

## Tax Information

## Bulletin 5101

Bulletin: 5101  
Date: August 26, 2013  
Subject: Summary of Current Fuel Enforcement Provisions

### **Peace Officers - *Revenue Act* - Section - 76A**

A compliance officer, in carrying out duties pursuant to the *Revenue Act*, has and may exercise in any part of the province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada).

### **Fuel Sampling - *Revenue Act* - Section 78A**

A compliance officer, or person appointed by the Commissioner, may, without warrant, examine any internal combustion engine and its fuel system or any apparatus or storage facility that contains gasoline or diesel oil and take and retain samples of that gasoline or diesel oil.

### **Fuel Fines for contravention of Part I of the *Revenue Act***

#### **Consumer or Purchaser - *Revenue Act* - Subsection 87(1)**

A purchaser or consumer who contravenes Part I of the *Revenue Act* is liable, on summary conviction, to a fine of not less than \$500.00 for the first offence; not less than \$1,000.00 for the second offence; and not less than \$2,000.00 for the third or subsequent offence; or

- to imprisonment for a term not exceeding ninety days for a first offence; or
- a term not exceeding one year for a second or subsequent offence; or
- to both fine and imprisonment.

#### **Agent, Wholesaler or Vendor - *Revenue Act* - Subsection 87(2)**

An agent, wholesaler or vendor who contravenes Part I of the *Revenue Act* is liable, on summary conviction, to a fine of not less than \$1,500.00 for the first offence; not less than \$2,500.00 for the second offence; not less than \$5,000.00 for the third or subsequent offence; and a fine equal to two times the amount of tax that should have been collected, remitted or paid as determined by the *Revenue Act*; or

- to imprisonment for a term not exceeding six months for a first offence; or
- to imprisonment for a term not exceeding one year for a second or subsequent offence; or
- to both fine and imprisonment.

#### **Selling Gasoline or Diesel Oil without a Permit - *Revenue Act* - Subsection 87(2A)**

A person who sells gasoline or diesel oil to a vendor or a purchaser without holding a permit as required under the *Revenue Act Regulations* is liable, on summary conviction, to a fine of not less than \$1,500.00 for a first offence; not less than \$2,500.00 for a second offence; not less than \$5,000.00 for a third offence, and a fine equal to two times the amount of tax that should have been collected, remitted or paid as determined by the *Revenue Act*; or

- to imprisonment for a term not exceeding one year; or
- to both fine and imprisonment.

---

Tax Information Bulletins are published by the Provincial Tax Commission for the sole purpose of providing information and to announce changes in the *Revenue Act* or *Sales Tax Act and Regulations*. Tax Information Bulletins do not replace the law found in the Act or regulations. Bulletins are provided for reference purposes only. For legislative approved text of provisions of the *Revenue Act* or *Sales Tax Act and Regulations*, see official volumes."

**Should you require further information, please contact us.**

### **Suspension of Licence, Permit or Registration – Revenue Act – Subsections 87(3) & (4)**

A person convicted by a court or judge of a contravention of Part I of the *Revenue Act* shall have their licence, permit or certificate of registration of the vehicle in respect of which the violation was committed suspended for a period of 30 days for a first conviction, 90 days for a second conviction and 6 months for any subsequent conviction.

### **Suspension of Permit – Revenue Act – Subsections 87(5)**

The Commissioner shall suspend the permit of a person issued under Part I of the *Revenue Act* upon receipt of a report of the conviction in so far as it relates to premises, facilities, vehicles or an activity in relation to which the violation occurred for a period of 60 days for a first conviction, 6 months for a second conviction and one year for any subsequent conviction.

### **Refusal to Issue Permit – Revenue Act – Subsections 87(6)**

A person shall not have the right to obtain a permit under Part I of the *Revenue Act* upon receipt of a report of the conviction of the person, who does not hold a permit pursuant to Part 1 of the *Revenue Act* as required, for a period of 60 days the date of the first conviction, 6 months after the date of a second conviction and one year after the date for any subsequent conviction.

### **Permit cancellation, Suspension, Refusal to Issue or Renew - Non-arm's length transactions – Revenue Act Regulation 10(2A)**

The Commissioner may cancel, suspend, refuse to issue or refuse to renew a Bulk Vendor Permit, a Consumer's Exemption Permit, a Vendor's Permit for the following reason:

- an applicant for or a holder of any of the above noted permits is not dealing at arm's length within the meaning of Section 251 of the *Income Tax Act* (Canada) with any person whose Bulk Vendor Permit, Consumer Exemption Permit or Vendor Permit is cancelled or suspended or who is refused a permit.

---

Tax Information Bulletins are published by the Provincial Tax Commission for the sole purpose of providing information and to announce changes in the *Revenue Act or Sales Tax Act and Regulations*. Tax Information Bulletins do not replace the law found in the Act or regulations. Bulletins are provided for reference purposes only. For legislative approved text of provisions of the *Revenue Act or Sales Tax Act and Regulations*, see official volumes."

**Should you require further information, please contact us.**