

Current version	<i>ESSA</i> version
<p>26. (1) Where any discharge, emission or escape of oil or gas that is authorized by regulation, or any spill, occurs in any area to which this Act applies,</p> <p>(a) the person who is required to obtain an authorization under paragraph 5(1)(b) in respect of the work or activity from which the spill or authorized discharge, emission or escape of oil or gas emanated is liable, without proof of fault or negligence, up to any prescribed limit of liability, for</p> <p>(i) all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of oil or gas, and</p> <p>(ii) the costs and expenses reasonably incurred by Her Majesty in right of Canada or any other person in taking any action or measure in relation to the spill or the authorized discharge, emission or escape of oil or gas; and</p> <p>(b) all persons to whose fault or negligence the spill or the authorized discharge, emission or escape of oil or gas is attributable or who are by law responsible for others to whose fault or negligence the spill or the authorized discharge, emission or escape of oil or gas is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of oil or gas.</p>	<p>26. (1) Where any discharge, emission or escape of oil or gas that is authorized by regulation, or any spill, occurs in any area to which this Act applies,</p> <p>(a) all persons to whose fault or negligence the spill or the authorized discharge, emission or escape of oil or gas is attributable or who are by law responsible for others to whose fault or negligence the spill or the authorized discharge, emission or escape of oil or gas is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for</p> <p>(i) all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of oil or gas <u>or as a result of any action or measure taken in relation to the spill or the authorized discharge, emission or escape of oil or gas,</u></p> <p>(ii) the costs and expenses reasonably incurred by Her Majesty in right of Canada <u>or a province</u> or any other person in taking any action or measure in relation to the spill or the authorized discharge, emission or escape of oil or gas, and</p> <p>(iii) <u>all loss of non-use value relating to a public resource that is affected by a spill or the authorized discharge, emission or escape of oil or gas or as a result of any action or measure taken in relation to the spill or the authorized discharge, emission or escape of oil or gas; and</u></p> <p>(b) the person who is required to obtain an authorization under paragraph 5(1)(b) in respect of the work or activity from which the spill or <u>the</u> authorized discharge, emission or escape of oil or gas emanated is liable, without proof of fault or negligence, up to <u>the applicable</u> limit of liability <u>that is set out in subsection [26] (2.2) for the actual loss or damage, the costs and expenses and the loss of non-use value described in subparagraphs (a)(i) to (iii).</u></p>