1, 2000) as amended by the *Statutes of Saskatchewan*, 2000, c.50; 2003, c.29; 2005, c.M-36.1; 2009, c.24; 2010, c.N-5.2; 2014, c.21; 2017, c.22; and 2019, c.8 and c.16.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-12.1

An Act respecting Pipelines

PART I

Preliminary Matters

Short title

1 This Act may be cited as *The Pipelines Act, 1998*.

Interpretation

2 In this Act:

- (a) **“approved”** means approved by the minister;
- (a.1) **“board”** means the Oil and Gas Conservation Board established pursuant to *The Oil and Gas Conservation Act*;
- (b) **“common carrier”** means a licence holder declared to be a common carrier pursuant to section 19;
 - (b.1) **“directive”** means a directive approved pursuant to section 25.2 with respect to the licensing, construction, alteration, operation or abandonment of a pipeline, or the discontinuation of the operation of a pipeline;
 - (b.2) **“document”** means a notice, record, report or other document and includes a notice, record, report or other document in electronic form;
- (c) **Repealed.** 2009, c.24, s.3.
- (d) **“flowline”** means a pipeline connecting a wellhead with an oil battery facility, a fluid injection facility or a gas compression or processing facility, and includes a pipe or system of pipes for the transportation of fluids within any of those facilities;
- (e) **“ground disturbance”** means any work, operation or activity that results in a disturbance of the earth, including excavating, digging, trenching, plowing, drilling, tunnelling, augering, backfilling, blasting, topsoil stripping, land levelling, peat removing, quarrying, clearing and grading, but does not include:
 - (i) a disturbance of the earth above a pipeline to a depth of less than 30 centimetres that does not result in a reduction of the earth cover over the pipeline to a depth that is less than the cover provided when the pipeline was installed;
 - (ii) cultivation to a depth of less than 45 centimetres below the surface of the ground; or
 - (iii) any prescribed work, operation or activity;

- (f) “**licence**” means a licence issued pursuant to Part II;
- (g) “**licence holder**” includes a person to whom a licence has been transferred in accordance with section 10;
- (h) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h.1) “**ministry**” means the ministry over which the minister presides;
- (i) “**natural gas**” means any mixture composed primarily of hydrocarbons that exists as a gas at normal pipeline pressures and temperatures, whether or not it contains impurities such as nitrogen, carbon dioxide, water vapour or hydrogen sulfide;
- (j) “**pipeline**”:
 - (i) means a pipe or system of pipes for the transportation of:
 - (A) liquid hydrocarbons, including crude oil, multiphase fluids containing hydrocarbons, oil and water emulsions, condensate, liquid petroleum products, natural gas liquids and liquefied petroleum gas;
 - (B) gaseous hydrocarbons, including natural gas, manufactured gas and synthetic gas;
 - (C) water, steam or any other substance where the water, steam or other substance is incidental to or used in the production of crude oil or natural gas; or
 - (D) carbon dioxide; and
 - (ii) includes any of the following that are incidental to or used in connection with the pipeline:
 - (A) tanks, tank batteries, pumps, compressors and racks;
 - (B) storage facilities, loading facilities, terminal facilities and other similar facilities;
- (k) “**prescribed**” means prescribed in the regulations;
- (l) “**provincial highway**” means a provincial highway as defined in *The Highways and Transportation Act, 1997*;
- (m) “**road**” means a public highway as defined in *The Highways and Transportation Act, 1997*.

1998, c.P-12.1, s.2; 2009, c.24, s.3; 2017, c.22, s.3.

Application of Act

- 3(1) The Crown is bound by this Act.
- (2) This Act does not apply to:
 - (a) a pipeline that is being constructed, altered, operated or abandoned pursuant to the *National Energy Board Act (Canada)* or the operation of which is being discontinued pursuant to that Act;

- (b) a pipeline for the distribution of gas that is being constructed, altered, operated or abandoned pursuant to *The SaskEnergy Act* or the operation of which is being discontinued pursuant to that Act;
- (c) a refining or marketing pipeline that is situated wholly within plant property; or
- (d) a prescribed pipeline or class of pipelines.

1998, c.P-12.1, s.3; 2017, c22, s.4.

PART II

Licences

4 Repealed. 2017, c22, s.5.

Licence

5(1) In this section, ‘**previously exempt pipeline**’ means a pipeline to which this Act applies:

- (a) that was previously exempted by regulation or by an order made pursuant to *The Pipe Lines Act* or this Act; and
- (b) the exemption for which is not continued in accordance with clause 3(2)(d).

(2) Subject to subsection (3), no person shall construct, alter, operate or abandon a pipeline or discontinue the operation of a pipeline unless that person holds a licence authorizing the construction, alteration, operation, abandonment or discontinuation.

(3) On and after a prescribed date, all previously exempt pipelines must be the subject of a licence issued in accordance with this Act.

2017, c22, s.6.

6 Repealed. 2017, c22, s.7.

Application for licence

7 An applicant for a licence must:

- (a) apply to the minister in the approved form and manner;
- (b) provide the minister with any other information or material that the minister may reasonably require; and
- (c) provide evidence satisfactory to the minister that the applicant meets the prescribed eligibility requirements.

2017, c22, s.8.

Issuance of licence

8(1) If an applicant has made an application in accordance with section 7, the minister may, subject to the regulations, do any of the following:

- (a) give notice, or direct the applicant to give notice, of the application to any person and in the approved form and manner;
 - (b) receive and consider submissions from persons mentioned in clause (a) or from any other person;
 - (c) order the board to conduct a hearing, investigation or inquiry respecting the application and to make recommendations to the minister.
- (2) The minister may:
- (a) issue a licence if the minister is satisfied that:
 - (i) the applicant has complied with this Act, the regulations and any applicable directives; and
 - (ii) it is in the public interest to do so; or
 - (b) refuse to issue the licence.
- (3) The minister may include as a provision of the licence any term or condition that the minister considers appropriate.
- (4) If the minister refuses to issue a licence pursuant to subclause (2)(b), the minister shall provide the applicant with written reasons for the refusal.
- (5) If the minister refuses to issue a licence without having ordered the board to conduct a hearing, investigation or inquiry pursuant to clause (1)(c):
- (a) the applicant may request the minister to order the board to conduct a hearing, investigation or inquiry pursuant to clause (1)(c); and
 - (b) after a hearing, investigation or inquiry has been held, the minister shall, on receiving the board's report containing its recommendations, reconsider the minister's decision with respect to the refusal to issue a licence.

1998, c.P-12.1, s.8; 2017, c22, s.9.

Compliance with licence required

9 Every licence holder shall comply with the terms and conditions contained in the licence.

1998, c.P-12.1, s.9.

Transfer of licence restricted

10(1) No licence shall be transferred unless the transfer is approved.

- (2) A licence holder who intends to transfer a licence to another person shall:
- (a) apply to the minister in the approved form and manner; and
 - (b) provide the minister with any other information or material that the minister may reasonably require.

- (3) The minister may:
- (a) approve the transfer of the licence if the minister is satisfied that:
 - (i) the licence holder and the person to whom the licence is to be transferred have complied with this Act, the regulations and any applicable directive;
 - (ii) the person to whom the licence is to be transferred meets the prescribed eligibility requirements for an applicant for a licence; and
 - (iii) it is in the public interest to do so; or
 - (b) refuse to approve the transfer of the licence.
- (4) If the minister approves the transfer of the licence, the minister may amend the licence to include any terms and conditions that the minister considers appropriate.
- (5) If the minister refuses to approve the transfer of a licence pursuant to clause (3)(b), the minister shall provide the licence holder with written reasons for the refusal.
- (6) The minister shall not unreasonably withhold approval for the transfer of a licence.
- (7) On the transfer of a licence that is approved pursuant to clause (3)(a), the licence holder shall promptly transfer all prescribed records to the person to whom the licence is being transferred.

2017, c 22, s.10.

Notice of contravention

11 If a licence holder contravenes any provision of this Act, the regulations, a directive or any term or condition of the licence, the minister may serve written notice of the contravention on the licence holder, requiring the licence holder to remedy the contravention to the satisfaction of the minister within the period specified in the written notice.

2017, c 22, s.11.

Amendment, suspension, cancellation of licences

12(1) The minister may amend or suspend a licence if the amendment or suspension is necessary for the purposes of public safety or the safety of any person or for the protection of property or the environment.

(2) The minister may amend a licence if the amendment is necessary to require the pipeline to be diverted or relocated to facilitate the construction, reconstruction or relocation of a road or any other work affecting the public interest.

- (3) The minister may amend, suspend or cancel a licence if:
- (a) the amendment, suspension or cancellation is agreed to by the licence holder;
 - (b) the licence holder fails to remedy a contravention within the period specified in a notice given pursuant to section 11; or
 - (c) the licence holder repeatedly contravenes one or more provisions of this Act, the regulations, a directive or a term or condition of the licence.

- (4) Unless, in the minister's opinion, action is urgently required, the minister shall not amend, suspend or cancel a licence pursuant to clause (3)(b) or (c) unless the licence holder has been given a reasonable opportunity to make representations to the minister or an official chosen by the minister, in a form determined by the minister, concerning the proposed amendment, suspension or cancellation.
- (5) If the minister amends, suspends or cancels a licence without giving the licence holder an opportunity to make representations to the minister or an official chosen by the minister in accordance with subsection (4), the minister shall notify the licence holder as soon as possible that the licence has been amended, suspended or cancelled and shall give the licence holder an opportunity to make representations within 15 days after the date of the amendment, suspension or cancellation.
- (6) For the purposes of section 5, a licence that is suspended pursuant to this section is, for the period of the suspension, deemed not to have been issued.

1998, c.P-12.1, s.12; 2017, c22, s.12.

PART III

Taking and Using Land

Entry on lands for certain purposes

13(1) Subject to subsection (2) and the regulations, an applicant who has made an application in accordance with section 7 for a licence for a pipeline other than a flowline may, with the prior written consent of the minister and without the consent of the owner or any other person:

- (a) enter any Crown lands or other lands lying in the intended route of the pipeline;
 - (b) make surveys, examinations and other necessary arrangements for the purpose of fixing the site of the pipeline right of way and works; and
 - (c) ascertain and set out the parts of the lands that are necessary and proper for the pipeline.
- (2) The minister shall not grant consent pursuant to subsection (1) unless the minister is satisfied that the applicant has made a reasonable effort to obtain the consent of the owner and any other person whose consent would be required, in the absence of the minister's consent, to authorize the applicant to enter on the lands and do the things described in subsection (1).

1998, c.P-12.1, s.13; 2017, c22, s.13.

Location of pipeline in relation to roads

14(1) Notwithstanding anything in *The Municipalities Act* or *The Northern Municipalities Act, 2010*, a licence holder, with the prior written consent of the minister responsible for the administration of *The Highways and Transportation Act, 1997* but subject to any terms specified by that minister, may construct, maintain and operate the pipeline authorized by the licence on, across, over or under any road.

(2) Notwithstanding anything in this Act or in a licence, no pipeline shall be constructed on, across, over or under a road or within a prescribed distance from a provincial highway or a road other than a provincial highway without the prior written consent of the minister responsible for the administration of *The Highways and Transportation Act, 1997*.

1998, c.P-12.1, s.14; 2005, c.M-36.1, s.452; 2009, c.24, s.5; 2010, c.N-5.2, s.459.

Expropriation

15(1) In this section, “**easement**” means an easement within the meaning of *The Public Utilities Easements Act*.

(2) A holder of a licence for a pipeline other than a flowline may, without the consent of the owner or any interested person, expropriate any interest in land, including an easement, that is required for the purposes of constructing or operating the pipeline authorized by the licence.

(3) *The Expropriation Procedure Act* applies to an expropriation pursuant to this section, and a licence holder who expropriates an interest in land pursuant to this section is an expropriating authority within the meaning of that Act.

(4) *The Public Utilities Easements Act* applies, with any necessary modification, to an easement expropriated pursuant to this section.

1998, c.P-12.1, s.15; 2017, c.22, s.14.

No entitlement to minerals

16 A licence holder who expropriates an interest in land pursuant to section 15 is not entitled to the mines and minerals in or under land that is expropriated, except the portions that it is necessary to dig, carry away or use in the construction of the pipeline.

1998, c.P-12.1, s.16.

PART IV

Operation of Pipelines**Operating standards**

17 Every person who operates a pipeline shall operate the pipeline so as not to endanger the public health or safety or the environment.

1998, c.P-12.1, s.17.

Damage by licence holder

18 A licence holder must:

- (a) do as little damage to property as is practicable in the exercise of a power conferred by this Act; and
- (b) make full compensation for all damage to property caused by or arising out of the exercise of a power conferred by this Act.

1998, c.P-12.1, s.18.

Common carrier

19(1) This section does not apply to pipelines for the transportation of natural gas.

(2) The minister may, on the minister's own motion or on the application of any person, order the board to hold a hearing, investigation or inquiry and to make recommendations to the minister as to whether a licence holder should be declared to be a common carrier.

(3) After a hearing, investigation or inquiry has been held pursuant to subsection (2), the minister may, on receiving the board's report containing its recommendations:

- (a) make a declaration that the licence holder is a common carrier and, in the declaration, impose any conditions that the minister considers appropriate; or
- (b) refuse to make a declaration.

(4) A common carrier must, for remuneration, provide transportation or delivery of any fluids that are ordinarily carried by the pipeline for which the common carrier's licence was issued or storage used in the normal course of providing that transportation:

- (a) on demand when capacity is available; and
- (b) at rates that are comparable to the rates that the common carrier charges to other customers for similar services.

(5) Where the minister is satisfied that a common carrier may be contravening subsection (4), the minister may order the board to conduct a further hearing, investigation or inquiry and to make recommendations to the minister with respect to the alleged contravention.

(6) On receiving the board's report with respect to the matter referred to it pursuant to subsection (5), the minister may:

- (a) order the common carrier to do any thing that the minister considers necessary to bring about compliance with subsection (4); and
- (b) specify in the order a day on and from which compliance with the order is required.

- (7) The minister may, on the minister's own motion or on the application of any person, order the board to hold a hearing, investigation or inquiry to make recommendations to the minister as to whether a licence holder who has been declared to be a common carrier should be declared to no longer be a common carrier.
- (8) On receiving the board's report with respect to the matter referred to it pursuant to subsection (7), the minister may:
- (a) make a declaration that the licence holder is no longer a common carrier;
 - (b) affirm the declaration that the licence holder is a common carrier;
 - (c) where the minister affirms the declaration that the licence holder is a common carrier, vary the conditions set out in the declaration.

1998, c.P-12.1, s.19.

Ground disturbances

- 20(1)** No person shall undertake a ground disturbance within 30 metres of a pipeline without giving prior notice to the operator of the pipeline.
- (2) An operator who receives notice pursuant to subsection (1) must provide the person who gives the notice with all information that the operator possesses that is relevant to the proposed ground disturbance, including, if requested, a plan and profile of the portion of the pipeline to be affected.
- (3) No person shall undertake a ground disturbance within the right of way of a pipeline, or within five metres of the pipeline where no right of way exists, without the consent of the operator of the pipeline or, where that consent cannot reasonably be obtained, without the approval of the minister.
- (4) An applicant seeking approval from the minister pursuant to subsection (3) must:
- (a) submit an application containing:
 - (i) a plan and profile of the portion of the pipeline to be affected and of the proposed ground disturbance; and
 - (ii) any other information and material that the minister may request; and
 - (b) serve a copy of the application on the operator of the pipeline at the time of making the application or before the application is made.
- (5) The minister may:
- (a) grant approval on any terms that the minister considers necessary for the protection and safety of the public and the environment and the protection of the pipeline; or
 - (b) refuse to grant approval.

1998, c.P-12.1, s.20.

PART V
General

Address for service

20.1(1) Every person who is the owner of a pipeline or who is a licence holder shall provide the minister with an address in Saskatchewan and an email address for service on that person of any document given or served pursuant to this Act, the regulations or a directive.

(2) Every person mentioned in subsection (1) who is not a resident of Saskatchewan shall have an agent in Saskatchewan and shall provide the minister with the agent's name, address in Saskatchewan and email address for service on that person of any document given or served pursuant to this Act, the regulations or a directive.

2017, c22, s.15.

Service

21(1) In this section, "**business day**" means a day other than a Saturday, Sunday or holiday.

(2) Any document required by this Act, the regulations or a directive to be given or served may be given or served:

- (a) by personal service;
- (b) by ordinary or registered mail to the last known address of the person being served;
- (c) by electronic means; or
- (d) by any other prescribed means.

(3) A document served by ordinary mail or registered mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it is mailed establishes that, through no fault of the person, the person did not receive it or that the person received it at a later date.

(4) A document served by electronic means is deemed to have been received on the second business day after it is sent.

(5) Service of a document to be sent by any other prescribed means is to be proved in the prescribed manner.

2017, c22, s.16.

Information required by the ministry

22(1) Every licence holder, and every person who constructs or operates a pipeline for which a licence is not required, must provide the ministry with any information that, in the minister's opinion, is required for the administration of this Act, the regulations or a directive.

- (2) The information required by this section is to be provided in the approved form and manner at the time specified by the minister.
- (3) Notwithstanding any agreement or law to the contrary:
- (a) the minister may direct that survey information respecting a pipeline or flowline be provided by any person, if, in the minister's opinion, the survey is required for the administration of this Act, the regulations or a directive; and
 - (b) the person providing the survey information is not liable for providing the information.
- (4) The minister may pay to the person submitting the survey mentioned in subsection (3) a reasonable cost for obtaining the survey.

1998, c.P-12.1, s.22; 2009, c.24, s.6; 2017, c.22, s.17; 2019, c.16, s.3.

Hearing, investigation or inquiry by board

- 23(1)** The minister may, on the minister's own motion or on the application of any person, order the board to hold a hearing, investigation or inquiry with respect to any matter related to this Act, the regulations or a directive and make recommendations to the minister.
- (2) The power to conduct a hearing, investigation or inquiry pursuant to this section is in addition to the board's authority to conduct a hearing, investigation or inquiry pursuant to any other provision in this Act.
- (3) Sections 7.11, 7.2 and 7.3 to 7.9 of *The Oil and Gas Conservation Act* apply, with any necessary modification, to the board in exercising any of its powers or carrying out any of its duties pursuant to this Act.

1998, c.P-12.1, s.23; 2017, c.22, s.18.

Delegation

24 Subsection 2-34(2) and section 2-35 of *The Legislation Act* do not apply to the powers conferred on the minister by clauses 8(1)(c) and (2)(b) and sections 19 and 23.

2000, c.50, s.19; 2019, c.8, s.12.

Inspections and audits

24.1(1) In this section:

- (a) “**property**” includes computer software;
 - (b) “**record**” includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media.
- (2) The minister may designate any person as an inspector for any or all of the following purposes:
- (a) determining whether a licence holder is in compliance with this Act, the regulations, a directive or the terms or conditions of a licence;

- (b) conducting a compliance audit of the practices of the licence holder in relation to the construction, alteration, operation or abandonment of pipelines, or the discontinuation of the operation of pipelines, owned by the licence holder that are subject to this Act;
 - (c) determining the cause of any incident required to be reported to the minister pursuant to this Act, the regulations, a directive or the terms or conditions of a licence.
- (3) In carrying out the duties specified in subsection (2), an inspector may do all or any of the following:
- (a) enter any land or site where a pipeline is or was located, or any lands or sites affected by the pipeline;
 - (b) enter at any reasonable time premises containing any records or property related to the design, construction, alteration, operation or abandonment of a pipeline, or the discontinuation of the operation of a pipeline, and inspect those records or that property;
 - (c) require any person and any agent, representative, partner, director, officer or employee of the person to:
 - (i) answer any questions that may be relevant to the inspection or audit; and
 - (ii) provide the inspector with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
 - (d) take any samples or carry out any tests or examinations that the inspector considers necessary while at any of the places or premises mentioned in clause (a) or (b);
 - (e) use any machinery, equipment, appliance or thing that the inspector considers necessary while at any of the places or premises mentioned in clause (a) or (b);
 - (f) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with the business or activities of any person governed by this Act, the regulations, a directive or the terms or conditions of a licence;
 - (g) remove for examination and copying anything that may be relevant to the inspection or audit, including information contained in any computer system.

2017, c22, s.19.

Immunity

24.2 No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister or any officer, employee or agent of the Crown in right of Saskatchewan where that person is acting pursuant to the authority of this Act, the regulations or a directive, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or a directive or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act, the regulations or a directive.

2017, c22, s.19.

Continuing liability

24.3 The abandonment of a pipeline does not relieve the licence holder from the responsibility for further abandonment or other work with respect to the pipeline that the minister determines to be necessary to protect the public health or safety or the environment.

2017, c 22, s.19.

Regulations

25(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) exempting any pipeline or class of pipeline from this Act or any provision of this Act;
- (c) prescribing works, operations and activities for the purpose of subclause 2(e)(iii);
- (d) prescribing the terms on which a person may enter lands pursuant to section 13;
- (e) for the purposes of subsection 14(2), prescribing a distance from a provincial highway or from a road other than a provincial highway within which no pipeline shall be constructed;
- (f) prescribing the persons or classes of persons to be served with notice of application for a licence, the form of the notice and the method of service;
- (f.1) requiring financial assurance in the form and manner acceptable to the minister;
- (g) prescribing the specifications and standards for the construction, alteration, operation and abandonment of pipelines and the discontinuation of the operation of pipelines;
- (h) prescribing measures for the protection of life, property or the environment to be taken in the construction, alteration, operation and abandonment of pipelines and the discontinuation of the operation of pipelines;
- (h.1) requiring plans for responding to the release of oil or any other substance that is transmitted in a pipeline from the pipeline, including establishing standards for the preparation of those plans;
- (i) providing for the inspection of pipelines, prescribing and governing the circumstances in which the minister or a representative of the minister may enter lands or premises for the purpose of inspecting pipelines or any buildings, installations, structures or lands that are ancillary to pipelines and governing the costs of the inspections and the persons by whom the costs are to be borne;
- (j) requiring and governing the testing and surveying of pipelines;
- (k) prescribing the maximum pressure to which any pipeline may be subjected;
- (l) prescribing the measures to be taken to mark, identify, locate and protect from public access any pipeline or installation used in connection with the pipeline;

- (m) prescribing and governing the methods and equipment to be used for the measurement of any substance transmitted in any pipeline, the methods of recording the measurement and prescribing the standard conditions at which the measurements are to be made;
 - (n) requiring the reporting of pipeline ruptures, spills and fires and governing the reporting procedures;
 - (o) requiring the upgrading, removal or abandonment of pipelines, portions of pipelines or any works, fittings, machinery or plant associated with a pipeline and prescribing and governing standards for upgrading, removal or abandonment;
 - (p) prescribing the form and content of applications, plans and profiles to be submitted;
 - (q) **Repealed.** 2014, c.21, s.15.
 - (r) requiring the keeping of records by licence holders or any other persons engaged in an activity governed by this Act, the regulations or a directive, and governing the form and content of those records;
 - (s) prescribing the conditions under which a common carrier must provide service;
 - (t) requiring the submission of records and other information to the minister and governing the manner of submission;
 - (t.1) for the purposes of section 30.1, respecting administrative penalties, including:
 - (i) prescribing the amount of an administrative penalty and, for that purpose, prescribing different amounts for different contraventions; and
 - (ii) prescribing the contraventions of this Act, the regulations, a directive or an order made pursuant to this Act for which a penalty may be assessed;
 - (u) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (v) respecting any matter or thing that the Lieutenant Governor in Council considers necessary for carrying out the intent of this Act.
- (2) Any regulation made pursuant to this section may adopt by reference, in whole or in part, as amended from time to time or otherwise, with any changes that the Lieutenant Governor in Council considers necessary, any relevant rule, guideline, requirement, code or standard, and may require compliance with the adopted rule, guideline, requirement, code or standard.

Regulations respecting security

25.1(1) In this section, “**terrorist activity**” means a terrorist activity as defined in the *Criminal Code*.

(2) For the purposes of addressing security with respect to a terrorist activity or a threat of terrorist activity, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the circumstances in which the minister may order the shut-down of a pipeline;
- (b) respecting the security measures that the owner of a pipeline must undertake with respect to that pipeline and requiring those security measures to be taken;
- (c) respecting appeals from a decision of the minister to shut down a pipeline.

2003, c.29, s.40.

Directives

25.2(1) Subject to the approval of the Lieutenant Governor in Council, the minister may approve directives with respect to any of the matters mentioned in:

- (a) clauses 25(1)(e), (g), (h), (h.1), (j) to (p), (r), (t) and (v); or
- (b) clauses 30.4(b), (d) and (f).

(2) A directive approved in accordance with subsection (1) may adopt by reference, in whole or in part, as amended from time to time or otherwise, any relevant rule, guideline, requirement, code or standard, and may require compliance with the adopted directive.

(3) A directive approved pursuant to subsection (1):

- (a) must be published on the ministry’s website and be made public in any other manner the minister considers appropriate to bring the directive to the attention of the public; and
- (b) is effective on the date of publication.

(4) A directive prevails if there is any conflict between a directive made pursuant to this section and a regulation made pursuant to section 25 or 30.4.

2017, c.22, s.21; 2019, c.16, s.5.

Minister’s orders

26(1) This section applies only to pipelines that are not authorized by a licence.

(2) Notwithstanding anything contained in the regulations, the minister may make orders:

- (a) requiring a person who operates a pipeline to file the plans and specifications of the pipeline with the ministry;
- (b) requiring a person who is constructing or operating a pipeline to construct or operate the pipeline in the manner specified in the order;
- (c) prohibiting the operation of a pipeline at a pressure in excess of the pressure specified in the order;

- (d) requiring a pipeline to be tested, upgraded or repaired in the manner specified in the order;
 - (e) requiring a pipeline to be diverted or relocated to facilitate the construction, reconstruction or relocation of a road or any other work affecting the public interest.
- (3) Every order made pursuant to subsection (2):
- (a) must be served on the person to whom it is directed and published on the ministry's website; and
 - (b) comes into force on the date specified in the order.

1998, c.P-12.1, s.26; 2009, c.24, s.7; 2017, c.22, s.22.

Offences

27(1) In this section and sections 28, 29 and 30.1, '**Act**' means this Act, the regulations, a directive, the terms or conditions of a licence, a notice served pursuant to section 11 or an order made pursuant to this Act.

- (2) No person shall:
- (a) make or cause to be made a false statement or provide false information to the minister or any person acting on behalf of the minister in any document or other form of communication required pursuant to this Act;
 - (b) omit or cause to be omitted full, true and correct information in any document or other form of communication required pursuant to this Act;
 - (c) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister or any person acting on behalf of the minister;
 - (d) destroy, mutilate, alter, falsify or remove from Saskatchewan any document or other form of communication required by this Act or cause any information to be destroyed, mutilated, altered, falsified or removed from Saskatchewan;
 - (e) obstruct or interfere with the minister or any person acting on behalf of the minister in the exercise of any of the powers conferred by this Act;
 - (f) wilfully do any damage to, or obstruct or hinder the construction, alteration, operation or maintenance of, any pipeline; or
 - (g) contravene any other provision of this Act.
- (3) Every person who contravenes any provision of subsection (2) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$50,000 for each day or part of a day during which the offence continues, to imprisonment for a term of not more than one year or to both; and
 - (b) in the case of a corporation, to a fine of not more than \$500,000 for each day or part of a day during which the offence continues.

(4) If a person is convicted of an offence pursuant to subsection (3) and the convicting court is satisfied that as a result of the commission of the offence monetary benefits accrued to the convicted person, the convicting court may order the convicted person to pay, in addition to a fine pursuant to subsection (3), a fine in an amount equal to that court's estimation of the amount of those monetary benefits.

(5) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2017, c 22, s.23.

Vicarious liability

28 In any prosecution of a person for a contravention of this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

2017, c 22, s.23.

Limitation on prosecution

29 No prosecution for an alleged contravention of this Act shall be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister.

2017, c 22, s.23.

30 Repealed. 2017, c 22, s.24.

Administrative penalty

30.1(1) The minister may assess a penalty in the prescribed amount against any person for prescribed contraventions of this Act.

- (2) Before assessing a penalty, the minister shall provide notice to the person:
 - (a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make representations to the minister.
- (3) No penalty is to be assessed by the minister more than three years after the day on which the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.

- (4) A person to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.
- (5) Representations pursuant to subsection (4) must be made within 30 days after the person received the notice pursuant to subsection (2).
- (6) After considering any representations, the minister may:
- (a) assess a penalty and set a date by which the penalty is to be paid in full; or
 - (b) determine that no penalty should be assessed.
- (7) The minister shall serve a copy of his or her decision pursuant to subsection (6) on the person who made the representations.
- (8) The minister may file in the Court of Queen's Bench a certificate signed by the minister and setting out:
- (a) the amount of the penalty assessed pursuant to subsection (6); and
 - (b) the person from whom the penalty is to be recovered.
- (9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.
- (10) The minister may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

2017, c 22, s.25.

Appeal to Court of Queen's Bench re administrative penalty

- 30.2(1)** Any person aggrieved by a decision of the minister to impose a penalty pursuant to section 30.1 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the minister's decision.
- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the minister's decision;
 - (b) any written representations made to the minister by the person named in the decision;
 - (c) the notice of appeal commencing the appeal;
 - (d) any other prescribed documents or material; and
 - (e) any other material that the Court of Queen's Bench may require.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the penalty;
- (b) amending the amount of the penalty; or
- (c) quashing the minister's decision to assess a penalty.

(4) In an order pursuant to subsection (3), the judge of the Court of Queen's Bench may specify the period within which the order must be complied with.

2017, c.22, s.25.

PART VI Electronic Licence Registry

Interpretation for Part

30.3 In this Part:

- (a) **“electronic”** means created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means or by any other similar means;
- (b) **“implementation date”** means, with respect to a licence, the prescribed date on which this Part applies to that licence;
- (c) **“legacy licence”** means a licence issued:
 - (i) before the implementation date; or
 - (ii) after the implementation date if an application for the licence that is satisfactory to the minister was received by the minister before the implementation date;
- (d) **“registered”** means registered in the registry;
- (e) **“registry”** means the electronic licence registry established pursuant to subsection 30.32(1).

2019, c.16, s.6.

Application

30.31 This Part applies to all licences and legacy licences on and after the implementation date.

2019, c.16, s.6.

Registry established

30.32(1) The electronic licence registry is established.

(2) The minister shall maintain the registry for the purposes of administering licences in accordance with this Part, the regulations and applicable directives.

(3) The registry is to be used in the manner set out in this Act, the regulations and applicable directives.

2019, c.16, s.6.

Requirements, rules and procedures re registry

30.33(1) Subject to the regulations and applicable directives, the minister may, by order:

- (a) establish any requirements to ensure proper functioning of the registry; and
 - (b) require a registration be made electronically in accordance with the regulations and applicable directives.
- (2) An electronic application is deemed to be submitted to the minister only if the prescribed requirements and the requirements established by the minister pursuant to this section are complied with.
- (3) A requirement established pursuant to clause (1)(a) is to be published, as soon as is reasonably possible after it is made, in any manner that the minister considers appropriate to bring the order to the public's attention, including publishing the order on the ministry's website.

2019, c.16, s.6.

Registry of legacy licence

30.34(1) The minister shall register a licence for which an implementation date has been prescribed:

- (a) subject to clause (b), on the date on which it is issued; or
 - (b) in the case of a legacy licence that is issued before the implementation date, on the implementation date.
- (2) A legacy licence continues as a legacy licence, including all rights of conversion, until it expires or is cancelled, surrendered or otherwise terminated.

2019, c.16, s.6.

Registration of licences

30.35(1) A person shall submit an application relating to a licence to the registry in accordance with the regulations and applicable directives.

- (2) Unless otherwise provided in this Act, the regulations or any applicable directives, no change to a licence that is required to be registered is effective until the change is registered.

2019, c.16, s.6.

Restriction on or prohibition of access to registry

30.36 If the minister is satisfied that a person has contravened a provision of this Act, the regulations or any applicable directive, the minister may:

- (a) restrict that person's access to the registry on any terms and conditions that the minister considers appropriate; or
- (b) prohibit that person from accessing the registry.

2019, c.16, s.6.

Deletion from or correction of entry

30.37(1) The minister may:

- (a) delete or correct an entry in the registry in accordance with the regulations;
or
 - (b) delete or correct an entry in the registry if the registration does not comply with this Act or the regulations.
- (2) If the minister deletes or corrects an entry in the registry, the minister shall give notice to the holder of the licence affected by the deletion or correction in accordance with the regulations.
- (3) Every deletion or correction made pursuant to this section has the same validity and effect as if the defect, inconsistency, error or omission had not occurred.

2019, c.16, s.6.

Information in registry prevails

30.38 Subject to section 30.37, but notwithstanding any other provision of this Act or any other Act or law, if there is a difference between electronic information in the registry and other information, the information in the registry prevails, whether or not the other information is contained in a document that contains an original signature or seal.

2019, c.16, s.6.

If registry functions not available

30.39 If the minister determines that one or more registry functions are not available, the minister may, by order, authorize the registration of a licence or changes to a licence by methods determined by the minister.

2019, c.16, s.6.

Regulations for Part

30.4 The Lieutenant Governor in Council may make regulations:

- (a) for the purposes of section 30.31, respecting the application of this Part including:
 - (i) prescribing an implementation date for licences or classes of licences, including prescribing different implementation dates for different licences or different classes of licences; and
 - (ii) prescribing the date on which this Part applies to a licence or a class of licences, as the case may be, on or after the implementation date for the licence or class of licences;
- (b) respecting the registry, including:
 - (i) prescribing terms and conditions governing access to and use of the registry, including prescribing persons who are eligible to use the registry to apply for a licence, to submit a transfer or to search the registry; and
 - (ii) prescribing the class or classes of applications that must be submitted or registered electronically;

- (c) prescribing fees respecting any matter or service respecting the registry;
- (d) for the purposes of section 30.35, respecting applications for registration;
- (e) for the purposes of section 30.37:
 - (i) governing the deletion or correction of an entry in the registry; and
 - (ii) governing the giving of notice to a holder of a licence affected by a deletion or correction of an entry in the registry;
- (f) prescribing the terms and conditions pursuant to which a holder of a licence may authorize an agent to act on the holder's behalf with respect to the matters related to the administration of the licence;
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the conversion process and transfer of legacy licences to the registry pursuant to this Part;
- (h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2019, c.16, s.6.

PART VII

Repeal, Transitional, Consequential and Coming into Force

R.S.S. 1978, c.P-12 repealed

31 *The Pipe Lines Act* is repealed.

1998, c.P-12.1, s.31.

Transitional

32(1) Notwithstanding the repeal of *The Pipe Lines Act*, any expropriation proceedings commenced pursuant to that Act are continued and may be completed as though that Act were still in force.

(2) An operating permit issued pursuant to section 22 of *The Pipe Lines Act* that is in force immediately before the coming into force of this Act is deemed to be a licence issued pursuant to this Act and may be dealt with as if it had been issued pursuant to this Act.

(3) An interim operating permit issued pursuant to section 24 of *The Pipe Lines Act* that is in force immediately before the coming into force of this Act is deemed to be a licence issued pursuant to this Act and may be dealt with as if it had been issued pursuant to this Act, but the licence expires six months after the day on which this Act comes into force unless the term of the licence is extended pursuant to this Act.

(4) On the coming into force of this Act, the minister:

- (a) will promptly issue a licence authorizing the construction of a pipeline to a person who, immediately before the coming into force of this Act, holds a permit to construct that pipeline that was issued pursuant to section 13 of *The Pipe Lines Act*; and
- (b) may include as a provision of the licence any term or condition that the minister considers appropriate.

(5) A licence issued pursuant to clause (4)(a) is deemed to have been issued pursuant to section 8.

(6) Notwithstanding the repeal of *The Pipe Lines Act*, an order issued pursuant to subsection 26(3) of that Act that is in force immediately before the coming into force of this Act is continued until it is rescinded by the minister.

1998, c.P-12.1, s.32.

Consequential amendments

33(1) Subsection 11(5) of *The Expropriation Procedure Act* is amended by adding “or *The Pipelines Act, 1998*” after “*The Pipe Lines Act*”.

(2) *The Land Titles Act* is amended:

(a) in section 70:

(i) by striking out “*The Pipe Lines Act*” and substituting “*The Pipelines Act, 1998*”; and

(ii) by striking out “*The Pipe Lines Act, 1954*” and substituting “any former *Pipe Lines Act*”;

(b) in clause 124.3(1)(c) by adding “, *The Pipelines Act, 1998*” after “*The Pipe Lines Act*”; and

(c) in subsection 125(1.1) by adding “, *The Pipelines Act, 1998*” after “*The Pipe Lines Act*”.

(3) Clause 3(1)(k) of *The Real Estate Act* is amended by striking out “*The Pipe Lines Act*” and substituting “*The Pipelines Act, 1998*”.

(4) *The SaskEnergy Act* is amended by striking out “*The Pipe Lines Act*”:

(a) in subsection 26(1); and

(b) in subsection 27(1); and in each case substituting “*The Pipe Lines Act*”.

(5) Section 5 of *The Surface Rights Acquisition and Compensation Act* is amended by striking out “*The Pipe Lines Act*” and substituting “*The Pipelines Act, 1998*”.

1998 c. P-12.1

Coming into force

34 This Act comes into force on proclamation.

1998, c.P-12.1, s.34.

