



Justice Laws Website

[Home](#)[> Laws Website Home](#)[> Consolidated Acts](#)[> R.S.C., 1985, c. N-7 - Table of Contents](#)[> R.S.C., 1985, c. N-7](#)**National Energy Board Act (R.S.C., 1985, c. N-7)**Full Document: [HTML](#) | [XML](#) [448 KB] | [PDF](#) [728 KB]Act current to 2015-02-04 and last amended on 2014-10-31. [Previous Versions](#)[Previous Page](#)[Next Page](#)

TRANSMISSION AND SALE OF GAS

Extension of services of gas pipeline companies

72. (1) Where the Board finds such action necessary or desirable in the public interest, it may direct a company operating a pipeline for the transmission of gas to extend or improve its transmission facilities to provide facilities for the junction of its pipeline with any facilities of, and sell gas to, any person or municipality engaged or legally authorized to engage in the local distribution of gas to the public, and for those purposes to construct branch lines to communities immediately adjacent to its pipeline, if the Board finds that no undue burden will be placed on the company thereby.

Limitation on extension

(2) Subsection (1) does not empower the Board to compel a company to sell gas to additional customers if to do so would impair its ability to render adequate service to its existing customers.

Deemed toll for transmission

(3) Where the gas transmitted by a company through its pipeline is the property of the company, the differential between the cost to the company of the gas at the point where it enters its pipeline and the amount for which the gas is sold by the company shall, for the purposes of this Part, be deemed to be a toll charged by the company to the purchaser for the transmission of that gas.

R.S., c. N-6, ss. 60, 61.

PART V
POWERS OF PIPELINE COMPANIES

GENERAL POWERS

Powers of company

73. A company may, for the purposes of its undertaking, subject to this Act and to any Special Act applicable to it,

(a) enter into and on any Crown land without previous licence therefor, or into or on the land of any person, lying in the intended route of its pipeline, and make surveys, examinations or other necessary arrangements on the land for fixing the site of the pipeline, and set out and ascertain such parts of the land as are necessary and proper for the pipeline;

(b) purchase, take and hold of and from any person any land or other property necessary for the construction, maintenance and operation of its pipeline and sell or otherwise dispose of any of its land or property that for any reason has become unnecessary for the purpose of the pipeline;

- (c) construct, lay, carry or place its pipeline across, on or under the land of any person on the located line of the pipeline;
- (d) join its pipeline with the transmission facilities of any other person at any point on its route;
- (e) construct, erect and maintain all necessary and convenient roads, buildings, houses, stations, depots, wharves, docks and other structures, and construct, purchase and acquire machinery and other apparatus necessary for the construction, maintenance and operation of its pipeline;
- (f) construct, maintain and operate branch lines, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for a pipeline;
- (g) alter, repair or discontinue the works mentioned in this section, or any of them, and substitute others in their stead;
- (h) transmit hydrocarbons by pipeline and regulate the time and manner in which hydrocarbons shall be transmitted, and the tolls to be charged therefor; and
- (i) do all other acts necessary for the construction, maintenance and operation of its pipeline.

R.S., 1985, c. N-7, s. 73; 2004, c. 25, s. 154.

[Previous Version](#)

[Previous Page](#)

[Next Page](#)

72 ... 73



Go to page

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Justice Laws Website

[Home](#)[> Laws Website Home](#)[> Consolidated Acts](#)[> R.S.C., 1985, c. N-7 - Table of Contents](#)[> R.S.C., 1985, c. N-7](#)**National Energy Board Act (R.S.C., 1985, c. N-7)**Full Document: [HTML](#) | [XML](#) [448 KB] | [PDF](#) [728 KB]Act current to 2015-02-04 and last amended on 2014-10-31. [Previous Versions](#)[Previous Page](#)[Next Page](#)

Limitations on purchase and sale, etc.

74. (1) A company shall not, without the leave of the Board,

(a) sell, transfer or lease to any person its pipeline, in whole or in part;

(b) purchase or lease any pipeline from any person;

(c) enter into an agreement for amalgamation with any other company; or

(d) abandon the operation of a pipeline.

Definition of "pipeline" and "company"

(2) For the purposes of paragraph (1)(b), "pipeline" includes a pipeline as defined in section 2 or any other pipeline, and, for the purposes of paragraph (1)(c), "company" includes a company as defined in section 2 or any other company.

Exception

(3) Despite paragraph (1)(a), leave shall only be required if a company sells, transfers or leases any part or parts of its pipeline that are capable of being operated as a line for the transmission of gas or oil.

R.S., 1985, c. N-7, s. 74; 2004, c. 25, s. 155.

[Previous Version](#)

Damages and compensation

75. A company shall, in the exercise of the powers granted by this Act or a Special Act, do as little damage as possible, and shall make full compensation in the manner provided in this Act and in a Special Act, to all persons interested, for all damage sustained by them by reason of the exercise of those powers.

R.S., c. N-6, s. 64.

Exercise of powers outside Canada

76. A company operating a pipeline from a place in Canada to a place on the international boundary line may exercise, beyond that boundary, in so far as permitted by the laws there in force, the powers that it may exercise in Canada.

R.S., c. N-6, s. 65.

TAKING AND USING LANDS

Crown lands

77. (1) No company shall take possession of, use or occupy lands vested in Her Majesty without the consent of the Governor in Council.

