

2004

CHAPTER 56

An Act to amend *The Electrical Inspection Act, 1993*

(Assented to November 30, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Electrical Inspection Amendment Act, 2004*.

S.S. 1993, c.E-6.3 amended

2 *The Electrical Inspection Act, 1993* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) in clause (j) by adding “in Saskatchewan” after “premises”;

(b) by adding the following clause after clause (v):

“(v.1) ‘**transmission line**’ means a facility for the transmission of electrical energy by an electrical utility from point to point, including to the premises of customers”; **and**

(c) by repealing clause (w) and substituting the following:

“(w) ‘**work of electrical installation**’ means the installation of any electrical equipment, in or on any premises, from the point where electrical power or energy is delivered to the point where the power or energy can be used, and includes the maintenance, connection, alteration, extension and repair of electrical installations, but does not include:

(i) the insertion or replacement of:

(A) approved lamps in sockets or receptacles; or

(B) approved fuses, rated at less than 750 volts, controlling circuits or equipment;

(ii) the connection, use or operation of small portable electrical equipment to supply circuits by means of attachment plugs, if the connection does not overload the circuit conductors; or

(iii) any prescribed work of electrical installation”.

New section 3

4 Section 3 is repealed and the following substituted:**“Application**

3(1) Subject to subsection (2), this Act applies to:

- (a) all work of electrical installation;
- (b) the inspection of all work of electrical installation; and
- (c) the design, manufacture, display, advertising, sale and use of electrical equipment.

(2) This Act does not apply to:

- (a) the work of electrical installation:
 - (i) in power houses, substations or other facilities:
 - (A) in which electricity is produced or from which electricity is distributed; and
 - (B) from which some or all of the electricity mentioned in paragraph (A) is sold;
 - (ii) on railway cars or locomotives or street railway cars or locomotives;
 - (iii) on transmission lines and distribution systems of electric utilities; or
 - (iv) on elevators as defined in *The Passenger and Freight Elevator Act*; or
- (b) any prescribed electrical equipment”.

Section 6 amended

5(1) Subsection 6(2) is repealed.

(2) Subsection 6(3) is amended by adding “or the work of electrical installation” after “equipment”.

(3) Subsection 6(4) is repealed and the following substituted:

“(4) No inspector appointed pursuant to this section shall inspect:

- (a) any work of electrical installation that he or she has performed or in which he or she has any direct or indirect interest; or
- (b) any electrical equipment if he or she has any direct or indirect interest in the sale of that electrical equipment”.

Section 7 amended**6 The following subsection is added after subsection 7(3):**

“(4) No person whose services are engaged pursuant to this section shall inspect:

- (a) any work of electrical installation that he or she has performed or in which he or she has any direct or indirect interest; or
- (b) any electrical equipment if he or she has any direct or indirect interest in the sale of that electrical equipment”.

Section 9 amended

7(1) Subsection 9(1) is amended by striking out “a certificate of appointment” and substituting “an identification card”.

(2) Subsection 9(2) is amended by striking out “certificate of appointment” and substituting “identification card”.

Section 10 amended**8 Subsection 10(1) is amended:**

(a) by repealing clause (b) and substituting the following:

“(b) inspect any work of electrical installation or any electrical equipment, and may:

- (i) approve, conditionally or unconditionally, any work of electrical installation or any electrical equipment inspected; or
- (ii) reject any work of electrical installation or electrical equipment inspected”; **and**

(b) by repealing clause (e) and substituting the following:

“(e) examine and test any electrical equipment and require any electrical equipment that is being examined or tested to be actively put in motion or use, stopped or disassembled for the purpose of examination or testing”.

New section 12**9 Section 12 is repealed and the following substituted:****“Connections and reconnections**

12(1) No person shall connect an electrical installation with a distribution system or transmission line, except under the authority of, and in accordance with, a permit issued by the corporation.

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

(3) Connections and reconnections made pursuant to this section are deemed to be made pending inspection by the corporation, and the person who operates the distribution system or transmission line must be satisfied before a connection is made that the wiring on the customer’s service is free from short circuits, grounds or any defects that might cause a hazard to life or property”.

New section 14**10 Section 14 is repealed and the following substituted:****“Reports by operator of distribution system, transmission line**

14 On the request of the chief inspector, a person who operates a distribution system or a transmission line shall, within any time specified by the chief inspector, provide to the corporation a report containing the following information with respect to each new connection and reconnection made by the person during any period specified by the chief inspector:

- (a) the serial number of the permit authorizing the connection or reconnection;
- (b) the name of the contractor who requested the permit;
- (c) the name of the customer at whose premises the connection or reconnection was made;
- (d) the address or location of the premises at which the connection or reconnection was made;
- (e) the date on which the connection or reconnection was made;
- (f) any additional information requested by the chief inspector”.

Section 17 amended**11 Subsection 17(2) is amended:**

- (a) by striking out “or” after clause (f); and
- (b) by adding the following clause after clause (g):

“(h) a person who supplies, transmits, distributes or sells electrical energy contrary to subsection 38(1) of *The Power Corporation Act* without the consent of the corporation”.

Section 23 amended**12 Clause 23(1)(a) is amended by striking out “, by prepaid first class mail”.****Section 25 amended****13 Subsection 25(3) is repealed and the following substituted:**

“(3) Where defects are not remedied within the time specified in the notice, the chief inspector may, by written notice, order the person who operates the generating plant to discontinue service to the premises”.

Section 28 amended

14 The portion of section 28 preceding clause (a) is amended by striking out “*The Fire Prevention Act, 1980* and *The Occupational Health and Safety Act*” and substituting “*The Fire Prevention Act, 1992* and *The Occupational Health and Safety Act, 1993*”.

New sections 28.1 and 28.2

15 The following sections are added before section 29:

“Prohibitions

28.1(1) No person shall fail to comply with a reasonable request of an inspector made by the inspector in the course of carrying out the inspector’s duties pursuant to this Act.

(2) No person shall knowingly make any false or misleading statement to an inspector or provide any false information to an inspector.

(3) No person, when asked to make a statement to an inspector, shall knowingly omit to state a fact that is required to be stated or that is necessary to make the statement not misleading in light of the circumstances in which it is made.

(4) Unless authorized by an inspector, no person shall remove, alter or interfere in any way with any electrical equipment seized or disposed of pursuant to subsection 18(7).

(5) No person shall obstruct or interfere with an inspector in the course of the performance of the inspector’s duties or the exercise of the inspector’s powers pursuant to this Act or the regulations.

“Administrative penalties

28.2(1) The chief inspector or an inspector may order a person to pay an administrative penalty in an amount not exceeding the maximum amount prescribed in the regulations if the chief inspector or the inspector is satisfied that the person has contravened section 16.

(2) Before making an order pursuant to subsection (1), the chief inspector or the inspector shall provide written notice to the person:

(a) setting out the facts and circumstances that, in the opinion of the chief inspector or the inspector, render the person liable to a penalty;

(b) specifying the amount of the penalty that the chief inspector or the inspector considers appropriate in the circumstances; and

(c) informing the person of the person’s right to make representations to the chief inspector or the inspector.

(3) A person to whom notice is sent pursuant to subsection (2) may make written representations to the chief inspector or the inspector respecting whether or not a penalty should be assessed and the amount of any penalty.

(4) Representations pursuant to subsection (3) must be made within 30 days after the person receives the notice pursuant to subsection (2).

(5) After considering any representations pursuant to subsection (3), the chief inspector or the inspector may:

(a) make an order assessing a penalty and setting a date by which the penalty is to be paid in full; or

(b) determine that no penalty should be assessed.

(6) The chief inspector or the inspector shall send written notice of his or her decision to the person.

(7) No order is to be made pursuant to this section more than three years after the act or omission that, in the opinion of the chief inspector or the inspector, renders the person liable to a penalty.

(8) A penalty assessed pursuant to this section is a debt due to and recoverable by the Crown in right of Saskatchewan.

(9) After the time for filing an appeal of an order of the chief inspector or the inspector pursuant to this section has passed and, if there is no appeal or if an appeal is unsuccessful, the corporation may file a certificate with the registrar of the Court of Queen's Bench certifying the amount of any unpaid fees for permits required pursuant to section 16 and the amount of the penalty imposed pursuant to this section.

(10) A certificate filed pursuant to subsection (9) with the registrar of the Court of Queen's Bench has the same force and effect as if it were a judgment of that court for the recovery of debt in the amount specified in the certificate together with the cost of filing”.

Section 29 amended

16(1) The portion of subsection 29(1) following clause (c) is amended by striking out “\$1,000” wherever it appears and in each case substituting “\$10,000”.

(2) The following subsection is added after subsection 29(1):

“(1.1) Every director, officer or agent of a corporation who directed, authorized, assented to or acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted”.

(3) Subsection 29(3) is amended by striking out “\$1,000” wherever it appears and in each case substituting “\$10,000”.

New section 29.1

17 The following section is added after section 29:

“Vicarious liability

29.1 In any prosecution of a person for an offence pursuant to this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence”.

Section 30 amended

18 Clause 30(a) is amended by striking out “one year” and substituting “two years”.

Section 32 amended

19 Subsection 32(1) is amended by adding “in writing” after “appeal”.

Section 34 amended

20 The following clause is added after clause 34(m):

“(m.1) prescribing the maximum amount of an administrative penalty that may be imposed by an order pursuant to subsection 28.2(1)”.

Section 36 amended

21 Subsection 36(1) is amended by striking out “provided for” and substituting “prescribed in the regulations”.

New section 36.1

22 The following section is added after section 36:

“Public notices, bulletins

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

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

Coming into force

23 This Act comes into force on proclamation.

