



The Saskatchewan Gazette

PUBLISHED WEEKLY BY AUTHORITY OF THE QUEEN'S PRINTER/PUBLIÉE CHAQUE SEMAINE SOUS L'AUTORITÉ DE L'IMPRIMEUR DE LA REINE

PART II/PARTIE II

Volume 113

REGINA, FRIDAY, DECEMBER 8, 2017/REGINA, VENDREDI, 8 DÉCEMBRE 2017

No. 49 /n° 4

PART II/PARTIE II

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER B-5.1 REG 2

The Boiler and Pressure Vessel Act, 1999

Section 59

Order in Council 550/2017, dated November 29, 2017

(Filed November 30, 2017)

PART 1

General Requirements

DIVISION 1

Definitions

Title

1 These regulations may be cited as *The Boiler and Pressure Vessel Regulations, 2017*.

Definitions

2(1) In these regulations:

“**acceptance inspection**” means an inspection pursuant to the applicable code or standard conducted by an inspector after the installation, alteration or repair of a boiler, pressure vessel or refrigeration plant and before it is put, or put back, into service;

“**Act**” means *The Boiler and Pressure Vessel Act, 1999*;

“**adopted code or standard**” means a code or standard adopted pursuant to section 4;

“**anhydrous ammonia**” means the product with the chemical formula NH_3 , in either a liquid or gaseous state, that is normally stored, transported or otherwise contained in a pressure vessel under pressure and used as a fertilizer;

“**ANSI**” means the American National Standards Institute, Inc.;

“**applicable code or standard**” means, in relation to a boiler, pressure vessel, fitting, plant, procedure or activity, an adopted code or standard that applies to that boiler, pressure vessel, fitting, plant, procedure or activity;

“**applicable fee**” means the fee payable with respect to the activity as established by bylaw pursuant *The Technical Safety Authority of Saskatchewan Act* and published by the Technical Safety Authority of Saskatchewan;

“**approved**” means approved by the chief inspector, unless otherwise stated;

“**ASME**” means the American Society of Mechanical Engineers;

“**ASME Code**” means the portions of the American Society of Mechanical Engineers code adopted pursuant to subsection 4(3);

“**authorized contractor**” means a holder of a contractor’s licence who is designated pursuant to section 145 as having authority to administer pressure welders’ qualification tests to employees of the holder;

“AWS” means the American Welding Society;

“boiler and pressure vessel authority” means the department or agency of a province or territory of Canada that is authorized by the laws of the province or territory to regulate boilers and pressure vessels within its boundaries;

“boiler plant” means a plant that constitutes an installation of two or more high pressure boilers, low pressure boilers or a combination of high pressure and low pressure boilers;

“CGA” means the Compressed Gas Association responsible for publishing the standard requirements for the storage and handling of Anhydrous Ammonia;

“chief engineer” means the person who is responsible for the operation of a boiler or boiler plant;

“competent operator” means a person possessing the appropriate qualifications, knowledge, skills and experience to supervise or perform work safely and in accordance with the Act and these Regulations;

“contractor” means a person who engages in the business of constructing, installing, altering or repairing boilers, pressure vessels, fittings, pressure piping systems or refrigeration plants;

“contractor’s licence” means a licence issued pursuant to section 26;

“CSA” means the Canadian Standards Association;

“CSA B51-14” means the Canadian Standards Association standard adopted pursuant to clause 4(1)(a);

“engineered pressure enclosure” means a fitting used for containing a leak or reinforcing existing pressure equipment for a limited time until a proper repair or alteration is carried out;

“environmentally-sensitive area” means an area with natural features in which special protection is needed for its landscape, wildlife and historical value and includes lakes, streams and wetlands.

“evacuation-sensitive facility” includes a hospital, school, residential development, senior citizen home, and daycare;

“graduate engineer” means an engineer who has graduated with a degree in mechanical engineering or a university degree that is recognized by the chief inspector as equivalent to a degree in mechanical engineering;

“high pressure boiler plant” means:

- (a) a plant comprising two or more high pressure boilers; or
- (b) a plant comprising both high pressure boilers and low pressure boilers that is deemed to be a high pressure boiler plant pursuant to clause 44(2)(a);

“inspection certificate” means a valid inspection certificate:

- (a) issued by an inspector pursuant to section 21 of the Act; or
- (b) issued by a licensed pressure equipment inspector pursuant to section 64, in accordance with the terms and conditions of an approved quality management system;

“inspection company” means a company that carries out a quality management system of inspection on behalf of an owner or insurer of a company that utilizes or insures boilers and pressure equipment;

“installation inspection” means an inspection by the owner, the insurer or a third party on behalf of the owner or insurer of the design or contractual requirements after the installation, alteration or repair of a boiler, pressure vessel or refrigeration plant and before it is put, or put back, into service;

“instrumentation alternative” means a technology designed to ensure the safe operation of pressure equipment without the level of supervision by a power engineer or other competent operator that would otherwise be required;

“liquified petroleum gas” means a material, in either a liquid or gaseous state, that is composed predominantly of propane, propylene, butanes (normal butane or isobutane) or butylenes or a mixture of any of those hydrocarbons;

“low pressure boiler plant” means:

- (a) a plant comprising two or more low pressure boilers; or
- (b) a plant comprising both high pressure boilers and low pressure boilers that is deemed to be a low pressure boiler plant pursuant to clause 44(3)(a);

“NBBI” means the National Board of Boiler and Pressure Vessel Inspectors;

“NBBI Code” means the code adopted pursuant to subsection 4(2);

“NFPA” means the National Fire Protection Association, Inc.;

“oilfield once-through boiler” means a coil type, drumless boiler designed for once-through water usage that is used only for underground heating in oilfields;

“organic fluid” means a hydrocarbon based high molecular mass fluid with a liquid-vapour phase change that occurs at a lower temperature than the water-steam phase change;

“organic rankine cycle waste heat recovery system” means a thermodynamic cycle in a waste heat recovery plant using an organic fluid such that the organic fluid is heated by waste heat with no secondary fuel input and comprises pressure vessels, pressure piping and any other pressure equipment;

“pressure equipment” means a boiler, pressure vessel, pressure piping and fittings;

“pressure equipment inspector” means a person who conducts an inspection on behalf of an insurer or in connection with a quality management system;

“pressure equipment inspector’s licence” means a licence issued pursuant to section 99;

“private dwelling” includes:

- (a) any land on which a private dwelling is located or any outbuilding or premises that is located on the same land as a private dwelling, but does not include any part of that land, outbuilding or premises that:
 - (i) is not being used as a private dwelling or is not enclosed within the private dwelling; and
 - (ii) is being used to carry out a commercial operation;
- (b) foster homes as defined in *The Child and Family Services Regulations*; and
- (c) alternative family care homes as defined in the Appendix to *The Uniform Building and Accessibility Standards Regulations*;

“process operator” means a person who is responsible for overseeing the production process in a plant facility, including monitoring equipment, making adjustments on different processes and improving the quality, efficiency and safety of the plant facility;

“professional engineer” means a professional engineer as defined in *The Engineering and Geoscience Professions Act*;

“shift engineer” means a person who, under the supervision of the chief engineer, is in personal charge of a boiler or boiler plant.

(2) A reference in these regulations to a table is a reference to the table as set out in the Appendix.

(3) For the purposes of the Act and these regulations, **“welding”** includes brazing and plastic fusing.

DIVISION 2 Exemptions

Exemptions from Act

3(1) In this section:

“cleanable or replaceable manufactured elements” includes:

- (a) filter cartridges;
- (b) other filter elements such as candle, bag, ceramic and membrane filters;
- (c) reverse osmosis (RO) membranes; and
- (d) treatment cartridges of various types, including ion exchange resin, activated carbon and zeolite cartridges;

“packed media” includes ion exchange resins, zeolites, activated carbon and filter media.

(2) For the purposes of clause 3(1)(p) of the Act, the following are designated as classes of boilers, pressure vessels, plants, pressure piping systems or fittings to which the Act does not apply:

- (a) pressure piping systems that:
 - (i) contain hot water at a pressure of 1 103 kilopascals or less or at a temperature of 121°C or less; and
 - (ii) form part of a low pressure boiler plant;
- (b) pressure piping systems that are not connected to, or used in connection with, a boiler or pressure vessel;
- (c) medical gas piping systems;
- (d) air piping with a diameter of 25.4 millimetres or less;
- (e) any of the following types of pressure vessels that are used in connection with a pipeline as defined in *The Pipelines Act, 1998*:
 - (i) odourizer tanks;
 - (ii) dust pots;
 - (iii) gas drips;
 - (iv) storage tanks for hydraulic valve operators;
 - (v) pig injectors;
 - (vi) pig receivers;
 - (vii) indirect fired heater coils;
 - (viii) methanol injectors;
- (f) potable water heaters with an internal diameter greater than 610 millimetres that:
 - (i) operate at a pressure not exceeding 1 103 kilopascals;
 - (ii) have a heat input not exceeding 58.67 kilowatts;
 - (iii) produce a water temperature not exceeding 99°C; and
 - (iv) have a water capacity not exceeding 454 litres;
- (g) pressure vessels used as the external enclosure of pressurized gas-filled electrical high voltage switch gear or control gear;
- (h) low pressure boilers and associated heating system pressure vessels installed in a private dwelling designed to accommodate not more than 3 families;
- (i) equipment lubricating and control oil systems that are designed and operated at temperatures less than 100°C with non-expansible fluids under pressure;

- (j) vessels containing packed media or cleanable or replaceable manufactured elements that:
 - (i) form part of a water treatment system; and
 - (ii) are designed and operated at temperatures less than 100°C with non-expansible fluids under pressure;
 - (k) air receivers installed in a private dwelling designed to accommodate not more than 3 families;
 - (l) pressure vessels used in geo-thermal heating systems in a private dwelling designed to accommodate not more than 3 families;
 - (m) pressure vessels used in reverse osmosis water treatment systems in a private dwelling designed to accommodate not more than 3 families;
 - (n) hydropneumatic tanks with a maximum diameter of 610 millimetres, a total volume of 450 litres or less, and a maximum temperature of 65°C or less.
- (3) Pursuant to clause 3(1)(p) of the Act, subsection 14(1) of the Act does not apply to the sale of a boiler, pressure vessel or pressure piping system that is previously used if the boiler, pressure vessel or pressure piping system is removed from Saskatchewan.
- (4) Subject to subsections 3(2) and 3(3) of the Act, the following pressure vessels must meet all the requirements for pressure vessels in the Act and these regulations:
- (a) autoclaves with a volume greater than 0.0425 cubic metres, an internal diameter greater than 152 millimetres, or any one short or long span dimension greater than 152 millimetres;
 - (b) air cooled heat exchanger headers with any one short or long span dimension greater than 152 millimetres;
 - (c) plate heat exchangers with any one short or long span dimension greater than 152 millimetres;
 - (d) any other type of pressure vessel that is non-circular with any unsupported dimension greater than 152 millimetres that is used to evaluate its pressure rating.

DIVISION 3 Physical Standards

Adoption of codes and standards

4(1) Each of the following codes and standards, as amended from time to time, is adopted for the purposes of the Act as a standard governing the design, construction, shop inspection, installation, repair or alteration of boilers, pressure vessels or pressure piping systems:

- (a) CSA B51-14, *Boiler, Pressure Vessel, and Pressure Piping Code*, 18th edition;
- (b) CSA B52-13, *Mechanical Refrigeration Code*, 11th edition;
- (c) CGA G-2.1-2014, *Requirements for the Storage and Handling of Anhydrous Ammonia (an American National Standard)*, 6th edition;

(d) NFPA 58, *Liquefied Petroleum Gas Code*, 2017 edition, published by the National Fire Protection Association, Inc.;

(e) CSA B149.2-15, *Propane Handling and Storage Code*, 11th edition.

(2) NB23-2017, National Board Inspection Code, 2017 edition published by the NBBI and approved by the American National Standards Institute, as amended from time to time, is adopted for the purposes of the Act to the extent that it deal with matters not covered by the codes and standards adopted by clauses (1)(a) and (b).

(3) The following provisions of the *ASME Boiler and Pressure Vessel Code*, 2017 edition, as amended from time to time, are adopted for the purposes of the Act to the extent that they deal with matters not covered by the codes and standards adopted by clauses (1)(a) and (b):

(a) Section I, *Rules for Construction of Power Boilers*;

(b) Section II, *Materials*:

(i) Part A - *Ferrous Material Specifications*;

(ii) Part B - *Nonferrous Material Specifications*;

(iii) Part C - *Specifications for Welding Rods, Electrodes, and Filler Metals*;

(iv) Part D - *Properties (Customary)*;

(v) Part D - *Properties (Metric)*;

(c) Section IV, *Rules for Construction of Heating Boilers*;

(d) Section V, *Nondestructive Examination*;

(e) Section VI, *Recommended Rules for the Care and Operation of Heating Boilers*;

(f) Section VII, *Recommended Guidelines for the Care of Power Boilers*;

(g) the following divisions in Section VIII, *Rules for Construction of Pressure Vessels*:

(i) Division 1;

(ii) Division 2 - *Alternative Rules*;

(iii) Division 3 - *Alternative Rules for Construction of High Pressure Vessels*;

(h) Section IX, *Qualification Standard for Welding, Brazing and Fusing Procedures, Welders, Brazers and Welding, Brazing and Fusing Operators - Welding, Brazing and Fusing Qualifications*;

(i) Section X, *Fiber-reinforced Plastic Pressure Vessels*.

(4) The following standards, as amended from time to time, are adopted for the purposes of the Act to the extent that they deal with matters not covered by the codes and standards adopted by clauses (1)(a) and (b):

- (a) ASME B31.1-2016, *Power Piping*;
- (b) ASME B31.3-2016, *Process Piping*;
- (c) ASME B31.5-2016, *Refrigeration Piping and Heat Transfer Components*.

(5) If there is a conflict or inconsistency between an adopted code or standard and a provision of these regulations, the provision of these regulations prevails.

Compliance with adopted codes and standards

5(1) No person who designs, constructs, carries out a shop inspection, installs, repairs or alters a boiler, pressure vessel or pressure piping system governed by the Act shall fail to carry out that activity in accordance with any applicable adopted code or standard.

(2) If a person designs, constructs, carries out a shop inspection, installs, repairs or alters a boiler, pressure vessel or pressure piping system in accordance with a more recent version of a code or standard than the version adopted pursuant to section 4, the person is deemed to have complied with the adopted code or standard.

Requirements for boilers

6(1) Subject to subsections (2) and (3) and except as otherwise provided by these regulations, boilers are to be designed, constructed, installed and fitted with protective devices in accordance with the applicable codes specified in clause 4(1)(a) and in subsections 4(2) and (3).

(2) All coil and fin-tube boilers installed in a forced circulation hot water heating system must be equipped with a flow switch that will automatically cut off the fuel supply to the burner if the flow rate is inadequate to protect the boiler from overheating.

(3) All hot water boilers other than coil and fin-tube boilers must be equipped with protection against dry firing as follows:

- (a) if heat input is less than or equal to 422 megajoules per hour, the boiler must be equipped with either a flow switch or a low water fuel cut-off device; and
- (b) if heat input is greater than 422 megajoules per hour, the boiler must be equipped with a low water fuel cut-off device.

Requirements for pressure vessels

7 Except as otherwise provided by these regulations, pressure vessels are to be designed, constructed, installed and fitted with protective devices in accordance with the applicable codes specified in clauses 4(1)(a) and (b) and subsections 4(2) and (3).

Additional requirements - pressure vessels for compressed gases

8(1) Safety relief valves for a pressure vessel that is to be used in the handling and storage of a compressed gas must be set to discharge at a pressure that does not exceed the design pressure specified in subsection 9(2) or 10(2) or section 11, as the case may require.

(2) If a pressure vessel to be used in the handling and storage of a compressed gas is located outside and is exposed to the weather, any safety relief valve discharge outlet, with or without vent pipes, that is installed on the pressure vessel must be protected with a loose-fitting rain cap that cannot freeze in place.

(3) Before a pressure vessel to be used in the handling and storage of a compressed gas is placed in service, the pressure vessel must be:

- (a) painted; and
- (b) labelled, in block letters in a contrasting colour, with the word “caution” and the name of the compressed gas contained in the vessel.

Additional requirements - pressure vessels for liquified petroleum gas

9(1) Pressure vessels that are to be used in the handling and storage of liquefied petroleum gas must be designed for a pressure of not less than 1 725 kilopascals.

(2) Openings and fittings in pressure vessels that are to be used in the handling and storage of liquified petroleum gas must be installed and operated in accordance with the applicable code specified in clause 4(1)(e).

(3) The minimum required rate of discharge for safety relief valves for pressure vessels that are to be used in the handling and storage of liquified petroleum gas must be installed and operated in accordance with the applicable code specified in clause 4(1)(d).

Additional requirements - pressure vessels for anhydrous ammonia

10(1) Subject to subsection (2) and except as otherwise provided in these regulations, pressure vessels and related pressure piping that are to be used in the handling and storage of anhydrous ammonia must be designed, constructed, installed and operated in accordance with the applicable codes pursuant to clauses 4(1)(a) and (c) and subsections 4(2) to (4).

(2) Pressure vessels used for the storage of anhydrous ammonia must be designed for a pressure of not less than 1 725 kilopascals.

Design pressure - pressure vessels for other compressed gases

11 Pressure vessels that are to be used in the handling and storage of compressed gases other than anhydrous ammonia and liquified petroleum gas must be designed for a pressure of not less than the vapour pressure at 46°C of the gas to be contained.

Requirements for pressure piping

12(1) Subject to subsection (2) and except as otherwise provided by these regulations, pressure piping must be designed, constructed, installed, fitted with protective devices, inspected and tested in accordance with:

- (a) the applicable codes pursuant to clauses 4(1)(a) and (b); and
- (b) the following standards, to the extent that they deal with matters not covered by the codes and standards adopted by clause (a):
 - (i) the applicable code specified in clause 4(4)(a);
 - (ii) the applicable code specified in clause 4(4)(b);
 - (iii) the applicable code specified in clause 4(4)(c).

(2) Any pressure piping that falls outside the scope of the standards mentioned in clause (1)(b) must be designed, constructed, installed, fitted with protective devices, inspected and tested in accordance with the applicable code specified in clause 4(4)(b).

DIVISION 4
Boiler and Pressure Vessel Safety Board

General qualification for membership

13 To be eligible for appointment as a member of the board, an individual must demonstrate to the minister that he or she has experience in the design, construction, inspection, operation or repair of boilers, pressure vessels or pressure piping systems.

Members to represent certain groups

14(1) The board must include the following members:

- (a) 1 member who is a licensed professional engineer with experience relating to high pressure boilers and who represents owners and users of high pressure boilers;
 - (b) 1 member who is a licensed professional engineer with experience relating to pressure vessels and who represents owners and users of pressure vessels;
 - (c) 2 members who are holders of first class power engineers' licences and who are actively engaged in the operation of boilers and pressure vessels;
 - (d) 1 member who represents boiler and pressure vessel manufacturers;
 - (e) 1 member who is a member of a trade union that represents employees engaged in trades involved in the construction, alteration, repair or operation of boilers, pressure vessels and pressure piping systems;
 - (f) 1 member who represents owners and users of low pressure boilers;
 - (g) 1 member who is a licensed professional engineer and represents the College of Engineering of the University of Saskatchewan or the Faculty of Engineering of The University of Regina;
 - (h) 1 member who is a faculty member of the Saskatchewan Polytechnic or the Saskatchewan Indian Institute of Technologies and who is actively engaged in teaching power engineering.
- (2) If a successor to a member described in any of the clauses in subsection (1) is to be appointed, the person to be appointed must meet the requirements of the clause that describes the member being replaced.

DIVISION 5
Duplicate Certificates and Review of Fees

Duplicate certificates, licences

15 The chief inspector may issue a duplicate certificate or a duplicate licence to an applicant who furnishes evidence satisfactory to the chief inspector that the applicant is a holder in good standing of the certificate or licence in question and has a legitimate reason for requesting a duplicate, together with the applicable fee.

Fee for review by chief inspector

16(1) An applicant for a review pursuant to subsection 25(1) of the Act shall pay the applicable fee.

(2) If, after completing a review pursuant to subsection 25(1) of the Act, the chief inspector revokes or varies the notice, order, decision, requirement or direction of an inspector that is the subject of the review, the application fee will be refunded on the written request of the applicant.

PART 2
Registration of Design

Application for registration of designs

17(1) In this section and section 18, “**application for registration**” means an application for the registration of a design required pursuant to section 11 of the Act.

(2) No person shall commence construction, installation, alteration or repair of a boiler, pressure vessel, fitting or pressure piping unless:

- (a) an application for registration has been made to the chief inspector; and
- (b) registration has been received.

(3) With respect to an application for registration of the design of a boiler, a pressure vessel or an alteration to or repair of a boiler or pressure vessel, the drawings, calculations, specifications and other information respecting the design must include:

- (a) the design pressure and temperature;
- (b) details of the arrangement and dimensions of all component parts;
- (c) the ASME specification numbers of all materials for which an ASME specification number is required by any applicable code or standard;
- (d) details of the proposed construction and welded joint configuration;
- (e) the section and paragraph number of the applicable code specified in subsection 4(3) pursuant to which it is or is to be constructed;
- (f) a report of any physical tests conducted for the purpose of establishing the maximum allowable working pressure; and
- (g) any other information that the chief inspector may require.

(4) With respect to an application for registration of the design of a pressure piping system:

- (a) the drawings, specifications and other information submitted as part of the application for registration must be of sufficient detail to allow the chief inspector to fully evaluate the design; and
- (b) the drawings submitted for registration must be stamped and signed by a licensed professional engineer.

(5) The drawings, specifications and other information respecting the design of a fitting submitted for an application for registration must include:

- (a) the statutory declaration of the manufacturer, in the manner and form specified by the chief inspector, respecting compliance with:
 - (i) standards specified in the declaration that are applicable to the fitting; and
 - (ii) the quality control program required by CSA B51-14; and
- (b) supporting documents that set out all information required by CSA B51-14.

Fees - registration of designs

18(1) An application for the registration of the design of a boiler, pressure vessel, fitting or pressure piping system is subject to the applicable fee.

(2) No refund will be given of any fee paid pursuant to this section with respect to an application for registration if the application is denied.

Alternative to design registration requirement - boilers, pressure vessels

19(1) Subject to subsections (3) and (4), the design of a boiler or pressure vessel is not required to be registered pursuant to subsection 11(1) of the Act if:

- (a) the boiler or pressure vessel is:
 - (i) constructed in strict compliance with the administrative and technical rules of the appropriate section of the applicable code specified in subsection 4(3);
 - (ii) stamped in accordance with the ASME code with the applicable certification mark; and
 - (iii) registered with NBBI; and
 - (b) the NBBI registration number is:
 - (i) recorded on the data report required by the ASME code; and
 - (ii) stamped on the name plate of the boiler or pressure vessel.
- (2) Subject to subsections (3) to (5), the design of a boiler or pressure vessel constructed in Canada is not required to be registered pursuant to subsection 11(1) of the Act if:
- (a) the boiler or pressure vessel:
 - (i) is constructed in a province or territory of Canada other than Saskatchewan in strict compliance with the administrative and technical rules of the appropriate section of CSA B51-14;
 - (ii) is assigned a Canadian registration number by the boiler and pressure vessel authority of the province or territory in which it is constructed; and
 - (iii) is inspected during construction by an inspector employed by the boiler and pressure vessel authority of the province or territory in which it is constructed; and
 - (b) the registration number of the province or territory in which the boiler or pressure vessel is constructed is:
 - (i) recorded on the data report required by the CSA B51-14; and
 - (ii) stamped on the name plate of the boiler or pressure vessel.
- (3) Before a boiler or pressure vessel mentioned in subsection (1) or (2) is installed, the owner must ensure that the data report required by the applicable code or standard has been submitted to the chief inspector for registration.

(4) The following boilers or pressure vessels are required to be registered pursuant to subsection 11(1) of the Act:

- (a) boilers or pressure vessels manufactured before January 1, 1997;
 - (b) pressure vessels manufactured in accordance with Section VIII Division 2 or Division 3 of the ASME code;
 - (c) pressure vessels designed with limited cycles of service in accordance with Section VIII Division 1 of the ASME code;
 - (d) pressure vessels fabricated from cold-stretched, austenitic stainless steel;
 - (e) pressure vessels with volumes exceeding 37 370 litres and installed in a horizontal position on two saddle supports;
 - (f) pressure vessels designed for pressures exceeding 3 000 psig and manufactured in accordance with Section VIII Division 1 of the ASME code;
 - (g) pressure vessels that have any pressure part designed pursuant to clause U-2(g) in Section VIII Division 1 of the ASME code;
 - (h) boilers rated for over 10 000 kW and manufactured in accordance with Section I of the ASME code;
 - (i) boiler blowoff vessels less than 457 mm (18 in) in diameter; and
 - (j) part of a boiler or pressure vessel that is identified on a partial data report.
- (5) Any boiler or pressure vessel mentioned in subclause (2)(a)(iii) does not require an inspection during construction by an inspector employed by the boiler and pressure vessel authority if that boiler or pressure vessel complies with one or more of the limitations described in clauses 4.8.2(a) to (g) of CSA B51-14.
- (6) Registration of a data report is subject to the applicable fee.

Exemptions from registration requirement - fittings

20(1) If a fitting is registered by CSA, the design of the fitting is not required to be registered pursuant to subsection 11(1) of the Act, except for any engineered pressure enclosures.

(2) Subject to subsection (3), category A, B, C and G fittings, as set out in Table 1 of CSA B51-14, are not required to be registered pursuant to subsection 11(1) of the Act.

(3) The following fittings or devices must be registered pursuant to subsection 11(1) of the Act:

- (a) nonstandard or unlisted pipe fittings, flanges or valves that do not comply with the specifications and standards listed in:
 - (i) Table 126.1 of ASME B31.1-2016;
 - (ii) Table 326.1 of ASME B31.3-2016; or
 - (iii) Table 526.1 of ASME B31.5-2016; or
- (b) pressure relief devices that do not comply with the requirements of the ASME Code or NBBI Code.

Exemptions from registration requirement - pressure piping systems

21 The design of a pressure piping system with an aggregate internal capacity of 0.5 cubic metres or less is not required to be registered pursuant to subsection 11(1) of the Act unless:

- (a) the design makes up a portion of a larger overall pressure piping system design in which a need exists to register the complete system with multiple applications; or
- (b) the piping will be an addition to an existing facility that connects to or alters a pressure relief system.

PART 3**Quality Control - Fabrication and Installation****DIVISION 1****Quality Control Requirements****Quality control program required**

22(1) Subject to subsection (2), a person who intends to construct, install, alter or repair a boiler, pressure vessel, fitting or pressure piping system:

- (a) must develop and implement a written quality control program manual that is appropriate for the scope of the work to be carried out and meets the requirements of any applicable code or standard;
 - (b) must not commence the construction, installation, alteration or repair unless the quality control program manual is registered pursuant to section 23; and
 - (c) must carry out the construction, installation, alteration or repair in accordance with the registered quality control program manual.
- (2) Subsection (1) does not apply to a person who holds a valid contractor's licence issued pursuant to *The Gas Licensing Act* with respect to the installation of low pressure boilers and associated pressure equipment with thermal inputs that are within the limits of the authority conferred by the licence issued to that person pursuant to *The Gas Licensing Act*.

Registration of quality control program manual

23(1) A person who intends to construct, install, alter or repair a boiler, pressure vessel, fitting or pressure piping system must apply for registration of the quality control program manual required by section 22 to the chief inspector, together with the applicable fee.

(2) Before making a decision with respect to an application pursuant to this section, the chief inspector:

- (a) may require the applicant to provide any further information that the chief inspector considers necessary; and
- (b) may require an audit to be conducted, at the applicant's expense, of the proposed quality control program, including an inspection of any boiler, pressure vessel or plant to which the application relates.

(3) With respect to an audit conducted pursuant to clause (2)(b), the applicant shall pay the applicable fee.

(4) The chief inspector may register a quality control program manual and issue a certificate of registration to the applicant if the chief inspector is satisfied, after review of the manual by an inspector and after consideration of the results of any audit conducted and any further information that the chief inspector considers relevant, that the quality control program set out in the manual, if implemented:

(a) will provide control over the activities to which the manual applies in accordance with the Act and these regulations; and

(b) will not present a serious risk to public safety.

(5) Subject to subsection (6), a certificate of registration issued pursuant to subsection (4) is valid for a period of up to 3 years from the date of issue.

(6) The chief inspector may:

(a) impose any terms and conditions on a certificate of registration that the chief inspector considers advisable in the interest of public safety at the time the certificate of registration is issued or at any time during the period of validity of the certificate of registration; and

(b) amend, vary, suspend, revoke or replace any terms and conditions imposed pursuant to clause (a).

(7) A person who holds a certificate of registration issued pursuant to subsection (4) and who intends to change a procedure described in the quality control program manual shall:

(a) submit a copy of the proposed amendment to the manual to an inspector for review, together with the applicable fee;

(b) not implement the amended procedure until an inspector has approved the amendment; and

(c) file a copy of the amendment with the chief inspector as soon as possible after an inspector has approved it.

Audit

24(1) An inspector may conduct an audit for the purpose of determining whether or not the holder of a certificate of registration with respect to a quality control program manual is carrying out the activities to which the manual applies in accordance with the manual.

(2) With respect to an audit conducted pursuant to subsection (1), the holder of a certificate of authorization shall pay the applicable fee.

Reissuance of certificate of registration

25 The chief inspector may reissue a certificate of registration for a quality control program manual to an applicant in the name of a successor to the original holder of the certificate if the applicant:

(a) provides evidence satisfactory to the chief inspector that the applicant is the successor to the original holder of the certificate; and

(b) pays the applicable fee.

Contractor's licence

26(1) No person shall engage in the business of constructing, installing, altering or repairing boilers, pressure vessels, fittings, pressure piping systems or refrigeration plants unless the person holds a valid contractor's licence.

(2) An application for a contractor's licence must:

- (a) set out the scope of the work that the applicant intends to engage in; and
- (b) be accompanied by the applicable fee.

(3) The chief inspector may issue a contractor's licence to an applicant if the chief inspector is satisfied that the applicant holds valid certificates of registration for a quality control program and welding procedures that cover the proposed scope of work to which the licence applies.

(4) A licence issued pursuant to subsection (3) is valid for a period of up to 3 years from the date of issue.

(5) The chief inspector may issue a contractor's licence to an applicant if the chief inspector is satisfied that the applicant holds a valid gas contractor's licence issued pursuant to *The Gas Licensing Act*.

(6) A licence issued pursuant to subsection (5) is limited to the installation of low pressure boilers and associated equipment with thermal inputs that are within the limits of the authority conferred by the licence issued pursuant to *The Gas Licensing Act*.

(7) A licence issued pursuant to subsection (5) expires at the same time as the gas contractor's licence expires.

Inspections - construction

27(1) A contractor who constructs a boiler, pressure vessel, fitting, pressure piping system or refrigeration plant must ensure that a shop inspection of the boiler, pressure vessel, fitting, pressure piping system or refrigeration plant is conducted in accordance with the applicable code specified in clause 4(1)(a) or (b), as the case may be.

(2) With respect to the construction of a boiler, pressure vessel, fitting, pressure piping system, refrigeration plant or other equipment, a contractor shall pay the applicable fee.

DIVISION 2**Welding Requirements****Welding procedures required**

28(1) A person who intends to construct, alter or repair any boiler, pressure vessel, fitting or pressure piping system by welding shall:

- (a) subject to subsection (2), develop and qualify by testing, procedures in accordance with the applicable code specified in clause 4(3)(h);
- (b) not commence the construction, alteration or repair unless the procedures have been registered pursuant to section 29; and
- (c) carry out the construction, alteration or repair in accordance with the registered procedures.

(2) A person mentioned in subsection (1) may carry out the activities mentioned in subsection (1) in accordance with any of the ANSI/AWS standard welding procedures set out in the NBBI code, but must submit those procedures for registration pursuant to section 29.

Registration of welding procedures

29(1) A person who intends to construct, install, alter or repair a boiler, pressure vessel, fitting or pressure piping system by welding must apply for registration of the welding procedures required by section 28 to the chief inspector, together with the applicable fee.

(2) The chief inspector may register a welding procedure and assign a registration number to the procedure if, after a review by an inspector, the chief inspector is satisfied that the procedure meets the requirements of the applicable code specified in clause 4(3)(h).

(3) The chief inspector may accept for registration without review any of the ANSI/AWS standard welding procedures set out in the NBBI code.

(4) A person mentioned in subsection (1) must:

- (a) ensure that copies of a registered welding procedures are kept at any worksite at which the procedure is to be used; and
- (b) ensure that any welding on a boiler, pressure vessel, fitting or pressure piping system is carried out in accordance with that procedure.

(5) If a person mentioned in subsection (1) wishes to make a change in a registered welding procedure, the person must submit the proposed amendment to the chief inspector for registration in accordance with this section, together with the applicable fee.

Compliance with section 16 of Act

30 For the purposes of section 16 of the Act, a person is qualified to perform a welding process in the construction, alteration or repair of a boiler, pressure vessel or pressure piping system if:

- (a) the person holds a valid pressure welder's licence issued pursuant to Division 3 of Part 11; and
- (b) the welding process is within the scope of the welding processes authorized by the licence mentioned in clause (a).

DIVISION 3

Installation Requirements

Permit to install, alter or repair

31 A contractor shall:

- (a) report the installation, alteration or repair of a boiler or pressure vessel to the chief inspector in the manner and form specified by the chief inspector; and
- (b) pay the applicable fee.

Inspection fees - installation, etc.

32 A contractor or owner shall pay the applicable fee to cover the cost of the acceptance inspection on the installation, alteration or repair work.

PART 4
Equipment Licensing

Exemptions - owner's licence to operate

33 For the purposes of clause 5(1)(c) of the Act, the owner of any of the following classes of pressure vessels is not required to hold a licence to operate the pressure vessel in question:

- (a) an air receiver with a volume of 800 litres or less;
- (b) a propane vessel used in a vehicle as a fuel tank;
- (c) a propane storage vessel with a capacity of 30 000 litres or less that forms part of a distribution facility that:
 - (i) is used to dispense propane to the public; and
 - (ii) is licensed pursuant to *The Gas Licensing Act*;
- (d) a propane storage vessel with a capacity of 7 500 litres or less that is used for heating purposes in a building or at a construction site or oil field;
- (e) a propane storage vessel with a capacity of 30 000 litres or less that is used for heating purposes on a farm.

Owner's licence to operate - boiler, etc., in service

34(1) An owner of a boiler or pressure vessel that is in service in Saskatchewan shall apply for a licence authorizing the operation of the boiler or pressure vessel not later than June 30 in each year.

(2) An owner shall provide payment of the applicable fee with the application pursuant to subsection (1) for the type and capacity of the boiler or pressure vessel.

(3) A licence issued pursuant to this section expires on June 30 of the year following the year of issuance.

Acceptance and installation inspections - new, repaired or altered pressure vessels or boilers

35(1) Subject to subsections (2) and (3), no person shall put into operation any boiler or pressure vessel until the boiler or pressure vessel has passed an acceptance inspection conducted by an inspector.

(2) Subject to subsection (3), a quality management system company shall not put into operation any boiler or pressure vessel until the boiler or pressure vessel has passed an installation inspection conducted by a licensed pressure equipment inspector of the appropriate class under the requirements of the quality management system program.

(3) Following an installation inspection in subsection (2), an acceptance inspection is required to be conducted by an inspector but may be performed after the boiler, pressure vessel or plant has been placed in operation.

Owner's licence to operate - new or out-of-service boiler, etc.

36(1) An owner who intends to put into service a new boiler or pressure vessel or a boiler or pressure vessel that is installed but not currently in service must apply to the chief inspector in accordance with this section for a licence authorizing the operation of the boiler or pressure vessel.

(2) In the case of a new boiler or pressure vessel, an application pursuant to subsection (1) must be made after the initial installation is completed and before the boiler or pressure vessel is put into service.

(3) In the case of a boiler or pressure vessel that is installed but not currently in service, an application pursuant to subsection (1) must be made before the boiler or pressure vessel is put into service.

(4) An application pursuant to subsection (1) must be accompanied by the applicable fee.

(5) The chief inspector may issue to the applicant a licence to operate the boiler or pressure vessel as owner if, after conducting an inspection, an inspector or licensed pressure equipment inspector issues an inspection certificate with respect to the boiler or pressure vessel.

(6) A licence issued pursuant to subsection (5) expires on June 30 following the date of issuance.

Owner's licence to operate plant

37 For the purposes of clause 5(1)(c) of the Act, an owner is deemed to hold a valid licence to operate a plant if the owner who holds a valid licence to operate:

- (a) each boiler constituting a boiler plant; or
- (b) each pressure vessel constituting a refrigeration plant.

PART 5

Operational Requirements

DIVISION 1

Definitions for Part

Definitions for Part

38 In this Part:

“automatic control” means, with respect to a boiler or plant, that the starting, stopping, restarting or modulation of the operation of the boiler or plant is carried out by one or more devices without the intervention of a person;

“continuous supervision” means, with respect to a boiler or plant, that a person holding a licence of the appropriate class to operate the boiler or plant is personally present at all times on the premises:

- (a) within range of the audible or visual alarm for the boiler or plant; and
- (b) in the primary control area where the person can provide manual control of the operation of the boiler or plant;

“general supervision”:

- (a) with respect to a boiler or a plant other than a refrigeration plant, means that a person holding a licence of the appropriate class to operate the boiler or plant:
 - (i) manually starts the boiler or plant whenever the boiler or plant is not under automatic control and restarting is required;

(ii) does not leave the premises without ensuring that the boiler or plant is operating under automatic control; and

(iii) visits the boiler or plant at least once during each 24-hour period to ensure that all controls, alarms and safety devices required by these regulations are operational; and

(b) with respect to a refrigeration plant, means that a person holding a licence of the appropriate class to operate the refrigeration plant:

(i) manually starts the refrigeration plant whenever the refrigeration plant is not under automatic control and restarting is required; and

(ii) does not leave the premises without ensuring that the refrigeration plant is operating under automatic control;

“guarded plant licence” means a licence issued pursuant to subsection 35(2) of the Act;

“licence of the appropriate class” means a licence that is appropriate in relation to:

(a) the type and capacity of the boiler or plant in question; and

(b) the capacity in which the holder of the licence is to act;

“manual control” means, with respect to a boiler or plant, that the starting, stopping, restarting or modulation of the operation of the boiler or plant is carried out by the intervention of a person;

“periodic supervision” means, with respect to a boiler or plant, that a person holding a licence of the appropriate class to operate the boiler or plant:

(a) manually starts the boiler or plant whenever the boiler or plant is not operating under automatic control and restarting is required;

(b) is personally present on the premises within range of the audible or visual alarm for that boiler or plant whenever the boiler or plant is being operated and any building containing or serviced by the boiler or plant is occupied;

(c) does not leave the premises while the boiler or plant is operating without ensuring that:

(i) the boiler or plant is operating safely under automatic control;

(ii) all of the devices required pursuant to section 46 for the boiler or plant are operational; and

(iii) any building containing or serviced by the operating boiler or plant is unoccupied; and

(d) while the boiler or plant is operating, visits the boiler or plant at least once during each 24-hour period in which the building containing or serviced by the boiler or plant is unoccupied to ensure that the boiler or plant is operating safely under automatic control.

DIVISION 2

Capacity of Boilers, Boiler Plants, Organic Rankine Cycle Waste Heat Recovery Systems and Refrigeration Plant**Capacity of boilers and organic rankine cycle waste heat recovery systems**

39(1) For the purposes of the Act and these regulations, the capacity of a boiler or an organic rankine cycle waste heat recovery system is determined in accordance with this section.

(2) Subject to subsection (4), the capacity of any boiler or organic rankine cycle waste heat recovery system other than an electric boiler is calculated in accordance with the following formula:

$$C = A \times 10.8$$

where:

C is the capacity in kilowatts; and

A is the area of the heating surface in square metres as determined in accordance with section 40.

(3) Subject to subsection (4), the capacity in kilowatts of an electric boiler is the capacity in kilowatts of the heating element.

(4) If the area of the heating surface of a boiler mentioned in subsection (2) or the capacity in kilowatts of the heating element of an electric boiler is not known, the capacity of the boiler is calculated in accordance with the following formula:

$$C = \frac{I}{5400}$$

where:

C is the capacity in kilowatts; and

I is the hourly joule input of the boiler in kilojoules.

Area of boiler or organic rankine cycle waste heat recovery system heating surfaces

40(1) The area of the heating surface of a boiler or organic rankine cycle waste heat recovery system is to be determined in accordance with this section.

(2) If a portion of the heating surface of a boiler is part of a circulating system that, on one side, is in contact with water or steam being heated and, on the other side, is in contact with gas or refractory being cooled, the area of that portion of the heating surface is to be measured on the side receiving heat.

(3) If a portion of the heating surface of a boiler is outside of the furnace, the area of the heating surface outside of the furnace, including the area of any extended surface, is to be measured in accordance with the following formula:

$$A = C \times L$$

where:

A is the area in square metres;

C is the circumference of the boiler tubes in metres; and

L is the length of the boiler tubes in metres.

(4) Subject to subsections (5) to (7), the area of waterwall heating surface within the furnace, including any extended surface on the furnace, is to be measured as the projected tube area in accordance with the following formula:

$$A_{pt} = D \times L$$

where:

A_{pt} is the projected tube area in square metres;

D is the diameter in metres; and

L is the length in metres.

(5) For the purposes of subsection (4), only the areas of tubes, fire boxes, shells and tubesheets and the projected areas of headers are to be considered.

(6) In the case of a vertical firetube steam boiler, only the portion of the tube surface up to the middle of the gauge glass is to be considered for the purposes of subsection (4).

(7) In the case of a low pressure hot water boiler of the coil or fin-tube type, the projected area of the water tube is deemed to be the area of the water-wetted surface, excluding any extended finned surface.

(8) In the case of an organic rankine cycle waste heat recovery system, the heating surface is the water wetted surface, excluding any extended finned surface, of any part of the organic rankine cycle waste heat recovery system that is in contact with the organic fluid under pressure on one side and waste heat from a machine performing work or from an industrial process measured on the side receiving heat.

Capacity of boiler plants - two or more high pressure boilers

41(1) Subject to subsection (2), the capacity of a boiler plant comprising two or more high pressure boilers is the capacity of the largest of those boilers.

(2) The capacity of a boiler plant comprising two or more high pressure boilers that are connected to a common distribution system and fitted so as to be capable of being operated is the sum of the capacities, expressed in kilowatts, of all boilers connected to the distribution system.

Capacity of boiler plants - two or more low pressure boilers

42 The capacity of a boiler plant comprising two or more low pressure boilers, whether or not they are connected to a common distribution system, is the capacity, expressed in kilowatts, of the largest boiler installed.

Capacity of organic rankine cycle waste heat recovery system plants - two or more

43(1) Subject to subsection (2), the capacity of an organic rankine cycle waste heat recovery system plant comprising two or more organic rankine cycle waste heat recovery systems is the capacity of the largest of those organic rankine cycle waste heat recovery systems.

(2) The capacity of an organic rankine cycle waste heat recovery system plant comprising two or more organic rankine cycle waste heat recovery systems that are connected to a common distribution system and fitted so as to be capable of being operated is the sum of the capacities, expressed in kilowatts, of all organic rankine cycle waste heat recovery systems connected to the distribution system.

Plants comprising high and low pressure boilers

44(1) In this section, “**mixed boiler plant**” means a boiler plant comprising both high pressure boilers and low pressure boilers.

(2) Subject to subsection (3):

- (a) a mixed boiler plant is deemed to be a high pressure boiler plant; and
- (b) the capacity of a mixed boiler plant is the capacity of the boiler plant determined in accordance with section 41.

(3) If the capacity of a mixed boiler plant determined pursuant to clause (2)(b) would result in a lower class of operator’s licence being required pursuant to section 122 than if the capacity of the mixed plant were the capacity of the largest low pressure boiler installed:

- (a) the mixed boiler plant is deemed to be a low pressure boiler plant; and
- (b) the capacity of the mixed boiler plant is the capacity of the largest low pressure boiler installed.

Capacity of refrigeration plants

45(1) Subject to subsection (2), the capacity of a refrigeration plant is the manufacturer’s standard rating in tonnes of refrigeration.

(2) If the manufacturer’s standard rating in tonnes of refrigeration is not known, the capacity of a refrigeration plant is calculated in accordance with the following formula:

$$C = \frac{D_p}{135}$$

where:

C is the capacity of the refrigeration plant in tonnes; and

D_p is the piston displacement in litres per minute.

DIVISION 3 **Guarded Plants**

Additional requirements for guarded plants

46 Each boiler or organic rankine cycle waste heat recovery system in a guarded plant must meet the technical requirements established by the chief inspector respecting the safe operation of the type of plant and facility, including the following:

- (a) instrumentation alternative requirements;
- (b) periodic monitoring;
- (c) inspection;
- (d) maintenance;
- (e) incident response capacity;
- (f) record keeping;
- (g) restriction of access;
- (h) any other applicable duties of the owner of the guarded plant.

Guarded plant licence

47(1) Subject to subsections (6) to (9), a guarded plant licence authorizes the holder of the licence to operate, in the capacity of owner, the boiler, organic rankine cycle waste heat recovery system, or plant specified in the licence with a degree of supervision that complies with:

- (a) section 48, 50 or 51;
 - (b) subsection 35(3) of the Act; and
 - (c) any terms and conditions set out in the licence.
- (2) An applicant for a guarded plant licence must:
- (a) identify the location of the proposed guarded plant and the purpose for which the proposed guarded plant is to be used;
 - (b) identify each boiler or organic rankine cycle waste heat recovery system to which the application relates;
 - (c) set out the type and capacity of each boiler or organic rankine cycle waste heat recovery system to which the application relates;
 - (d) satisfy the chief inspector that each boiler or organic rankine cycle waste heat recovery system to which the application relates meets the requirements mentioned in section 46; and
 - (e) pay the applicable fee with the application.
- (3) Before making a decision with respect to an application pursuant to subsection (2), the chief inspector may require the applicant to provide any further information that the chief inspector considers necessary.
- (4) The chief inspector may issue a guarded plant licence to an applicant if the chief inspector is satisfied that each boiler or organic rankine cycle waste heat recovery system to which the application applies:
- (a) meets the requirements mentioned in section 46; and
 - (b) if operated as a guarded plant in accordance with these regulations, will not present a serious risk to public safety.
- (5) A guarded plant licence is valid for a period of up to 3 years from the date of issue.
- (6) Notwithstanding that a guarded plant licence has not expired and has not been cancelled or suspended pursuant to section 9 of the Act, if the technical requirements established by the chief inspector or by any term or condition of the guarded plant licence become inoperative or, for any reason, cease to be capable of performing the function for which they were intended, the guarded status of the boiler, organic rankine cycle waste heat recovery system, or plant to which the guarded plant licence applies is automatically suspended when the device or system ceases to operate or perform its function.
- (7) During a period in which guarded status is suspended pursuant to subsection (6), the owner shall ensure that the boiler or plant is not operated except under conditions of continuous supervision.

(8) During a period in which guarded status is suspended pursuant to subsection (6), the owner shall ensure that an organic rankine cycle waste heat recovery system is not operated except under conditions of periodic supervision.

(9) A period of suspension pursuant to subsection (6) or (7) continues until the device or system has been repaired and an inspector has been notified of the repair.

DIVISION 4 **Operational Requirements**

Supervision - high pressure boilers, plants

48(1) Subject to subsection (2), this section applies to:

- (a) high pressure boilers with a capacity greater than 150 kilowatts; and
- (b) high pressure boiler plants with a capacity greater than 150 kilowatts.

(2) This section does not apply to steam traction engines.

(3) No owner of a boiler or boiler plant to which this section applies shall cause or permit the boiler or boiler plant to be operated unless a chief engineer who holds a valid licence of the appropriate class:

- (a) has been designated by the owner to fulfil the responsibilities of the chief engineer set out in section 52; and
- (b) is not responsible for the operation of any other boiler or boiler plant unless authorized by the chief inspector.

(4) Subject to subsection (5), no owner of a boiler or boiler plant to which this section applies shall cause or permit the boiler or boiler plant to be operated unless continuous supervision is provided by the chief engineer or by a person who holds a valid licence of the appropriate class authorizing the holder to operate the boiler or boiler plant in the capacity of shift engineer.

(5) If the owner of a boiler or boiler plant to which this section applies holds a valid guarded plant licence for it, the chief inspector may authorize:

- (a) the licence holder providing continuous supervision to the boiler or boiler plant to be absent from the immediate control area of the boiler or boiler plant while it is in operation, but not from the premises on which the boiler or boiler plant is situated;
- (b) the operation of the boiler or boiler plant under periodic supervision if the boiler or boiler plant has a capacity of 1 000 kilowatts or less; or
- (c) the operation of the boiler or boiler plant under general supervision if the boiler or boiler plant has a capacity of 500 kilowatts or less.

Operation of antique boilers

49 If a lap seam rivetted boiler is 20 years old or older:

- (a) no person shall operate the boiler unless the factor of safety is increased by 0.1 for each year or part of a year by which the age of the boiler exceeds 20 years; and
- (b) if the boiler is relocated, no person shall operate the boiler at a pressure greater than 103 kilopascals.

Supervision - low pressure boilers, plants

50(1) This section applies to:

- (a) low pressure boilers with a capacity greater than 500 kilowatts; and
 - (b) low pressure boiler plants with a capacity greater than 500 kilowatts.
- (2) No owner of a low pressure boiler or low pressure boiler plant with a capacity greater than 1 000 kilowatts shall cause or permit the boiler or boiler plant to be operated unless a chief engineer who holds a valid fifth class or higher power engineer's licence:
- (a) has been designated by the owner to fulfil the responsibilities of the chief engineer set out in section 52; and
 - (b) is responsible for the operation of not more than two low pressure boilers or low pressure boiler plants unless authorized by the chief inspector.
- (3) Subject to subsection (4), no owner of a boiler or boiler plant to which this section applies shall cause or permit the boiler or boiler plant to be operated unless continuous supervision is provided by the chief engineer or by a person who holds a valid fireman boiler operator licence or a valid power engineer's licence of any class.
- (4) If the owner of a boiler or boiler plant to which this section applies holds a valid guarded plant licence for it, the chief inspector may:
- (a) authorize the licence holder providing continuous supervision to the boiler or boiler plant to be absent from the immediate control area of the boiler or boiler plant while it is in operation, but not from the premises on which the boiler or boiler plant is situated;
 - (b) authorize the operation of the boiler or boiler plant under periodic supervision if the boiler or boiler plant has a capacity greater than 2 000 kilowatts; or
 - (c) authorize the operation of the boiler or boiler plant under general supervision if the boiler or boiler plant has a capacity of 2 000 kilowatts or less.
- (5) A low pressure boiler or low pressure boiler plant with a capacity of 1 000 kilowatts or less may be operated under general supervision without a guarded plant licence if the boiler or, in the case of a boiler plant, each boiler, is fitted with a low-water fuel cut-off device that:
- (a) is designed to shut off the fuel supply if the water level in the boiler falls below a safe level;
 - (b) is installed so that it cannot be rendered inoperative by the manipulation of a manual control or regulating apparatus;
 - (c) can be tested under operational conditions; and
 - (d) is tested daily to ensure that it is operating effectively.

Supervision - organic rankine cycle waste heat recovery systems

51(1) This section applies to organic rankine cycle waste heat recovery systems with a capacity greater than 500 kilowatts.

(2) No owner of an organic rankine cycle waste heat recovery system to which this section applies shall cause or permit the organic rankine cycle waste heat recovery system to be operated unless a competent operator:

- (a) has been designated by the owner to fulfil the responsibilities of the competent operator set out in subsection 52(2); and
- (b) is not responsible for the operation of any other organic rankine cycle waste heat recovery system unless authorized to do so by the chief inspector.

(3) Subject to subsection (4), no owner of an organic rankine cycle waste heat recovery system to which this section applies shall cause or permit the organic rankine cycle waste heat recovery system to be operated unless continuous supervision is provided by a competent operator fully trained on all of the organic rankine cycle waste heat recovery system's operating procedures.

(4) If the owner of an organic rankine cycle waste heat recovery system to which this section applies holds a valid guarded plant licence for it, the chief inspector may authorize:

- (a) the operation of the organic rankine cycle waste heat recovery system under periodic supervision if the organic rankine cycle waste heat recovery system has a capacity greater than 2 000 kilowatts; or
- (b) the operation of the organic rankine cycle waste heat recovery system under general supervision if the organic rankine cycle waste heat recovery system has a capacity of 2 000 kilowatts or less.

Responsibilities of the chief engineer, competent operator or power engineer in charge

52(1) For a boiler or boiler plant, the chief engineer must:

- (a) oversee, instruct and monitor persons who operate or assist in the operation of the boiler or boiler plant to ensure those persons carry out their activities or fulfil their responsibilities safely and in accordance with this Act, the regulations and the terms and conditions of any licence, certificate or permit required by this Act or the regulations;
- (b) ensure that the log book is updated and maintained in accordance with section 55;
- (c) ensure that the boiler or boiler plant is supervised in accordance with the recommendations set out in the applicable code specified in clause 4(3)(e) or (f);
- (d) ensure that an accurate record is kept of the boiler or boiler plant's checks as set out in the applicable code specified in clause 4(3)(e) or (f);
- (e) while a boiler is in operation, ensure that checks are conducted:
 - (i) at least every 2 hours for boilers or boiler plants that are required to be operated under continuous supervision;
 - (ii) at least once during each 24-hour period for boilers or boiler plants that are required to be operated under general supervision; or
 - (iii) at the beginning, end, and one additional time in a 24-hour period while a building is occupied and at least once during each 24-hour period while a building is unoccupied for boilers or boiler plants that are required to be operated under periodic supervision;

- (f) notify the owner of the boiler or boiler plant and the chief inspector of any unsafe condition, accident or fire involving the pressure equipment of the plant; and
 - (g) meet any additional requirements established by the chief inspector respecting the safe operation of the boiler or boiler plant.
- (2) For an organic rankine cycle waste heat recovery system, the competent operator must:
- (a) ensure that the log book is updated and maintained in accordance with section 55;
 - (b) ensure that the organic rankine cycle waste heat recovery system is supervised in accordance with established operating procedures;
 - (c) ensure that an accurate record is kept of the organic rankine cycle waste heat recovery system's checks as set out in the operating procedures;
 - (d) while an organic rankine cycle waste heat recovery system is in operation, ensure that checks are conducted:
 - (i) at least every 2 hours for organic rankine cycle waste heat recovery systems that are required to be operated under continuous supervision;
 - (ii) at least once during each 24-hour period for organic rankine cycle waste heat recovery systems that are required to be operated under general supervision; or
 - (iii) at the beginning, end, and one additional time in a 24-hour period while a building is occupied and at least once during each 24-hour period while a building is unoccupied for organic rankine cycle waste heat recovery systems that are required to be operated under periodic supervision;
 - (e) notify the owner of the organic rankine cycle waste heat recovery system and the chief inspector of any unsafe condition, accident or fire involving the pressure equipment of the organic rankine cycle waste heat recovery system; and
 - (f) meet any additional requirements established by the chief inspector respecting the safe operation of the organic rankine cycle waste heat recovery system.
- (3) For low pressure boiler or boiler plants not greater than 1 000 kilowatts, the owner must:
- (a) assign the number of power engineers in charge that are necessary to meet the operating requirements of section 50; and
 - (b) supervise and direct the power engineers in charge to meet the requirements of subsection (4).
- (4) For low pressure boiler or boiler plants not greater than 1 000 kilowatts, the power engineer in charge must:
- (a) ensure that the log book is updated and maintained in accordance with section 55;

- (b) ensure that the boiler or boiler plant is supervised in accordance with the recommendations set out in the applicable code specified in clause 4(3)(e);
- (c) ensure that an accurate record is kept of the boiler or boiler plant's checks as set out in the applicable code specified in clause 4(3)(e);
- (d) while a boiler is in operation, ensure that checks are conducted:
 - (i) at least every 2 hours for boilers or boiler plants that are required to be operated under continuous supervision;
 - (ii) at least once during each 24-hour period for boilers or boiler plants that are required to be operated under general supervision; or
 - (iii) at the beginning, end, and one additional time in a 24-hour period while a building is occupied and at least once during each 24-hour period while a building is unoccupied for boilers or boiler plants that are required to be operated under periodic supervision;
- (e) notify the owner of the boiler or boiler plant and the chief inspector of any unsafe condition, accident or fire involving the pressure equipment of the boiler or boiler plant; and
- (f) meet any additional requirements established by the chief inspector respecting the safe operation of the boiler or boiler plant.

Supervision - refrigeration plants

53(1) No owner of a refrigeration plant with a capacity greater than 45 tonnes but not greater than 100 tonnes shall cause or permit the refrigeration plant to be operated unless it is operated under general supervision by a holder of a refrigeration plant operator's licence, a holder of a refrigeration engineer's licence or the holder of a power engineer's licence of the appropriate class.

(2) No owner of a refrigeration plant with a capacity greater than 100 tonnes shall cause or permit the refrigeration plant to be operated unless it is operated under general supervision by a holder of a refrigeration engineer's licence or the holder of a power engineer's licence of the appropriate class.

Compliance with section 33 of Act

54(1) Subject to subsection (2), compliance with section 48, 49, 50 or 51 is deemed to be compliance with subsection 33(1) of the Act.

(2) For boilers, plants and organic rankine cycle waste heat recovery systems that are not described in section 48, 49, 50 or 51:

- (a) no certificate of qualification is required pursuant to clause 33(1)(a) of the Act for persons responsible for the operation of the boiler, plant or organic rankine cycle waste heat recovery systems; and
- (b) no certificate of qualification is prescribed pursuant to clause 33(1)(b) of the Act for persons who are to be in personal attendance on the boiler, boiler plant or organic rankine cycle waste heat recovery systems.

(3) The provision of supervision with respect to a boiler, plant or organic rankine cycle waste heat recovery system in accordance with section 48, 49, 50 or 51 is deemed to be compliance with the requirement for personal attendance on the boiler, plant or organic rankine cycle waste heat recovery system at all times by a person possessing the prescribed certificate of qualification as set out in clause 33(1)(b) of the Act.

Log books

55(1) Subject to subsection (4), the owner of a boiler, boiler plant or organic rankine cycle waste heat recovery system for which supervision is required shall:

- (a) provide a log book in which all information relevant to the operation of the boiler, boiler plant or organic rankine cycle waste heat recovery system is to be recorded;
 - (b) subject to subsection (3), ensure that all information relevant to the operation of the boiler, boiler plant or organic rankine cycle waste heat recovery system is recorded promptly in the log book by the appropriate person in accordance with this section;
 - (c) ensure that the log book is kept at the site of the boiler, boiler plant or organic rankine cycle waste heat recovery system; and
 - (d) ensure that the log book and any information kept pursuant to subsection (3) is available for inspection in written or printed form for at least 5 years from the date of the last entry.
- (2) Without limiting the generality of subsection (1), log book entries must include:
- (a) with respect to each shift:
 - (i) the time, date, number or designation of the shift;
 - (ii) the printed name and signature of the person providing the supervision of the boiler, boiler plant or organic rankine cycle waste heat recovery system required by these regulations; and
 - (iii) the boiler or organic rankine cycle waste heat recovery system conditions observed during the shift;
 - (b) a description of any abnormal boiler, boiler plant or organic rankine cycle waste heat recovery system condition observed and any corrective action required or taken;
 - (c) any order given that is contrary to, or in addition to, the normal operating procedures, the name of the person giving the order, the time at which the order was given and the reason for giving the order;
 - (d) a description of any preventive maintenance procedures carried out, including the testing and recording of all operation logging, control, alarm and safety systems, and the time at which the procedures were carried out; and
 - (e) a description of any repairs carried out on any part of the boiler, boiler plant or organic rankine cycle waste heat recovery system and the name of any person who carried out the repairs.
- (3) The information required pursuant to clauses (2)(d) and (e) does not have to be entered in the log book if it is recorded separately in records that are readily available to an inspector.
- (4) The chief inspector may authorize the owner of a boiler, boiler plant or organic rankine cycle waste heat recovery system to keep the information required by this section in an electronic form rather than in a log book if the information can be made available in printed form to an inspector at any time.

PART 6 Periodic Inspections

Application of Part

56(1) This Part applies to the periodic inspection, as required pursuant to subsection 17(1) of the Act, of a boiler, pressure vessel or plant that is in use or operation.

(2) Compliance with section 57 or 58 with respect to each boiler in a boiler plant is deemed to be compliance with subsection 17(1) of the Act with respect to the boiler plant and any pressure piping systems used in association with the boiler plant.

(3) Compliance with section 60 with respect to each refrigeration vessel in a refrigeration plant is deemed to be compliance with subsection 17(1) of the Act with respect to the refrigeration plant and any refrigeration equipment used in association with the refrigeration plant.

High pressure boilers

57(1) Subject to subsections (2) to (5), a high pressure boiler must be inspected:

- (a) at intervals not exceeding 1 year; or
- (b) if the owner holds a valid certificate of authorization for a quality management system that applies to the boiler, at the frequency specified in the quality management system.

(2) Subject to subsections (3) to (5), a high pressure boiler that is being operated pursuant to a quality management system may be inspected at intervals not exceeding 3 years if:

- (a) the boiler is operated under the supervision of a person who holds a licence to operate a high pressure boiler of that capacity;
- (b) a program of continuous boiler water treatment is implemented and maintained for the purpose of controlling and limiting corrosion and deposits;
- (c) a daily analysis of water samples is performed that adequately shows the conditions of the boiler water, the elements present in the boiler water and any characteristics of the boiler water that are capable of producing corrosion or other deterioration of the boiler or its parts; and
- (d) the following information is recorded in the log book required by section 55:
 - (i) the results of the analyses conducted pursuant to clause (c);
 - (ii) with respect to each instance in which the boiler is out of service:
 - (A) the date on which the boiler goes out of service;
 - (B) the length of time for which the boiler is out of service;
 - (C) the reason for the boiler being out of service.

(3) An owner may make application to the chief inspector to temporarily extend the inspection interval in clause (1)(a) if the owner demonstrates exceptional circumstances exist that would make strict compliance with the inspection interval impracticable.

(4) Subject to subsection (5), the chief inspector may temporarily extend the inspection interval subject to any terms and conditions the chief inspector considers appropriate, if the chief inspector is satisfied that the temporary extension is not inconsistent with safe practice.

(5) The combined period for a temporary extension or multiple temporary extensions must not exceed 1 year from the original inspection interval.

Low pressure boilers

58(1) Subject to subsections (2) to (5), a low pressure boiler must be inspected:

(a) at intervals, as determined by the chief inspector, having regard to the service conditions and risk factors associated with the boiler, not exceeding 2 years; or

(b) if the owner holds a valid certificate of authorization for a quality management system that applies to the boiler, at the frequency specified in the quality management system.

(2) Subject to subsections (3) to (5), a low pressure hot water heating boiler of the coil or fin-tube type may be inspected at intervals not exceeding 4 years.

(3) An owner may make application to the chief inspector to temporarily extend the interval in clause (1)(a) if the owner demonstrates exceptional circumstances exist that would make strict compliance with the inspection interval impracticable.

(4) Subject to subsection (5), the chief inspector may temporarily extend the inspection interval subject to any terms and conditions the chief inspector considers appropriate, if the chief inspector is satisfied that the temporary extension is not inconsistent with safe practice.

(5) The combined period for a temporary extension or multiple temporary extensions must not exceed 1 year from the original inspection interval.

Pressure vessels

59(1) Subject to subsections (2) to (4), a pressure vessel must be inspected:

(a) at intervals, as determined by the chief inspector, having regard to the service conditions and risk factors associated with the pressure vessel, not exceeding 10 years; or

(b) if the owner holds a valid certificate of authorization for a quality management system that applies to the pressure vessel, at the frequency specified in the quality management system.

(2) An owner may make application to the chief inspector to temporarily extend the interval in clause (1)(a) if the owner demonstrates exceptional circumstances exist that would make strict compliance with the inspection interval impracticable.

(3) Subject to subsection (4), the chief inspector may temporarily extend the inspection interval subject to any terms and conditions the chief inspector considers appropriate, if the chief inspector is satisfied that the temporary extension is not inconsistent with safe practice.

(4) The combined period for a temporary extension or multiple temporary extensions must not exceed 1 year from the original inspection interval.

Refrigeration vessels

60(1) Subject to subsections (2) to (4), a refrigeration vessel must be inspected:

- (a) at intervals, as determined by the chief inspector, having regard to the service conditions and risk factors associated with the refrigeration plant, not exceeding 2 years; or
- (b) if the owner holds a valid certificate of authorization for a quality management system that applies to the refrigeration plant, at the frequency specified in the quality management system.

(2) An owner may make application to the chief inspector to temporarily extend the interval in clause (1)(a) if the owner demonstrates exceptional circumstances exist that would make strict compliance with the inspection interval impracticable.

(3) Subject to subsection (4), the chief inspector may temporarily extend the inspection interval subject to any terms and conditions the chief inspector considers appropriate, if the chief inspector is satisfied that the temporary extension is not inconsistent with safe practice.

(4) The combined period for a temporary extension or multiple temporary extensions must not exceed 1 year from the original inspection interval.

Internal inspection required

61 Where construction and service conditions permit, a periodic inspection of a boiler, pressure vessel or refrigeration vessel must be an internal inspection.

PART 7**Quality Management Systems of Inspections****DIVISION 1****Definitions for Part****Definitions for Part**

62 In this Part:

“certificate of authorization” means a certificate of authorization issued pursuant to subsection 29(1) of the Act that authorizes the holder to implement a quality management system approved by the chief inspector;

“designated inspection company” means a licensed inspection company that is designated by an owner or insurer to carry out a quality management system of inspection on behalf of an owner or insurer, pursuant to section 83;

“designated pressure equipment inspector” means a licensed pressure equipment inspector who is designated by an owner or insurer for the purposes of a quality management system pursuant to section 65;

“established criteria” means, in relation to any equipment or activity, any requirement, applicable to the equipment or activity, set out in:

- (a) the Act;
- (b) these regulations;
- (c) any adopted code or standard;

(d) any term or condition of a licence, permit or certificate issued pursuant to the Act or these regulations; and

(e) any applicable code or standard as appropriate and selected by the owner;

“licensed pressure equipment inspector” means a person who holds a valid pressure equipment inspector’s licence;

“manual” means the manual required by section 67 for a quality management system;

“propane storage vessel inspector” means a person authorized under a quality management system to perform inspections on propane storage vessels.

DIVISION 2

Requirements for Quality Management Systems

Inspections by licensed pressure equipment inspectors

63(1) Subject to subsection (2), an owner, insurer or inspection company must ensure that any inspection required by a quality management system is conducted by a licensed pressure equipment inspector whose licence authorizes the holder to conduct that inspection.

(2) Subject to subsection (1), an owner of propane storage vessels must ensure that any inspection of a propane storage vessel required by a quality management system is conducted by a propane storage vessel inspector or a licensed pressure equipment inspector.

(3) A component of an inspection that involves a process requiring expertise other than the expertise of a licensed pressure equipment inspector, such as radiographic or ultrasonic examination, may be performed by a person with technical qualifications appropriate to the process if the results of the process are covered by the inspection report of the licensed pressure equipment inspector responsible for the inspection.

Inspection certificates

64(1) Subject to these regulations and any limitations set out in the certificate of authorization for a quality management system and the pressure equipment inspector’s licence, a licensed pressure equipment inspector who conducts an inspection pursuant to an approved quality management system may issue an inspection certificate stating that, in the opinion of the licensed pressure equipment inspector based on that inspection, the equipment inspected meets the requirements of the Act, these regulations and the quality management system.

(2) Subject to these regulations and any limitations set out in the certificate of authorization for a quality management system, the propane storage vessel inspector who conducts an inspection pursuant to an approved quality management system on a propane storage vessel may issue an inspection certificate stating that, in the opinion of the propane storage vessel inspector based on that inspection, the propane storage vessel inspected meets the requirements of the Act, these regulations and the quality management system.

Designated pressure equipment inspector or propane storage vessel inspector

65 An owner or insurer must:

- (a) designate at least 1:
 - (i) licensed pressure equipment inspector who holds a licence of the appropriate class for the purposes of conducting inspections pursuant to a quality management system; and
 - (ii) in the case of propane storage vessels, a propane storage vessel inspector for the purposes of conducting inspections pursuant to a quality management system;
- (b) while a quality management system is in operation, ensure that there is at least one pressure equipment inspector designated pursuant to clause (a) at all times; and
- (c) notify the chief inspector immediately if the designation of a pressure equipment inspector or propane storage vessel inspector is terminated or a new designation is made.

Reports to chief inspector

66(1) An owner or insurer must provide the chief inspector with reports, certified by a designated pressure equipment inspector or propane storage vessel inspector of the owner or insurer, with respect to all inspections made pursuant to a quality management system of the owner or insurer.

(2) Reports required by subsection (1) must be made at any intervals that the chief inspector may require.

Manual

67(1) An owner or insurer must prepare a manual that sets out in detail the quality management system that the owner, insurer or designated inspection company proposes to implement.

(2) If a certificate of authorization is issued to an owner or insurer with respect to a proposed quality management system, the owner, insurer or inspection company must implement the quality management system in accordance with the manual.

(3) A manual required by subsection (1) must contain:

- (a) a title page and table of contents;
- (b) an organization chart that identifies all positions involved in the quality management system and the reporting relationships to senior management with respect to the quality management system;
- (c) a statement, signed by the most senior official at the site, that describes the authority of the person who is responsible for the implementation of the quality management system to carry out those responsibilities;
- (d) a description of the qualifications and responsibilities of the inspection personnel and other persons involved with the administration of the quality management system;

- (e) a comprehensive list and description of the equipment and piping systems to which the quality management system applies and the location of the equipment;
- (f) a full description of the substantive elements set out in sections 69 to 81; and
- (g) any other elements that the chief inspector may require.

Amendment or revision of manual

68(1) An owner or insurer who wishes to amend or revise a manual:

- (a) must submit the proposed changes to the chief inspector; and
 - (b) must not implement any change until the approval of the chief inspector has been granted.
- (2) If the chief inspector approves an amendment to, or revision of, a manual, the owner or insurer must incorporate in the manual a revision summary to identify the changes made and the status of the documents used in the quality management system.

Document and data control

69 A quality management system must include a system for preparing, revising, approving and controlling documents and data required to implement the quality management system, including the manual, procedures, inspection plans, reports and forms.

Contract review

70(1) A quality management system must include a system for preparing and negotiating contracts relating to pressure equipment and piping systems to ensure that:

- (a) any goods and services that are the subject of a contract meet the requirements of the Act and these regulations; and
 - (b) each contract is verified and approved by a designated person.
- (2) The owner or insurer must designate in the manual the person or persons who are authorized to verify and approve contracts pursuant to subsection (1).

Purchasing

71 A quality management system must include a system for ensuring that goods and services that are purchased meet the requirements of the Act and these regulations.

Measuring and testing equipment

72 A quality management system must include a system for calibrating and controlling the accuracy of equipment used in any measurements or tests to be carried out as part of any inspection process.

Inspection of new equipment

73 A quality management system must include a system for the inspection of new pressure equipment and piping systems and their installation to ensure that the requirements of any established criteria are met before the equipment and piping systems are put into service.

Servicing pressure relief devices

74(1) A quality management system must include a system for servicing pressure relief devices at regular intervals and governing the removal and replacement of pressure relief devices.

(2) A system required by subsection (1) must include a system for establishing safe maximum intervals for the servicing of pressure relief devices.

Control of special processes

75(1) A quality management system must include systems to govern each special process that will be carried out on the premises to which the quality management system applies.

(2) A system governing a special process must include the procedures to be followed by persons in carrying out the process and the measures to be taken to determine whether the outcome of the process is satisfactory.

Periodic inspections

76(1) A quality management system must include a system for the periodic inspection of any pressure equipment and piping system in service to ensure that the equipment and piping system continue to meet the requirements of any established criteria while they are in service.

(2) A system required by subsection (1) must include a system for establishing safe maximum intervals for the inspection of pressure equipment and piping systems.

Inspection of repairs, alterations

77 A quality management system must include a system for the inspection of any pressure equipment and piping systems that have been repaired or altered to ensure that the repaired or altered equipment and piping systems meet the requirements of any established criteria before they are put back into service.

Rectifying problems, non-conformities

78 A quality management system must include procedures for:

- (a) rectifying any problem found as a result of the operation of the quality management system or otherwise or any non-conformity with established criteria; and
- (b) preventing the recurrence of any similar problem or non-conformity.

Training

79 A quality management system must include a system for ensuring that personnel who perform activities that are part of the quality management system have adequate training.

Internal audit

80(1) A quality management system must include a system for conducting an internal audit of the quality management system from time to time by designated persons to verify the effectiveness of the quality management system.

(2) The owner or insurer must designate in the manual the person or persons who are authorized to conduct an internal audit.

Audit by inspectors

81(1) Notwithstanding any exemption from categories of inspections granted pursuant to the Act or these regulations to the holder of a certificate of authorization, an inspector may, from time to time, conduct an audit for the purpose of determining whether or not the holder is operating in compliance with an approved quality management system.

(2) The powers of inspectors set out in section 20 of the Act apply for the purposes of an audit described in subsection (1).

(3) With respect to an audit conducted pursuant to subsection (1), the holder of a certificate of authorization shall pay the applicable fee.

DIVISION 3**Requirements for inspection companies****Registration of an inspection company**

82(1) An inspection company that intends to provide inspection services of pressure equipment must apply for registration to the chief inspector.

(2) Before making a decision with respect to an application pursuant to this section, the chief inspector:

(a) may require the applicant to provide any further information that the chief inspector considers necessary; and

(b) may require an audit to be conducted, at the applicant's expense, of the inspection company's qualifications when inspecting boiler and pressure vessel equipment.

(3) The chief inspector may register an inspection company and issue a certificate of registration to the applicant if the chief inspector is satisfied, after consideration of the results of any audit conducted and any further information that the chief inspector considers relevant, that the inspection company:

(a) will provide control over the inspection activities in accordance with the Act and these regulations; and

(b) will ensure the priority is to remove all risk to public safety.

(4) Subject to subsection (5), a certificate of registration issued pursuant to subsection (3) expires 3 years after the date of issue.

(5) An inspection company that holds a certificate of registration issued pursuant to subsection (3) and that intends to change a procedure described in its services:

(a) must submit a copy of the proposed amendment to an inspector for review;

(b) must not implement the amended procedure until an inspector has approved the amendment; and

(c) must file a copy of the amendment with the chief inspector as soon as possible after an inspector has approved it.

(6) The chief inspector may reissue a certificate of registration for an inspection company to an applicant in the name of a successor to the original holder of the certificate if the applicant:

- (a) provides evidence satisfactory to the chief inspector that the applicant is the successor to the original holder of the certificate; and
- (b) pays the applicable fee.

Designated inspection company

83 If an owner or insurer contracts a registered inspection company to carry out the owner's or insurer's quality management system of inspections, the owner or insurer must:

- (a) designate the registered inspection company for the purpose of carrying out the quality management system of inspections;
- (b) while a quality management system is in operation, ensure that there is a registered inspection company designated pursuant to clause (a) at all times; and
- (c) notify the chief inspector immediately if the designation of the registered inspection company is terminated or a new designation is made.

DIVISION 4
Certificates of Authorization

Application for approval

84(1) For the purposes of section 28 of the Act, an owner or an insurer who wishes to implement a quality management system must apply to the chief inspector for approval in accordance with this section.

- (2) An application for approval of a quality management system:
 - (a) must be made in the manner and form specified by the chief inspector;
 - (b) must indicate the class of certificate of authorization applied for and the scope of the inspection activities that the owner or insurer wishes to carry out;
 - (c) must be accompanied by a manual for the proposed quality management system that meets the requirements of section 67;
 - (d) must be accompanied by a document that sets out the name and class of pressure equipment inspector's licence of each person who is to be a designated pressure equipment inspector for the purposes of the quality management system and these regulations; and
 - (e) must be accompanied by the applicable fee.
- (3) Before making a decision with respect to an application pursuant to this section, the chief inspector:
 - (a) may require the applicant to provide any further information that the chief inspector considers necessary; and
 - (b) may require an audit to be conducted, at the applicant's expense, of the proposed quality management system, which may include an inspection of any boiler, pressure vessel, plant or piping system to which the application relates.

(4) With respect to an audit conducted pursuant to clause (3)(b), the applicant shall pay the applicable fee.

(5) The chief inspector may approve a proposed quality management system and issue a certificate of authorization to an applicant if, after review of the manual for the proposed quality management system by an inspector and after consideration of the qualifications of the persons proposed to be the designated pressure equipment inspectors, the results of any audit conducted and any further information that the chief inspector considers relevant, the chief inspector is satisfied that the proposed quality management system:

- (a) meets the requirements of Division 2; and
- (b) if implemented in accordance with these regulations:
 - (i) will provide control over the activities to which the manual applies in accordance with the Act and these regulations; and
 - (ii) will not present a serious risk to public safety.

Classes of certificates of authorization

85(1) The following classes of certificates of authorization are established:

- (a) Class A owner's certificate of authorization;
 - (b) Class B owner's certificate of authorization;
 - (c) Class C insurer's certificate of authorization;
 - (d) Class D owner's certificate of authorization;
 - (e) Class E owner's certificate of authorization.
- (2) A Class A owner's certificate of authorization authorizes the holder to implement a quality management system in which the following inspections are conducted by a designated pressure equipment inspector in accordance with the quality management system and any terms and conditions set out in the certificate of authorization:
- (a) periodic inspections of any boiler, pressure vessel, pressure piping system or plant that is listed in the manual submitted with the application for approval and located within the premises identified in the certificate of authorization;
 - (b) inspections, in accordance with a design registered pursuant to section 17, of any repair of, or alteration to, any boiler, pressure vessel, pressure piping system or plant described in clause (a);
 - (c) acceptance inspections, in accordance with a design registered pursuant to section 17, of any new pressure piping system installation on the holder's premises;
 - (d) installation inspections of any new boiler, pressure vessel or refrigeration plant installation on the holder's premises.

(3) A Class B owner's certificate of authorization authorizes the holder to implement a quality management system in which the inspections described in subsection (2), other than periodic inspections of boilers and inspections of repairs to and alterations of boilers and installation inspections of boilers, are conducted by a designated pressure equipment inspector in accordance with the quality management system and any terms and conditions set out in the certificate of authorization.

(4) A Class C insurer's certificate of authorization authorizes the holder to implement a quality management system in which periodic inspections of boilers, pressure vessels, pressure piping systems and plants insured by the holder are conducted by a designated pressure equipment inspector in accordance with the quality management system and any terms and conditions set out in the certificate of authorization.

(5) A Class D owner's certificate of authorization authorizes the holder to implement a quality management system in which the inspections described in subsection (2), (3) or (4) of an owner's boilers, pressure vessels, pressure piping systems and plants are performed by a designated inspection company with a certificate of registration pursuant to section 82 and are conducted by a designated pressure equipment inspector in accordance with the quality management system and any terms and conditions set out in the certificate of authorization.

(6) A Class E owner's certificate of authorization authorizes the holder to implement a quality management system in which periodic inspections of the owner's propane storage vessels described in clauses 33(c), (d) and (e) are conducted by a propane storage vessel inspector in accordance with the quality management system and any terms and conditions set out in the certificate of authorization.

Duration of certificate of authorization

86(1) A certificate of authorization issued pursuant to this Division is valid for a period of 3 years from the date of issue.

(2) The chief inspector may reissue a certificate of authorization for a quality management system to an applicant in the name of a successor to the original holder of the certificate if the applicant:

(a) provides evidence satisfactory to the chief inspector that the applicant is the successor to the original holder of the certificate; and

(b) pays the applicable fee.

Certain requirements not affected by quality management system

87(1) The approval of a quality management system by the chief inspector and the issuance of a certificate of authorization does not relieve the holder of the certificate from any obligation imposed by the Act or these regulations other than those that are specifically addressed in the Act, these regulations or a manual that has been approved by the chief inspector.

(2) Without limiting the generality of subsection (1), any installation, repair or alteration to a boiler, pressure vessel or pressure piping system that may be inspected pursuant to a quality management system must be made by the holder of a contractor's licence.

DIVISION 5

Conducting a Quality Management System of Inspection**Compliance with clause 5(1)(e) of Act**

88(1) Subject to subsection (2) and for the purposes of clause 5(1)(e) of the Act, a person who conducts an inspection on behalf of an insurer or in connection with a quality management system must be a licensed pressure equipment inspector.

(2) A propane storage vessel inspector is not required to hold a licence for the purposes of clause 5(1)(e) of the Act.

PART 8

Pressure Equipment Inspectors

DIVISION 1

Definition for Part**Definition for Part**

89 In this Part, “**examination**” means an examination for a certificate of qualification mentioned in Division 2.

DIVISION 2

Examination Information**Eligibility to write examination**

90(1) A person is eligible to write an examination for a pressure equipment inspector’s certificate, class 1, class 2 or class 3, if the person possesses at least 5 credits for his or her technical qualifications and work experience determined in accordance with subsections (2) to (5).

(2) To be eligible to write an examination for a pressure equipment inspector’s certificate, class 1, a person must possess technical qualifications and work experience that relate to the scope of authority conferred by a pressure equipment inspector’s licence, class 1.

(3) At least 1 of the 5 credits required pursuant to subsection (1) must be a credit for technical qualifications pursuant to subsection (4), and at least 1 of the 5 credits must be a credit for work experience pursuant to subsection (5).

(4) Credits for technical qualifications are assigned as follows:

- (a) 1 credit for a journeyperson certificate of qualification in a designated trade, within the meaning of *The Apprenticeship and Trade Certification Act, 1999*, that is related to the construction, installation, alteration or repair of pressure equipment;
- (b) 1 credit for a third class power engineer’s certificate of qualification;
- (c) 2 credits for a second class power engineer’s certificate of qualification;
- (d) 2 credits for a diploma in engineering technology;
- (e) 3 credits for a first class power engineer’s certificate of qualification;
- (f) 4 credits for a bachelor’s degree in engineering in a related discipline.

(5) One credit is assigned for each year of work experience related to boilers, pressure vessels and pressure piping systems in the following activities:

- (a) engineering design;
- (b) construction, installation, alteration or repair;
- (c) quality control programs related to the construction, installation, alteration or repair of boilers and pressure vessels;
- (d) inspection of boilers, pressure vessels and pressure piping systems.

Application to write examination

91 A person who wishes to write a pressure equipment inspector's examination must:

- (a) apply to the chief inspector in writing in the manner and form specified by the chief inspector;
- (b) provide evidence satisfactory to the chief inspector that the person meets the requirements set out in section 90; and
- (c) pay the applicable fee for the examination for a:
 - (i) pressure equipment inspector's certificate, class 1;
 - (ii) pressure equipment inspector's certificate, class 2; or
 - (iii) pressure equipment inspector's certificate, class 3.

Special examination

92(1) A candidate for an examination who is unable to take the examination at a regular sitting or at the place where an examination is scheduled to be held may apply to the chief inspector to take the examination on a special date or at a special location.

(2) A candidate who makes an application pursuant to subsection (1) must provide the chief inspector with the candidate's reasons for the application and provide any further information that the chief inspector may request.

(3) If the chief inspector is satisfied that the candidate's reasons for the application justify the holding of a special examination for the candidate, the chief inspector may permit the candidate to take the examination at a date or location other than the regular date or location.

(4) A candidate for whom a special examination is arranged pursuant to subsection (3) shall pay the applicable fee pursuant to section 91.

False or misleading statement

93(1) If a false or misleading statement is made in an application for any examination or in any reference or other evidence of qualification submitted by or on behalf of a candidate, the chief inspector may deny the application.

(2) If the discovery of a false or misleading statement described in subsection (1) is made after a certificate of qualification has been issued, the chief inspector may cancel the certificate.

Conduct of examinations - Division 2

94 Every examination must be written.

Misconduct during examination

95(1) Any candidate who, during an examination, refers to material that has not been first approved by the examining inspector may be disqualified from further examinations for a period specified by the chief inspector.

(2) A certificate of qualification will not be issued to any candidate who removes or copies with intent to remove from the examination room any questions given in the examination.

(3) If the discovery of any removal or intended removal of questions given in an examination is made after a certificate of qualification is issued, the chief inspector may cancel the certificate.

Pass mark

96 The minimum pass mark for each examination is 70%.

Waiting period for re-examination

97 With respect to a candidate who fails any examination, the candidate must:

- (a) wait for a period specified by the chief inspector, not exceeding 30 days, before being re-examined;
- (b) wait for a period specified by the chief inspector, not exceeding 12 months, before being examined for any examination if the candidate has consecutively failed 3 papers of any examination; or
- (c) wait for a period specified by the chief inspector, not exceeding 12 months, before being examined for any examination if the candidate has consecutively failed the same examination paper 3 times.

DIVISION 3**Certificates and Qualification****Certificates of qualification**

98(1) The following classes of pressure equipment inspectors' certificates of qualification are established:

- (a) pressure equipment inspector's certificate, class 1;
- (b) pressure equipment inspector's certificate, class 2;
- (c) pressure equipment inspector's certificate, class 3.

(2) A certificate of qualification of the appropriate class will be issued to a candidate who:

- (a) passes the examination for a particular class of certificate; and
- (b) otherwise complies with the requirements of the Act and these regulations.

DIVISION 4
Pressure Equipment Inspector Licences

Eligibility for pressure equipment inspector's licences

99(1) Subject to subsection (3), the chief inspector may issue a pressure equipment inspector's licence of the appropriate class to a person who:

- (a) passes an examination with respect to the Act, these regulations and the adopted standards; and
- (b) holds:
 - (i) a valid pressure equipment inspector's certificate of qualification;
 - (ii) a valid inspector's Inservice Commission issued by NBBI;
 - (iii) a valid Inservice Pressure Equipment Inspector certificate issued by NBBI; or
 - (iv) a valid certificate, equivalent to the commission described in subclause (ii), issued by The American Petroleum Institute pursuant to the requirements of the API 510 Pressure Vessel Inspector Certification Program, 2014, 10th edition.

(2) A person who wishes to apply for the issuance of a pressure equipment inspector's licence pursuant to subsection (1) must:

- (a) provide evidence satisfactory to the chief inspector that the person meets the requirements set out in subsection (1); and
- (b) pay the applicable fee.

(3) A person who is applying for a pressure equipment inspector's licence class 3 need not pass an examination with respect to the Act, these regulations and adopted standards as indicated in clause (1)(a).

Classes of pressure equipment inspectors' licences

100 The following classes of pressure equipment inspector's licences are established:

- (a) pressure equipment inspector's class 1 licence;
- (b) pressure equipment inspector's class 2 licence;
- (c) pressure equipment inspector's class 3 licence.

Scope of pressure equipment inspector's licence

101(1) A pressure equipment inspector's class 1 licence authorizes the holder to inspect and issue an inspection certificate with respect to any of the following:

- (a) a boiler, a pressure vessel or a refrigeration plant, including any associated pressure piping system, for which the owner holds a valid owner's licence to operate issued pursuant to section 34 or 36 or is deemed to hold an owner's licence pursuant to section 37;
- (b) a pressure vessel to which the Act applies but that is exempted by section 33 from the requirement for an owner's licence to operate;
- (c) with respect to a boiler, pressure vessel or refrigeration plant described in clause (a) or (b), a repair or alteration for which a design has been registered pursuant to subsection 11(1) of the Act;

- (d) an installation of a new boiler or pressure vessel, including any associated pressure piping system, pursuant to subsection 35(2);
 - (e) an installation of a boiler or pressure vessel, including any associated pressure piping system, for which the owner holds a valid licence to operate issued pursuant to section 34 or 36 that has been moved to a new location;
 - (f) a re-installation of a boiler or pressure vessel, including any associated pressure piping system, for which the owner holds a valid licence to operate issued pursuant to section 34 or 36 that has been returned to its original installation location following a repair or alteration performed at a different location;
 - (g) an installation of a new pressure piping system for which a design has been registered pursuant to subsection 11(1) of the Act.
- (2) A pressure equipment inspector's class 2 licence authorizes the holder to inspect and issue an inspection certificate with respect to any of the following:
- (a) a pressure vessel for which the owner holds a valid owner's licence to operate issued pursuant to section 34 or 36 or is deemed to hold an owner's licence pursuant to section 37, and any associated pressure piping system;
 - (b) a pressure vessel to which the Act applies but that is exempted by section 33 from the requirement for an owner's licence to operate;
 - (c) with respect to a pressure vessel described in clause (a) or (b), a repair or alteration for which a design has been registered pursuant to subsection 11(1) of the Act;
 - (d) an installation of a new pressure vessel, including any associated pressure piping system, pursuant to subsection 35(2);
 - (e) an installation of a pressure vessel, including any associated pressure piping system, for which the owner holds a valid licence to operate issued pursuant to section 34 or 36 that has been moved to a new location;
 - (f) a re-installation of a pressure vessel, including any associated pressure piping system, for which the owner holds a valid licence to operate issued pursuant to section 34 or 36 that has been returned to its original installation location following a repair or alteration performed at a different location;
 - (g) an installation of a new pressure piping system for which a design has been registered pursuant to subsection 11(1) of the Act.
- (3) A pressure equipment inspector's class 3 licence authorizes the holder to inspect with respect to any of the following:
- (a) a pressure vessel for which the owner holds a valid owner's licence to operate issued pursuant to section 34 or 36 or is deemed to hold an owner's licence pursuant to section 37 and any associated pressure piping system;

- (b) a pressure vessel to which the Act applies but that is exempted by section 33 from the requirement for an owner's licence to operate;
 - (c) with respect to a pressure vessel described in clause (a) or (b), a repair or alteration for which a design has been registered pursuant to subsection 11(1) of the Act;
 - (d) an installation of a new pressure piping system for which a design has been registered pursuant to subsection 11(1) of the Act.
- (4) A pressure equipment inspector's class 3 licence does not authorize the holder to issue an inspection certificate, perform installation inspections or perform acceptance inspections.

Duration of licence

102 A pressure equipment inspector's licence issued pursuant to this Division is valid for up to 5 years from the date of issue.

PART 9
Power Engineers

DIVISION 1
Definition for Part

Definition for Part

103 In this Part, "**examination**" means an examination for a certificate of qualification mentioned in Division 2.

DIVISION 2
Examination Information

Application for examination

104(1) Subject to subsection (2) and section 105, a candidate for any examination must apply to the chief inspector in the manner and form specified by the chief inspector.

(2) A candidate for a refrigeration plant operator's examination or the examination for any category of boiler operator may apply to the chief inspector at any time before the examination.

(3) A candidate for an examination must submit the applicable fee with the application.

Special examination

105(1) A candidate for an examination who is unable to take the examination at a regular sitting or at the place where an examination is scheduled to be held may apply to the chief inspector to take the examination on a special date or at a special location.

(2) A candidate who makes an application pursuant to subsection (1) must provide the chief inspector with the candidate's reasons for the application and provide any further information that the chief inspector may request.

(3) If the chief inspector is satisfied that the candidate's reasons for the application justify the holding of a special examination for the candidate, the chief inspector may permit the candidate to take the examination at a date or location other than the regular date or location.

(4) A candidate for whom a special examination is arranged pursuant to subsection (3) shall pay the applicable fee pursuant to section 104.

False or misleading statement

106(1) If a false or misleading statement is made in an application for any examination or in any reference or other evidence of qualification submitted by or on behalf of a candidate, the chief inspector may deny the application.

(2) If the discovery of a false or misleading statement described in subsection (1) is made after a certificate of qualification has been issued, the chief inspector may cancel the certificate.

Conduct of examinations - Division 2

107(1) A candidate for the first, second, third and fourth class power engineer's examinations may write a single paper or any number of papers at any scheduled examination sitting.

(2) Subject to subsections (3) and (4), every examination must be written.

(3) A refrigeration operator's or boiler operator's examination may be written or oral or both at the discretion of the examining inspector.

(4) With the approval of the chief inspector or the examining inspector, a candidate for an examination other than an examination for a first or second class power engineer's certificate may use the services of an amanuensis, if the amanuensis first executes a statement verified by statutory declaration that he or she has no special knowledge of the subject-matter of the examination.

Misconduct during examination

108(1) Any candidate who, during an examination, refers to material that has not been first approved by the examining inspector may be disqualified from further examinations for a period specified by the chief inspector.

(2) A certificate of qualification will not be issued to any candidate who removes or copies with intent to remove from the examination room any questions given in the examination.

(3) If the discovery of any removal or intended removal of questions given in an examination is made after a certificate of qualification is issued, the chief inspector may cancel the certificate.

Pass mark

109(1) The minimum pass mark for each examination is 65%.

(2) In the case of an examination that consists of more than one paper, the minimum pass mark for each paper is 65%.

Waiting period for re-examination

110 With respect to a candidate who fails any examination, the candidate must:

- (a) wait for a period specified by the chief inspector, not exceeding 30 days, before being re-examined;

- (b) wait for a period specified by the chief inspector, not exceeding 12 months, before being examined for any examination if the candidate has consecutively failed 3 papers of any examination; or
- (c) wait for a period specified by the chief inspector, not exceeding 12 months, before being examined for any examination if the candidate has consecutively failed the same examination paper 3 times.

DIVISION 3 Certificates and Qualification

Certificates of qualification

111(1) The following classes of certificates of qualification are established:

- (a) first class power engineer's certificate;
- (b) second class power engineer's certificate;
- (c) third class power engineer's certificate;
- (d) fourth class power engineer's certificate;
- (e) fifth class power engineer's certificate;
- (f) fireman boiler operator certificate;
- (g) oilfield A boiler operator certificate;
- (h) oilfield B boiler operator certificate;
- (i) refrigeration engineer's certificate;
- (j) refrigeration plant operator's certificate.

(2) A certificate of qualification of the appropriate class will be issued to a candidate who:

- (a) passes the examination for a particular class of certificate; and
- (b) subject to subsections (3) and (4), submits evidence satisfactory to the chief inspector of written verification of operating experience from the employer or employers in whose service the candidate has acquired operating experience of the kind and duration required for the class of certificate; and
- (c) complies with the requirements of the Act and these regulations.

(3) Subject to sections 118 and 120, there are no operating experience requirements for certification for:

- (a) a fireman boiler operator's certificate;
- (b) an oilfield A boiler operator's certificate; or
- (c) a refrigeration plant certificate.

(4) Operating experience required for a candidate's qualification for certification must have been acquired immediately before the date of the candidate's application unless, in the opinion of the chief inspector, it would be reasonable in the circumstances to give credit for operating experience acquired at an earlier time.

Education requirements

112(1) There is a minimum education requirement of:

- (a) Grade 10 for the fourth and third class power engineer's examinations;
 - (b) Grade 11 for the second class power engineer's examination; and
 - (c) Grade 12 for the first class power engineer's examination.
- (2) A candidate for a first, second or third class power engineer's examination may write the Part A or Part B examination paper at any scheduled examination after the candidate has obtained the second, third or fourth class power engineer's certificate respectively.
- (3) A candidate for a fourth or fifth class power engineer's examination or a refrigeration engineer's examination may write the Part A or Part B examination without holding an operator's certificate of qualification of any class.
- (4) Notwithstanding subsection (2), a person who has passed all third class power engineering examination papers and who is enrolled in a 2-year power engineering technology program satisfactory to the chief inspector may write the Part A examination papers for a second class power engineering examination.

First class power engineer's certificate

113(1) A person may qualify for a certificate of qualification for a first class power engineer's certificate if the person is the holder of a valid second class power engineer's certificate and, since the issue of that certificate:

- (a) for at least 30 months, has operated as chief engineer an oilfield once-through boiler or an oilfield once-through boiler plant with a capacity greater than 10 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 5 000 kilowatts;
 - (b) for at least 30 months, has operated as shift engineer an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 15 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 10 000 kilowatts;
 - (c) for at least 42 months, has assisted in the operation of an oilfield once-through boiler or oilfield once-through boiler plan with a capacity greater than 15 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 10 000 kilowatts;
 - (d) for at least 15 months, has operated in the role described in clause (a), (b) or (c) and is a graduate engineer; or
 - (e) for at least one-half of the period mentioned in clause (a), (b) or (c), has operated in the role described in that clause and, for at least 36 months, has performed in a supervisory capacity acceptable to the chief inspector on the design, construction, installation, repair, maintenance or operation of pressure equipment.
- (2) Twelve months' credit will be granted towards the fulfilment of the operating experience requirement set out in clause (1)(a), (b) or (c) for the successful completion of an approved course in power engineering leading towards a first class power engineer's certificate.

Second class power engineer's certificate

114(1) A person may qualify for a certificate of qualification for a second class power engineer's certificate if the person is the holder of a valid third class power engineer's certificate and, since the issue of that certificate:

- (a) for at least 24 months, has operated as chief engineer an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 5 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 1 000 kilowatts;
 - (b) for at least 24 months, has operated as shift engineer an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 10 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 5 000 kilowatts;
 - (c) for at least 36 months, has operated as shift engineer an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 5 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 1 000 kilowatts;
 - (d) for at least 24 months, has assisted in the operation of an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 15 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 10 000 kilowatts;
 - (e) for at least 12 months, has operated in a role described in clause (a), (b), (c) or (d) and is a graduate engineer; or
 - (f) for at least one-half of the period mentioned in clause (a), (b), (c) or (d), has operated in the role described in that clause and, for at least 24 months, has performed in a supervisory capacity acceptable to the chief inspector on the design, construction, installation, repair, maintenance or operation of pressure equipment.
- (2) Nine months' credit will be granted towards the fulfilment of the operating experience requirement set out in clause (1)(a), (b), (c) or (d) for the successful completion of an approved course in power engineering leading towards a second class power engineer's certificate.

Third class power engineer's certificate

115(1) A person may qualify for a certificate of qualification for a third class power engineer's certificate if the person is the holder of a valid fourth class power engineer's certificate and, since the issue of that certificate:

- (a) for at least 12 months, has operated as a chief engineer an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 1 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 500 kilowatts;
- (b) for at least 12 months, has operated as a shift engineer an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 2 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 1 000 kilowatts;

- (c) for at least 12 months, has assisted in the operation of an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 10 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity greater than 5 000 kilowatts;
 - (d) for at least 18 months, has assisted in the operation of an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 5 000 kilowatts;
 - (e) for at least 24 months, has operated as chief engineer or shift engineer a low pressure boiler or low pressure boiler plant with a capacity greater than 3 000 kilowatts, with the capacity of the plant calculated as the aggregate capacity of all boilers installed in the plant;
 - (f) for at least one-half of the period mentioned in clause (a), (b), (c), (d) or (e), has operated in the role described in that clause and, for at least 12 months, has performed in a role acceptable to the chief inspector on the design, construction, installation, repair, maintenance or operation of pressure equipment;
 - (g) for at least 12 months, has operated as a process operator involving steam equipment in a role acceptable to the chief inspector and has completed an approved course in power engineering leading towards a third class power engineer's certificate; or
 - (h) for at least 6 months, has acquired experience in the operation of a high pressure boiler or high pressure boiler plant with a capacity greater than 1 000 kilowatts and is a graduate engineer.
- (2) Six months' credit will be granted towards the fulfilment of the operating experience requirement set out in clause (1)(a), (b), (c), (d) or (e) for the successful completion of an approved course in power engineering leading towards a third class power engineer's certificate.
- (3) Nine months' credit will be granted towards the fulfilment of the operating experience requirement set out in clause (1)(a), (b), (c), (d) or (e) for the successful completion of an approved 2-year power engineering program leading towards a third class power engineer's certificate and satisfactory to the chief inspector.

Fourth class power engineer's certificate

116(1) A person may qualify for a certificate of qualification for a fourth class power engineer's certificate if the person:

- (a) is the holder of a valid fifth class power engineer's certificate and for at least 12 months, has operated as a chief engineer an oilfield once-through boiler or oilfield-once through boiler plant with a capacity greater than 250 kilowatts;
- (b) is the holder of a valid fifth class power engineer's certificate and for at least 12 months, has operated an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 1 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity of not less than 250 kilowatts;
- (c) for at least 12 months, has assisted in the operation of an oilfield once-through boiler or oilfield once-through boiler plant with a capacity greater than 2 000 kilowatts or any other high pressure boiler or high pressure boiler plant with a capacity of not less than 1 000 kilowatts;

- (d) is the holder of a valid fifth class power engineer's certificate and, for at least 24 months, has operated as chief engineer a low pressure boiler or low pressure boiler plant with a capacity greater than 750 kilowatts, with the capacity of the plant calculated as the aggregate capacity of all boilers installed in the plant;
 - (e) for at least 24 months, has assisted in the operation of a low pressure boiler or low pressure boiler plant with a capacity greater than 1 500 kilowatts, with the capacity of the plant calculated as the aggregate capacity of all boilers installed in the plant;
 - (f) has successfully completed an approved full-time course in power engineering that:
 - (i) includes operating experience; and
 - (ii) leads towards a fourth class power engineer's certificate;
 - (g) is a graduate engineer that:
 - (i) for at least 2 months, has acquired experience in the operation of a high pressure boiler or high pressure boiler plant with a capacity greater than 500 kilowatts;
 - (ii) for at least 2 months, has acquired experience in the operation of a low pressure boiler or low pressure boiler plant with a capacity greater than 1 000 kilowatts;
 - (iii) for at least 6 months, has performed in a role acceptable to the chief inspector on the design, construction, installation, repair, maintenance or operation of pressure equipment; or
 - (iv) has successfully completed an approved operating experience course lab leading towards the fourth class power engineer's certificate;
 - (h) for at least one-half of the period mentioned in clause (a), (b) or (c), has operated in the role described in that clause and, for at least 12 months, has performed in a role acceptable to the chief inspector on the design, construction, installation, repair, maintenance or operation of pressure equipment; or
 - (i) has at least 12 months' experience as a process operator in a role acceptable to the chief inspector and has completed an approved course in power engineering leading towards a fourth class power engineer's certificate.
- (2) Six months' credit will be granted towards fulfilment of the operating experience requirement set out in clause (1)(a), (b), (c), (d) or (e) for the successful completion of an approved course in power engineering leading towards a fourth class power engineer's certificate.

Fifth class power engineer's certificate

117(1) A person may qualify for a certificate of qualification for a fifth class power engineer's certificate if the person:

- (a) holds a valid fireman boiler operator certificate and, for at least 12 months since the issue of that certificate, has been in charge of a low pressure boiler or low pressure boiler plant with a capacity of not less than 300 kilowatts, with the capacity of the plant calculated as the aggregate capacity of all boilers installed in the plant;

- (b) for at least 12 months, has assisted in the operation and maintenance of a high pressure boiler with a capacity of not less than 30 kilowatts;
 - (c) for at least 12 months, has assisted in the operation and maintenance of a low pressure boiler or low pressure boiler plant with a capacity of not less than 1 000 kilowatts, with the capacity of the plant calculated as the aggregate capacity of all boilers installed in the plant;
 - (d) for at least 24 months, has assisted in the operation and maintenance of a low pressure boiler or low pressure boiler plant with a capacity of not less than 300 kilowatts, with the capacity of the plant calculated as the aggregate capacity of all boilers installed in the plant, and has successfully completed an approved course in power engineering leading towards a fifth class power engineer's certificate;
 - (e) for at least 36 months, has performed in a role acceptable to the chief inspector on the design, construction, installation, operation, maintenance or repair of any boiler plant or associated auxiliary equipment and has successfully completed an approved course in power engineering leading towards a fifth class power engineer's certificate; or
 - (f) has successfully completed an approved full-time course in power engineering that:
 - (i) includes operating experience; and
 - (ii) leads towards a fifth class power engineer's certificate.
- (2) Six months' credit will be granted towards the fulfilment of the operating experience requirement set out in clause (1)(a), (b) or (c) for the successful completion of an approved course in power engineering leading towards a fifth class power engineer's certificate.

Boiler operator certificates

118 A person may qualify for a certificate of qualification for a boiler operator's certificate if the person satisfies the chief inspector that he or she has sufficient knowledge of and experience in the operation and maintenance of boilers and related equipment or has completed an approved course in power engineering specifically related to boilers and related equipment.

Refrigeration engineer's certificate

119 A person may qualify for a certificate of qualification for a refrigeration engineer's certificate if the person:

- (a) for at least 12 months, has operated or assisted in the operation of a refrigeration plant with a capacity of not less than 20 tonnes of refrigeration;
- (b) is the holder of a first, second, third, fourth or fifth class engineer's certificate;
- (c) has completed an approved course related to refrigeration engineering; or
- (d) possesses a journeyperson's certificate in the refrigeration and air conditioning mechanic trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999* or an equivalent certificate pursuant to any predecessor Act respecting apprenticeship.

Refrigeration plant operator's certificate

120 A person may qualify for a certificate of qualification for a refrigeration plant operator's certificate if the person satisfies the chief inspector that he or she has sufficient knowledge of and experience in the operation and maintenance of refrigeration plants or has completed an approved course in refrigeration plant operations or refrigeration engineering.

DIVISION 4
Power Engineer Licences

Classes of operators' licences established

121 The following classes of operators' licences are established:

- (a) first class power engineer;
- (b) second class power engineer;
- (c) third class power engineer;
- (d) fourth class power engineer;
- (e) fifth class power engineer;
- (f) fireman boiler operator;
- (g) oilfield A boiler operator;
- (h) oilfield B boiler operator;
- (i) refrigeration engineer;
- (j) refrigeration plant operator.

Scope of authority of operators' licences

122(1) A first class power engineer's licence entitles the holder to operate as chief engineer or shift engineer any of the following:

- (a) a high pressure boiler or high pressure boiler plant of any capacity;
- (b) a low pressure boiler or low pressure boiler plant of any capacity;
- (c) an oilfield once-through boiler or oilfield once-through boiler plant of any capacity;
- (d) a refrigeration plant of any capacity.

(2) A second class power engineer's licence entitles the holder:

- (a) to operate as chief engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 10 000 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 15 000 kilowatts;

- (b) to operate as shift engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant of any capacity;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant of any capacity; and
 - (c) to operate a refrigeration plant of any capacity.
- (3) A third class power engineer's licence entitles the holder:
- (a) to operate as chief engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 5 000 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 10 000 kilowatts; and
 - (b) to operate as shift engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 10 000 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 15 000 kilowatts; and
 - (c) to operate a refrigeration plant of any capacity.
- (4) A fourth class power engineer's licence entitles the holder:
- (a) to operate as chief engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 1 000 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 5 000 kilowatts; and
 - (b) to operate as shift engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 5 000 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 10 000 kilowatts; and
 - (c) to operate a refrigeration plant with a capacity of not more than 500 tonnes.

- (5) A fifth class power engineer's licence entitles the holder:
- (a) to operate as chief engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 500 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 500 kilowatts; and
 - (b) to operate as shift engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 1 000 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity;
 - (iii) an oilfield once-through boiler or oilfield once-through boiler plant with a capacity of not more than 2 000 kilowatts; and
 - (c) to operate a refrigeration plant with a capacity of not more than 200 tonnes.
- (6) A fireman boiler operator licence entitles the holder:
- (a) to operate as chief engineer any of the following:
 - (i) a low pressure boiler or low pressure boiler plant with a capacity of not more than 1 000 kilowatts;
 - (ii) a high pressure boiler with a capacity of not more than 300 kilowatts;
 - (b) to operate as shift engineer any of the following:
 - (i) a high pressure boiler or high pressure boiler plant with a capacity of not more than 500 kilowatts;
 - (ii) a low pressure boiler or low pressure boiler plant of any capacity.
- (7) An oilfield A boiler operator's licence entitles the holder to operate a high pressure boiler or high pressure boiler plant that does not exceed 500 kilowatts in an oilfield location.
- (8) An oilfield B boiler operator's licence entitles the holder to operate a high pressure boiler or high pressure boiler plant that does not exceed 1 000 kilowatts in an oilfield location.
- (9) A refrigeration engineer's licence entitles the holder to operate a refrigeration plant of any capacity.
- (10) A refrigeration plant operator's licence entitles the holder to operate a refrigeration plant with a capacity of not more than 100 tonnes.

Application for operator's licence

123(1) The holder of an operator's certificate of qualification is entitled to apply for an operator's licence of a class that corresponds to the class of certificate of qualification of the holder.

(2) The chief inspector may issue an operator's licence of the appropriate class to an applicant who holds an operator's certificate of qualification and pays the applicable fee.

(3) An operator's licence issued pursuant to this section allows the holder the option to purchase a licence that is valid for a period of up to 5 years, as set out in the licence, from the date of issue.

Permit to operate in urgent cases

124(1) An owner of a boiler, boiler plant or refrigeration plant who requires a permit pursuant to subsection 34(1) of the Act must apply to the chief inspector in the manner and form specified by the chief inspector and submit with the application the applicable fee for a:

- (a) 30-day permit; or
- (b) 90-day permit.

(2) An application for renewal of a permit pursuant to subsection 34(1) of the Act must be made before the expiry of the permit.

(3) A power engineer who is otherwise required to be in personal attendance on a boiler or plant at all times pursuant to clause 33(1)(b) of the Act may be temporarily absent for a period of not more than 8 days if:

- (a) a chief engineer assigns a power engineer to operate the boiler or plant who holds a certificate of qualification that is not more than 1 class lower than the class of certificate required; and
- (b) the owner or chief engineer notifies the chief inspector of the assignment pursuant to clause (a) within 96 hours after the assignment.

PART 10

Additional Requirements for Steam Traction Engine Antique Boilers

DIVISION 1

Definitions for Part

Definitions for Part

125 In this Part:

“examination” means an examination for a certificate of qualification mentioned in Division 4 but does not include an ultrasonic examination mentioned in section 127;

“steam traction engine” means historical steam boilers of either riveted or welded construction or both riveted and welded construction and associated equipment that are being preserved, restored, and maintained for demonstration, viewing, or educational purposes, and includes steam tractors, traction engines, hobby steam boilers, portable steam boilers and certain steam locomotive boilers;

“steam traction engine operator's test” means a practical operating and driving test mentioned in section 130.

DIVISION 2

Physical Standards

Working pressure

126(1) No person shall operate a steam traction engine at a working pressure greater than 690 kilopascals unless the provisions of subsection (2) have been met.

(2) An owner of a steam traction engine may apply to the chief inspector for authorization to have the operating pressure raised beyond 690 kilopascals pursuant to section 127.

(3) An owner of a steam traction engine must notify the chief inspector immediately if the owner becomes aware that a steam traction engine condition does not support a maximum allowable working pressure of 690 kilopascals or the maximum allowable working pressure authorized pursuant to section 127.

Application for authorization to operate a steam traction engine beyond 690 kPa

127(1) All drawings, calculations, specifications and other information required for the purposes of an application for an operating pressure beyond 690 kilopascals must be submitted in duplicate.

(2) With respect to an application for authorization to operate a steam traction engine beyond 690 kilopascals, the application must include the results of:

- (a) a visual internal inspection performed by an inspector;
- (b) a visual in-service inspection performed by an inspector;
- (c) an initial ultrasonic examination pursuant to the requirements in Part 2, S2.6.2 of the NBBI code and a ultrasonic examination plan accepted by an inspector;
- (d) a maximum allowable working pressure calculation pursuant to the requirements in Part 2, S2.10 of the NBBI code;
- (e) a hydrostatic pressure test witnessed by an inspector pursuant to the requirements in Part 2, S2.6.1 of the NBBI code; and
- (f) any other information or examination that the chief inspector may require.

DIVISION 3

Operation of Steam Traction Engine

Inspections

128(1) This section applies to the periodic inspection, as required pursuant to subsection 17(1) of the Act, of a steam traction engine that is in use or operation.

(2) An inspection of a steam traction engine that operates as described in subsection 126(1) must:

- (a) include a visual internal inspection, visual in-service inspection and a hydrostatic pressure test to 1 380 kilopascals; and
- (b) occur at intervals not exceeding 1 year and before the initial operation of the steam traction engine in any calendar year.

(3) An inspection of a steam traction engine that has at any time operated under an authorization for an operating pressure beyond 690 kilopascals pursuant to section 127 must:

- (a) follow the subsequent inspection requirements in Part 2, S2.7.3.2 of the NBBI code;
- (b) include a visual internal inspection at intervals not exceeding 1 year; and
- (c) occur before the initial operation of the steam traction engine in any calendar year.

Supervision requirements

129(1) No owner of a steam traction engine shall cause or permit the boiler to be operated unless:

- (a) continuous supervision is provided by a person who holds a valid steam traction engine operator's Class 1 licence; and
 - (b) the owner has designated a person who holds a valid steam traction engine operator's Class 1 licence to:
 - (i) ensure that the log book is updated and maintained in accordance with section 55;
 - (ii) notify the owner of the steam traction engine and the chief inspector of any unsafe condition, accident or fire involving the steam traction engine; and
 - (iii) meet any additional requirements established by the chief inspector respecting the safe operation of the steam traction engine.
- (2) Other classes of operators mentioned in section 121 are not permitted to operate a steam traction engine.

DIVISION 4

Steam Traction Engine Operator Examination and Test Information

Application for steam traction engine operator examination and operator's test

130(1) A candidate for a steam traction engine operator examination must:

- (a) apply to the chief inspector in the manner and form specified by the chief inspector;
 - (b) hold a steam traction engine operator's class 3 licence; and
 - (c) pay the applicable fee.
- (2) A candidate for a steam traction engine operator's test must:
- (a) apply to the chief inspector in the manner and form specified by the chief inspector;
 - (b) have passed the examination in subsection (1);
 - (c) be 16 years of age or older;

- (d) meet one of the following requirements:
 - (i) the candidate can provide written verification of 100 hours of operating and maintenance experience with steam traction engines satisfactory to the chief inspector;
 - (ii) the candidate has successfully completed an approved course for steam traction engine operators that includes operating experience; or
 - (iii) the candidate is a Class 2 steam traction engine operator or Class 1 steam traction engine operator applying for renewal of his or her licence; and
- (e) pay the applicable fee.

Special examination or test

131(1) A candidate for an examination or test who is unable to take the examination or test at a regular sitting or at the place where an examination or test is scheduled to be held may apply to the chief inspector to take the examination or test on a special date or at a special location.

(2) A candidate who makes an application pursuant to subsection (1) must provide the chief inspector with the candidate's reasons for the application and provide any further information that the chief inspector may request.

(3) If the chief inspector is satisfied that the candidate's reasons for the application justify the holding of a special examination or test for the candidate, the chief inspector may permit the candidate to take the examination or test at a date or location other than the regular date or location.

(4) A candidate for whom a special examination or test is arranged pursuant to subsection (3) shall pay the applicable fee pursuant to section 130.

False or misleading statement

132(1) If a false or misleading statement is made in an application for any examination or test or in any reference or other evidence of qualification submitted by or on behalf of a candidate, the chief inspector may deny the application.

(2) If the discovery of a false or misleading statement described in subsection (1) is made after a certificate of qualification has been issued, the chief inspector may cancel the certificate.

Conduct of examinations and tests - Division 4

133(1) A steam traction engine operator's examination may be written or oral or both at the discretion of the examining inspector.

(2) With the approval of the chief inspector or the examining inspector, a candidate for an examination may use the services of an amanuensis, if the amanuensis first executes a statement verified by statutory declaration that he or she has no special knowledge of the subject-matter of the examination.

(3) A steam traction engine operator's test must be conducted by operating a steam traction engine in accordance with any terms and conditions set out by the chief inspector.

Misconduct during examination

134(1) Any candidate who, during an examination, refers to material that has not been first approved by the examining inspector may be disqualified from further examinations for a period specified by the chief inspector.

(2) A certificate of qualification will not be issued to any candidate who removes or copies with intent to remove from the examination room any questions given in the examination.

(3) If the discovery of any removal or intended removal of questions given in an examination is made after a certificate of qualification is issued, the chief inspector may cancel the certificate.

Pass mark

135(1) The minimum pass mark for a steam traction engine operator examination is 65%.

(2) The minimum pass requirement for a steam traction operator's test will be determined by the chief inspector.

Waiting period for re-examination

136 With respect to a candidate who fails any examination, the candidate must:

(a) wait for a period specified by the chief inspector, not exceeding 30 days, before being re-examined or re-tested; or

(b) wait for a period specified by the chief inspector, not exceeding 12 months, before being examined or tested for any examination or test if the candidate has consecutively failed the same examination paper or test 3 times.

DIVISION 5**Certificate and Qualification****Steam traction engine operator certificate of qualification**

137 A steam traction engine operator certificate of qualification will be issued to candidates who:

(a) pass an examination for the steam traction engine operator certificate;

(b) have 100 hours of operating and maintenance experience with steam traction engines satisfactory to the chief inspector; and

(c) otherwise complies with the requirements of the Act and these regulations.

DIVISION 6**Steam Traction Engine Operator Licences****Classes of steam traction engine operator's licences**

138 The following classes of steam traction engine operator's licences are established:

(a) steam traction engine operator's class 1 licence;

(b) steam traction engine operator's class 2 licence;

(c) steam traction engine operator's class 3 licence.

Scope of steam traction engine operator's licences

139(1) A steam traction engine operator's Class 1 licence entitles the holder to operate a steam traction engine.

(2) A steam traction engine operator's Class 2 licence entitles the holder to assist with the operation of a steam traction engine under the direct supervision of a steam traction engine operator's Class 1 licence holder.

(3) A steam traction engine operator's Class 3 licence entitles the holder to assist with the operation of a steam traction engine under the direct supervision of a steam traction engine operator's Class 1 licence holder.

Application for steam traction engine operator's licence

140(1) The holder of a steam traction engine operator's certificate of qualification is entitled to apply for a steam traction engine operator's licence of a class that corresponds to:

- (a) the class of certificate of qualification of the holder; and
- (b) a practical examination certificate.

(2) The chief inspector may issue a steam traction engine operator's Class 1 licence to an applicant who:

- (a) holds a steam traction engine operator's certificate of qualification;
- (b) passes a steam traction engine operator's test; and
- (c) pays the applicable fee.

(3) The chief inspector may issue a steam traction engine operator's Class 2 licence to an applicant who:

- (a) holds a steam traction engine operator's certificate of qualification;
- (b) has been the holder of a steam traction engine operator's Class 1 licence;
- (c) has not met the requirements of subsection (6); and
- (d) pays the applicable fee.

(4) The chief inspector may issue a steam traction engine operator's Class 3 licence to an applicant who:

- (a) has successfully completed an approved course for steam traction engine operators; and
- (b) pays the applicable fee.

(5) A steam engine operator's licence issued pursuant to this section is valid for a period of 2 years from the date of issue.

(6) The expiry date of a steam traction engine operator's licence may be extended by 2-year periods to a maximum of 6 years if:

- (a) the holder of the licence maintains a continuity log acceptable to the chief inspector; and
- (b) pays the applicable fee.

PART 11
Pressure Welders

DIVISION 1
Definition for Part

Definition for Part

141 In this Part, “**test**” means a pressure welder’s qualification test mentioned in Division 2.

DIVISION 2
Test Information

Eligibility to take test

142(1) A person is eligible to take an initial pressure welder’s qualification test if the person:

- (a) possesses a journeyperson’s certificate in the welder trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999* or an equivalent certificate pursuant to any predecessor Act respecting apprenticeship;
 - (b) has at least 3 years’ experience of welder verified by letters, affidavits or other documents acceptable to an inspector; or
 - (c) holds a valid pressure welder’s certificate issued by the boiler and pressure vessel authority of another province or territory of Canada, or has held a pressure welder’s certificate, issued by the boiler and pressure vessel authority of another province or territory of Canada, that has now expired.
- (2) A person is eligible to take a subsequent pressure welder’s qualification test if the person holds a valid pressure welder’s licence issued pursuant to section 152 or 153 or has held a pressure welder’s licence, issued pursuant to section 152 or 153, that has now expired.

Standards for test

143(1) Except as otherwise provided in these regulations, a pressure welder’s qualification test must be conducted in accordance with the applicable code specified in clause 4(3)(h).

(2) An initial pressure welder’s qualification test must be conducted within the parameters established by the chief inspector to evaluate the welder’s skill with the welding process, base materials, base material diameters, filler materials, thickness, welding positions, welding progression, backing and backing gas requirements and any other parameter the chief inspector considers relevant.

Application to take test administered by inspector

144 A person who wishes to take a pressure welder’s qualification test administered by an inspector must:

- (a) apply to an inspector;
- (b) provide evidence satisfactory to the inspector that the person meets the requirements set out in section 142; and
- (c) pay the applicable fee.

Designation of authorized contractor

145(1) A holder of a contractor's licence who employs those qualified to pressure weld may apply in writing to the chief inspector for designation as an authorized contractor with authority to administer pressure welder's qualification tests to employees of the holder who meet the requirements set out in subsection 146(1).

(2) An application for designation must include:

- (a) a detailed description of testing procedures that the applicant proposes to use; and
- (b) the format of a record of pressure welder's qualification tests that the applicant proposes to provide to persons who are tested by the applicant.

(3) If the chief inspector is satisfied that an applicant for designation meets the requirements of this section, the chief inspector may designate the applicant as an authorized contractor and may set out any terms and conditions in the designation that the chief inspector considers appropriate.

Test conducted by authorized contractor

146(1) An authorized contractor may, in accordance with any terms and conditions set out in the designation, administer a pressure welder's qualification test to an employee who holds a pressure welder's licence that:

- (a) is about to expire or has expired; or
- (b) confers inadequate authority for the scope of welding to be performed by reason of limitations on the welding variables specified in the licence.

(2) A pressure welder's qualification test administered by an authorized contractor must be performed in strict accordance with a welding procedure registered pursuant to section 29.

(3) An authorized contractor who tests an employee must provide to that employee a record of the pressure welder's qualification test results certified by the authorized contractor or the authorized contractor's designated representative.

Special test

147(1) A candidate for a test who is unable to take the test at a regular sitting or at the place where a test is scheduled to be held may apply to the chief inspector to take the test on a special date or at a special location.

(2) A candidate who makes an application pursuant to subsection (1) must provide the chief inspector with the candidate's reasons for the application and provide any further information that the chief inspector may request.

(3) If the chief inspector is satisfied that the candidate's reasons for the application justify the holding of a special test for the candidate, the chief inspector may permit the candidate to take the test at a date or location other than the regular date or location.

(4) A candidate for whom a special test is arranged pursuant to subsection (3) shall pay the applicable fee pursuant to clause 144(c).

False or misleading statement

148(1) If a false or misleading statement is made in an application for any test or in any reference or other evidence of qualification submitted by or on behalf of a candidate, the chief inspector may deny the application.

- (2) If the discovery of a false or misleading statement described in subsection (1) is made after a certificate of qualification has been issued, the chief inspector may cancel the certificate.

Pass mark

149 The minimum pass requirement for a pressure welder's qualification test will be determined by the chief inspector.

Waiting period for test

150 A person who fails an initial pressure welder's qualification test on the first attempt is not eligible to make a second attempt until at least 30 days after the day of his or her first attempt.

DIVISION 3

Licences

Classes of pressure welder's licences

151(1) The following classes of pressure welder's licences are established:

- (a) Class M - manual welding not belonging to Class B;
 - (b) Class SM - semi-automatic/machine welding not belonging to class SB or Class PF;
 - (c) Class B - brazing;
 - (d) Class SB - semi-automatic/machine brazing;
 - (e) Class PF - plastic fusing.
- (2) A Class M or Class B pressure welder's licence authorizes the holder to weld on boilers, pressure vessels, pressure piping systems and refrigeration plants using a manual welding process specified in the licence and subject to any limitations with respect to welding variables that are specified in the licence.
- (3) A Class SM, Class SB or Class PF pressure welder's licence authorizes the holder to weld on boilers, pressure vessels, pressure piping systems and refrigeration plants using a semi-automatic or machine welding process specified in the licence and subject to any limitations with respect to welding variables that are specified in the licence.

Issuance of pressure welder's licences based on test

152(1) The chief inspector may issue a pressure welder's licence of the appropriate class to a person who passes a pressure welder's qualification test.

- (2) If a pressure welder's qualification test is administered to a person by an inspector pursuant to section 144, the fee for taking the test includes the issuance of a licence of the appropriate class if the person passes the test.
- (3) If a pressure welder's qualification test is administered to a person by an authorized contractor pursuant to section 146, a person who satisfactorily passes the test may apply in writing to the chief inspector for a licence of the appropriate class and must:
- (a) submit the record of the welder's qualification test issued to the person by the authorized contractor who administered the test; and
 - (b) pay the applicable fee.

(4) A pressure welder's licence issued pursuant to this section expires 2 years after the date of issue.

(5) The expiry date of a pressure welder's licence may be extended by 6-month periods if:

- (a) the holder of the licence is an employee of or employed by an authorized contractor;
- (b) the authorized contractor conducted the employee's qualification test and the authorized contractor maintains performance qualification records in accordance with the applicable code specified in clause 4(3)(h);
- (c) the employee is continuously employed by the authorized contractor since the original qualification test;
- (d) the authorized contractor's examiner makes qualification entries on a continuity log acceptable to the chief inspector;
- (e) the authorized contractor demonstrates to the satisfaction of an inspector that this subsection is complied with, in accordance with the authorized contractor's quality control program; and
- (f) the authorized contractor applies in writing to the chief inspector for an extension to the licence.

Issuance of pressure welder's licence without test

153(1) The chief inspector may issue a pressure welder's licence of the appropriate class without testing to a person who:

- (a) has passed a test in another province or territory of Canada that, in the opinion of the chief inspector, is equivalent to a pressure welder's qualification test administered pursuant to Division 2;
- (b) holds a valid licence or equivalent authorization that:
 - (i) was issued by the boiler and pressure vessel authority of another province or territory of Canada; and
 - (ii) bears an expiry date that is at least 3 months later than the date of the applicant's application; and
- (c) applies to the chief inspector in the manner and form specified by the chief inspector and submits with the application:
 - (i) the applicable fee; and
 - (ii) a copy of the pressure welder's certificate, licence, equivalent authorization or other documents issued by the other province or territory as evidence that the applicant has met the requirements set out in clauses (a) and (b).

(2) A licence issued to a person pursuant to this section expires on the date of expiry of the licence or equivalent authorization issued by the other province or territory to the person subject to the following limits:

- (a) the validity of the licence is not to exceed 2 years from the date of the qualification test;
- (b) the validity of the licence is not to exceed the licence extension issued by the province or territory following a continuity log acceptable to the chief inspector.

Limitations in pressure welder's licence

154 The chief inspector may specify in a licence issued pursuant to section 152 or 153 the processes that the holder is qualified to carry out and any limitations with respect to welding variables that the chief inspector considers appropriate.

PART 12

Anhydrous Ammonia Storage and Distribution Plants

Definitions for Part

155 In this Part:

- (a) **“licence to operate”** means a licence to operate an anhydrous ammonia storage and distribution plant issued pursuant to section 162;
- (b) **“permit”** means a permit to construct an anhydrous ammonia storage and distribution plant issued pursuant to section 160;
- (c) **“storage vessel”** means a pressure vessel used or intended to be used for the storage of anhydrous ammonia.

Application of codes, standards

156(1) Except as otherwise provided in these regulations, the requirements set out in the applicable code specified in clause 4(1)(c) apply to the design, construction, installation and operation of anhydrous ammonia storage and distribution plants.

(2) The requirements set out in Part 1 and the applicable codes and standards apply to any pressure vessels, pressure piping and fittings used in an anhydrous ammonia storage and distribution plant to the extent that they deal with matters not covered by the standard mentioned in subsection (1).

Prohibition

157 No person shall install a storage vessel underground.

Location of storage vessels

158(1) A storage vessel with a capacity of more than 10 000 litres, or a combination of storage vessels with an aggregate capacity of more than 10 000 litres, must not be located within the boundaries of:

- (a) a city, town, village or resort village;
- (b) the portion of the City of Lloydminster that lies within Saskatchewan; or
- (c) a town, northern village or northern hamlet as defined in *The Northern Municipalities Act*.

(2) If a storage vessel with a capacity of more than 10 000 litres but not more than 350 000 litres, or a combination of storage vessels with an aggregate capacity of more than 10 000 litres but not more than 350 000 litres, is to be located outside the boundaries of a municipality mentioned in subsection (1) or an evacuation-sensitive facility, the storage vessel or combination of storage vessels must be located at least 1.5 kilometres away from any point on the boundaries of the municipality or evacuation-sensitive facility.

(3) If a storage vessel with a capacity of more than 350 000 litres, or a combination of storage vessels with an aggregate capacity of more than 350 000 litres, is to be located outside the boundaries of a municipality mentioned in subsection (1) or an evacuation-sensitive facility, the storage vessel or combination of storage vessels must be located at least 2 kilometres away from any point on the boundaries of the municipality or evacuation-sensitive facility.

(4) A storage vessel, or a combination of storage vessels, must not be located closer to a railway track than the appropriate minimum distance set out in Table 1.

(5) A storage vessel or a combination of storage vessels, must be located at least 500 metres away from a building, other than a building that forms part of an anhydrous ammonia storage and distribution plant.

(6) A storage vessel or combination of storage vessels, must be located at least 100 metres away from an environmentally-sensitive area.

(7) For the purposes of this section, the distance from a storage vessel or combination of storage vessels to any other structure or location is to be determined by measuring from the nearest point of the storage vessel or combination of storage vessels to the nearest point of the structure or location.

(8) If an existing storage vessel, or combination of storage vessels, is not located in accordance with subsections (2) to (7) the chief inspector may require additional safety measures to be taken.

(9) The site on which a storage vessel or combination of storage vessels and associated apparatus is installed must be:

(a) protected by a chain link or equivalent fence that is at least 2 metres high; and

(b) posted with a sign stating "Caution Ammonia" in block letters that are at least 10 centimetres high in a contrasting colour on a white background.

Contractor's licence

159 No person shall engage in the business of constructing, installing, altering or repairing anhydrous ammonia storage and distribution plants unless the person holds a valid contractor's licence.

Permit to construct

160(1) No person shall begin construction of an anhydrous ammonia storage and distribution plant unless a permit authorizing that construction has been issued to the owner of the proposed plant.

- (2) An application for a permit must be submitted to the chief inspector in the manner and form specified by the chief inspector and must be accompanied by:
- (a) 2 copies of drawings of the proposed plant, including plans and profiles, that meet the requirements of subsection (3); and
 - (b) the applicable fee.
- (3) The drawings to be submitted with an application for a permit:
- (a) must set out the name of the applicant;
 - (b) must show the location of each storage vessel to be installed;
 - (c) if any building other than a building that is to form part of the plant, any place of public assembly or any residential area is located within 800 metres of the proposed location of the storage vessel or combination of storage vessels, must show the distances between the storage vessel or combination of storage vessels and that building, place of public assembly or residential area;
 - (d) must show the location of any environmentally-sensitive areas that are located within 200 metres of the proposed location of the installation site;
 - (e) must show the distances between each storage vessel and each other storage vessel and structure on the site;
 - (f) must show the location of railway rights of way, property lines, fences, dikes, pipelines under roadways or railways, sewers, ditches, watercourses, roads and other similar facilities that are on or give access to the installation site; and
 - (g) must include in “Notes” or a “Legend”:
 - (i) a statement that all designs of storage vessels that form part of the proposed plant meet the requirements of these regulations;
 - (ii) the size and storage capacity of all storage vessels that form part of the proposed plant;
 - (iii) a description of the type of motive power to be used for pumps or compressors; and
 - (iv) if the proposed plant will be served by rail, a statement as to whether the track or tracks are privately owned or owned by a railway company.
- (4) The chief inspector may issue a permit if the chief inspector is satisfied that the design of the proposed plant meets the requirements of the Act and these regulations.
- (5) A permit is valid for a period of 1 year from the date of issue.
- (6) If construction on an anhydrous ammonia storage and distribution plant is not commenced before the expiry of the permit, no person shall begin construction unless an extension of the permit is obtained.
- (7) An application for an extension of a permit must be submitted to the chief inspector in the manner and form specified by the chief inspector and must be accompanied by the applicable fee.
- (8) The issuance of a permit does not relieve the holder of the permit from compliance with any requirement of any other Act or regulation or any relevant municipal bylaw.

Acceptance inspection

161(1) No person shall put into operation any anhydrous ammonia storage and distribution plant until the plant has passed an acceptance inspection conducted by an inspector.

(2) The holder of a contractor's licence shall pay the applicable fee to cover the cost of the acceptance inspection.

(3) If the inspector who conducts an acceptance inspection is satisfied that the plant meets the requirements of this Part, the inspector may make a notation to that effect on the permit.

Licence to operate

162(1) No person shall put an anhydrous ammonia storage and distribution plant into operation unless the person holds a valid licence to operate of the class appropriate for the storage capacity of the plant.

(2) The following classes of licences to operate are established:

(a) class 1, authorizing the operation of a plant with a storage capacity of not more than 90 900 litres;

(b) class 2, authorizing the operation of a plant with a storage capacity of more than 90 900 litres but not more than 181 800 litres;

(c) class 3, authorizing the operation of a plant with a storage capacity of more than 181 800 litres but not more than 454 600 litres;

(d) class 4, authorizing the operation of a plant with a storage capacity of more than 454 600 litres.

(3) An applicant for a licence to operate must specify the class of licence sought and request a term of either 1 year or 5 years.

(4) An application for a licence to operate is subject to the applicable fees.

(5) The chief inspector may issue a licence to operate if the chief inspector is satisfied, on the basis of an acceptance inspection, that the anhydrous ammonia storage and distribution plant has been constructed in accordance with the Act and these regulations.

(6) A licence to operate is valid for a period of up to 5 years, as set out in the licence, from the date of issue

PART 13**Transitional, Repeal and Coming into Force****Transitional**

163(1) In this section:

“existing certificate” means a certificate issued pursuant to the former regulations that is in existence on the day before the coming into force of these regulations;

“existing licence” means a licence issued pursuant to the former regulations that is in existence on the day before the coming into force of these regulations;

“existing permit” means a permit issued pursuant to the former regulations that is in existence on the day before the coming into force of these regulations;

“former regulations” means *The Boiler and Pressure Vessel Regulations*.

- (2) Every existing certificate, existing licence, or existing permit is continued pursuant to these regulations and may be dealt with pursuant to these regulations as if it were issued pursuant to these regulations.

RRS c B-5.1 Reg 1 repealed

164 *The Boiler and Pressure Vessel Regulations* are repealed.

Coming into force

165(1) Subject to subsection (2), these regulations come into force on January 1, 2018.

- (2) If these regulations are filed with the Registrar of Regulations after January 1, 2018, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

Appendix

TABLE 1
[Subsection 158(4)]

Minimum Distance Between Storage Tanks and Railway Tracks

<i>Water Capacity of Tank or Combination of Tanks at 16°C (Litres)</i>	<i>Minimum Distance from Tank (Metres)</i>
9 465 or less	6
more than 9 465 but not more than 45 425	15
more than 45 425	23

CHAPTER C-50.2 REG 32*The Crown Minerals Act*

Section 22

Order in Council 551/2017, dated November 29, 2017

(Filed November 30, 2017)

PART 1

Preliminary Matters**Title**

1 These regulations may be cited as *The Subsurface Mineral Royalty Regulations, 2017*.

Definitions

2 In these regulations:

“Act” means *The Crown Minerals Act*;

“affiliate” means an affiliated body corporate within the meaning of subsection 2(2) of *The Business Corporations Act*, but for the purposes of Part 2 of these regulations does not include an industry sales organization as defined in *The Potash Production Tax Regulations* that would otherwise be an affiliate within the meaning of this definition;

“allocated” means allocated to disposition lands in accordance with a unitization agreement;

“disposed of” means, if a disposition holder has produced subsurface minerals from a disposition, the disposition holder has realized value from those subsurface minerals in a manner that is not a sale of those subsurface minerals, including:

(a) in the case of potash, if the potash has been:

(i) transmitted to a person, other than an industry sales organization as defined in *The Potash Production Tax Regulations*, in consideration, in whole or in part, of financing costs, property or a service; or

(ii) retained by the disposition holder or its affiliates for its own use; and

(b) in the case of subsurface minerals other than potash, if that subsurface mineral has been:

(i) transmitted to a person in consideration, in whole or in part, of financing costs, property or a service; or

(ii) retained by the disposition holder or its affiliates for its own use;

“disposition” means a Crown lease for subsurface minerals that is issued, renewed or continued in accordance with *The Subsurface Mineral Tenure Regulations*;

“disposition holder” means the holder of a disposition;

“disposition lands” means lands that are the subject of a disposition and on which subsurface minerals may be extracted, recovered or produced by the disposition holder in accordance with the terms of the applicable instrument, the Act and *The Subsurface Mineral Tenure Regulations*;

“**K₂O tonne**” means the quantity of potash that contains the equivalent of 1 tonne of potassium oxide;

“**potash**” means a non-viable substance that:

- (a) is formed by the processes of nature; and
- (b) contains the element potassium;

“**salt**” means sodium chloride;

“**subsurface mineral**” means a subsurface mineral as defined in *The Subsurface Mineral Tenure Regulations*;

“**unitization agreement**” means an agreement entered into by the minister pursuant to section 18 of the Act with respect to the allocation of potash and other subsurface minerals produced within a described area according to the terms of that agreement.

PART 2

Potash

Application of Part

3 This Part applies to potash.

Potash royalty payable

4(1) Every disposition holder shall pay to the Crown a royalty with respect to potash that is produced from or allocated to the disposition holder’s disposition lands, in the amount R calculated in accordance with the following formula:

$$R = Q \times P \times 3\%$$

where:

Q is the quantity of potash produced from or allocated to those disposition lands in the year, expressed in K₂O tonnes; and

P is the average price of potash received by the disposition holder in the year, expressed in K₂O tonnes, as determined in accordance with subsection (2).

(2) For the purposes of subsection (1), the average price of potash is the amount P calculated in accordance with the following formula:

$$P = \frac{GR}{S}$$

where:

GR is the amount of gross revenue received or receivable by the disposition holder in the year for the potash produced from all of the mines in Saskatchewan of the disposition holder that is sold or otherwise disposed of, as reported to the minister for the purposes of clause 5(1)(a) of *The Potash Production Tax Regulations*; and

S is the quantity of potash, expressed in K₂O tonnes, that is produced from all the mines in Saskatchewan of the disposition holder and that is sold or otherwise disposed of in the year, as reported to the minister for the purposes of subsection 21(1) of *The Potash Production Tax Regulations*.

Payment of royalties

5(1) Every disposition holder shall, on or before the last day of the second month after the end of each period of 3 months of the year, pay an instalment of the royalty that will be payable for the potash produced from or allocated to the disposition holder's disposition lands during the year.

(2) The instalment payable pursuant to subsection (1) is to be calculated for each month for which the instalment is to be paid.

(3) The instalment payable respecting each month for which the instalment is to be paid is the amount IP calculated in accordance with the following formula:

$$IP = Q \times P \times 3\%$$

where:

Q is the quantity of potash produced from or allocated to those disposition lands in the month, expressed in K₂O tonnes; and

P is the average price of potash received by the disposition holder in the month, expressed in K₂O tonnes, as determined in accordance with subsection (4).

(4) For the purposes of subsection (3), the average price of potash is the amount P calculated using the following formula:

$$P = \frac{GR}{S}$$

where:

GR is the amount of gross revenue received or receivable by the disposition holder in the month for potash produced from all of the mines in Saskatchewan of the disposition holder that is sold or otherwise disposed of, as reported to the minister for the purposes of clause 5(1)(a) of *The Potash Production Tax Regulations*; and

S is the quantity of potash, expressed in K₂O tonnes, that is produced from all of the mines in Saskatchewan of the disposition holder and that is sold or otherwise disposed of in the month, as reported to the minister for the purposes of subsection 21(1) of *The Potash Production Tax Regulations*.

(5) If, in the opinion of the minister, the low volume of potash sold or disposed of in a month by the disposition holder does not allow the disposition holder to calculate an average price that is representative of the current potash market, the disposition holder shall calculate the potash royalty for that month using the average price calculated in a preceding month when the volume of potash sold or disposed was, in the opinion of the minister, sufficient for the purpose of making a calculation.

(6) If the royalty payable for the year exceeds the total of the amounts paid in instalments pursuant to this section, the disposition holder shall pay the amount of the difference on or before March 31 following the end of the year in which the potash was produced from or allocated to the disposition lands.

(7) If the royalty payable for the year is less than the total of the amounts paid in instalments pursuant to this section, the minister shall refund the amount of the difference to the disposition holder by the end of the last day of the second month following the date on which the royalty payer's royalty return for the year was submitted.

Returns

6(1) Subject to subsection (4), every disposition holder shall submit, with respect to each disposition, a royalty return for potash produced from or allocated to the disposition lands that contains a calculation of the royalty payable for a month on or before the 28th day of the month following the month for which the royalty is being calculated.

(2) Subject to subsection (4), every disposition holder shall submit, with respect to each disposition, a royalty return for potash produced from or allocated to the disposition lands that contains a calculation of the royalty payable for a year on or before March 31 following the year for which the royalty is being calculated.

(3) Royalty returns submitted pursuant to subsections (1) and (2) must:

- (a) be in a form approved by the minister;
- (b) be submitted in a manner acceptable to the minister;
- (c) be signed by the disposition holder or, if the disposition holder is a corporation, by an authorized officer of the corporation; and
- (d) include the royalty payer's or authorized officer's oath or affirmation that the financial statements are true and complete to the best of the royalty payer's or authorized officer's knowledge and belief.

(4) Subsections (1) and (2) do not apply if the holder has not yet produced potash from the disposition.

PART 3 Salt

Application of Part

7 This Part applies to salt.

Salt royalty payable

8(1) The royalty payable by a disposition holder to the Crown with respect to salt that is produced from or allocated to disposition lands is the greater of:

- (a) 33¢ per tonne of dry salt that is:
 - (i) produced or allocated; and
 - (ii) sold or otherwise disposed of; and
- (b) 3% of the selling price of a quantity of salt in slurry form that is equivalent to 1 tonne of dry salt.

(2) For the purposes of clause (1)(b), the minister may determine the fair market value of the salt if:

- (a) in the opinion of the minister, the selling price of the salt does not accurately reflect its fair market value; or
- (b) the salt is not sold or otherwise disposed of in the slurry form.

- (3) The fair market value determined pursuant to subsection (2) is deemed to be the selling price of the salt.
- (4) The minister may:
- (a) determine any questions that arise in determining the amount of royalty payable pursuant to subsection (1); and
 - (b) without limiting the generality of clause (a), determine the quantity of salt that has been produced, allocated, sold or otherwise disposed of.
- (5) Within 30 days after the end of each period of 3 months of each year, a disposition holder shall:
- (a) pay the amount of the royalty required pursuant to subsection (1) with respect to that period; and
 - (b) submit to the minister a royalty return in a form approved by or acceptable to the minister.
- (6) Within 60 days after entering into a contract by which salt produced from or to be produced from, or allocated to or to be allocated to, the disposition holder's disposition lands is to be sold or otherwise disposed of, a disposition holder shall inform the minister in writing of:
- (a) the prices at which salt is to be sold or otherwise disposed of pursuant to the contract; and
 - (b) the other terms of the contract.
- (7) A disposition holder shall, on the request of the minister, provide the minister with a copy of any contract mentioned in subsection (6) that is in writing.
- (8) A disposition holder shall:
- (a) immediately inform the minister of any change in any of the terms of any contract mentioned in subsection (6); and
 - (b) if the change is in writing, provide the minister with a copy of the change on the request of the minister.

PART 4 General

Records

- 9(1)** Every disposition holder shall keep full, correct and complete books of account, with supporting documents, showing in full:
- (a) the quantities of subsurface minerals that are:
 - (i) produced from mines associated with the disposition holder's disposition; and
 - (ii) sold, disposed of, transferred or consumed;
 - (b) the price or other consideration for the subsurface minerals mentioned in clause (a);

- (c) the day on which a quantity of subsurface minerals was sold, disposed of, transferred or consumed; and
 - (d) the name of each person to whom subsurface minerals were sold, disposed of or transferred or by whom it was consumed.
- (2) The books of account and supporting documents must be kept at an office of the disposition holder or at any other place acceptable to the minister.
- (3) A disposition holder shall retain all books of account and supporting documents for a period of 5 years following the end of the year to which the records pertain, unless written consent to their disposal is obtained from the minister.
- (4) On the minister's request, a disposition holder shall provide to the minister copies of any of the disposition holder's books of account and supporting documents within the period requested by the minister.
- (5) The disposition holder shall keep and maintain relevant and appropriate documentation in support of the information required to be provided to the minister pursuant to any provision of these regulations and provide that documentation on request to any official of the ministry during any investigation pursuant to section 17.2 of the Act.
- (6) If a disposition holder who is required to maintain books of account and supporting documents pursuant to this section maintains them in an electronic format, the disposition holder shall:
- (a) ensure that they are easily retrievable, and easily convertible into a readable format, in the manner the minister may specify;
 - (b) ensure that they provide a clear and complete audit trail from the source documents that provide details of the originating transactions that relate to a royalty;
 - (c) retain separate copies of source documents providing details of all transactions that relate to a royalty; and
 - (d) make them available to the minister in the format in which they are kept when requested by the minister to do so.
- (7) For the purposes of clause (6)(d), the disposition holder shall allow the minister to access any database or computer system, or to obtain downloads or make copies from any database or computer system, that contains or may contain any records required to be maintained pursuant to this section.

Interest

10(1) Subject to subsection (4), if the result of the assessment or reassessment by the minister of a disposition holder's calculations of royalty payable is a balance owing to the Crown, the disposition holder shall pay interest at the rate set out in subsections (2) and (3) on any amount that was not paid or remitted when required by these regulations, calculated from the day on which that amount should have been paid or remitted to the date on which it is received by the minister as shown in the records of the minister.

-
- (2) For the purposes of subsection (1), the rate of interest per year with respect to unpaid royalty is the rate equal to the sum of:
- (a) the prime lending rate of the bank holding the general revenue fund as determined and adjusted in accordance with this section; and
 - (b) 3%.
- (3) The interest rate set out in subsection (2) is to be determined on June 15 and December 15 in each year and:
- (a) the interest rate as determined on June 15 applies to unpaid royalties that are owing on or after July 1; and
 - (b) the interest rate as determined on December 15 applies to unpaid royalties that are owing on or after January 1 of the following year.
- (4) The interest payable on an unpaid amount is 1.5% for each month and for any portion of a month that the amount is outstanding if the disposition holder has not made a payment of royalty when originally due as required pursuant to subsections 5(1) and (6) and clause 8(5)(a).
- (5) Subject to subsections (6) to (8), if a disposition holder has made an overpayment of royalty, the minister:
- (a) shall refund the amount of the overpayment to the disposition holder; and
 - (b) may pay interest on the amount mentioned in clause (a) at the rate and in the manner set out in subsection (10).
- (6) Notwithstanding subsection 5(7), if a disposition holder owes any royalty to the Crown pursuant to the Act or these regulations at the time the minister determines that an overpayment has been made:
- (a) the minister shall retain the amount of the overpayment, or as much of the overpayment as is required and apply it to the royalty owing; and
 - (b) the minister shall notify the disposition holder of the set-off mentioned in clause (a).
- (7) No refund is payable if the fact of the overpayment did not come to the attention of the minister within 4 years after the date on which the overpayment occurred.
- (8) Notwithstanding *The Limitations Act*, no action may be brought to recover an overpayment after the expiration of 4 years after the date on which the overpayment occurred.
- (9) The refund of an overpayment of a royalty is to be made in a manner approved by the minister.
- (10) The rate of interest per annum to be paid on a refund of an overpayment of a royalty pursuant to subsection (5) is equal to the prime lending rate of the bank holding the general revenue fund, as determined and adjusted in accordance with subsection (3).

Penalty on audit assessments

11(1) For the purposes of section 24.1 of the Act, every disposition holder shall pay to the minister a penalty at the rate set out in subsection (2) on any royalty that is not paid or remitted as and when required by the Act or these regulations.

(2) For the purposes of subsection (1), the rate is 10% of the royalty not paid or remitted as and when required by the Act or these regulations.

PART 5**Repeal and Coming into Force****Sask Reg 541/67 repealed**

12 The Subsurface Mineral Regulations, 1960, being Saskatchewan Regulations 541/67, are repealed.

Coming into force

13(1) Subject to subsection (2), these regulations come into force on the day on which they are filed with the Registrar of Regulations, but are retroactive and are deemed to have been in force on and from January 1, 2017.

(2) Sections 10 and 11 come into force on the day on which these regulations are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 119/2017*The Police Act, 1990*

Section 95

Order in Council 548/2017, dated November 29, 2017

(Filed November 30, 2017)

Title

1 These regulations may be cited as *The Police Amendment Regulations, 2017*.

RRS c P-15.01 Reg 7 amended

2 *The Police Regulations* are amended in the manner set forth in these regulations.

Section 7 amended

3 **Subsection 7(1) is amended by striking out “section 7.01” and substituting “sections 7.01 and 7.02”.**

New section 7.01

4 **Section 7.01 is repealed and the following substituted:**

“Formula for distribution of costs - fiscal years ending March 31, 2014 to March 31, 2017

7.01(1) For the purposes of clause 23.1(2)(b) of the Act, the minister shall distribute the cost for policing services for the fiscal years ending on March 31, 2014 and March 31, 2015 in accordance with the following formula:

$$C = M \times 1.08$$

where:

C is the cost to be paid by a municipality;

M is the cost required to be paid by the municipality for the preceding fiscal year as determined in accordance with these regulations.

(2) For the purposes of clause 23.1(2)(b) of the Act, the minister shall distribute the cost for policing services for the fiscal years ending March 31, 2016 and March 31, 2017 in accordance with the following formula:

$$C = M \times (T_1 / T_2)$$

where:

C is the cost to be paid by a municipality;

M is the cost required to be paid by the municipality for the preceding fiscal year as determined in accordance with these regulations;

T₁ is the total cost for policing services determined by the minister in accordance with clause 23.1(2)(a) of the Act for the fiscal year;

T₂ is the total cost for policing services determined by the minister in accordance with clause 23.1(2)(a) of the Act for the preceding fiscal year”.

New section 7.02

5 The following section is added after section 7.01:

“Formula for distribution of costs - fiscal years ending after March 31, 2017

7.02(1) For the purposes of clause 23.1(2)(b) of the Act, the minister shall distribute the cost for policing services for the fiscal year ending March 31, 2018 and each subsequent fiscal year in accordance with the following formula:

$$C = [B \times (T_1 / T_2)] \times P$$

where:

C is the cost to be paid by a municipality;

B is the baseline cost of a municipality determined pursuant subsection (2);

T₁ is the total cost for policing services determined by the minister in accordance with clause 23.1(2)(a) of the Act for the fiscal year;

T₂ is the total cost for policing services determined by the minister in accordance with clause 23.1(2)(a) of the Act for the preceding fiscal year; and

P is the population of the municipality determined in accordance with section 87 of the Act.

(2) The baseline cost of a municipality is:

(a) for the fiscal year ending March 31, 2018:

(i) in the case of a municipality that receives policing services from a detachment located in the municipality, \$69.93; and

(ii) in the case of a municipality that receives policing services from a detachment located in another municipality, \$43.26; and

(b) for the fiscal year ending March 31, 2019 and each subsequent fiscal year, calculated in accordance with the following formula:

$$B = [B_2 \times (T_2 / T_3)]$$

where:

B is the baseline cost of a municipality for the current fiscal year;

B₂ is the baseline cost of a municipality for the preceding fiscal year;

T₂ is the total cost for policing services determined by the minister in accordance with clause 23.1(2)(a) of the Act for the preceding fiscal year; and

T₃ is the total cost for policing services determined by the minister in accordance with clause 23.1(2)(a) of the Act for the fiscal year 2 years preceding the current fiscal year”.

Coming into force

6 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 120/2017

The Saskatchewan Telecommunications Act

Section 46

Order in Council 549/2017, dated November 29, 2017

(Filed November 30, 2017)

Title

1 These regulations may be cited as *The Sask911 Fees Amendment Regulations, 2017*.

RRS c S-34 Reg 5 amended

2 *The Sask911 Fees Regulations, 2003* are amended in the manner set forth in these regulations.

New section 2

3 Section 2 is repealed and the following substituted:

“Definitions

2 In these regulations:

‘**Act**’ means *The Saskatchewan Telecommunications Act*;

‘**connected customer**’ means:

- (a) a customer of a telecommunications service provider who:
 - (i) has the capacity to place emergency 911 telephone calls through the Sask911 system; and
 - (ii) is assigned a telephone number associated with Saskatchewan;
 or
- (b) a reseller who obtains the services mentioned in clause (a);

‘local telephone service’ means a telecommunications service that:

- (a) utilizes wireline, wireless or voice over internet protocol technology;
- (b) provides access to the public switched telephone network for the purpose of making and receiving telephone calls; and
- (c) is capable of being used to connect to 911;

‘reseller’ means a person who rents telecommunications services or circuits from a telecommunications service provider and resells them to individual users;

‘telecommunications service provider’ means SaskTel or a provider of local telephone services that is recognized by the Canadian Radio-television and Telecommunications Commission pursuant to the *Telecommunications Act* (Canada). ”.

Section 3 amended

4(1) Subsection 3(2) is amended by striking out “operator” and substituting “service provider”.

(2) Subsection 3(3) is amended:

(a) in the portion preceding clause (a) by striking out “operator” and substituting “service provider”; and

(b) in clause (b) by striking out “operator’s” and substituting “service provider’s”.

(3) The following subsections are added after subsection 3(3):

“(3.1) If the minister responsible for the administration of *The Emergency 911 System Act* or any person authorized by that minister requests, every telecommunications service provider mentioned in subsection (2) shall produce and make available to that minister or any person authorized by that minister, in any form and manner that minister or any person authorized by that minister considers satisfactory, any document, report, record, statement or other information relating to the billing, collection or payment of Sask911 fees or an amount in respect of those fees necessary for the purposes of:

- (a) reviewing or verifying an audit or financial statement or report mentioned in subsection 45.1(9) or (10) of the Act; or
- (b) budgeting, forecasting, planning or accounting related to the Sask911 system.

“(3.2) Any information or document provided by a telecommunications service provider pursuant to subsection (3.1) is only to be used for the purposes intended by that subsection and any person who in the course of his or her duties acquires or has access to that information or document shall keep that information or document confidential and not make any use or disclosures of that information or document without the written consent of the telecommunications service provider to which the information or document relates”.

New Table 1, Appendix

5 Table 1 of the Appendix is repealed and the following substituted:

“TABLE 1
[Section 3]

Sask911 Fees

	Service	Fee
1	Local telephone services billed as residential or business access lines including multi-line outgoing access lines	\$0.94 per working line per month
2	Local telephone services billed as centrex service	\$0.94 per working telephone number per month
3	Wireless telephone access that is assigned a telephone number associated with Saskatchewan	\$0.94 per working telephone number per month

”.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on January 1, 2018.

(2) If these regulations are filed with the Registrar of Regulations after January 1, 2018, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 121/2017

The Mineral Taxation Act, 1983

Section 46

Order in Council 552/2017, dated November 29, 2017

(Filed November 30, 2017)

Title

1 These regulations may be cited as *The Potash Production Tax (Calculation of Profit) Amendment Regulations, 2017*.

RRS c M-17.1 Reg 6 amended

2 *The Potash Production Tax Regulations* are amended in the manner set forth in these regulations.

Section 5 amended

3(1) Subsection 5(1) is amended:

- (a) by striking out “and” after clause (a); and
- (b) repealing clause (b).

(2) Subsection 5(3) is amended:

- (a) by striking out “or” after clause (d);**
- (b) by adding “or” after clause (e); and**
- (c) by adding the following clause after clause (e):**
 - “(f) to another producer or to an affiliate of another producer”.

Section 7 amended

4(1) Clause 7(2)(l) is repealed.

(2) The following subsection is added after subsection 7(12):

“(13) For the purposes of paragraph (2)(a)(i)(A), for the years 2017 to 2021, where a producer has incurred costs to maintain its mines in operating condition against occurring inflows of water in its mine workings, the producer shall report, at 120% of their original amount, the portion of those costs that are not reported as capital costs”.

Section 12 amended

5(1) Subclause 12(1)(a)(iv) is amended in the portion preceding paragraph (A) by striking out “subject to subsection (2).”.

(2) Subsection 12(2) is repealed.

Section 21 amended

6 Subsection 21(1) is repealed and the following substituted:

“(1) For the purpose of determining a producer’s profit per tonne of potash sold or otherwise disposed of pursuant to paragraph 6(1)(a)(i)(B) of the Schedule, the quantity of potash sold or otherwise disposed of from the mines of the producer in a year is:

- (a) for all years before 2017, the quantity, expressed in K₂O tonnes, of saleable potash sold or otherwise disposed of from the mines of the producer in the year; and
- (b) for 2017 and subsequent years, the quantity, expressed in K₂O tonnes, of saleable potash that:
 - (i) is produced from the mines of the producer; and
 - (ii) is sold or otherwise disposed of from the mines of the producer in the year”.

Coming into force

7 These regulations come into force on the day on which they are filed with the Registrar of Regulations, but are retroactive and are deemed to have been in force on and from January 1, 2017.

SASKATCHEWAN REGULATIONS 122/2017*The Securities Act, 1988*

Section 154

Commission Order, dated November 17, 2017

and

Minister's Order, dated November 28, 2017

(Filed November 30, 2017)

Title

1 These regulations may be cited as *The Securities Commission (Adoption of National Instruments) (NI 31-103 and NI 33-109) Amendment Regulations, 2017*.

RRS c S-42.2 Reg 3 amended

2 *The Securities Commission (Adoption of National Instruments) Regulations* are amended in the manner set forth in these regulations.

Part XXVIII amended

3(1) Part XXVIII of the Appendix is amended in the manner set forth in this section.

(2) **Subparagraph 2.3(2)(c)(i) is amended by striking out “Item 13.3(c)” and substituting “Item 13.3(a)”.**

(3) **Subsection 7.1(3) is amended by adding “Alberta and” before “Ontario”.**

(4) **Schedule B to Form 33-109F2 is amended:**

(a) **under the heading “New Brunswick” by striking out “Director of Securities” and substituting “Registration”;**

(b) **under the heading “Nunavut” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”; and**

(c) **under the heading “Prince Edward Island” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”.**

(5) **Schedule A to Form 33-109F3 is amended:**

(a) **under the heading “New Brunswick” by striking out “Director of Securities” and substituting “Registration”;**

(b) **under the heading “Nunavut” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”; and**

(c) **under the heading “Prince Edward Island” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”.**

(6) **Form 33-109F4 is amended:**

(a) **in the “General Instructions” by striking out “regulator(s) or in Québec,” and substituting “regulator(s) or, in Québec,”; and**

(b) **in Item 22, under the heading “Individual” and under the heading “Authorized partner or officer of the firm” by striking out “regulator, or in Québec,” and substituting “regulator or, in Québec,”.**

(7) **Schedule C to Form 33-109F4 is amended under the heading “Individual categories and permitted activities” by adding “as described in paragraph (c) of the definition of ‘permitted individual’ in section 1.1 of National Instrument 33-109 Registration Information” after “permitted individual”.**

(8) Schedule O to Form 33-109F4 is amended:

- (a) under the heading “New Brunswick” by striking out “Director of Securities” and substituting “Registration”;**
- (b) under the heading “Nunavut” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”; and**
- (c) under the heading “Prince Edward Island” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”.**

(9) Schedule A to Form 33-109F5 is amended:

- (a) under the heading “New Brunswick” by striking out “Director of Securities” and substituting “Registration”;**
- (b) under the heading “Nunavut” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”; and**
- (c) under the heading “Prince Edward Island” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”.**

(10) Section 4.2 of Form 33-109F6 is amended by adding “(other than those exemptions with respect to which the firm has already notified the securities regulator or, in Québec, the securities regulatory authority in accordance with the applicable exemption)” after “trade or advise in securities or derivatives”.

(11) Schedule A to Form 33-109F6 is amended:

- (a) under the heading “New Brunswick” by striking out “Director of Securities” and substituting “Registration”;**
- (b) under the heading “Nunavut” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”; and**
- (c) under the heading “Prince Edward Island” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”.**

(12) Schedule C to Form 33-109F6 is amended:

- (a) in Item 10 of the table in the column entitled “Component” by adding “or, in Québec, for a firm registered only in that jurisdiction and solely in the category of mutual fund dealer, less the deductible under the liability insurance required under section 193 of the Québec Securities Regulation” after “National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations*”;**
- (b) in subparagraph (a)(i) of Schedule 1 by striking out “Aaa or AAA by Moody’s Canada Inc. or its DRO affiliate, or Standard & Poor’s Rating Services (Canada) or its DRO affiliate, respectively” and substituting “Aaa or AAA, or the short-term ratings equivalent of either of those ratings, by a designated rating organization or its DRO affiliate”; and**
- (c) in paragraph (d) of Schedule 1 by striking out “*Investment Companies Act of 1940*” and substituting “*Investment Company Act of 1940*”.**

(13) Form 33-109F7 is amended:

(a) under the heading “GENERAL INSTRUCTIONS”:

(i) by striking out “regulator(s) or in Québec,” and substituting “regulator(s) or, in Québec,”; and

(ii) in paragraph “2.” by striking out “Item 13.3(c)” and substituting “Item 13.3(a)”;

(b) in section 1 of Item 9 by striking out “Item 13.3(c)” and substituting “Item 13.3(a)”;

(c) in Item 12:

(i) under the heading “Individual” by striking out “regulator, or in Québec” and substituting “regulator or, in Québec,”; and

(ii) under the heading “Authorized partner or officer of the new sponsoring firm”, by striking out “regulator, or in Québec” and substituting “regulator or, in Québec,”;

(d) in Schedule B under the heading “Individual categories and permitted activities” by adding “as described in paragraph (c) of the definition of ‘permitted individual’ in section 1.1 of National Instrument 33-109 Registration Information” after “permitted individual”; and

(e) in Schedule F:

(i) under the heading “New Brunswick” by striking out “Director of Securities” and substituting “Registration”;

(ii) under the heading “Nunavut” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”; and

(iii) under the heading “Prince Edward Island” by striking out “Deputy Registrar of Securities” and substituting “Superintendent of Securities”.

Part XLIX amended

4(1) Part XLIX of the Appendix is amended in the manner set forth in this section.

(2) Section 1.1 is amended:

(a) in the definition of “debt security” by striking out “and Registration”; and

(b) in the definition of “permitted client” in paragraph (o) by striking out “National” before “National Instrument”; and

(c) by adding the following definitions in alphabetical order:

“Canadian custodian” means any of the following:

(a) a bank listed in Schedule I, II or III of the Bank Act (Canada);

(b) a trust company that is incorporated under the laws of Canada or a jurisdiction of Canada and licensed or registered under the laws of Canada or a jurisdiction of Canada, and that has equity, as reported in its most recent audited financial statements, of not less than \$10,000,000;

(c) a company that is incorporated under the laws of Canada or a jurisdiction of Canada, and that is an affiliate of a bank or trust company referred to in paragraph (a) or (b), if either of the following applies:

(i) the company has equity, as reported in its most recent audited financial statements, of not less than \$10,000,000;

(ii) the bank or trust company has assumed responsibility for all of the custodial obligations of the company for the cash and securities the company holds for a client or investment fund;

(d) an investment dealer that is a member of IIROC and that is permitted under the rules of IIROC, as amended from time to time, to hold the cash and securities of a client or investment fund;

‘foreign custodian’ means any of the following:

(a) an entity that

(i) is incorporated or organized under the laws of a country, or a political subdivision of a country, other than Canada,

(ii) is regulated as a banking institution or trust company by the government, or an agency of the government, of the country under the laws of which it is incorporated or organized, or a political subdivision of that country, and

(iii) has equity, as reported in its most recent audited financial statements, of not less than the equivalent of \$100,000,000;

(b) an affiliate of an entity referred to in paragraph (a), (b) or (c) of the definition of ‘Canadian custodian’, or paragraph (a) of this definition, if either of the following applies:

(i) the affiliate has equity, as reported in its most recent audited financial statements, of not less than the equivalent of \$100,000,000;

(ii) the entity referred to in paragraph (a), (b) or (c) of the definition of ‘Canadian custodian’, or paragraph (a) of this definition, has assumed responsibility for all of the custodial obligations of the affiliate for the cash and securities the affiliate holds for a client or investment fund;

‘qualified custodian’ means a Canadian custodian or a foreign custodian”.

(3) Section 1.2 is repealed and the following substituted:

“1.2 Interpretation of “securities” in Alberta, British Columbia, New Brunswick, Nova Scotia and Saskatchewan

(1) Subject to sections 8.2, 8.26 and 14.5.1, in British Columbia, a reference to ‘securities’ in this Instrument includes ‘exchange contracts’, unless the context otherwise requires.

(2) Subject to sections 8.2, 8.26 and 14.5.1, in Alberta, New Brunswick, Nova Scotia and Saskatchewan, a reference to ‘securities’ in this Instrument includes ‘derivatives’, unless the context otherwise requires”.

(4) Section 3.16 is amended

(a) in subsections (1) and (1.1) by adding “an investment dealer that is” after “a dealing representative of”; and

(b) in subsections (2) and (2.1) by adding “a mutual fund dealer that is” after “a dealing representative of”.

(5) Section 7.1 is amended:

(a) in subparagraph (2)(d)(i) by striking out “, whether or not a prospectus was filed in respect of the distribution,”;

(b) by repealing subparagraph (2)(d)(ii) and substituting the following:

“(ii) act as a dealer by trading a security if all of the following apply:

(A) the trade is not a distribution;

(B) an exemption from the prospectus requirement would be available to the seller if the trade were a distribution;

(C) the class of security is not listed, quoted or traded on a marketplace, or”; **and**

(c) by repealing subsection (5).

(7) Subsection 8.6 (1) is amended:

(a) by striking out “both of the following apply” and substituting “all of the following apply”; and

(b) by repealing paragraph (a) and substituting the following:

“(a) the adviser or an affiliate of the adviser acts as the fund’s adviser;

“(a.1) the adviser or an affiliate of the adviser acts as the fund’s investment fund manager”.

(8) Subsection 8.12(3) is amended by adding “New Brunswick,” after “Manitoba,”.

(9) Paragraph 8.18(2)(b) is repealed and the following substituted:

“(b) a trade in a debt security with a permitted client if the debt security

(i) is denominated in a currency other than the Canadian dollar, or

(ii) is or was originally offered primarily in a foreign jurisdiction and a prospectus has not been filed with a Canadian securities regulatory authority for the distribution”.

(10) Section 8.24 is amended by adding “is an investment dealer that” after “account if the registered dealer”.

(11) Section 8.26 is amended by repealing subsection (3) and substituting the following:

“(3) The adviser registration requirement does not apply to a person or company if either of the following applies:

- (a) the person or company provides advice on a foreign security to a permitted client that is not registered under the securities legislation of a jurisdiction of Canada as an adviser or dealer;
- (b) the person or company provides advice on a security that is not a foreign security and the advice is incidental to the advice referred to in paragraph (a)”.

(12) Subsection 9.3(1) is amended:

(a) by striking out “a registered firm” and substituting “an investment dealer”;

(b) by repealing paragraph (m) and substituting the following:

“(m) subsections 14.2(2) to (6) [*relationship disclosure information*];

“(m.1) section 14.2.1 [*pre-trade disclosure of charges*]”;

(c) by adding the following paragraphs after paragraph (m.1):

“(m.2) section 14.5.2 [*restriction on self-custody and qualified custodian requirement*];

“(m.3) section 14.5.3 [*cash and securities held by a qualified custodian*]”;

(d) by repealing paragraph (n) and substituting the following:

“(n) section 14.6 [*client and investment fund assets held by a registered firm in trust*];

“(n.1) section 14.6.1 [*custodial provisions relating to certain margin or security interests*];

“(n.2) section 14.6.2 [*custodial provisions relating to short sales*]”;

(e) by repealing paragraphs (o) and (p);

(f) by adding the following paragraph before paragraph (q):

“(p.1) section 14.11.1 [*determining market value*]”;

(g) in paragraph (q) by striking out “[content and delivery of trade confirmation].” and substituting “[content and delivery of trade confirmation]”; and

(h) by adding the following paragraphs after paragraph (q):

“(r) section 14.14 [*account statements*];

“(s) section 14.14.1 [*additional statements*];

“(t) section 14.14.2 [*security position cost information*];

“(u) section 14.17 [*report on charges and other compensation*];

“(v) section 14.18 [*investment performance report*];

“(w) section 14.19 [*content of investment performance report*];

“(x) section 14.20 [*delivery of report on charges and other compensation and investment performance report*]”.

(13) Subsection 9.3(1.1) is amended by striking out “(q)” and substituting “(x)”.

(14) Subsection 9.3(2) is amended:

(a) by striking out “a registered firm” and substituting “an investment dealer”;

(b) by repealing paragraph (i) and substituting the following:

“(i) subsections 14.2(2) to (6) [*relationship disclosure information*];

“(i.1) section 14.2.1 [*pre-trade disclosure of charges*]”;

(c) by adding the following paragraphs after paragraph (i.1):

“(i.2) section 14.5.2 [*restriction on self-custody and qualified custodian requirement*];

“(i.3) section 14.5.3 [*cash and securities held by a qualified custodian*]”;

(d) by repealing paragraph (j) and substituting the following:

“(j) section 14.6 [*client and investment fund assets held by a registered firm in trust*];

“(j.1) section 14.6.1 [*custodial provisions relating to certain margin or security interests*];

“(j.2) section 14.6.2 [*custodial provisions relating to short sales*]”;

(e) by repealing paragraphs (k) and (l);

(f) by adding the following paragraph before paragraph (m):

“(l.1) section 14.11.1 [*determining market value*]”;

(g) in paragraph (m) by striking out “[content and delivery of trade confirmation].” and substituting “[content and delivery of trade confirmation]”; and

(h) by adding the following paragraphs after paragraph (m):

“(n) section 14.17 [*report on charges and other compensation*];

“(o) section 14.18 [*investment performance report*];

“(p) section 14.19 [*content of investment performance report*];

“(q) section 14.20 [*delivery of report on charges and other compensation and investment performance report*]”.

(15) Subsection 9.3(2.1) is amended by striking out “(m)” and substituting “(q)”.

(16) Subsection 9.4(1) is amended:

(a) by striking out “a registered firm” and substituting “a mutual fund dealer”;

(b) by repealing paragraph (m) and substituting the following:

“(m) subsections 14.2(2), (3) and (5.1) [*relationship disclosure information*];

“(m.1) section 14.2.1 [*pre-trade disclosure of charges*]”;

(c) by adding the following paragraphs after paragraph (m.1):

“(m.2) section 14.5.2 [*restriction on self-custody and qualified custodian requirement*];

“(m.3) section 14.5.3 [*cash and securities held by a qualified custodian*]”;

(d) by repealing paragraph (n) and substituting the following:

“(n) section 14.6 [*client and investment fund assets held by a registered firm in trust*];

“(n.1) section 14.6.1 [*custodial provisions relating to certain margin or security interests*];

“(n.2) section 14.6.2 [*custodial provisions relating to short sales*]”;

(e) by repealing paragraphs (o) and (p);

(f) by adding the following paragraph before paragraph (q):

“(p.1) section 14.11.1 [*determining market value*]”;

(g) in paragraph (q) by striking out “[content and delivery of trade confirmation].” and substituting “[content and delivery of trade confirmation]”; and

(h) by adding the following paragraphs after paragraph (q):

“(r) section 14.14 [*account statements*];

“(s) section 14.14.1 [*additional statements*];

“(t) section 14.14.2 [*security position cost information*];

“(u) section 14.17 [*report on charges and other compensation*];

“(v) section 14.18 [*investment performance report*];

“(w) section 14.19 [*content of investment performance report*];

“(x) section 14.20 [*delivery of report on charges and other compensation and investment performance report*]”.

(17) Subsection 9.4(1.1) is amended by striking out “(q)” and substituting “(x)”.

(18) Subsection 9.4(2) is amended:

(a) in the portion preceding paragraph (a) by adding “is a mutual fund dealer that” after “If a registered firm”;

- (b) by repealing paragraph (g) and substituting the following:**
“(g) subsections 14.2(2), (3) and (5.1) [*relationship disclosure information*];
“(g.1) section 14.2.1 [*pre-trade disclosure of charges*]”;
- (c) by adding the following paragraphs after paragraph (g.1):**
“(g.2) section 14.5.2 [*restriction on self-custody and qualified custodian requirement*];
“(g.3) section 14.5.3 [*cash and securities held by a qualified custodian*]”;
- (d) by repealing paragraph (h) and substituting the following:**
“(h) section 14.6 [*client and investment fund assets held by a registered firm in trust*];
“(h.1) section 14.6.1 [*custodial provisions relating to certain margin or security interests*];
“(h.2) section 14.6.2 [*custodial provisions relating to short sales*]”;
- (e) by repealing paragraphs (i) and (j);**
- (f) by adding the following paragraph before paragraph (k):**
“(j.1) section 14.11.1 [*determining market value*]”;
- (g) in paragraph (k) by striking out “[content and delivery of trade confirmation].” and substituting “[content and delivery of trade confirmation];”; and**
- (h) by adding the following paragraphs after paragraph (k):**
“(l) section 14.17 [*report on charges and other compensation*];
“(m) section 14.18 [*investment performance report*];
“(n) section 14.19 [*content of investment performance report*];
“(o) section 14.20 [*delivery of report on charges and other compensation and investment performance report*]”.
- (19) Subsection 9.4(2.1) is amended by striking out “(k)” and substituting “(o)”.**
- (20) Subsection 9.4(4) is amended by striking out “subsection (1)” the first time it appears and substituting “subsection (1), other than paragraph (1)(h),”.**
- (21) Paragraph 10.1(1)(a) is repealed and the following substituted:**
“(a) in Alberta, the fees required under section 5 of ASC Rule 13-501 Fees”.
- (22) Subsection 12.1(5) is amended by striking out “a registered firm” and substituting “an investment dealer”.**
- (23) Section 12.12 is amended:**
(a) in subsection (2.1) by adding “is a mutual fund dealer that” after “If a registered firm”; and

(b) by adding the following subsections after subsection (3):

“(4) Despite paragraph (1)(b), in Québec, a firm registered only in that jurisdiction and only in the category of mutual fund dealer may deliver to the securities regulatory authority, no later than the 90th day after the end of its financial year, the Monthly Report on Net Free Capital provided in Appendix I of the Regulation respecting the trust accounts and financial resources of securities firms, as that Appendix read on September 27, 2009, that shows the calculation of the firm’s net free capital as at the end of its financial year and as at the end of the immediately preceding financial year, if any.

“(5) Despite paragraph (2)(b), in Québec, a firm registered only in that jurisdiction and only in the category of mutual fund dealer may deliver to the securities regulatory authority, no later than the 30th day after the end of the first, second and third interim period of its financial year, the Monthly Report on Net Free Capital provided in Appendix I of the Regulation respecting the trust accounts and financial resources of securities firms, as that Appendix read on September 27, 2009, that shows the calculation of the firm’s net free capital as at the end of the interim period and as at the end of the immediately preceding interim period, if any”.

(24) Section 12.14 is amended:

(a) in subsection (4) by adding “is an investment dealer that” after “If a registered firm”; and

(b) in subsection (5) by adding “is a mutual fund dealer that” after “If a registered firm”.

(25) Subsection 13.17 (1) is amended:

(a) in paragraph (f) by striking out “[account statements].” and substituting “[account statements];”; and

(b) by adding the following paragraphs after paragraph (f):

“(g) section 14.14.1 [*additional statements*];

“(h) section 14.14.2 [*security position cost information*];

“(i) section 14.17 [*report on charges and other compensation*];

“(j) section 14.18 [*investment performance report*]”.

(26) Section 14.1 is amended by striking out “section 14.1.1, section 14.6,” and substituting “sections 14.1.1, 14.5.1, 14.5.2, 14.5.3, 14.6, 14.6.1 and 14.6.2.”

(27) Section 14.1.1 is repealed and the following substituted:**“14.1.1 Duty to provide information**

A registered investment fund manager of an investment fund must, within a reasonable period of time, provide a registered dealer or a registered adviser that has a client that owns securities of the investment fund with the information that is required by the dealer or adviser in order for the dealer or adviser to comply with paragraph 14.12(1)(c), subsections 14.14(4) and (5), 14.14.1(2) and 14.14.2(1) and paragraph 14.17(1)(h).”.

(28) Subsection 14.2(2) is amended:

(a) by adding “to a client” after “the information delivered”; and

(b) by adding the following paragraphs after paragraph (a):

“(a.1) in the case of a registered firm that holds the client’s assets, or directs or arranges which custodian will hold the client’s assets, disclosure of the location where, and a general description of the manner in which, the client’s assets are held, and a description of the risks and benefits to the client arising from the assets being held at that location and in that manner;

“(a.2) in the case of a registered firm that has access to the client’s assets

(i) disclosure of the location where, and a general description of the manner in which, the client’s assets are held, and a description of the risks and benefits to the client arising from the assets being held in that location and in that manner, and

(ii) a description of the manner in which the client’s assets are accessible by the registered firm, and a description of the risks and benefits to the client arising from having access to the assets in that manner”.

(29) Division 2 of Part 14 is amended by adding the following sections after section 14.5:

“14.5.1 Definition of “securities” in Alberta, British Columbia, New Brunswick, Nova Scotia and Saskatchewan

Despite section 1.2, in Alberta, British Columbia, New Brunswick, Nova Scotia and Saskatchewan, a reference to ‘securities’ in this Division excludes ‘exchange contracts’.

“14.5.2 Restriction on self-custody and qualified custodian requirement

- (1) A registered firm must not be a custodian or sub-custodian for a client of the firm or for an investment fund in respect of the client’s or investment fund’s cash or securities unless the registered firm
 - (a) is a Canadian custodian under paragraph (a), (b) or (d) of the definition of ‘Canadian custodian’, and
 - (b) has established and maintains a system of controls and supervision that a reasonable person would conclude is sufficient to manage the risks to the client or investment fund associated with the custody of the client’s or investment fund’s cash or securities.
- (2) A registered firm must ensure that any custodian for a client of the firm or for an investment fund managed by the firm in respect of the client’s or investment fund’s cash or securities is a Canadian custodian if the firm
 - (a) directs or arranges which custodian will hold the cash or securities of the client or investment fund, or
 - (b) holds or has access to the cash or securities of the client or investment fund.

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- (3) Despite the requirement to use a Canadian custodian in subsection (2), a foreign custodian may be a custodian of the cash or securities of the client or investment fund if a reasonable person would conclude, considering all of the relevant circumstances, including, for greater certainty, the nature of the regulation and the sufficiency of the equity of the foreign custodian, that using the foreign custodian is more beneficial to the client or investment fund than using a Canadian custodian.
- (4) Despite the requirement to use a Canadian custodian in subsection (2), a Canadian financial institution may be a custodian of the cash of the client or investment fund.
- (5) For the purposes of subsections (2) and (3), the registered firm must ensure that the qualified custodian is functionally independent of the registered firm unless
- (a) the qualified custodian is a Canadian custodian under paragraph (a), (b) or (d) of the definition of ‘Canadian custodian’, and
 - (b) the registered firm ensures that the qualified custodian has established and maintains a system of controls and supervision that a reasonable person would conclude is sufficient to manage the risks to the client or investment fund associated with the custody of the client’s or investment fund’s cash or securities.
- (6) For the purpose of subsection (4), the registered firm must ensure that the Canadian financial institution is functionally independent of the registered firm.
- (7) This section does not apply to a registered firm in respect of any of the following:
- (a) an investment fund that is subject to National Instrument 81-102 *Investment Funds*;
 - (b) an investment fund that is subject to National Instrument 41-101 *General Prospectus Requirements*;
 - (c) a security that is recorded on the books of the security’s issuer, or the transfer agent of the security’s issuer, only in the name of the client or investment fund;
 - (d) cash or securities of a permitted client, if the permitted client
 - (i) is not an individual or an investment fund, and
 - (ii) has acknowledged in writing that the permitted client is aware that the requirements in this section that would otherwise apply to the registered firm do not apply;
 - (e) customer collateral subject to custodial requirements under National Instrument 94-102 *Derivatives: Customer Clearing and Protection of Customer Collateral and Positions*;
 - (f) a security that evidences a debt obligation secured by a mortgage registered or published against the title of real estate if
 - (i) the mortgage is registered or published in the name of the client or investment fund as mortgagee, or

(ii) in the case of a syndicated mortgage, the mortgage is registered or published in the name of either of the following as mortgagee:

(A) a person or company that is registered or licensed under mortgage brokerage, mortgage administrators or mortgage dealer legislation of a jurisdiction of Canada if that mortgage is held in trust for the client or investment fund, as applicable;

(B) each investor that is a mortgagee in respect of that mortgage.

“14.5.3 Cash and securities held by a qualified custodian

A registered firm that is subject to subsection 14.5.2(2), (3) or (4) must take reasonable steps to ensure that cash and securities of a client or an investment fund,

(a) except as provided in paragraphs (b) and (c), are held by the qualified custodian or, in respect of cash, the Canadian financial institution using an account number or other designation in the records of the qualified custodian or the Canadian financial institution, as applicable, sufficient to show that the beneficial ownership of the cash or securities of the client or investment fund is vested in that client or investment fund,

(b) in the case of cash held in an account in the name of the registered firm, is held separate and apart from the registered firm’s own property and held by the qualified custodian, or the Canadian financial institution, in a designated trust account in trust for clients or investment funds, or

(c) in the case of cash or securities held for the purpose of bulk trading, are held in the name of the registered firm in trust for its clients or investment funds if the cash or securities are transferred to the client’s or investment fund’s account held by that client’s or investment fund’s qualified custodian or, in respect of cash, Canadian financial institution as soon as possible following a trade”.

(30) The title of Division 3 of Part 14 is amended by adding “and investment fund assets” after “Client assets”.

(31) Section 14.6 is repealed and the following substituted:

“14.6 Client and investment fund assets held by a registered firm in trust

(1) If a registered firm holds client assets or investment fund assets other than cash or securities, or if a registered firm holds cash or securities of a client or an investment fund as permitted by section 14.5.2, the registered firm must hold the assets

(a) separate and apart from its own property,

(b) in trust for the client or investment fund, and

(c) in the case of cash, in a designated trust account with a Canadian custodian or Canadian financial institution.

(2) Despite paragraph (1)(c), a foreign custodian may be a custodian for the cash of the client or investment fund if a reasonable person would conclude, considering all of the relevant circumstances, including, for greater certainty, the nature of the regulation and the sufficiency of the equity of the foreign custodian, that using the foreign custodian is more beneficial to the client or investment fund than using a Canadian custodian or a Canadian financial institution.

“14.6.1 Custodial provisions relating to certain margin or security interests

- (1) In this section, ‘clearing corporation option’, ‘futures exchange’, ‘option on futures’, ‘specified derivative’ and ‘standardized future’ have the same meaning as in section 1.1 of National Instrument 81-102 *Investment Funds*.
- (2) Subsection 14.5.2(2) does not apply to a registered firm in respect of cash or securities of a client or investment fund deposited with a dealer as margin for transactions outside of Canada involving clearing corporation options, options on futures or standardized futures if
 - (a) in the case of standardized futures and options on futures, the dealer is a member of a futures exchange or, in the case of clearing corporation options, is a member of a stock exchange, and, as a result in either case, is subject to a regulatory audit,
 - (b) the dealer has a net worth, determined from its most recent audited financial statements, in excess of \$50 million, and
 - (c) a reasonable person would conclude that using the dealer is more beneficial to the client or investment fund than using a Canadian custodian.
- (3) Subsection 14.5.2(2) does not apply to a registered firm in respect of cash or securities of a client or investment fund deposited with the client’s or investment fund’s counterparty over which the client or investment fund has granted a security interest in connection with a particular specified derivatives transaction.
- (4) The registered firm must take reasonable steps to ensure that any agreement by which cash or securities of a client or investment fund are deposited in accordance with subsection (2) or (3) requires the person or company holding the cash or securities to ensure that its records show that the client or investment fund is the beneficial owner of the cash or securities.

“14.6.2 Custodial provisions relating to short sales

Subsection 14.5.2(2) does not apply to a registered firm in respect of cash or securities of a client or investment fund deposited as security in connection with a short sale of securities with a dealer outside of Canada if

- (a) the dealer is a member of a stock exchange and is subject to a regulatory audit,
- (b) the dealer has a net worth, determined from its most recent audited financial statements, in excess of \$50 million, and
- (c) a reasonable person would conclude that using the dealer is more beneficial to the client or investment fund than using a Canadian custodian”.

(32) Sections 14.7 to 14.9 are repealed.

(33) Subsection 14.11.1(2) is amended by striking out “14.14.2 [position cost information]” and substituting “14.14.2 [security position cost information]”.

(34) Subsection 14.11.1(3) is repealed and the following substituted:

“(3) If a registered firm reasonably believes that it cannot determine the market value of a security in accordance with subsection (1), the market value of the security must be reported in a statement delivered under section 14.14 [*account statements*], 14.14.1 [*additional statements*], 14.14.2 [*security position cost information*], 14.15 [*security holder statements*] or 14.16 [*scholarship plan dealer statements*] as not determinable, and the market value of the security must be excluded from the total market value referred to in paragraphs 14.14(5)(e), 14.14.1(2)(e) and 14.14.2(5)(c)”.

(35) Section 14.12 is amended by adding the following subsection after subsection (6):

“(7) In Newfoundland and Labrador, Ontario and Saskatchewan, a registered dealer that complies with the requirements of this section in respect of a purchase or sale of a security is not subject to any of subsections 37(1), (2) or (3) of the *Securities Act* (Newfoundland and Labrador), subsection 36(1) of the *Securities Act* (Ontario) and subsection 42(1) of *The Securities Act, 1988* (Saskatchewan)”.

(36) Section 14.14 is amended:

(a) in paragraph (4)(d) by adding “purchased, sold or transferred” after “the number of securities”; and

(b) in paragraph (5)(f) by striking out “covered” and substituting “eligible for coverage”.

(37) Section 14.14.1 is amended:

(a) in subsection (2):

(i) in paragraph (f) by striking out “the name” and substituting “disclosure in respect”; and

(ii) in paragraph (g):

(A) by striking out “securities are covered” and substituting “securities are, or the account is, eligible for coverage”; and

(B) by striking out “and, if they are, the name of the fund”; and

(b) by adding the following subsection after subsection (2):

“(2.1) Paragraph (2)(g) does not apply if the party referred to in paragraph (2)(f) is required under section 14.14, or under an IIROC provision or MFDA provision, to deliver a statement to the client in respect of the securities or the account referred to in subsection (1) of this section”.

(38) The heading to section 14.14.2 is amended by striking out “Position cost information” and substituting “Security position cost information”.

(39) Section 14.14.2 is amended:

(a) by repealing paragraphs (2)(a) and (b) and substituting the following:

“(a) for each security position, in the statement, opened on or after July 15, 2015, presented on an average cost per unit or share basis or an aggregate basis,

- (i) the cost of the security position, determined as at the end of the period for which the information referred to in subsection 14.14(5) or 14.14.1(2) is provided, or
 - (ii) if the security position was transferred from another registered firm, the information referred to in subparagraph (i) or the market value of the security position as at the date of the transfer of the security position;
- “(b) for each security position, in the statement, opened before July 15, 2015, presented on an average cost per unit or share basis or an aggregate basis,
- (i) the cost of the security position, determined as at the end of the period for which the information referred to in subsection 14.14(5) or 14.14.1(2) is provided, or
 - (ii) the market value of the security position on
 - (A) December 31, 2015, or
 - (B) a date that is earlier than December 31, 2015 if the registered firm reasonably believes accurate, recorded historical position cost information is available for the client’s account, and it would not be misleading to the client to provide that information as at the earlier date”; and

(b) by adding the following subsection after subsection (2):

“(2.1) If a registered firm reports one or more security positions of a client using the market value determined as at the date referred to in subparagraph (2)(a)(ii) or (2)(b)(ii), the firm must disclose in the statement that it is providing the market value of the security position as at the relevant date, instead of the cost of the security position”.

(40) Paragraph 14.15(c) is amended by striking out “14.14.2[*position cost information*]” and substituting “14.14.2 [*security position cost information*]”.

(41) Section 14.16 is amended by striking out “14.14.2[*position cost information*]” and substituting “14.14.2 [*security position cost information*]”.

(42) Subsection 14.18(6) is repealed and the following substituted:

- “(6) Despite subsection (1), a registered firm is not required to deliver a report to a client for a 12-month period referred to in that subsection if the firm reasonably believes
- (a) there are no securities of the client with respect to which information is required to be reported under subsection 14.14(5) [account statements] or subsection 14.14.1(1) [additional statements], or
 - (b) no market value can be determined for any securities of the client in respect to which information is required to be reported under subsection 14.14(5) or 14.14.1(1)”.

(43) Section 14.19 is amended:

(a) in subsection (1):

(i) by repealing paragraph (d) and substituting the following:

“(d) the market values determined under subsection (1.1)”;

(ii) by repealing paragraph (e);

(iii) in paragraph (g) by striking out “paragraph (h)” and substituting “subsection (1.2)”; and

(iv) by repealing paragraph (h);

(b) by adding the following subsections after subsection (1):

“(1.1) For the purposes of paragraph (1)(d), the investment performance report must include the following, as applicable:

(a) if the client’s account was opened on or after July 15, 2015, the market value of all deposits and transfers of cash and securities into the client’s account, and the market value of all withdrawals and transfers of cash and securities out of the account, since opening the account;

(b) if the client’s account was opened before July 15, 2015, and the firm has not delivered an investment performance report for the 12-month period ending December 31, 2016,

(i) the market value of all cash and securities in the client’s account as at

(A) July 15, 2015, or

(B) a date that is earlier than July 15, 2015 if the registered firm reasonably believes accurate, recorded historical market value information is available for the client’s account, and it would not be misleading to the client to provide that information as at the earlier date, and

(ii) the market value of all deposits and transfers of cash and securities into the account, and the market value of all withdrawals and transfers of cash and securities out of the account, since the date referred to in clause (i)(A) or (B), as applicable;

(c) if the client’s account was opened before July 15, 2015, and the firm delivered an investment performance report for the 12-month period ending December 31, 2016,

(i) the market value of all cash and securities in the client’s account as at

(A) January 1, 2016, or

(B) a date that is earlier than January 1, 2016 if the registered firm reasonably believes accurate, recorded historical market value information is available for the client’s account, and it would not be misleading to the client to provide that information as at the earlier date, and

(ii) the market value of all deposits and transfers of cash and securities into the account, and the market value of all withdrawals and transfers of cash and securities out of the account, since the date referred to in clause (i)(A) or (B), as applicable.

“(1.2) Paragraph (1)(g) does not apply if the client’s account was opened before July 15, 2015 and the registered firm includes in the investment performance report the cumulative change in the market value of the account determined using the following formula, instead of the formula in paragraph (g):

$$A - G - H + I$$

where

A = the market value of all cash and securities in the account as at the end of the 12-month period covered by the investment performance report;

G = the market value of all cash and securities in the account determined as follows:

(a) if the firm has not delivered an investment performance report for the 12-month period ending December 31, 2016, the market value of all cash and securities in the client’s account as at

(i) July 15, 2015, or

(ii) a date that is earlier than July 15, 2015 if the registered firm reasonably believes accurate, recorded historical market value information is available for the client’s account, and it would not be misleading to the client to provide that information as at the earlier date,

(b) if the firm has delivered an investment performance report for the 12-month period ending December 31, 2016, the market value of all cash and securities in the client’s account as at

(i) January 1, 2016, or

(ii) a date that is earlier than January 1, 2016 if the registered firm reasonably believes accurate, recorded historical market value information is available for the client’s account, and it would not be misleading to the client to provide that information as at the earlier date;

H = the market value of all deposits and transfers of cash and securities into the account since the date used for the purposes of the definition of ‘G’; and

I = the market value of all withdrawals and transfers of cash and securities out of the account since the date used for the purposes of the definition of ‘G’;

(c) by repealing paragraph (2)(e) and substituting the following:

“(e) subject to subsection (3.1), the period since the client’s account was opened if the account has been open for more than one year before the date of the report or, if the account was opened before July 15, 2015, the period since

(i) July 15, 2015, or

(ii) a date that is earlier than July 15, 2015 if the registered firm reasonably believes accurate, recorded annualized total percentage return information is available for the client's account, and it would not be misleading to the client to provide that information as at the earlier date"; **and**

(d) by adding the following subsection after subsection (3):

"(3.1) Paragraph (2)(e) does not apply to a registered firm that delivered an investment performance report for the 12-month period ending December 31, 2016 if the firm provides, in the report, the annualized total percentage return information referred to in that paragraph for the period since

(a) January 1, 2016, or

(b) a date that is earlier than January 1, 2016 if the registered firm reasonably believes accurate, recorded annualized total percentage return information is available for the client's account, and it would not be misleading to the client to provide that information as at the earlier date".

(44) Subsection 15.1 (3) is amended by adding "Alberta and" after "Except in".

(45) Form 31-103F1 Calculation of Excess Working Capital is amended:

(a) in the column entitled "Component" in Line 10 of the table by adding "or, in Québec, for a firm registered only in that jurisdiction and solely in the category of mutual fund dealer, less the deductible under the liability insurance required under section 193 of the Québec Securities Regulation" after "National Instrument 31-103 Registration Requirements, Exemptions and Ongoing Registrant Obligations";

(b) in subparagraph (a)(i) of Schedule 1 by striking out "Aaa or AAA by Moody's Canada Inc. or its DRO affiliate or Standard & Poor's Rating Services (Canada) or its DRO affiliate, respectively" and substituting "Aaa or AAA, or the short-term ratings equivalent of either of those ratings, by a designated rating organization or its DRO affiliate"; and

(c) in paragraph (d) of Schedule 1 by striking out "*Investment Companies Act of 1940*" and substituting "*Investment Company Act of 1940*".

(46) Appendix G is repealed and the following substituted:

**“APPENDIX G - EXEMPTIONS FROM CERTAIN
REQUIREMENTS FOR IIROC MEMBERS
(Section 9.3 [exemptions from certain requirements for IIROC members])**

NI 31-103 Provision	IIROC Provision
section 12.1 [<i>capital requirements</i>]	1. Dealer Member Rule 17.1; and 2. Form 1
section 12.2 [<i>subordination agreement</i>]	1. Dealer Member Rule 5.2; and 2. Dealer Member Rule 5.2A
section 12.3 [<i>insurance - dealer</i>]	1. Dealer Member Rule 17.5; 2. Dealer Member Rule 400.2 [<i>Financial Institution Bond</i>]; 3. Dealer Member Rule 400.4 [<i>Amounts Required</i>]; and 4. Dealer Member Rule 400.5 [<i>Provisos with respect to Dealer Member Rules 400.2, 400.3 and 400.4</i>]
section 12.6 [<i>global bonding or insurance</i>]	1. Dealer Member Rule 400.7 [<i>Global Financial Institution Bonds</i>]
section 12.7 [<i>notifying the regulator of a change, claim or cancellation</i>]	1. Dealer Member Rule 17.6; 2. Dealer Member Rule 400.3 [<i>Notice of Termination</i>]; and 3. Dealer Member Rule 400.3B [<i>Termination or Cancellation</i>]
section 12.10 [<i>annual financial statements</i>]	1. Dealer Member Rule 16.2 [<i>Dealer Member Filing Requirements</i>]; and 2. Form 1
section 12.11 [<i>interim financial information</i>]	1. Dealer Member Rule 16.2 [<i>Dealer Member Filing Requirements</i>]; and 2. Form 1
section 12.12 [<i>delivering financial information - dealer</i>]	1. Dealer Member Rule 16.2 [<i>Dealer Member Filing Requirements</i>]
subsection 13.2(3) [<i>know your client</i>]	1. Dealer Member Rule 1300.1(a)-(n) [<i>Identity and Creditworthiness</i>]; 2. Dealer Member Rule 1300.2; 3. Dealer Member Rule 2500, Part II [<i>Opening New Accounts</i>]; 4. Dealer Member Rule 2700, Part II [<i>New Account Documentation and Approval</i>]; and 5. Form 2 New Client Application Form
section 13.3 [<i>suitability</i>]	1. Dealer Member Rule 1300.1(o) [<i>Business Conduct</i>]; 2. Dealer Member Rule 1300.1(p) [<i>Suitability determination required when accepting order</i>]; 3. Dealer Member Rule 1300.1(q) [<i>Suitability determination required when recommendation provided</i>]; 4. Dealer Member Rule 1300.1(r) [<i>Suitability determination required for account positions held when certain events occur</i>]; 5. Dealer Member Rule 1300.1(s) [<i>Suitability of investments in client accounts</i>]; 6. Dealer Member Rule 1300.1(t) - (v) [<i>Exemptions from the suitability assessment requirements</i>]; 7. Dealer Member Rule 1300.1(w) [<i>Corporation approval</i>]; 8. Dealer Member Rule 2700, Part I [<i>Customer Suitability</i>]; and 9. Dealer Member Rule 3200 [<i>Minimum requirements for Dealer Members seeking approval under Rule 1300.1(t) to offer an order-execution only service</i>]

NI 31-103 Provision	IIROC Provision
section 13.12 [<i>restriction on lending to clients</i>]	1. Dealer Member Rule 17.11; and 2. Dealer Member Rule 100 [<i>Margin Requirements</i>]
section 13.13 [<i>disclosure when recommending the use of borrowed money</i>]	1. Dealer Member Rule 29.26
section 13.15 [<i>handling complaints</i>]	1. Dealer Member Rule 2500, Part VIII [<i>Client Complaints</i>]; and 2. Dealer Member Rule 2500B [<i>Client Complaint Handling</i>]
subsection 14.2(2) [<i>relationship disclosure information</i>]	1. Dealer Member Rule 3500.5 [<i>Content of relationship disclosure</i>]
subsection 14.2(3) [<i>relationship disclosure information</i>]	1. Dealer Member Rule 3500.4 [<i>Format of relationship disclosure</i>]
subsection 14.2(4) [<i>relationship disclosure information</i>]	1. Dealer Member Rule 3500.1 [<i>Objective of relationship disclosure requirements</i>]
subsection 14.2(5.1) [<i>relationship disclosure information</i>]	1. Dealer Member Rule 29.8
subsection 14.2(6) [<i>relationship disclosure information</i>]	1. Dealer Member Rule 3500.1 [<i>Objective of relationship disclosure requirements</i>]
section 14.2.1 [<i>pre-trade disclosure of charges</i>]	1. Dealer Member Rule 29.9
section 14.6 [<i>holding client assets in trust</i>]	1. Dealer Member Rule 17.3
section 14.8 [<i>securities subject to a safekeeping agreement</i>]	1. Dealer Member Rule 17.2A 2. Dealer Member Rule 2600 - Internal Control Policy Statement 5 [<i>Safekeeping of Clients' Securities</i>]
section 14.9 [<i>securities not subject to a safekeeping agreement</i>]	1. Dealer Member Rule 17.3; 2. Dealer Member Rule 17.3A; and 3. Dealer Member Rule 200.1(c)
section 14.11.1 [<i>determining market value</i>]	1. Dealer Member Rule 200.1(c); and 2. Definition (g) of the General Notes and Definitions to Form 1
section 14.12 [<i>content and delivery of trade confirmation</i>]	1. Dealer Member Rule 200.1(h)
section 14.14 [<i>account statements</i>]	1. Dealer Member Rule 200.2(d) [<i>Client account statements</i>]; and 2. "Guide to Interpretation of Rule 200.2", Item (d)
section 14.14.1 [<i>additional statements</i>]	1. Dealer Member Rule 200.2(e) [<i>Report on client positions held outside of the Dealer Member</i>]; 2. Dealer Member Rule 200.4 [<i>Timing of sending documents to clients</i>]; and 3. "Guide to Interpretation of Rule 200.2", Item (e)
section 14.14.2 [<i>security position cost information</i>]	1. Dealer Member Rule 200.1(a); 2. Dealer Member Rule 200.1(b); 3. Dealer Member Rule 200.1(e); 4. Dealer Member Rule 200.2(d)(ii)(F) and (H); and 5. Dealer Member Rule 200.2(e)(ii)(C) and (E)
section 14.17 [<i>report on charges and other compensation</i>]	1. Dealer Member Rule 200.2(g) [<i>Fee/ charge report</i>]; and 2. "Guide to Interpretation of Rule 200.2", Item (g)
section 14.18 [<i>investment performance report</i>]	1. Dealer Member Rule 200.2(f) [<i>Performance report</i>]; and 2. "Guide to Interpretation of Rule 200.2", Item (f)

NI 31-103 Provision	IROC Provision
section 14.19 [<i>content of investment performance report</i>]	1. Dealer Member Rule 200.2(f) [<i>Performance report</i>]; and 2. “Guide to Interpretation of Rule 200.2”, Item (f)
section 14.20 [<i>delivery of report on charges and other compensation and investment performance report</i>]	1. Dealer Member Rule 200.4 [<i>Timing of the sending of documents to clients</i>]

”.

(47) Appendix G is amended by adding the following rows in the format indicated by the shaded area before the row commencing with “section 14.6 [*holding client assets in trust*]”:

“

NI 31-103 Provision	IROC Provision
section 14.5.2 [<i>restriction on self-custody and qualified custodian requirement</i>]	1. Dealer Member Rule 17.2A; 2. Dealer Member Rules 17.3, 17.3A, 17.3B and 2000 [<i>Segregation Requirements</i>]; 3. Dealer Member Rule 2600 - Internal Control Policy Statement 4 [<i>Segregation of Clients’ Securities</i>]; 4. Dealer Member Rule 2600 - Internal Control Policy Statement 5 [<i>Safekeeping of Clients’ Securities</i>]; 5. Dealer Member Rule 2600 - Internal Control Policy Statement 6 [<i>Safeguarding of Securities and Cash</i>]; and 6. Definition of “acceptable securities locations”, General Notes and Definitions to Form 1
section 14.5.3 [<i>cash and securities held by a qualified custodian</i>]	1. Dealer Member Rule 200 [<i>Minimum Records</i>]

”.

(48) Appendix G is amended by striking out “section 14.6 [*holding client assets in trust*]” and substituting “section 14.6 [*client and investment fund assets held by a registered firm in trust*]”.

(49) Appendix G is amended by adding the following rows in the format indicated by the shaded area after the row commencing with “section 14.6 [*holding client assets in trust*]”:

“

NI 31-103 Provision	IROC Provision
section 14.6.1 [<i>custodial provisions relating to certain margin or security interests</i>]	1. Dealer Member Rules 17.2, 17.2A, 17.3, 17.3A, 17.3B, 17.11 and 2000 [<i>Segregation Requirements</i>]; 2. Dealer Member Rule 100 [<i>Margin Requirements</i>]; 3. Dealer Member Rule 2200 [<i>Cash and Securities Loan Transactions</i>]; 4. Dealer Member Rule 2600 - Internal Control Policy Statement 4 [<i>Segregation of Clients’ Securities</i>]; 5. Dealer Member Rule 2600 - Internal Control Policy Statement 5 [<i>Safekeeping of Clients’ Securities</i>]; 6. Dealer Member Rule 2600 - Internal Control Policy Statement 6 [<i>Safeguarding of Securities and Cash</i>]; and 7. Definitions of “acceptable counterparties”, “acceptable institutions”, “acceptable securities locations”, “regulated entities”, General Notes and Definitions to Form 1

NI 31-103 Provision	IIROC Provision
section 14.6.2 [<i>custodial provisions relating to short sales</i>]	<ol style="list-style-type: none"> 1. Dealer Member Rule 100 [<i>Margin Requirements</i>]; 2. Dealer Member Rule 2200 [<i>Cash and Securities Loan Transactions</i>]; 3. Dealer Member Rule 2600 - Internal Control Policy Statement 6 [<i>Safeguarding of Securities and Cash</i>]; and 4. Definitions of “acceptable counterparties”, “acceptable institutions”, “acceptable securities locations”, “regulated entities”, General Notes and Definitions to Form 1

”.

(50) Appendix G is amended by repealing the rows commencing with “section 14.8 [*securities subject to a safekeeping agreement*]” and “section 14.9 [*securities not subject to a safekeeping agreement*]”.

(51) Appendix H is repealed and the following substituted:

**“APPENDIX H - EXEMPTIONS FROM CERTAIN
REQUIREMENTS FOR MFDA MEMBERS
(Section 9.4 [*exemptions from certain requirements for MFDA members*])**

NI 31-103 Provision	MFDA Provision
section 12.1 [<i>capital requirements</i>]	<ol style="list-style-type: none"> 1. Rule 3.1.1 [<i>Minimum Levels</i>]; 2. Rule 3.1.2 [<i>Notice</i>]; 3. Rule 3.2.2 [<i>Member Capital</i>]; 4. Form 1; and 5. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 2: Capital Adequacy</i>]
section 12.2 [<i>subordination agreement</i>]	<ol style="list-style-type: none"> 1. Form 1, Statement F [<i>Statement of Changes in Subordinated Loans</i>]; and 2. Membership Application Package - Schedule I (Subordinated Loan Agreement)
section 12.3 [<i>insurance - dealer</i>]	<ol style="list-style-type: none"> 1. Rule 4.1 [<i>Financial Institution Bond</i>]; 2. Rule 4.4 [<i>Amounts Required</i>]; 3. Rule 4.5 [<i>Provisos</i>]; 4. Rule 4.6 [<i>Qualified Carriers</i>]; and 5. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 3: Insurance</i>]
section 12.6 [<i>global bonding or insurance</i>]	<ol style="list-style-type: none"> 1. Rule 4.7 [<i>Global Financial Institution Bonds</i>]
section 12.7 [<i>notifying the regulator of a change, claim or cancellation</i>]	<ol style="list-style-type: none"> 1. Rule 4.2 [<i>Notice of Termination</i>]; and 2. Rule 4.3 [<i>Termination or Cancellation</i>]
section 12.10 [<i>annual financial statements</i>]	<ol style="list-style-type: none"> 1. Rule 3.5.1 [<i>Monthly and Annual</i>]; 2. Rule 3.5.2 [<i>Combined Financial Statements</i>]; and 3. Form 1
section 12.11 [<i>interim financial information</i>]	<ol style="list-style-type: none"> 1. Rule 3.5.1 [<i>Monthly and Annual</i>]; 2. Rule 3.5.2 [<i>Combined Financial Statements</i>]; and 3. Form 1
section 12.12 [<i>delivering financial information - dealer</i>]	<ol style="list-style-type: none"> 1. Rule 3.5.1 [<i>Monthly and Annual</i>]
section 13.3 [<i>suitability</i>]	<ol style="list-style-type: none"> 1. Rule 2.2.1 [<i>“Know-Your-Client”</i>]; and 2. Policy No. 2 [<i>Minimum Standards for Account Supervision</i>]
section 13.12 [<i>restriction on lending to clients</i>]	<ol style="list-style-type: none"> 1. Rule 3.2.1 [<i>Client Lending and Margin</i>]; and 2. Rule 3.2.3 [<i>Advancing Mutual Fund Redemption Proceeds</i>]
section 13.13 [<i>disclosure when recommending the use of borrowed money</i>]	<ol style="list-style-type: none"> 1. Rule 2.6 [<i>Borrowing for Securities Purchases</i>]

NI 31-103 Provision	MFDA Provision
section 13.15 [<i>handling complaints</i>]	1. Rule 2.11 [<i>Complaints</i>]; 2. Policy No. 3 [<i>Complaint Handling, Supervisory Investigations and Internal Discipline</i>]; and 3. Policy No. 6 [<i>Information Reporting Requirements</i>]
subsections 14.2(2), (3) and (5.1) [<i>relationship disclosure information</i>]	1. Rule 2.2.5 [<i>Relationship Disclosure</i>]; and 2. Rule 2.4.3 [<i>Operating Charges</i>]
section 14.2.1 [<i>pre-trade disclosure of charges</i>]	1. Rule 2.4.4 [<i>Transaction Fees or Charges</i>]
section 14.6 [<i>holding client assets in trust</i>]	1. Rule 3.3.1 [<i>General</i>]; 2. Rule 3.3.2 [<i>Cash</i>]; and 3. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 4: Cash and Securities, and Policy Statement 5: Segregation of Clients' Securities</i>]
section 14.8 [<i>securities subject to a safekeeping agreement</i>]	1. Rule 3.3.3 [<i>Securities</i>]; and 2. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 4: Cash and Securities, and Policy Statement 5: Segregation of Clients' Securities</i>]
section 14.9 [<i>securities not subject to a safekeeping agreement</i>]	1. Rule 3.3.3 [<i>Securities</i>]
section 14.11.1 [<i>determining market value</i>]	1. Rule 5.3(1)(f) [<i>definition of "market value"</i>]; and 2. Definitions to Form 1 [<i>definition of "market value of a security"</i>]
section 14.12 [<i>content and delivery of trade confirmation</i>]	1. Rule 5.4.1 [<i>Delivery of Confirmations</i>]; 2. Rule 5.4.2 [<i>Automatic Plans</i>]; and 3. Rule 5.4.3 [<i>Content</i>]
section 14.14 [<i>account statements</i>]	1. Rule 5.3.1 [<i>Delivery of Account Statement</i>]; and 2. Rule 5.3.2 [<i>Content of Account Statement</i>]
section 14.14.1 [<i>additional statements</i>]	1. Rule 5.3.1 [<i>Delivery of Account Statement</i>]; and 2. Rule 5.3.2 [<i>Content of Account Statement</i>]
section 14.14.2 [<i>security position cost information</i>]	1. Rule 5.3(1)(a) [<i>definition of "book cost"</i>]; 2. Rule 5.3(1)(c) [<i>definition of "cost"</i>]; and 3. Rule 5.3.2(c) [<i>Content of Account Statement - Market Value and Cost Reporting</i>]
section 14.17 [<i>report on charges and other compensation</i>]	1. Rule 5.3.3 [<i>Report on Charges and Other Compensation</i>]
section 14.18 [<i>investment performance report</i>]	1. Rule 5.3.4 [<i>Performance Report</i>]; and 2. Policy No. 7 Performance Reporting
section 14.19 [<i>content of investment performance report</i>]	1. Rule 5.3.4 [<i>Performance Report</i>]; and 2. Policy No. 7 Performance Reporting
section 14.20 [<i>delivery of report on charges and other compensation and investment performance report</i>]	1. Rule 5.3.5 [<i>Delivery of Report on Charges and Other Compensation and Performance Report</i>]

”.

(52) Appendix H is amended by adding the following rows in the format indicated by the shaded area before the row commencing with “section 14.6 [*holding client assets in trust*]”:

“

NI 31-103 Provision	MFDA Provision
section 14.5.2 [<i>restriction on self-custody and qualified custodian requirement</i>]	1. Rule 3.3.1 [<i>General</i>]; 2. Rule 3.3.2 [<i>Cash</i>]; 3. Rule 3.3.3 [<i>Securities</i>]; and 4. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 4: Cash and Securities, and Policy Statement 5: Segregation of Clients' Securities</i>]
section 14.5.3 [<i>cash and securities held by a qualified custodian</i>]	1. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 4: Cash and Securities, and Policy Statement 5: Segregation of Clients' Securities</i>]

”.

(53) Appendix H is amended by striking out the row commencing with “section 14.6 [*holding client assets in trust*]” and substituting the following row in the format indicated by the shaded area:

“

NI 31-103 Provision	MFDA Provision
section 14.6 [<i>client and investment fund assets held by a registered firm in trust</i>]	1. Rule 3.3.1 [<i>General</i>]; 2. Rule 3.3.2 [<i>Cash</i>]; 3. Rule 3.3.3 [<i>Securities</i>]; and 4. Policy No. 4 [<i>Internal Control Policy Statements - Policy Statement 4: Cash and Securities, and Policy Statement 5: Segregation of Clients' Securities</i>]

”.

(54) Appendix H is amended by adding the following rows in the format indicated by the shaded area after the row commencing with “section 14.6 [*holding client assets in trust*]”:

“

NI 31-103 Provision	MFDA Provision
section 14.6.1 [<i>custodial provisions relating to certain margin or security interests</i>]	1. Rule 3.2.1 [<i>Client Lending and Margin</i>]
section 14.6.2 [<i>custodial provisions relating to short sales</i>]	1. Rule 3.2.1 [<i>Client Lending and Margin</i>]

”.

(55) Appendix H is amended by striking out the rows commencing with “section 14.8 [*securities subject to a safekeeping agreement*]” and “section 14.9 [*securities not subject to a safekeeping agreement*]”.

(56) The following subsections are added after subsection 17.1(2):

“(3) Subject to subsection (2), *The Securities Commission (Adoption of National Instruments) (NI 31-103 and NI 33-109) Amendment Regulations, 2017* come into force on December 4, 2017.

“(4) The following provisions of *The Securities Commission (Adoption of National Instruments) (NI 31-103 and NI 33-109) Amendment Regulations, 2017* come into force on June 4, 2018:

- (a) subsections 4(1) and (2);
- (b) paragraphs 4(12)(c), (d) and (e);
- (c) paragraphs 4(14)(c), (d) and (e);
- (d) paragraphs 4(16)(c), (d) and (e);
- (e) paragraphs 4(18)(c), (d) and (e);
- (f) subsection 4(26);
- (g) paragraph 4(28)(b);
- (h) subsections 4(29) to (34), (47) to (50) and (52) to (55).

“(5) In Saskatchewan, despite subsections (3) and (4), if *The Securities Commission (Adoption of National Instruments) (NI 31-103 and NI 33-109) Amendment Regulations, 2017* are filed with the Registrar of Regulations after December 4, 2017,

- (a) subject to paragraph (b), *The Securities Commission (Adoption of National Instruments) (NI 31-103 and NI 33-109) Amendment Regulations, 2017* come into force on the day on which it is filed with the Registrar of Regulations, and
- (b) the provisions of *The Securities Commission (Adoption of National Instruments) (NI 31-103 and NI 33-109) Amendment Regulations, 2017* referenced in subsection (4) come into force six months after that day”.

Coming into force

5(1) Subject to subsections (2) and (3), these regulations come into force on December 4, 2017.

(2) The following provisions come into force on June 4, 2018:

- (a) subsections 4(1) and (2);
- (b) clauses 4(12)(c), (d) and (e);
- (c) clauses 4(14)(c), (d) and (e);
- (d) clauses 4(16)(c), (d) and (e);
- (e) clauses 4(18)(c), (d) and (e);
- (f) clause 4(26);
- (g) clause 4(28)(b);
- (h) subsections 4(29) to (34), (47) to (50) and (52) to (55).

(3) If these regulations are filed with the Registrar of Regulations after December 4, 2017, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 123/2017*The Securities Act, 1988*

Section 154

Commission Order, dated November 17, 2017

and

Minister's Order, dated November 28, 2017

(Filed November 30, 2017)

Title

1 These regulations may be cited as *The Securities Commission (Adoption of National Instruments) (MI 91-102) Amendment Regulations, 2017*.

RRS c S-42.2 Reg 3 amended

2 *The Securities Commission (Adoption of National Instruments) Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **The following clause is added after clause 2(jjj):**

“(kkk) Multilateral Instrument 91-102, entitled Prohibition of Binary Options, as set out in Part LXIII of the Appendix”.

New Part LXIII

4 **The following Part is added after Part LXII:**

“PART LXIII
[clause 2(kkk)]

Multilateral Instrument 91-102
Prohibition of Binary Options

Definition

1. In this Instrument, ‘binary option’ means a contract or instrument that provides for only

- (a) a predetermined fixed amount if the underlying interest referenced in the contract or instrument meets one or more predetermined conditions, and
- (b) zero or another predetermined fixed amount if the underlying interest referenced in the contract or instrument does not meet one or more predetermined conditions.

Trading binary options with an individual prohibited

2. No person or company may advertise, offer, sell or otherwise trade a binary option with or to an individual.

Trading binary options with a person or company other than an individual prohibited

3. No person or company may advertise, offer, sell or otherwise trade a binary option with or to a person or company that was created, or is used, solely to trade a binary option.

Binary options having a term to maturity of 30 days or longer

4. Sections 2 and 3 do not apply in respect of a binary option having a term to maturity of 30 days or longer.

Exemption - general

- 5.(1) Except in Québec, the regulator or the securities regulatory authority may grant an exemption from this Instrument, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.
- (2) Despite subsection (1), in Ontario, only the regulator may grant an exemption.
- (3) Except in Alberta, Ontario and Saskatchewan, an exemption referred to in subsection (1) is granted under the statute referred to in Appendix B of National Instrument 14-101 *Definitions* opposite the name of the local jurisdiction.

Effective date

- 6.(1) This Instrument comes into force on December 12, 2017.
- (2) In Saskatchewan, despite subsection (1), if these regulations are filed with the Registrar of Regulations after December 12, 2017, these regulations come into force on the day on which they are filed with the Registrar of Regulations”.

Coming into force

- 5(1) Subject to subsection (2), these regulations come into force on December 12, 2017.
- (2) If these regulations are filed with the Registrar of Regulations after December 12, 2017, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

