

The Gas Inspection Act, 1993

being

Chapter G-3.2 of the *Statutes of Saskatchewan, 1993*, (effective May 21, 1993) as amended by the *Statutes of Saskatchewan, 1996, c.9; 1998, c.22; 1999, c.C-38.01; 2004, c.11; 2013, c.S-15.1; and 2015, c.F-15.11.*

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 G-3.2

An Act respecting the Inspection of Gas Installations and Gas Equipment

SHORT TITLE, INTERPRETATION AND APPLICATION

Short title

- 1 This Act may be cited as *The Gas Inspection Act, 1993*.

Interpretation

- 2 In this Act:

- (a) **“approved”** means approved by the chief inspector pursuant to this Act, *The Gas Inspection Act* or *The Gas Inspection and Licensing Act*;
- (b) **“bond”** means a bond required pursuant to *The Gas Licensing Act* or *The Gas Inspection and Licensing Act*;
- (c) **“chief inspector”** means the chief inspector appointed pursuant to section 6;
- (d) **“container”** means a tank or cylinder used to store or transport gas;
- (e) **“contractor”** means a contractor as defined in *The Gas Licensing Act*;
- (f) **“corporation”** means the Saskatchewan Power Corporation;
- (g) **“department”** means the department as defined in *The Gas Licensing Act*;
- (h) **“director”** means the director appointed pursuant to *The Gas Licensing Act*;
- (i) **“distribution system”** means a system for the supply of gas by a supply authority to premises, and includes gas equipment owned or operated by the supply authority that may be located in or on those premises;
- (j) **“employer”** means an employer as defined in *The Gas Licensing Act*;
- (k) **“filling plant”** means the storage containers, piping and equipment used for the receiving, storing and transfer of propane;
- (l) **“gas”** means:
 - (i) natural gas;
 - (ii) manufactured gas;
 - (iii) methane gas;
 - (iv) butane gas;
 - (v) propane in the liquid or the vapour state; or
 - (vi) hydrogen gas;

- (m) **“gas equipment”**:
 - (i) means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the transmission, distribution, supply or utilization of gas;
 - (ii) includes any assemblage or combination of materials or things that is used, or is capable of being used or adapted, to serve particular purpose or to serve a particular function when connected to a gas installation;
 - (iii) does not include any electrical equipment within the meaning of *The Electrical Inspection Act, 1993*;
- (n) **“gas-fitter”** means a gas-fitter as defined in *The Gas Licensing Act*;
- (o) **“gas installation”**:
 - (i) means the installation of gas equipment and a system of gas piping in or on any premises from the meter or regulator where gas is delivered to the premises up to the point or points where the gas can be consumed or used in or on the premises by any gas equipment;
 - (ii) includes the connection of any of that gas piping with any of that equipment and any part of the gas system and the alteration, extension and repair of that gas piping;
 - (iii) does not include any electrical installation within the meaning of *The Electrical Inspection Act*;
- (p) **“inspection”** includes re-inspection;
- (q) **“inspector”** means an inspector appointed pursuant to section 6 and includes the chief inspector;
- (r) **“judge”** means a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (s) **“licence”** means a valid and subsisting licence issued or continued pursuant to *The Gas Licensing Act*;
- (t) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (u) **“permit”** means a valid and subsisting permit issued or continued pursuant to this Act;
- (v) **“person”** includes a firm, partnership, joint venture, association, society or any other organization;
- (w) **“premises”** includes land, buildings and structures;
- (x) **“prescribed”** means prescribed in the regulations;
- (y) **“supply authority”** means a person who supplies gas directly to a customer by means of a distribution system or from a bulk storage tank;
- (z) **“supply house”** means a manufacturer, jobber or wholesale vendor or a manufacturer’s agent that deals in gas equipment.

Application

3 Subject to section 4, this Act applies to:

- (a) all gas installations and gas equipment;
- (b) the inspection of gas installations and gas equipment;
- (c) the design, manufacture, display, advertising, sale and use of gas equipment;
- (d) filling plants;
- (e) portable propane storage containers;
- (f) the filling of propane automobile storage containers.

1993, c.G-3.2, s.3.

Non-application

4 This Act does not apply to:

- (a) the collection, transmission and distribution systems of supply authorities;
- (b) any prescribed gas equipment or prescribed gas installation; or
- (c) card-lock equipment used at a filling plant.

1993, c.G-3.2, s.4.

Act binds Crown

5 The Crown is bound by this Act.

1993, c.G-3.2, s.5.

ADMINISTRATION

Appointment

6(1) The corporation:

- (a) shall appoint a chief inspector; and
- (b) may appoint any inspectors, in addition to the chief inspector, that it considers appropriate.

(2) Repealed. 2004, c.11, s.4.

(3) No individual who is interested, either directly or indirectly, in the sale of gas equipment or the work of gas installation shall be appointed to the office of chief inspector.

(4) No person who is appointed as an inspector pursuant to this section shall inspect any work of gas installation that the person has performed or in which the person has any interest.

1993, c.G-3.2, s.6; 2004, c.11, s.4.

Persons contracted

- 7(1) Subject to subsection (2), the corporation may on any terms and conditions that the corporation considers appropriate, engage the services of persons as independent contractors to assist in the enforcement of this Act and the regulations.
- (2) The services of persons may be engaged pursuant to subsection (1) only for the purposes of dealing with a backlog of work and not for the purpose of taking the place on a full-time basis of an inspector appointed pursuant to section 6.
- (3) A person whose services are engaged pursuant to this section shall:
- (a) carry liability insurance in an amount that the corporation considers sufficient;
 - (b) have the powers and carry out the functions of an inspector as set out in the contract; and
 - (c) carry out inspections only in the area authorized in the contract for services.
- (4) No person whose services are engaged pursuant to this section shall inspect any work of gas installation that the person has performed or in which the person has any interest.

1993, c.G-3.2, s.7.

8 Repealed. 2004, c.11, s.5.**Certificate of appointment**

- 9(1) The corporation shall furnish each inspector with an identification card.
- (2) When requested, an inspector shall produce his or her identification card when the inspector applies for admission to any premises.

1993, c.G-3.2, s.9; 2004, c.11, s.6.

Powers of inspectors

- 10(1) An inspector may:
- (a) at any reasonable time, enter premises for the purpose of enforcing this Act or the regulations;
 - (b) inspect any work of gas installation or examine and test any gas equipment, whether or not the gas installation has previously been inspected or the gas equipment has previously been examined or tested, and may:
 - (i) approve, conditionally or unconditionally, any work of gas installation inspected or any gas equipment examined and tested; or
 - (ii) reject any work of gas installation inspected or any gas equipment examined and tested;
 - (c) make any examination or investigation that may be necessary to ascertain whether or not this Act is or the regulations are being complied with;

- (d) order, in writing, the production of, or inspect and make copies of, any books, records, documents or computer data or any entry in any book, record, document or computer data relating to any matter within the scope of this Act or the regulations;
 - (e) require any gas equipment that is being inspected to be actively put in motion or use, stopped or disassembled for the purpose of examination;
 - (f) order the removal of any obstruction that prevents examination, testing or inspection.
- (2) A justice of the peace or a judge of the Provincial Court of Saskatchewan, if satisfied by the oath of an inspector that there are reasonable grounds for believing that a contravention of this Act, the regulations, *The Gas Inspection Act*, the regulations made pursuant to that Act or a notice, order, decision, requirement or direction of an inspector made pursuant to this Act, the regulations, *The Gas Inspection Act* or the regulations made pursuant to that Act has occurred and that there is evidence to be found at the place to be searched, may issue a warrant under his or her hand authorizing the person named in the warrant to enter the place named in the warrant and every part of the place named in the warrant and of the premises connected with that place to:
- (a) examine the place and connected premises; and
 - (b) search for and seize and take possession of any records, designs, plans, computer data or other documents or other property that the inspector has reasonable and probable grounds to believe may constitute evidence of the contravention of the notice, order, decision, requirement or direction.

1993, c.G-3.2, s.10; 2004, c.11, s.7.

Refusal of access to premises

- 11(1) Where an inspector is refused access to premises or premises are not made accessible to an inspector, the inspector shall:
- (a) give written notice of that fact to the owner or the contractor, as the case may require, by prepaid first class mail; and
 - (b) order the owner or the contractor to allow or provide access to the premises within 30 days after the day on which the inspector attempted to gain access.
- (2) Where an owner or contractor fails to comply with an order pursuant to clause (1)(b), an inspector may:
- (a) cancel any permit that has been issued with respect to those premises; and
 - (b) order the supply authority to discontinue service to the premises.
- (3) After cancelling a permit pursuant to clause (2)(a), the corporation has no further duty to inspect the premises or investigate any matter associated with the premises.

1993, c.G-3.2, s.11.

PERMITS

Permit required to do work

12 No person shall commence any work to which this Act applies unless the person:

- (a) has been issued a permit by the corporation to authorize the work; and
- (b) has paid the fee fixed by the corporation for the permit.

1993, c.G-3.2, s.12.

Connection permits

13(1) No person shall connect a gas installation with a distribution system except under the authority of, and in accordance with, a permit issued by the corporation.

(2) No person who operates a distribution system shall reconnect to the system any premises that have been disconnected for a period of 12 months or more, except under the authority of a permit.

(3) Connections and reconnections made pursuant to this section are deemed to be made pending inspection by the corporation, and the person who operates the distribution system is to be satisfied before a connection is made that the gas piping is free from defects that might cause a hazard to life or property.

1993, c.G-3.2, s.13; 1998, c.22, s.4; 2004, c.11,
s.8.

Reports by supply authority

14 On the request of the chief inspector, a person who operates a supply authority shall, within any time specified by the chief inspector, provide to the corporation a report containing:

- (a) with respect to each new connection and reconnection made by the supply authority during any period specified by the chief inspector:
 - (i) the serial number of the permit authorizing the connection or reconnection;
 - (ii) the name of the contractor who requested the permit;
 - (iii) the name of the customer at whose premises the connection or reconnection was made;
 - (iv) the address or location of the premises at which the connection or reconnection was made;
 - (v) the date on which the connection or reconnection was made; and
 - (vi) any additional information requested by the chief inspector; and
- (b) any information requested by the chief inspector respecting service visits made by the supply authority during any period specified by the chief inspector, that, in the opinion of the chief inspector, is related to gas safety.

2004, c.11, s.9.

Temporary connection permits

15(1) The corporation may, on payment of the fee fixed by the corporation, issue a temporary connection permit with respect to:

- (a) a building that is about to be constructed or that is under construction, for the purpose of enabling the owner or occupant to obtain a supply of gas during the period of construction; or
 - (b) any other temporary gas installation.
- (2) A permit issued pursuant to subsection (1) is effective for the period stated in the permit, and no person to whom a temporary connection permit is issued shall fail to disconnect the supply immediately on the expiry of that period unless a new permit is issued.
- (3) The fees mentioned in this section are in addition to the inspection fees that are payable with respect to gas installations and gas equipment on the premises.

1993, c.G-3.2, s.15; 2004, c.11, s.10.

Refusal or cancellation of permit

16(1) The chief inspector may, for cause, refuse to issue a permit or may cancel a permit.

(2) Without limiting the generality of subsection (1), the chief inspector may refuse to issue a permit to any of the following, or may cancel a permit issued to any of the following:

- (a) a person who has not paid any inspection fee, licence fee or permit fee required by this Act, the regulations made pursuant to this Act, *The Gas Inspection Act*, the regulations made pursuant to that Act, *The Gas Licensing Act* or the regulations made pursuant to that Act;
- (b) a person who has defective work of gas installation outstanding at the time of applying for a permit or a licence;
- (c) a person who has submitted an incomplete application or an application with false or misleading information;
- (d) a person who exhibits an inability to perform the work of gas installation in a manner that, in the opinion of an inspector, is acceptable and safe;
- (e) a person who fails to comply with a term or condition of a permit; or
- (f) a person who fails to make corrections in accordance with an order made pursuant to section 20 within the time specified in the order.

1993, c.G-3.2, s.16.

STANDARDS AND THEIR ENFORCEMENT

Regulations to govern

17 Every owner and operator of gas installations to which this Act applies shall ensure that the gas installations conform to the regulations.

1993, c.G-3.2, s.17.

Submission of plans and specifications

18 Where a propane filling plant is to be constructed or a gas installation with an input rating that exceeds 5,000,000 British Thermal Unit Hours or 465 kilowatts is to be made, the chief inspector may request the contractor, owner, architect, designer or consultant to submit to the corporation five copies of the plans and specifications with respect to the installation, and the person to whom the request is directed shall submit those plans and specifications to the corporation, together with the examination fee fixed by the corporation.

1993, c.G-3.2, s.18.

Stop-work order

19(1) Where any construction or work of gas installation or any filling of propane containers is being carried out in contravention of this Act or the regulations, an inspector may order the construction or the work of gas installation or the filling of propane containers to stop immediately.

(2) An order issued pursuant to subsection (1):

- (a) is to be posted at the location where the work is being, or is to be, performed; and
- (b) is effective immediately on posting.

(3) No construction or work of installation or filling of propane containers that is the subject of an order pursuant to subsection (1) is to be recommenced until the order is rescinded by an inspector.

1993, c.G-3.2, s.19.

Order to correct

20 Where an inspector finds that any gas installation or gas equipment to which this Act applies does not comply with this Act or the regulations, the inspector may order the contractor to make any corrections that the inspector considers necessary within any time specified by the inspector.

1993, c.G-3.2, s.20.

Complete repiping

21 Where the gas piping required for correction of a gas installation exceeds one-third of the existing gas piping, the chief inspector may by written notice order the owner or operator of the gas installation to have it completely repiped.

1993, c.G-3.2, s.21.

Recourse to bond

22(1) If an inspector finds that the necessary corrections ordered pursuant to section 20 or 21 of this Act or section 11 of *The Gas Inspection Act* have not been made, the chief inspector may send notice of the defective work to the surety under the contractor's bond and may specify in the notice a reasonable time within which the defects are to be remedied.

(2) If the defects are not remedied within the time specified in the notice, the chief inspector may cause the necessary corrections to be made by another contractor to conform to the requirements of this Act and the regulations.

(3) The cost of the corrections mentioned in subsection (2) shall be charged against the amount of the bond and shall be paid immediately by the surety to the corporation, notwithstanding anything in *The Gas Licensing Act*.

(4) The chief inspector shall:

- (a) send a copy of the notice mentioned in subsection (1) to the director; and
- (b) give written notice of any correction to be made pursuant to subsection (2) to the director.

1993, c.G-3.2, s.22.

Fire hazard

23(1) Where in any premises an inspector finds that any gas equipment or gas installation constitutes a hazard, a potential hazard or a danger to persons in the premises or to the premises, the inspector may do one or more of the following:

- (a) order the owner, the owner's agent or the occupant of the premises to disconnect the equipment or to stop the work immediately;
- (b) order the owner, the owner's agent or the occupant of the premises to repair, alter or remove the gas equipment;
- (c) specify a reasonable time within which the hazard is to be remedied;
- (d) in the event of an immediate hazard or danger, order the persons in the premises to evacuate the premises;
- (e) order persons who are situated in proximity to the hazard or danger to relocate;
- (f) make any other remedial order that the inspector considers appropriate in the circumstances.

(2) An order made pursuant to subsection (1):

- (a) is to be in writing;
- (b) is to be delivered by hand to the owner or occupant of the premises or posted in a conspicuous place on or near the premises; and
- (c) is effective immediately on delivery or posting in accordance with clause (b).

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(3) All costs associated with an investigation and order pursuant to this section, including the administrative costs of the corporation that are attributable to those activities, are to be determined by an inspector and charged to the owner of the premises that are the subject of the order and constitute a debt due and owing to the corporation that may be recovered by action or otherwise.

1993, c.G-3.2, s.23; 1998, c.22, s.5.

Disconnection

24 If the defects mentioned in sections 20 to 23 are not remedied within the time specified by the chief inspector, the chief inspector may, by notice in writing, require the owner or operator of the distribution system to discontinue service to the premises on the day specified in the notice.

1993, c.G-3.2, s.24.

Agent of necessity

25(1) The chief inspector may direct an inspector to appoint a contractor to render premises safe in accordance with the inspector's instructions where:

- (a) the inspector finds the existence of an immediate hazard;
- (b) the owner of the premises on which the hazard is located:
 - (i) cannot be contacted immediately; or
 - (ii) refuses to comply with an order of the inspector; and
- (c) either:
 - (i) substantial damage could occur to the premises; or
 - (ii) there is a risk of injury to persons.

(2) The corporation shall indemnify any contractor appointed pursuant to subsection (1).

(3) The owner of the premises rendered safe pursuant to subsection (1) is liable to the corporation for all costs incurred, including the costs of the corporation that are not included in any fee that has been charged.

1993, c.G-3.2, s.25.

DEALING IN GAS EQUIPMENT

Manufacture, sale etc.

26(1) No person shall manufacture, sell or offer for sale, display, advertise, rent or use or otherwise provide or offer for use any gas equipment, or attempt to do any of those things, unless the gas equipment is:

- (a) approved; or
- (b) certified by a prescribed testing laboratory.

- (2) All gas equipment must bear evidence, in a manner satisfactory to the chief inspector, of the approval or certification mentioned in subsection (1).
- (3) All gas equipment is subject to inspection by an inspector.
- (4) Where an inspector finds gas equipment that is not approved or certified and that has been sold to any person within Saskatchewan, the chief inspector may send a notice to the seller, or to the surety under the bond required pursuant to *The Gas Licensing Act* if the seller is a supply house, requiring the seller or surety, within a reasonable time, to replace the equipment with approved or certified gas equipment.
- (5) The inspector shall send a copy of a notice mentioned in subsection (4) to the director.
- (6) Where an inspector finds gas equipment that is not approved or certified and finds or believes that the gas equipment was sold or supplied to any person within Saskatchewan, the chief inspector may send a notice to the seller or supplier requiring the seller or supplier, within a reasonable time to:
 - (a) provide the chief inspector with information with respect to the person to whom the gas equipment was sold or supplied; and
 - (b) recall the gas equipment from the person to whom it was sold or supplied.
- (7) Where an inspector finds gas equipment that is not approved or certified and that is or has been offered for sale, the inspector may order the seller to cease offering that gas equipment for sale.
- (8) Where a person fails to comply with an order made pursuant to subsection (7), the chief inspector may seize or have seized the gas equipment that is not approved or certified and may, after giving 30 days' written notice to the person from whom it was seized, dispose of the gas equipment in any manner that is not inconsistent with this Act.
- (9) The chief inspector shall send a copy of a notice mentioned in subsection (8) to the director.
- (10) All costs associated with an investigation, notification, seizure or disposal pursuant to this section, including the administrative costs of the corporation that are attributable to those activities:
 - (a) are to be charged to the seller or supplier, and constitute a debt due and owing to the corporation that may be recovered by action or otherwise; or
 - (b) in the case of a supply house, may be charged against the amount of the guarantee bond and shall be paid immediately by the surety to the corporation, notwithstanding anything in *The Gas Licensing Act*, the regulations made pursuant to that Act or the guarantee bond.

APPEALS

Appeal to chief inspector

27(1) A person aggrieved by a decision, order or directive made by an inspector may, within 30 days after the date of the service of the decision, order or directive on the person, appeal in writing to the chief inspector who may affirm, amend or cancel the decision, order or directive.

(2) The chief inspector shall give notice of, and provide written reasons for, his or her decision to the person mentioned in subsection (1).

(3) An appeal pursuant to subsection (1) does not suspend the operation of the decision, order or directive, but the chief inspector may suspend its operation pending the disposition of the appeal.

1993, c.G-3.2, s.27; 2004, c.11, s.11.

Appeal to court

28(1) A person aggrieved by an order or decision of the chief inspector may, by notice of motion, appeal the decision to a judge at any time within 30 days after the day on which the decision is made.

(2) On an appeal pursuant to subsection (1), the judge may allow the appeal or affirm or vary the order or decision appealed against.

(3) The decision of the judge on an appeal pursuant to subsection (1) is final, and there is no right to a further appeal.

(4) An appeal pursuant to subsection (1) does not stay the operation of the chief inspector's order or decision, but the judge may stay its operation pending disposition of the appeal.

1993, c.G-3.2, s.28.

ACCIDENTS

Reporting of accidents

29 Where an accident involving a gas installation or gas equipment occurs and results in the death or injury of a person or in a fire or an explosion, the contractor or the contractor's agent or the owner of the gas equipment or the owner's agent shall immediately notify the chief inspector, stating the precise location of the accident, its general nature and results.

1993, c.G-3.2, s.29.

Investigation of accidents

30 Subject to *The Coroners Act, 1999*, *The Fire Safety Act* and Part III of *The Saskatchewan Employment Act*:

- (a) where an accident described in section 29 occurs, no part of any gas facility, gas installation or gas equipment involved is to be removed or its position altered by any person, except for the purposes of rescuing persons injured or removing the bodies of persons killed, until the written permission of an inspector has been obtained; and
- (b) an inspector may:
 - (i) investigate a death or injury of a person, a fire or an explosion that the inspector has reason to believe has been caused by any gas equipment or gas installation to which this Act applies; and
 - (ii) remove from the premises all or any part of the gas equipment to provide evidence regarding the cause of the death, injury, fire or explosion or to further investigate the gas equipment.

1993, c.G-3.2, s.30; 1999, c.C-38.01, s.69; 2004, c.11, s.12; 2013, c.S-15.1, s.10-21; 2015, c.F-15.11, s.59.

GENERAL**Public notices, bulletins**

30.1 The chief inspector may, from time to time, issue notices or bulletins for the purpose of informing the public about:

- (a) hazards that may arise from a failure to comply with any of the requirements of this Act, the regulations or any code or standard adopted by the regulations; or
- (b) any other matter related to gas safety.

2004, c.11, s.13.

Service of documents

31(1) Any document required by this Act or the regulations to be given or served is, unless otherwise prescribed in the regulations, to be served personally or mailed by registered mail to the last known address of the person being served.

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

1993, c.G-3.2, s.31; 2004, c.11, s.14.

Fees and costs

32(1) Where, in the opinion of an inspector, costs are incurred in the conduct of an inspection or the provision of a service pursuant to this Act that are not covered by a fee that has been charged, the inspector may require the person for whom the inspection was made or the service provided to pay any of those costs for which an amount is fixed by the corporation pursuant to subsection (2).

(2) The corporation shall fix the amount of fees and costs to be paid, and the manner in which fees and costs are to be paid, for approvals, inspections, re-inspections, special inspections, examinations of plans and specifications, the issue of permits or classes of permits, the preparation of reports and opinions and any other services provided pursuant to this Act or the regulations.

(3) The corporation may determine the circumstances in which refunds of fees may be given, the amounts of any refunds and the manner in which refunds may be given.

(4) Fees and costs that are in arrears after the expiry of a period specified in an invoice shall bear interest at the rate currently set by the corporation for interest on overdue customer accounts.

1993, c.G-3.2, s.32.

Agreement re laboratory

33 Subject to the approval of the Lieutenant Governor in Council, the minister may, on behalf of the Government of Saskatchewan, enter into an agreement, on any terms and conditions that may be agreed on, with the Government of Canada or of any province or territory of Canada or with the governments of any two or more of them for the purpose of providing for the establishment of a laboratory for the testing of gas equipment.

1993, c.G-3.2, s.33.

Liability for damages

34(1) Nothing in this Act or the regulations annuls or lessens the responsibility of any person for damages with respect to a person who is killed or injured or any property that is destroyed or damaged.

(2) No action or proceeding lies against the minister, the corporation or any officer, inspector, employee or agent of the corporation, for any matter or thing done by any of them with reasonable care or omitted in good faith to be done by any of them in exercising their powers or carrying out their duties pursuant to this Act or the regulations.

1993, c.G-3.2, s.34.

Regulations

35 For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) designating gas equipment and gas installations to which this Act does not apply;
- (b) providing for the periodic inspection of any work of gas installation or gas equipment and for the method of inspection;
- (c) respecting the classification and issue of permits;
- (d) prescribing the period for which and conditions under which a permit or any class of permits may be issued;
- (e) prescribing requirements respecting connections and re-connections;
- (f) prescribing and governing standards for:
 - (i) gas installations;
 - (ii) gas equipment;
 - (iii) filling plants;
 - (iv) portable propane storage containers;
- (g) regulating the filling of propane automobile storage containers;
- (h) with respect to any matter regulated pursuant to this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;
 - (ii) providing for the revision, variation or modification of all or any part of a code or standard adopted pursuant to subclause (i);
 - (iii) requiring compliance with all or any part of a code or standard adopted pursuant to subclause (i);
- (i) prescribing requirements respecting the repair, alteration or removal of substandard gas installations;
- (j) prescribing testing agencies for the purpose of certifying gas equipment;
- (k) regulating or prohibiting the exchange, display, sale, advertising or other disposal or use of gas equipment;
- (l) respecting the investigation and reporting of fires, explosions and accidents involving any gas installation or gas equipment;
- (m) requiring contractors, gas-fitters, employers, supply houses and supply authorities to make returns to the corporation and specifying the matters that are to be dealt with in the returns;
- (n) where the Lieutenant Governor in Council considers it expedient:
 - (i) providing that the corporation and any municipality may enter into an agreement or arrangement, on any terms and conditions that may be agreed on, for the inspection, in accordance with this Act and the regulations, of gas installations and gas equipment in the municipality by inspectors employed by the municipality;

- (ii) providing for all matters incidental to an agreement or arrangement mentioned in subclause (i); and
- (iii) where an agreement or arrangement mentioned in subclause (i) is entered into, conferring on those inspectors any of the powers of an inspector pursuant to this Act;
- (o) requiring the certification of filling plant attendants and governing their conduct;
- (o.1) prescribing the maximum amount of an administrative penalty that may be imposed by an order pursuant to subsection 35.2(1);
- (p) prescribing any other matter or thing that is required by this Act to be prescribed in the regulations;
- (q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1993, c.G-3.2, s.35; 1996, c.9, s.5; 2004, c.11, s.15.

Prohibitions

- 35.1(1)** No person shall fail to comply with a reasonable request of an inspector made by the inspector in the course of carrying out the inspector's duties pursuant to this Act.
- (2) No person shall knowingly make any false or misleading statement to an inspector or provide any false information to an inspector.
- (3) No person, when asked to make a statement to an inspector, shall knowingly omit to state a fact that is required to be stated or that is necessary to make the statement not misleading in light of the circumstances in which it is made.
- (4) Unless authorized by an inspector, no person shall remove, alter or interfere in any way with any gas equipment seized or disposed of pursuant to subsection 26(8).
- (5) No person shall obstruct or interfere with an inspector in the course of the performance of the inspector's duties or the exercise of the inspector's powers pursuant to this Act or the regulations.

2004, c.11, s.16.

Administrative penalties

- 35.2(1)** The chief inspector or an inspector may order a person to pay an administrative penalty in an amount not exceeding the maximum amount prescribed in the regulations if the chief inspector or the inspector is satisfied that the person has commenced work of gas installation without a permit contrary to section 12.

- (2) Before making an order pursuant to subsection (1), the chief inspector or the inspector shall provide written notice to the person:
- (a) setting out the facts and circumstances that, in the opinion of the chief inspector or the inspector, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the chief inspector or the inspector considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make representations to the chief inspector or the inspector.
- (3) A person to whom notice is sent pursuant to subsection (2) may make written representations to the chief inspector or the inspector respecting whether or not a penalty should be assessed and the amount of any penalty.
- (4) Representations pursuant to subsection (3) must be made within 30 days after the person receives the notice pursuant to subsection (2).
- (5) After considering any representations pursuant to subsection (3), the chief inspector or the inspector may:
- (a) make an order assessing a penalty and setting a date by which the penalty is to be paid in full; or
 - (b) determine that no penalty should be assessed.
- (6) The chief inspector or the inspector shall send written notice of his or her decision to the person.
- (7) No order is to be made pursuant to this section more than three years after the act or omission that, in the opinion of the chief inspector or the inspector, renders the person liable to a penalty.
- (8) A penalty assessed pursuant to this section is a debt due to and recoverable by the Crown in right of Saskatchewan.
- (9) After the time for filing an appeal of an order of the chief inspector or the inspector pursuant to this section has passed and, if there is no appeal or if an appeal is unsuccessful, the corporation may file a certificate with the registrar of the Court of Queen's Bench certifying the amount of any unpaid fees for permits required pursuant to section 12 and the amount of the penalty imposed pursuant to this section.
- (10) A certificate filed pursuant to subsection (9) with the registrar of the Court of Queen's Bench has the same force and effect as if it were a judgment of that court for the recovery of debt in the amount specified in the certificate together with the cost of filing.

Offences and penalties

36(1) Any person who:

- (a) contravenes this Act or the regulations;
- (b) fails to comply with a decision, order or directive made pursuant to this Act or the regulations; or
- (c) obstructs or hinders an inspector in the performance of the inspector's duties pursuant to this Act or the regulations;

is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000, to imprisonment for a term of not more than six months, or to both such fine and imprisonment and, in the case of a continuing offence, to a further fine of not more than \$10,000 for each day during which the offence continues.

(1.1) Every director, officer or agent of a corporation who directed, authorized, assented to or 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.

(2) Where a person is convicted of an offence for non-compliance with a decision, order or directive issued pursuant to this Act, the conviction does not relieve the person from compliance with the decision, order or directive, and the convicting judge of the Provincial Court of Saskatchewan may, in addition to any fine imposed, order that person to do, within a specified period, any act or work necessary to remedy the non-compliance with the decision, order or directive.

(3) A person who fails to comply with an order made pursuant to subsection (2) is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000, to imprisonment for a term of not more than six months, or to both fine and imprisonment and, in the case of a continuing offence, to a further fine of not more than \$10,000 for each day during which the offence continues.

1993, c.G-3.2, s.36; 1996, c.9, s.5; 2004, c.11, s.17.

Vicarious liability

36.1 In any prosecution of a person for an offence pursuant to 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.

2004, c.11, s.18.

Limitation of actions

37 No prosecution with respect to an alleged offence pursuant to this Act or the regulations is to be commenced after the later of:

- (a) two years from the day on which the alleged offence becomes known to an inspector; or
- (b) three years from the day of the commission of the alleged offence.

1993, c.G-3.2, s.37; 2004, c.11, s.19.

**REPEAL, TRANSITIONAL AND
CONSEQUENTIAL AMENDMENTS**

S.S. 1988-89, c.G-3.1 repealed

38 *The Gas Inspection Act* is repealed.

1993, c.G-3.2, s.38.

Transitional

39 Notwithstanding the repeal of *The Gas Inspection Act*:

- (a) every valid and subsisting permit issued or continued pursuant to that Act on or before the coming into force of this Act continues in force and may be enforced and dealt with as if issued pursuant to this Act;
- (b) every bond mentioned in clause 29(b) of *The Gas Inspection Act* may be dealt with pursuant to this Act as if it were required pursuant to *The Gas Licensing Act*;
- (c) references in a bond mentioned in clause 29(c) of *The Gas Inspection Act* are to be interpreted in the manner provided in *The Gas Licensing Act*; and
- (d) any recourse to bond mentioned in clause 29(d) of *The Gas Inspection Act* may be continued pursuant to section 22.

1993, c.G-3.2, s.39.

40 **Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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