

The Boiler and Pressure Vessel Act

being

Chapter B-5 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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.

Table of Contents

	SHORT TITLE	
1	Short title	18
	INTERPRETATION	
2	Interpretation	19
3	Calculation of capacity of boilers, steam plants and refrigeration plants	20
4	Application of Act	21
	INSPECTION	
5	Inspectors	22
6	Duties of inspectors	23
7	Powers of inspectors	
8	Liability of inspectors	24
9	Defects in boilers, pressure vessels and plants to be made known	25
10	Operation without certificate prohibited	26
11	Periodical inspection and issue of certificate	27
12	Maximum pressure of boilers and pressure vessels to be set forth	28
13	Unsafe boilers, pressure vessels and plants	29
14	Production of certificate upon demand	30
15	Boiler insurance company inspectors	31
16	Boilers, pressure vessels and plants to be operated by qualified persons	32
17	Absence from boiler room	33
		34
		WELDING
		24
		25
		26
		27
		28
		29
		30
		31
		32
		33
		34
		GENERAL
		35
		36
		37
		38
		39

CHAPTER B-5

An Act respecting Boilers and Pressure Vessels and Steam, Refrigeration and Compressed Gas Plants

SHORT TITLE

Short title

1 This Act may be cited as *The Boiler and Pressure Vessel Act*.

R.S.S. 1978, c.B-5, s.1.

INTERPRETATION

Interpretation

2 In this Act:

“boiler”

(a) “**boiler**” means a vessel in which steam is or may be generated or hot water produced under pressure, and includes any pipe or fitting, prime mover, machinery or other equipment attached thereto or used in connection therewith;

“chief engineer”

(b) “**chief engineer**” means the person who is responsible for the operation of a boiler or steam plant;

“chief inspector”

(c) “**chief inspector**” means the chief inspector appointed under section 5;

“compressed gas”

(d) “**compressed gas**” means liquefied petroleum gas, oxygen, acetylene, ammonia, chlorine or any other gas, whether in a liquid, vapour or dissolved state, that is explosive, flammable or toxic or contained under pressure exceeding one hundred kilopascals;

“compressed gas plant”

(e) “**compressed gas plant**” means a plant used for producing, manufacturing, transferring, storing, distributing or otherwise handling compressed gas, and includes all property, buildings and equipment contained therein or connected therewith;

“department”

(f) “**department**” means the Department of Labour;

“guarded plant”

(g) “**guarded plant**” means a plant that is equipped with failsafe controls and audio and visual alarm systems and that is approved by the chief inspector;

“heating plant”

(h) “**heating plant**” means an installation of two or more:

(i) steam boilers, each of which is or may be operated at a pressure not exceeding one hundred kilopascals;

(ii) hot water or fluid heating boilers, each of which is or may be operated at a pressure not exceeding eleven hundred kilopascals; or

(iii) hot water or fluid heating boilers, each of which produces a temperature not exceeding one hundred and twenty-one degrees Celsius at or near the boiler outlet;

“high pressure boiler”

(i) **“high pressure boiler”** means a boiler designed to carry a working pressure of more than one hundred kilopascals but does not include such boiler if it is equipped with a safety valve that is set to relieve at not more than one hundred kilopascals;

“inspector”

(j) **“inspector”** means an inspector appointed under section 5 and includes the chief inspector;

“low pressure boiler”

(k) **“low pressure boiler”** means a boiler other than a high pressure boiler;

“minister”

(l) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“owner”

(m) **“owner”** means a person, firm or corporation operating or in charge of a boiler, pressure vessel or plant as owner, tenant or subtenant, and includes the manager or other head officer in charge of the business of any such firm or corporation;

“plant”

(n) **“plant”** means a pressure plant that is or may be used in connection with gases, fluids or solids;

“pressure vessel”

(o) **“pressure vessel”** means a vessel or similar apparatus, other than a boiler, that is or may be used for containing, storing, distributing, transferring, distilling, evaporating, processing or otherwise handling gases, fluids or solids and that is normally operated under pressure;

“refrigeration plant”

(p) **“refrigeration plant”** means an installation of pressure vessels, pipes and fittings, machinery and other equipment by which refrigerants are vaporized, compressed and liquefied in their refrigerating cycle;

“shift engineer”

(q) **“shift engineer”** means a person who, under the supervision of the chief engineer, is in immediate personal charge of a boiler or steam plant;

“shop inspection”

(r) **“shop inspection”** means an inspection during construction or fabrication by an inspector appointed under this Act or by an agency authorized by the chief inspector;

“steam plant”

(s) **“steam plant”** means an installation used for generating or utilizing steam and includes any boiler, pipe or fitting, prime mover, machinery and other equipment used in connection therewith and contained in the same premises.

Calculation of capacity of boilers, steam plants and refrigeration plants

- 3(1) For the purposes of this Act, the capacity in kilowatts of:
- (a) any boiler other than an electric boiler shall be calculated by taking the square metre area of the heating surface and multiplying by 10.8;
 - (b) an electric boiler shall be equal to the kilowatt capacity of the heating element.
- (2) Notwithstanding subsection (1), where:
- (a) the square metre area of the heating surface of a boiler; or
 - (b) the kilowatt capacity of the heating element of an electric boiler;

is not available, the capacity in kilowatts of the boiler or electric boiler, as the case may be, shall be calculated by dividing the hourly joule input of the boiler in kilojoules by fifty-four hundred.

- (3) The capacity in kilowatts of a steam plant shall be the sum of the kilowatts of all boilers installed therein and fitted in such a manner as to be capable of being operated.
- (4) For the purposes of this Act, the capacity of a refrigeration plant shall be the manufacturer's standard rating in tonnes of refrigeration, or where the manufacturer's standard rating in tonnes of refrigeration is not known, that capacity shall be calculated on the basis that one hundred and thirty-five litres of piston displacement per minute equal one tonne of refrigerating capacity.

1976-77, c.8, s.3; R.S.S. 1978, c.B-5, s.3.

Application of Act

- 4(1) This Act applies to all boilers, pressure vessels and plants that are subject to the legislative authority of the province except those excluded by the regulations.
- (2) The chief inspector may give notice in writing to the owner of a boiler or pressure vessel, which is not a boiler or pressure vessel as defined in section 2 but which is subject to the legislative authority of the province, that any provisions of this Act or the regulations that are specified in the notice shall apply to that boiler or pressure vessel, and thereupon those provisions shall so apply unless withdrawn by subsequent notice in writing.
- (3) The Crown in right of Saskatchewan, and the Crown in right of Canada insofar as it may submit to the operation of this Act, are bound by the provisions of this Act.

1976-77, c.8, s.4; R.S.S. 1978, c.B-5, s.4.

INSPECTION**Inspectors**

- 5(1) There may be appointed under *The Public Service Act* a chief inspector and such other inspectors as may be necessary for the purposes of this Act.
- (2) No person shall be appointed to the office of chief inspector or inspector who is interested either directly or indirectly in the sale of boilers, pressure vessels, machinery or equipment used in or in connection with a plant, and no person shall be appointed an inspector of boilers or steam plants unless he holds a valid first class engineer's certificate issued under this Act.

1976-77, c.8, s.5; R.S.S. 1978, c.B-5, s.5.

Duties of inspectors

6(1) Subject to the instructions of the chief inspector, it shall be the duty of every inspector to inspect periodically every boiler, pressure vessel and plant within his district and to inspect forthwith any such boiler or pressure vessel that he has reason to believe is unsafe.

(2) An inspector shall make shop inspections, as required by the regulations, of all boilers and pressure vessels under construction in his district and shall satisfy himself that all the requirements of the regulations have been and are being met.

1976-77, c.8, s.6; R.S.S. 1978, c.B-5, s.6.

Powers of inspectors

7 For the purposes of this Act, an inspector may:

(a) at any reasonable time of day or night, enter any building or upon any property in or upon which he has reason to believe a boiler, pressure vessel or plant is being operated or has been or is being constructed, repaired or installed, for the purpose of inspecting the boiler, pressure vessel or plant and the operation, construction, repair or installation thereof and of determining whether the provisions of this Act and the regulations have been and are being complied with;

(b) by notice in writing signed by him, require the attendance of any person before him at a time and place to be named in the notice and may examine that person on oath regarding any matter pertaining to the inspection, construction, installation, operation, maintenance or repair of any boiler, pressure vessel or plant or any accident arising out of the use or operation thereof;

(c) require the owner, chief engineer, shift engineer or other person responsible for or in immediate charge of a boiler, pressure vessel or plant to:

(i) prepare, within such time as the inspector may prescribe, the boiler, pressure vessel or plant or part thereof for an internal or external inspection, for a hydrostatic test or for such other purpose as the inspector considers necessary;

(ii) kill the boiler;

(iii) empty the boiler or pressure vessel;

(iv) remove the manhole and handhole plates from the boiler or pressure vessel;

(v) remove any jacket, brickwork or covering from the boiler or pressure vessel;

(vi) supply water for and assist in making a hydrostatic test;

(vii) cut or drill holes in the boiler or pressure vessel so that the inspector may determine the thickness and condition of the plates;

(viii) steam up, put under pressure or otherwise put into operation the boiler, pressure vessel or plant and any engines, turbines, compressors or other machinery used in connection therewith, so that the inspector may test the safety valves, governors or any other part of the installation under operating conditions;

- (ix) place a man or men at the inspector's disposal for any purpose the inspector considers necessary;
- (x) do any other thing the inspector considers necessary to ensure a proper inspection;
- (d) give instructions orally or in writing to the owner, chief engineer, shift engineer or other person responsible for or in immediate charge of a boiler, pressure vessel or plant on any matter pertaining to the construction, fabrication, installation, operation, care, maintenance or repair thereof and require that those instructions shall be carried out within a specified time;
- (e) instruct the owner, chief engineer, shift engineer or other person responsible for or in immediate charge of a boiler, pressure vessel or plant to extinguish the fire, blow off steam or reduce to zero the pressure upon any installation or part thereof that the inspector has reason to believe is in an unsafe condition, or has been constructed, repaired or installed contrary to this Act or the regulations, and such owner, engineer or other person shall forthwith carry out the inspector's instructions without reference to anyone else and the boiler, pressure vessel or plant or part thereof shall not again be operated without permission in writing from the inspector;
- (f) require the owner, chief engineer or other person responsible for a boiler, pressure vessel or plant to replace, within such time as the inspector may prescribe, any person engaged or assisting in the operation thereof contrary to this Act or the regulations.

1976-77, c.8, s.7; R.S.S. 1978, c.B-5, s.7.

Liability of inspectors

8 No action or proceeding lies against the minister or an inspector for any matter or thing done by the inspector with reasonable care or omitted to be done by the inspector in good faith in exercising his powers or carrying out his duties under this Act or the regulations.

1976-77, c.8, s.8; R.S.S. 1978, c.B-5, s.8.

Defects in boilers, pressure vessels and plants to made known

9 When a boiler, pressure vessel or plant is being inspected, the owner, chief engineer, shift engineer or other person responsible therefor or in immediate charge thereof shall point out to the inspector any defect of which he has knowledge or that he believes to exist in the boiler, pressure vessel or plant or in the machinery and equipment connected therewith or contained therein and, if at any other time he learns of any defect that might render the boiler, pressure vessel or plant unsafe to operate, he shall notify the department immediately.

1976-77, c.8, s.9; R.S.S. 1978, c.B-5, s.9.

Operation without certificate prohibited

10 No owner shall cause or permit a boiler, pressure vessel or plant to be operated unless he has in his possession a valid and subsisting inspection certificate, registration certificate or combined inspection and registration certificate issued pursuant to this Act authorizing or licensing the operation thereof.

1976-77, c.8, s.10; R.S.S. 1978, c.B-5, s.10.

Periodical inspection and issue of certificate

11(1) Every boiler, pressure vessel or plant shall be subject to inspection or registration annually.

(2) Notwithstanding subsection (1), no pressure vessel used only for containing water or air shall be subject to inspection more than once in every five years unless considered necessary by an inspector.

(3) The department may issue a registration certificate without an inspection or, where an inspection has been made, may issue an inspection certificate, a registration certificate or a combined inspection and registration certificate authorizing the operation of the boiler, pressure vessel or plant, and the owner shall pay the fee prescribed for the certificate issued.

(4) The absence of a valid and subsisting certificate or failure to produce such a certificate on demand shall be *prima facie* evidence that the owner has no certificate.

1976-77, c.8, s.11; R.S.S. 1978, c.B-5, s.11.

Maximum pressure of boilers and pressure vessels to be set forth

12 The maximum pressure at which a boiler or a pressure vessel may be operated or the safety valve set to relieve shall be set forth in the inspection or registration certificate and no person shall operate a boiler or pressure vessel or cause or permit it to be operated at a pressure in excess of such maximum pressure.

1976-77, c.8, s.12; R.S.S. 1978, c.B-5, s.12.

Unsafe boilers, pressure vessels and plants

13(1) An inspector may, on the instructions of the chief inspector, seal a boiler, pressure vessel or any part of a plant or may serve notice on the owner, either personally or by registered mail, that the boiler, pressure vessel or part of the plant is not to be operated where, in the opinion of the inspector:

(a) the boiler, pressure vessel or part of the plant is in an unsafe operating condition or is being operated in a dangerous manner or by a person or persons not holding the certificate or certificates required by this Act; or

(b) repairs or alterations required by an inspector are not made within the time specified by the inspector or, where no time has been specified, within a reasonable time.

(2) Where, pursuant to subsection (1), a boiler, pressure vessel or a part of a plant has been sealed or the owner has been notified that the same is not to be operated, no person shall operate the boiler, pressure vessel or part of the plant or cause or permit it to be operated, or destroy, remove or tamper with the inspector's seal, unless the reason for sealing or prohibiting operation has been corrected to the satisfaction of the inspector.

1976-77, c.8, s.13; R.S.S. 1978, c.B-5, s.13.

Production of certificate upon demand

14 Every certificate authorizing the operation of a boiler, pressure vessel or plant shall be produced by the owner or other person responsible for or in immediate charge of the boiler, pressure vessel or plant upon demand of an inspector or a police officer.

1976-77, c.8, s.14; R.S.S. 1978, c.B-5, s.14.

Boiler insurance company inspectors

15 No person making inspections on behalf of a boiler insurance company or an owner shall reset pressure gauges, interfere with safety valves or classify as being in a safe or good condition a boiler, pressure vessel or plant that has been otherwise classified by an inspector.

1976-77, c.8, s.15; R.S.S. 1978, c.B-5, s.15.

Boilers, pressure vessels and plants to be operated by qualified persons

16(1) No owner shall cause or permit a high pressure boiler or a steam plant to be operated unless:

- (a) a chief engineer who holds a certificate entitling him to operate the boiler or steam plant as chief engineer, and who is not responsible for the operation of any other boiler or steam plant, is responsible for the operation thereof; and
- (b) either the chief engineer, or a shift engineer who holds a certificate entitling him to operate the boiler or steam plant as shift engineer, is in immediate charge thereof and, subject to section 17 and subsection (6) of section 18, the chief engineer, shift engineer or some other qualified engineer acting under the supervision of the chief engineer or shift engineer is in personal attendance on the boiler at all times.

(2) No owner shall cause or permit a low pressure boiler or steam plant having a capacity of three hundred kilowatts or more to be operated unless:

- (a) in the case of a boiler or steam plant having a capacity of more than one thousand kilowatts, a person who holds a certificate of a class not lower than a fifth class engineer's certificate is responsible for and supervises the operation thereof and, subject to section 17 and subsection (6) of section 18, the chief engineer or a person holding at least a fireman's certificate is in personal attendance thereon at all times;
- (b) in the case of a low pressure boiler or steam plant having a capacity of not more than one thousand kilowatts, a person holding at least a fireman's certificate is responsible for and, subject to subsection (3), personally supervises the operation thereof at all times.

(3) A low pressure boiler having a capacity of not more than one thousand kilowatts that is equipped with an automatic low-water cut-out device approved by an inspector and designed to shut off the fuel fire in the event of low water may be left unattended and in operation for a period not exceeding twelve hours if:

- (a) the safety valve is set to relieve at not more than one hundred kilopascals;
- (b) the safety valve and automatic low-water cut-out device are tested daily to ensure their efficient operation; and

(c) the automatic low-water cut-out device is installed in such a manner that it cannot be rendered inoperative by the manipulation of a manual control or regulating apparatus and the water column, water glass and the float chamber of the cut-out device can be thoroughly blown out each day.

1976-77, c.8, s.16; R.S.S. 1978, c.B-5, s.16.

Absence from boiler room

17 The chief engineer or shift engineer who is in immediate charge of the operation of a high pressure boiler or steam plant or a low pressure boiler or steam plant having a capacity of more than one thousand kilowatts and who is required by this Act to be in personal attendance may be absent from the boiler room or plant for not more than fifteen minutes in each hour during the period in which he is in charge of the boiler or plant if:

- (a) an engineer who holds a certificate that is not more than one class lower than the class of certificate required to be held by an engineer to operate the boiler or plant as shift engineer assumes charge of the boiler or plant; and
- (b) the chief engineer or shift engineer is satisfied at the time of his departure from the boiler or plant that it is operating safely.

1976-77, c.8, s.17; R.S.S. 1978, c.B-5, s.17.

Guarded plant

18(1) The owner of any high pressure boiler or high pressure steam plant of any capacity or low pressure boiler or low pressure steam plant having a capacity of more than one thousand kilowatts may apply in writing to the department to have the premises in which the boiler or steam plant is situated designated as a guarded plant.

(2) Upon receipt of an application from an owner under subsection (1), the chief inspector shall make or cause to be made an inspection of each boiler or steam plant on the premises in respect of which the application is made.

(3) The chief inspector may designate the plant in respect of which an application is made under subsection (1) as a guarded plant where he is satisfied upon an investigation under subsection (2) that each boiler or steam plant on the premises is equipped with protective devices that shut down the boilers and prevent automatic restarting of the boilers, as follows:

- (a) a high pressure limiting device in respect of any steam boiler and a high temperature limiting device in respect of any hot water boiler;
- (b) a low-water level limiting device that is separate from any device that controls the water supply to any boiler or steam plant;
- (c) a high-water level limiting device that is separate from any device that controls the water supply to any boiler or steam plant;
- (d) a pre-purge and flame-failure device that automatically stops the supply of fuel to any boiler or steam plant in the event that an abnormal condition occurs in or with respect to the boiler or steam plant during the operation of the boiler or steam plant;
- (e) a low-water cut-out device designed to terminate the fuel fire in any boiler or steam plant in the event of low water in the boiler or steam plant;

- (f) an automatic high-water cut-out device designed to terminate the fuel fire in any boiler or steam plant in the event of high water in the boiler or steam plant;
 - (g) an audible and visual alarm system that is capable of warning the operating engineer in the plant that an abnormal or unsafe condition exists and that automatically maintains such warning until the abnormal or unsafe condition is rectified; and
 - (h) such other protective devices for a boiler or steam plant as the chief inspector may specify.
- (4) Where a protective device for a boiler or steam plant in a guarded plant ceases for any reason to be capable of performing the function for which it is intended, the owner shall not cause or permit the boiler or steam plant to be operated unless:
- (a) an engineer who is qualified under section 28 to operate the high pressure boiler or steam plant, or low pressure boiler or steam plant having a capacity of more than one thousand kilowatts, is in constant personal attendance in the premises in which the boiler or steam plant is situated; or
 - (b) a competent person repairs the protective device or replaces it with another protective device designed to perform the same function and upon a test of the device it is found to be capable of performing the function for which it was designed.
- (5) The shift engineer who operates any boiler or steam plant in any guarded plant shall ensure that the safety valves and other fittings of the boiler or steam plant are in safe operating condition.
- (6) The engineer who operates any boiler or steam plant in any guarded plant and who is required by this Act to be in personal attendance may be absent from the boiler or steam plant to perform such duties in the plant as are not inconsistent with good safety practices as approved by the chief inspector.
- (7) No owner of premises which have not been designated as a guarded plant shall require or permit an engineer or fireman who is employed in connection with the operation of a boiler, steam plant or refrigeration plant to perform any duties not related to the operation of the boiler, steam plant or refrigeration plant.

1976-77, c.8, s.18; R.S.S. 1978, c.B-5, s.18.

Qualified operator required in certain plants where no steam is generated

19 The owner of any plant or premises in which a steam engine, turbine or other steam-driven machinery is operated but in which steam is not generated for the operation shall, if so directed in writing by the chief inspector, place the steam engine, turbine or other steam-driven machinery under the supervision of a person or persons holding such certificate or certificates as the chief inspector may consider requisite.

1976-77, c.8, s.19; R.S.S. 1978, c.B-5, s.19.

Sale of boilers and pressure vessels previously used

20 Except where a boiler or pressure vessel is sold along with the building or erection in which it is used no person shall sell, exchange or reinstall in a new location a boiler or pressure vessel that has been previously used without first:

- (a) sending a notice in writing to the chief inspector by registered mail setting forth a description of the boiler or pressure vessel including the number placed thereon by the inspector at the time of the initial inspection and, in the case of a sale or exchange, the name and address of the proposed new owner; and
- (b) obtaining permission in writing from the chief inspector to sell, exchange or reinstall the boiler or pressure vessel;

and the chief inspector may grant such permission with or without an inspection and subject to such conditions as he may consider proper.

1976-77, c.8, s.20; R.S.S. 1978, c.B-5, s.20.

Boilers and pressure vessels brought into province

21 No person shall install or cause to be installed a boiler or pressure vessel that has previously been installed or used outside the province without first notifying the chief inspector in writing as to the design, type, specifications, make, date of manufacture and such other particulars respecting the boiler or pressure vessel as the chief inspector may require and without first obtaining permission in writing from the chief inspector for the installation.

1976-77, c.8, s.21; R.S.S. 1978, c.B-5, s.21.

Statements by owners

22 The minister may require the owner of a boiler, pressure vessel or plant to supply a statement, certified by the owner, within a specified period of time giving such information as the minister may consider necessary respecting the boiler, pressure vessel or plant, the operation thereof and the persons employed in connection therewith.

1976-77, c.8, s.22; R.S.S. 1978, c.B-5, s.22.

Report of explosions, ruptures, fires and accidents

23(1) On the occurrence of an explosion, rupture or serious overheating of a boiler or pressure vessel, an explosion or serious fire involving a compressed gas plant or installation, or an accident causing death or serious injury to a person and arising out of the operation of a boiler, pressure vessel or plant, notice of the explosion, rupture, overheating, fire or accident shall be sent immediately by telephone, telegraph or teletype to the chief inspector by the owner or by a person acting on his behalf, giving the precise locality and all details, including the number of persons, if any, killed or injured.

(2) On receipt of the notice, the chief inspector shall cause any investigation he considers necessary to be made into the cause and circumstances of the explosion, rupture, fire or accident.

(3) After an explosion or rupture of a boiler or pressure vessel, no part or parts of the boiler or pressure vessel shall, without permission in writing from an inspector, be removed or their positions altered by any person unless with a view to the rescue of injured persons or the removal of the bodies of persons killed.

1976-77, c.8, s.23; R.S.S. 1978, c.B-5, s.23.

WELDING

Welding of boilers and pressure vessels

24(1) No person shall do any welding, and no person, firm or corporation shall employ a person to do any welding, in the construction, alteration or repair of a boiler or pressure vessel or any pressure piping used in connection therewith unless the regulations have been complied with.

(2) Where for any reason an inspector believes that a boiler, pressure vessel or pressure piping is welded in an improper or unsafe manner, or in a manner violating the regulations, he shall:

- (a) order one hundred per cent radiographic examination of all welds;
- (b) order all rejected welds to be cut out, rewelded and reexamined or replaced if beyond repair; and
- (c) with the approval of the chief inspector, order the welder to return his certificate to the department and submit himself for a welding retest.

1976-77, c.8, s.24; R.S.S. 1978, c.B-5, s.24.

Classes of certification

25 There shall be the following classes of final certificates:

- (a) first class engineer's certificate;
- (b) second class engineer's certificate;
- (c) third class engineer's certificate;
- (d) fourth class engineer's certificate;
- (e) fifth class engineer's certificate;
- (f) refrigeration engineer's certificate;
- (g) refrigeration plant operator's certificate;

and the following classes of temporary certificates:

- (h) engineer's special certificate;
- (i) fireman's certificate.

1976-77, c.8, s.25; R.S.S. 1978, c.B-5, s.25.

Issue of certificates

26(1) Upon the recommendation of the chief inspector, the department shall issue a final or temporary certificate of the appropriate class to every person who has demonstrated his competence and who has complied with the regulations.

(2) A candidate for a certificate who considers that he has been unfairly dealt with may appeal in writing to the minister, setting forth his grievance, and the minister shall conduct an investigation and render a decision.

(3) A decision of the minister made pursuant to subsection (2) shall be final.

1976-77, c.8, s.26; R.S.S. 1978, c.B-5, s.26.

Duration of certificates

27(1) A final certificate shall be valid for as long as it continues to be registered annually in accordance with the regulations.

(2) A temporary certificate shall be valid for such period as may be prescribed by the regulations.

1976-77, c.8, s.27; R.S.S. 1978, c.B-5, s.27.

Scope of certificates

28(1) A valid first class engineer's certificate entitles the holder to operate as chief engineer a boiler, steam plant or refrigeration plant of any capacity.

(2) A valid second class engineer's certificate entitles the holder:

- (a) to operate as chief engineer a boiler or steam plant having a capacity of not more than ten thousand kilowatts and a refrigeration plant of any capacity; and
- (b) to assist in the operation of a boiler or steam plant of any capacity.

(3) A valid third class engineer's certificate entitles the holder:

- (a) to operate as chief engineer:
 - (i) a boiler or steam plant having a capacity of not more than five thousand kilowatts; and
 - (ii) a refrigeration plant having a capacity of not more than five hundred tonnes; and
- (b) to assist in the operation of:
 - (i) a boiler or steam plant having a capacity of not more than ten thousand kilowatts; and
 - (ii) a refrigeration plant of any capacity.

(4) A valid fourth class engineer's certificate entitles the holder:

- (a) to operate as chief engineer:
 - (i) a boiler or steam plant having a capacity of not more than one thousand kilowatts; and
 - (ii) a refrigeration plant having a capacity of not more than two hundred tonnes; and
- (b) to assist in the operation of:
 - (i) a boiler or steam plant having a capacity of not more than five thousand kilowatts; and
 - (ii) a refrigeration plant having a capacity of not more than five hundred tonnes.

(5) A valid fifth class engineer's certificate entitles the holder:

- (a) to operate as chief engineer:
 - (i) a low pressure boiler or heating plant of any capacity;
 - (ii) a high pressure boiler or steam plant having a capacity of not more than five hundred kilowatts; and
 - (iii) a refrigeration plant having a capacity of not more than fifty tonnes; and

- (b) to assist in the operation of:
 - (i) a boiler or steam plant having a capacity of not more than fifteen hundred kilowatts; and
 - (ii) a refrigeration plant having a capacity of not more than two hundred tonnes.
- (6) A valid engineer's special certificate entitles the holder to operate a boiler or steam plant of the capacity indicated in the certificate, provided that the capacity of the boiler or steam plant does not exceed five hundred kilowatts.
- (7) A valid fireman's certificate entitles the holder:
 - (a) to operate either or both of the following as indicated in the certificate:
 - (i) a low pressure boiler or steam plant having a capacity of not more than one thousand kilowatts;
 - (ii) a high pressure boiler used for heating purposes only and having a capacity of not more than three hundred kilowatts; and
 - (b) to act as assistant to the holder of a valid fifth class engineer's certificate.
- (8) A valid refrigeration engineer's certificate entitles the holder to operate a refrigeration plant of any capacity.
- (9) A valid refrigeration plant operator's certificate entitles the holder to operate, but not to repair or overhaul, a refrigeration plant having a capacity of not more than one hundred tonnes, provided that a refrigeration engineer or refrigeration repair company is on call.
- (10) Where the holder of a valid certificate has obtained a licence issued in accordance with this Act and the regulations, he may, subject to section 24 and the regulations:
 - (a) install or repair; or
 - (b) supervise the installation or repair of;

any boiler, pressure vessel, pipe, fitting or machinery, or any equipment used in connection with any boiler or plant, that he is entitled to operate and actually operates as chief engineer.

1976-77, c.8, s.28; R.S.S. 1978, c.B-5, s.28.

Permit in urgent cases

29(1) Where the owner of a boiler, steam plant or refrigeration plant shows to the satisfaction of the chief inspector that he is unable, because of some exceptional circumstance, to obtain the services of a person holding a certificate of the appropriate class, the chief inspector may in his discretion issue a permit to operate the boiler, steam plant or refrigeration plant as chief engineer, shift engineer or otherwise, as the case may require, to a person recommended by the owner, provided that that person holds a certificate that is not more than one class lower than the class of certificate required.

(2) A permit issued pursuant to subsection (1) shall be valid for a period of time, not exceeding ninety days, that is specified by the chief inspector.

1976-77, c.8, s.29; R.S.S. 1978, c.B-5, s.29.

Special certificates in certain cases

30 Where a candidate for a second class, third class, fourth class or fifth class engineer's certificate has twice failed in the examination for such certificate but has obtained such marks as may be specified in the regulations, the chief inspector, upon receiving a recommendation from the owner of a boiler or steam plant, may in his discretion issue a special certificate which shall entitle the candidate to operate that boiler or steam plant, but no other, in such capacity as is indicated in the certificate.

1976-77, c.8, s.30; R.S.S. 1978, c.B-5, s.30.

Foreign certificates

31 Upon receipt of an application accompanied by evidence of qualifications and identity satisfactory to the chief inspector, the chief inspector may, in his discretion, recommend the issue, subject to any conditions he may prescribe and upon payment of the prescribed fee, of a certificate of the class determined by the chief inspector to be appropriate to the holder of a certificate of qualification as an engineer from the Government of Canada or of any province of Canada or from any competent authority in any other jurisdiction.

1976-77, c.8, s.31; R.S.S. 1978, c.B-5, s.31.

Interprovincial certificates

32 The minister may arrange with the competent authority of any other province for the granting of interprovincial engineer's certificates upon such terms and conditions as may be agreed upon.

1976-77, c.8, s.32; R.S.S. 1978, c.B-5, s.32.

Certificate to be produced

33(1) Every holder of a certificate who is engaged in the operation of a boiler, steam plant or refrigeration plant shall produce evidence of such certificate and annual validation upon the demand of an inspector.

(2) Failure to produce a certificate on demand as required by subsection (1) shall be *prima facie* evidence that the person concerned has no certificate.

1976-77, c.8, s.33; R.S.S. 1978, c.B-5, s.33.

Cancellation, suspension or recall of certificates, etc.

34 Upon the recommendation of the chief inspector and upon due cause being shown, the minister may cancel, suspend or recall any certificate, permit, licence or other authorization issued under this Act or the regulations, including any permit, licence or other authorization issued to a person who directly or indirectly aids or abets any other person in the violation of any of the provisions of this Act or the regulations.

1976-77, c.8, s.34; R.S.S. 1978, c.B-5, s.34.

GENERAL

Regulations

35 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations that are ancillary to and are not inconsistent with this Act, and every regulation made under this section has the force of law and, without limiting the generality of the foregoing, the Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) prescribing the fees that shall be payable for the inspection of boilers, pressure vessels and plants and for a registration certificate issued pursuant to section 11;
- (c) prescribing the fees to be paid for licences, for the examination or registration of designs and for inspections during construction and the fees to be paid from time to time by any person, firm or corporation in respect of compressed gas installations made or serviced by him or it or supplied by him or it with compressed gas or in respect of pressure vessels used or supplied by him or it for the storage or distribution of compressed gas;
- (d) prescribing conditions respecting the design, registration of designs, construction, inspection during construction, identification, testing, installation service requirements, operation, maintenance and repair of boilers, pressure vessels and plants and of the piping, fittings and other equipment used in connection therewith;
- (e) governing the classification of boilers, pressure vessels and plants and of the piping, fittings and other equipment used in connection therewith;
- (f) without limiting the effect and application of any regulations made under clause (d), prescribing conditions respecting the storage, handling and distribution of compressed gas and the ownership of pressure vessels used for storing, distributing or utilizing such gas;
- (g) providing for and requiring the licensing of every person, firm or corporation engaged in manufacturing, selling, repairing or installing boilers, pressure vessels or pressure equipment used in connection therewith or refrigeration or compressed gas vessels or equipment, or in manufacturing, selling or distributing compressed gas, and prescribing the conditions under which licences may be issued;
- (h) adopting and constituting as regulations:
 - (i) any relevant codes, rules or standards;
 - (ii) such codes, rules or standards with the exception of any specified provisions thereof;
 - (iii) any specified provisions of such codes, rules or standards; and
 - (iv) any amendments to such codes, rules or standards, with or without modification;
- (i) governing the methods to be employed and the procedure to be followed in the welding of boilers, pressure vessels and plants and pressure piping used in connection therewith;

- (j) providing for and requiring the registration of every person, firm or corporation that employs one or more welders upon welding of boilers or pressure vessels, or pressure piping used in connection therewith, and of every welder so employed, and prescribing the fees payable for registration;
- (k) providing for the testing, approval and recording of the welding procedures in use by employers and welders registered in accordance with regulations made under this section;
- (l) prescribing the qualification tests to be passed by such welders, the qualifications to be possessed by candidates for tests, the nature and frequency of tests and the fees payable for tests, and governing the conduct of tests;
- (m) prescribing terms and conditions applicable to a person who receives a permit under section 29;
- (n) prescribing the qualifications to be possessed and the requirements to be met by candidates for certificates of each class, the nature of the examinations to be passed by those candidates and the standards to be attained in order to pass those examinations, and governing the conduct of examinations;
- (o) prescribing conditions respecting the issue and annual registration of final and special certificates and the issue and duration of temporary certificates;
- (p) prescribing the fees payable for examinations for certificates of each class, for the issue and annual registration of certificates and duplicate certificates of each class and of special certificates and for the issue of permits;
- (q) prescribing the various classes of refrigeration engineer's certificates and the capacity rating of each class.

1976-77, c.8, s.35; R.S.S. 1978, c.B-5, s.35.

Special fees

36 Where a special inspection is considered by the chief inspector to be necessary or is requested by an owner, contractor or other person, the expenses incurred in making the inspection and a *per diem* fee for the inspector's time may be charged, in the discretion of the chief inspector, in addition to any fee prescribed by the regulations.

1976-77, c.8, s.36; R.S.S. 1978, c.B-5, s.36.

Exceptional circumstances

37 Where exceptional circumstances exist rendering strict compliance with the regulations impracticable, the chief inspector may, subject to such conditions as he may prescribe, grant special exemptions in individual cases if satisfied that such exemptions are not inconsistent with safe practice.

1976-77, c.8, s.37; R.S.S. 1978, c.B-5, s.37.

Offences and penalties

38(1) Subject to subsection (2), a person who:

- (a) fails to comply with or violates any provision of this Act or the regulations for which failure or violation no penalty is otherwise provided;
- (b) interferes with or obstructs an inspector in the exercise of any power conferred upon him by this Act;
- (c) fails to comply with any notice, requirement or instructions given or made by the minister or an inspector pursuant to this Act;
- (d) causes or permits a boiler, pressure vessel or plant of which he is the owner to be operated without having in his possession a certificate issued pursuant to this Act; or
- (e) fails to pay any fee or other charge prescribed under section 36 or in the regulations;

is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 and, in default of payment, to imprisonment for a term of not more than one year.

(2) Subsection (1) does not apply to a violation of section 14 where the offence is also punishable under the *Criminal Code*.

(3) A prosecution for failure to pay the fee prescribed for an inspection made under this Act or the expenses, if any, as the case may be, may be instituted at any time within three years immediately following the date of the inspection in respect of which the fee or expenses or both are payable and, where a person is convicted of failure to pay the fee or expenses or both, the convicting justice shall, in addition to imposing the penalty provided in subsection (1) for the offence, order the person to pay the fee or expenses or both, as the case may be, to the court.

(4) A person who, as owner, chief engineer, shift engineer or otherwise, operates or allows to be operated:

- (a) a boiler or steam plant other than a low pressure boiler having a capacity of less than three hundred kilowatts; or
- (b) a refrigeration plant having a capacity of more than forty- five tonnes of refrigeration;

without being the holder of a certificate entitling him to operate the boiler, steam plant or refrigeration plant as chief engineer, shift engineer or otherwise, as the case may be, together with a subsisting certificate of registration where required by the regulations, is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

1976-77, c.8, s.38; R.S.S. 1978, c.B-5, s.38.

Appropriation

39 Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose.

1976-77, c.8, s.39; R.S.S. 1978, c.B-5, s.39.

