

1990
CHAPTER 14

An Act to amend The Dangerous Goods Transportation Act

(Assented to June 22, 1990)

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

Short title1 This Act may be cited as The Dangerous Goods Transportation Amendment Act, 1990.

S.S. 1984-85-86, c.D-1.2 amended

2 The Dangerous Goods Transportation Act is amended in the manner set forth in this Act.

Section 2 amended3 Section 2 is amended:

(a) by adding the following after clause (d):

"handling""(d.1) `handling' means:

(i) loading, reloading or unloading;

(ii) packing, repacking or unpacking; or

(iii) placing, replacing or removing;

dangerous goods in or from any container, packaging, means of transport or at any facility for the purposes of, in the course of or following transportation and includes storing dangerous goods in the course of transportation"; and

(b) by repealing clauses (j) to (m) and substituting the following:

"safety mark""(j) `safety mark' includes any:

(i) abbreviation;

(ii) design;

(iii) device;

(iv) label;

(v) letter;

(vi) number;

(vii) placard;

(viii) sign;

- (ix) symbol;
- (x) word; or
- (xi) combination of the things mentioned in clauses (i) to (x);

that is required by the regulations to be displayed on dangerous goods or containers, packaging, facilities or means of transport used in the handling, offering for transport or transportation of dangerous goods;

"safety requirements" (k) `safety requirements' means:

- (i) requirements for the handling, offering for transport or transportation of dangerous goods; or
- (ii) the:
 - (A) reporting of;
 - (B) training of persons engaged in; or
 - (C) inspection of;

the activities mentioned in subclause (i);

"safety standards" (l) `safety standards' means standards regulating the:

- (i) construction;
- (ii) design;
- (iii) equipping;
- (iv) functioning; or
- (v) performance;

of containers, packaging or means of transport used in the handling, offering for transport or transportation of dangerous goods;

"shipping document" (m) `shipping document' means any document that:

- (i) accompanies dangerous goods being handled, offered for transport or transported; and
 - (ii) describes or contains information relating to the dangerous goods mentioned in subclause (i);
- and includes a bill of lading, cargo manifest, shipping order and way-bill".

New section 34 Section 3 is repealed and the following substituted:

Application of Act"3(1) Subject to subsection (2), this Act applies to the:

- (a) handling;
- (b) offering for transport; and
- (c) transportation;

of dangerous goods, whether or not for hire or reward.

"(2) This Act does not apply to the handling, offering for transport or transportation of dangerous goods while under the sole direction or control of the Minister of National Defence for Canada".

Section 5 amended⁵ Subsection 5(1) is amended by striking out "transportation" and substituting "handling, offering for transport or transportation".

Section 6 amended⁶ Section 6 is amended:

- (a) by striking out "transport" and substituting "handle, offer for transport or transport"; and
- (b) by striking out "vehicles" and substituting "means of transport".

Section 7 amended⁷ Section 7 is amended:

- (a) by striking out "transportation" wherever it appears and in each case substituting "handling or transportation"; and
- (b) by striking out "vehicle" wherever it appears and in each case substituting "means of transport".

Section 8 amended⁸ Section 8 is amended:

- (a) by striking out "transportation" and substituting "handling, offering for transport or transportation"; and
- (b) by striking out "vehicle" and substituting "means of transport".

Section 9 amended⁹ Section 9 is amended by striking out "vehicle" and substituting "means of transport".

Section 10 amended

10 Section 10 is amended:

- (a) by striking out "label" and substituting "safety mark"; and
- (b) by striking out "vehicle" and substituting "means of transport".

New section 11¹¹ Section 11 is repealed and the following substituted:

Analysts¹¹ The minister may:

- (a) designate any person as an analyst for the purposes of this Act; and
- (b) rescind a designation made pursuant to clause (a)".

Section 12 amended

12 Section 12 is amended:

(a) by repealing subsection (1) and substituting the following:

"(1) The minister may:

- (a) designate any person or category of persons as inspectors for the purposes of this Act; and
 - (b) rescind a designation made pursuant to clause (a)";
- (b) by striking out "vehicles" in subsection (2) and substituting "means of transport"; and
- (c) by striking out "vehicle" in subsection (3) and substituting "means of transport".

Section 13 amended

13 Section 13 is amended:

(a) by repealing subsection (1) and substituting the following:

"(1) For the purpose of enforcing this Act and the regulations, where an inspector believes on reasonable and probable grounds that:

(a) a means of transport is transporting dangerous goods, the inspector may:

- (i) stop and inspect that means of transport and its load; and
- (ii) open and inspect any container or packaging that the inspector believes on reasonable and probable grounds contains dangerous goods; and

(b) dangerous goods are being handled or offered for transport in any place or premises, the inspector may:

- (i) enter and inspect that place or premises; and
- (ii) open and inspect any container or packaging that the inspector believes on reasonable and probable grounds contains dangerous goods"; and

(b) by striking out "vehicle" in subsection (3) and substituting "means of transport".

Section 16 amended

14 Subsection 16(1) is amended by striking out "vehicle" and substituting "means of transport".

Section 17 amended

15 Section 17 is amended:

(a) by repealing clause (1)(a) and substituting the following:

- "(a) any discharge, emission or escape of dangerous goods from:
- (i) any container or packaging by means of which dangerous goods are being handled; or
 - (ii) any means of transport by means of which dangerous goods are being transported;
- is occurring or has occurred"; and
- (b) by striking out "vehicle" and substituting "means of transport".

Section 23 amended

- 16 Clause 23(1)(c) is amended by adding ", offering for transport" after "handling".

Section 24 amended

- 17 Section 24 is amended:

- (a) by striking out "transportation" in subsection (1) and substituting "handling, offering for transport or transportation"; and
- (b) by repealing subsection (2) and substituting the following:

"(2) Any person who receives a directive pursuant to subsection (1) may apply to have the decision reviewed in the manner set out in the regulations, but that person shall comply with the directive until the review is finally determined".

Section 25 amended

- 18 Section 25 is amended by striking out "transportation" and substituting "handling, offering for transport or transportation".

Section 28 amended

- 19 Subsection 28(1) is amended:

- (a) in clause (e) by striking out:
 - (i) "transportation" and substituting "handling, offering for transport or transportation"; and
 - (ii) "vehicles" and substituting "means of transport";
- (b) by striking out "transportation" in clause (h) and substituting "handling, offering for transport or transportation";
- (c) by striking out "transported" in clause (i) and substituting "handled, offered for transport or transported";
- (d) by striking out "transportation" in clause (k) and substituting "handling, offering for transport or transportation";

- (e) by striking out "duration, review and appeal" in clause (q) and substituting "duration and review"; and
- (f) by striking out "transportation" in clause (r) and substituting "handling, offering for transport or transportation".

Coming into force²⁰ This Act comes into force on the day of assent.