

The Amusement Ride Safety Act

being

Chapter A-18.2 of the *Statutes of Saskatchewan, 1986* (consult the Table of Saskatchewan Statutes for effective dates) as amended by the *Statutes of Saskatchewan, 1999, c.C-38.01; 2010, c.T-9.2; 2013, c.27; 2015, c.F-15.11; 2018, c.42; 2019, c.13; and 2020, c.31.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1	Short title	24.1	Discipline order
2	Interpretation	25	Placarding of amusement ride
2.1	Interpretation and administration of Act – safety standards agreement	26	Prohibition
3	Application	27	Notification of accident
4	Chief inspector, inspectors	28	Investigation of accident
5	Special inspectors	29	Scene of accident
6	Eligibility	30	Prohibition
7	Duties of manager	31	Appeal to chief inspector
8	Duties of operator	32	Judicial review
9	Duties of passenger, etc.	32.1	Administrative penalties
10	Duties of owner	32.2	Enforcement of administrative penalty
11	Prohibition	32.3	Appeal to Court of Queen’s Bench re administrative penalty
12	Licence required	32.4	Court-ordered compliance
13	Application for licence	32.5	Public notice
14	Itinerary of ride	32.6	Service of notice or documents
15	Registration of design	33	Offences and penalties
16	Issuance or refusal of licences	34	Prosecution of corporate offence
17	Cancellation or suspension of licence	35	Limitation of action
18	Production of licence	36	Evidence
19	Inspection	37	Regulations
20	Powers of inspectors	38	Special services
21	Identification of defects	39	Minister’s notices
22	Inspection reports	40	Inquiries
23	Information required	41	Immunity
24	Orders of inspector	42	Obstruction of inspector prohibited
		42.1	Act binds Crown

CHAPTER A-18.2

An Act respecting the Licensing and Inspection of Amusement Rides

Short title

1 This Act may be cited as *The Amusement Ride Safety Act*.

Interpretation

2 In this Act:

- (a) **“amusement ride”** means a device or combination of devices designed to entertain or amuse people by physically moving them;
- (b) **“chief inspector”** means the chief inspector appointed pursuant to subsection 4(1);
- (c) **Repealed.** 2019, c 13, s.2.
- (d) **“inspector”** means a person appointed pursuant to subsection 4(1) and includes the chief inspector;
- (e) **“licence”** means a valid and subsisting licence issued pursuant to this Act;
- (f) **“manager”** means a person having possession, custody or managerial control of an amusement ride, whether as owner, lessee or agent or in any other capacity;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (g.1) **“ministry”** means the ministry over which the minister presides;
- (h) **“operator”** means a person having direct control of the starting, stopping and speed of an amusement ride;
- (i) **“owner”** means, with respect to premises on or in which an amusement ride is situated, any person who controls the premises;
- (j) **“person”** includes a partnership, firm and unincorporated association.

1986, c.A-18.2, s.2; 2019, c 13, s.2.

Interpretation and administration of Act – safety standards agreement

2.1(1) In this section, **“safety standards agreement”** means a safety standards agreement entered into pursuant to *The Technical Safety Authority of Saskatchewan Act* respecting this Act.

(2) Notwithstanding any other provision of this Act or the regulations or of any other Act or law, this Act and the regulations are to be interpreted subject to the provisions of *The Technical Safety Authority of Saskatchewan Act* and the safety standards agreement.

2010, c.T-9.2, s.31.

c. A-18.2**AMUSEMENT RIDE SAFETY****Application**

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

- (a) every amusement ride in Saskatchewan;
- (b) every manager, operator and passenger of an amusement ride;
- (c) every owner of premises on or in which an amusement ride is situated and the agents and employees of every such owner; and
- (d) every other person who does anything in relation to an amusement ride.

(2) This Act does not apply to any amusement ride or class of amusement rides exempted by the regulations from this Act.

1986, c.A-18.2, s.3.

Chief inspector, inspectors

4(1) Subject to section 6, the minister may appoint a chief inspector and any additional inspectors that he considers necessary to enforce this Act and the regulations.

(2) The minister shall issue a certificate of appointment to each inspector.

(3) Each inspector, while exercising any of his powers or performing any of his duties pursuant to this Act or the regulations, shall produce his certificate of appointment on request.

1986, c.A-18.2, s.4.

Special inspectors

5 The minister may employ the services of a person who is, in the opinion of the minister, qualified for the purpose of inspecting any amusement ride, and for that purpose that person is deemed to be an inspector for the purposes of this Act and to have all the powers of an inspector.

1986, c.A-18.2, s.5.

Eligibility

6 No individual is eligible to be appointed as inspector who:

- (a) is interested either directly or indirectly in the sale, operation, maintenance or repair of amusement rides; or
- (b) does not possess the qualifications that may be prescribed in the regulations.

1986, c.A-18.2, s.6.

Duties of manager

7 Every manager of an amusement ride shall:

- (a) ensure that the amusement ride is used, located, designed, constructed, erected, installed, dismantled, operated, maintained, altered, repaired and tested safely and in compliance with this Act and the regulations;
- (b) take every precaution reasonable in the circumstances for the protection of passengers and other persons in the vicinity of the amusement ride;

- (c) ensure that every operator and any other person employed to do any work in relation to the amusement ride is adequately instructed in the proper performance of his duties;
- (d) employ as operator only a person over that age and possessing those qualifications that may be prescribed in the regulations;
- (e) comply with any notice, order, decision, requirement or direction of an inspector made pursuant to this Act or the regulations, within any time that the inspector may prescribe; and
- (f) pay all fees and charges that are required to be paid by this Act and the regulations.

1986, c.A-18.2, s.7.

Duties of operator

8 Every operator of an amusement ride shall:

- (a) ensure that the amusement ride is operated safely and in compliance with this Act and the regulations;
- (b) take every precaution reasonable in the circumstances for the protection of passengers and other persons in the vicinity of the amusement ride; and
- (c) comply with any notice, order, decision, requirement or direction of an inspector made pursuant to this Act or the regulations respecting the operation of the amusement ride, within any time that the inspector may prescribe.

1986, c.A-18.2, s.8.

Duties of passenger, etc.

9(1) Every passenger of an amusement ride shall:

- (a) comply with all reasonable directions of the operator;
- (b) use every safety device provided; and
- (c) refrain from doing anything that might endanger the safety of another passenger or a person in the vicinity of the amusement ride.

(2) Every person in, on or about an amusement ride shall comply with any standards of conduct prescribed in the regulations.

1986, c.A-18.2, s.9.

Duties of owner

10 Every owner of premises on or in which an amusement ride is situated and his agents and employees shall:

- (a) render any assistance required by an inspector during the course of an inspection, investigation or inquiry; and
- (b) refrain from charging an admission fee to:
 - (i) an inspector in the course of exercising a power or performing a duty pursuant to this Act or the regulations; or
 - (ii) a person described in clause 20(b) accompanying an inspector.

1986, c.A-18.2, s.10.

Prohibition

11(1) No person who has reasonable cause to believe that an amusement ride is unsafe or contravenes any provision of this Act or the regulations shall operate it or cause or permit it to be operated.

(2) No person shall operate an amusement ride in an unsafe manner or in a manner that does not comply with:

- (a) this Act;
- (b) the regulations; or
- (c) any notice, order, decision, requirement or direction of an inspector.

1986, c.A-18.2, s.11.

Licence required

12(1) No manager of an amusement ride shall operate the amusement ride or cause or permit it to be operated unless he, or a person on whose behalf he manages the amusement ride, holds a licence for it.

(2) No person shall operate an amusement ride that is not licensed.

(3) Where an inspector finds that an amusement ride is not licensed, he may exercise any or all of the powers set forth in section 25 with respect to that amusement ride.

(4) Section 26 applies *mutatis mutandis* to an amusement ride placarded, sealed or rendered inoperable pursuant to subsection (3).

1986, c.A-18.2, s.12.

Application for licence

13(1) An applicant for a licence for an amusement ride shall apply for the licence to the chief inspector in the form prescribed by the chief inspector and shall forward with his application:

- (a) the licence fee prescribed in the regulations;
- (b) the itinerary of the amusement ride in Saskatchewan for the period for which the licence is sought, if that itinerary has not been furnished to the chief inspector in advance of the application;
- (c) proof satisfactory to the chief inspector that the applicant holds liability insurance coverage in the amount, character and form that may be prescribed in the regulations, to satisfy claims for damages on account of physical injuries or property damage suffered by any person by reason of any act or omission on the part of the applicant, his agents or employees in the use, location, design, construction, erection, installation, dismantling, operation, maintenance, alteration, repair or testing of amusement rides;
- (d) any information prescribed in the regulations; and
- (e) any further information that the chief inspector may require.

(2) The chief inspector may require that any applicant, or person acting on behalf of an applicant, verify by affidavit or statutory declaration the statements made by him in the application.

1986, c.A-18.2, s.13.

Itinerary of ride

14(1) Subject to subsection (2), no applicant is eligible to be issued a licence pursuant to this Act for an amusement ride unless he submits to the chief inspector at least 30 days before the licence is required an itinerary for the amusement ride for the period for which the licence is sought setting forth:

- (a) the places in Saskatchewan in which it is to be operated; and
- (b) the inclusive dates of operation at those places.

(2) Where strict compliance with subsection (1) would, in the opinion of the chief inspector, cause undue hardship or where, in the opinion of the chief inspector, special circumstances exist, the chief inspector may issue a licence for an amusement ride to an applicant who:

- (a) has met all other requirements prescribed by this Act and the regulations; and
- (b) has made arrangements satisfactory to the chief inspector for the inspection of the amusement ride.

(3) Every licensee shall immediately notify the chief inspector of any change in the itinerary of an amusement ride.

1986, c.A-18.2, s.14.

Registration of design

15(1) The chief inspector may require that an applicant for a licence submit the design, plans and specifications of the amusement ride for approval and registration before a licence is issued.

(2) Registration or approval of the design, plans and specifications for an amusement ride by the ministry or an inspector does not constitute a warranty of any kind respecting the design, plans and specifications or an amusement ride constructed in accordance with that design, plans and specifications.

1986, c.A-18.2, s.15; 2019, c 13, s.2.

Issuance or refusal of licences

16(1) The chief inspector or an employee of the ministry designated by the chief inspector may:

- (a) issue a licence where, in the opinion of the chief inspector, the applicant has met all requirements of this Act and the regulations and the proposed licensing is not for any reason objectionable; and
- (b) if the chief inspector is for any reason of the opinion that the applicant should not be issued a licence, refuse to issue a licence.

(2) The chief inspector may impose any terms and conditions that he considers advisable on a licence:

- (a) at the time the licence is issued; or
- (b) at any time after the licence is issued;

and may amend, vary, revoke or replace any terms and conditions so imposed.

1986, c.A-18.2, s.16; 2019, c 13, s.2.

Cancellation or suspension of licence

17(1) The chief inspector may cancel a licence issued in error.

(2) The chief inspector may cancel or suspend a licence for cause, including, without limiting the generality of the foregoing:

- (a) failure of the licensee or his agent or employees to:
 - (i) comply with this Act or the regulations;
 - (ii) comply with a term or condition of his licence;
 - (iii) comply with a notice, order, decision, requirement or direction of the minister or an inspector;
 - (iv) maintain liability insurance coverage in the amount, character and form prescribed in the regulations;
 - (v) pay any fee required by this Act or the regulations;
- (b) the making of a misleading or erroneous statement on a material point by the licensee in his application for the licence.

(3) Where a licence has been issued with respect to more than one amusement ride, the chief inspector may cancel or suspend the licence in whole or in part as the case may require.

(4) Subject to subsection (5), the chief inspector shall not cancel or suspend a licence pursuant to this section until he has given the licensee an opportunity to be heard.

(5) Where, in the opinion of the chief inspector, it is necessary to do so in the public interest, he may immediately suspend or cancel a licence, but he shall give the licensee an opportunity to be heard within seven days of the date that he suspended or cancelled the licence.

1986, c.A-18.2, s.17.

Production of licence

18 The manager, operator or any person apparently in charge of an amusement ride shall produce the licence for the amusement ride on the request of an inspector.

1986, c.A-18.2, s.18.

Inspection

19 An inspector may:

- (a) inspect periodically every amusement ride;
- (b) inspect at any time an amusement ride that he has reason to believe:
 - (i) is unsafe;
 - (ii) is being operated in an unsafe manner; or

(iii) that in any way:

(A) is; or

(B) is being operated;

in contravention of the Act, the regulations or a notice, order, decision, requirement or direction of an inspector; and

(c) reinspect at any time an amusement ride that is subject to a notice, order, decision, requirement or direction of an inspector that has not been rescinded by an inspector.

1986, c.A-18.2, s.19.

Powers of inspectors

20(1) For the purposes of this Act and the regulations, an inspector may:

(a) subject to subsection (2), at any reasonable time by day or night enter without warrant premises where he has reason to believe an amusement ride has been or is being installed, repaired or operated;

(b) when entering pursuant to clause (a), be accompanied by any person who has special or expert knowledge of any matter in relation to an amusement ride;

(c) alone, or in conjunction with a person mentioned in clause (b), make any inspections, examinations, tests and inquiries that he considers necessary to ascertain whether this Act, the regulations and any notice, order, decision, requirement or direction of an inspector are being complied with;

(d) require:

(i) the manager, operator or other employee of the manager of an amusement ride;

(ii) a passenger of an amusement ride; or

(iii) the owner of premises on or in which an amusement ride is situated or the agent or employee of that owner;

to do or refrain from doing anything the inspector considers necessary during an inspection;

(e) require the manager of an amusement ride to conduct at his own expense any test that the inspector may specify; and

(f) require the production of any plan, drawing, document, report or record relating to an amusement ride or required by this Act or the regulations and examine and copy it.

(2) A justice of the peace or a judge of the Provincial Court of Saskatchewan, if satisfied by the oath of an inspector that there are reasonable grounds for believing that a contravention of this Act, the regulations or a notice, order, decision, requirement or direction of the minister or an inspector made pursuant to this Act or the regulations has occurred and that there is evidence to be found at the place to be searched, may issue a warrant under his hand authorizing the person to be named in the warrant to enter the place named in the warrant and every part of the place named in the warrant and of the premises connected with that place to:

- (a) examine the place and connected premises; and
- (b) search for and seize and take possession of any records, designs, plans or other documents or other property that he has reasonable and probable grounds to believe may constitute evidence of a contravention of this Act, the regulations or a notice, order, decision, requirement or direction of the minister or an inspector made pursuant to this Act.

1986, c.A-18.2, s.20.

Identification of defects

21(1) During the inspection of an amusement ride, the manager, operator or person in charge of erecting, constructing, installing, altering, repairing, maintaining, servicing or testing the amusement ride shall point out to the inspector any defect or hazard of which he has knowledge or that he believes may exist in the amusement ride.

(2) If at any other time a person mentioned in subsection (1) learns of a design fault that might render the amusement ride unsafe, he shall immediately notify the chief inspector.

1986, c.A-18.2, s.21.

Inspection reports

22(1) On completion of an inspection of an amusement ride, an inspector may furnish to the manager or person apparently in charge of the amusement ride an inspection report setting forth the condition of the amusement ride.

(2) In an inspection report made pursuant to subsection (1), an inspector may direct the manager of the amusement ride to make or cause to be made the maintenance, repairs, alterations, or replacement of parts that the inspector considers necessary within that time that the inspector may specify.

1986, c.A-18.2, s.22.

Information required

23 An inspector may require information from any person concerning any matter related to an amusement ride or the operation of it and, without limiting the generality of the foregoing, may require the manager of an amusement ride or any person in charge of constructing, installing, erecting, dismantling, altering, repairing, maintaining, servicing or testing an amusement ride to furnish within a specified time a written statement, with those particulars that the inspector may require, respecting:

- (a) the amusement ride;
- (b) its operation, construction, installation, erection, dismantling, alteration, maintenance or repair; or
- (c) the operators or other persons employed to do any work in relation to the amusement ride.

1986, c.A-18.2, s.23.

Orders of inspector

24(1) Where an inspector finds that this Act or the regulations are being contravened or that an amusement ride is being used, located, constructed, installed, erected, dismantled, operated, maintained, altered or repaired in a manner that, in his opinion, is improper or unsafe, he may, orally or in writing:

- (a) order the manager, operator or person apparently in charge of the amusement ride to cease immediately the use, location, construction, installation, erection, dismantling, operation, alteration or repair of the amusement ride;
- (b) prohibit by order the use, location, construction, installation, erection, dismantling, operation, alteration or repair of the amusement ride until that time that the prohibition is rescinded by an inspector;
- (c) order a person mentioned in clause (a) to:
 - (i) remedy the non-compliance with this Act and the regulations; or
 - (ii) do anything in relation to the amusement ride which, in the opinion of the inspector, is necessary to remedy the unsafe condition;

immediately or within that time that the inspector may specify; or

- (d) do all or any combination of the things mentioned in clauses (a) to (c).

(2) An inspector shall, on request, confirm in writing an order made pursuant to subsection (1) given orally.

1986, c.A-18.2, s.24.

Discipline order

24.1(1) In this section, “**regulated work**” means any work, process or activity respecting amusement rides and structures and the equipment used in connection with them.

(2) The chief inspector may issue a discipline order pursuant to this section against any person who:

- (a) is in contravention of this Act or the regulations;
- (b) fails to comply with a compliance order pursuant to section 24;
- (c) fails to comply with a term or condition of a licence; or
- (d) is performing work regulated by this Act for which the person is not licensed, or undertakes regulated work that the person is not qualified to undertake.

(3) A discipline order mentioned in subsection (2) must:

- (a) be in writing and in the form approved by the minister;
- (b) contain a description of the action to be undertaken by the person;
- (c) cite the contravened provision of this Act or of the regulations;
- (d) subject to subsection (5), require the person to undertake the action within a period specified in the order that is not less than 30 days from the time the person receives the order; and
- (e) be served on the person to whom the order is directed as soon as is practicable after it is issued.

(4) The penalty may consist of any sanction the chief inspector considers necessary, including the following:

- (a) that specified training or education be completed within a specified period;
- (b) that practices involving the regulated work be stopped or modified;
- (c) that advertising, display or disposal of regulated work be stopped or modified;
- (d) that advertising or display of regulated work be reported to the chief inspector for a specified period;
- (e) that any person performing regulated work act only under supervision or as directed in the order;
- (f) that any other action by a person be taken, modified or stopped if necessary to prevent, avoid or reduce risk of personal injury or damage to property;
- (g) that reports on any of the actions listed in the discipline order be made to the chief inspector.

(5) For the purposes of clause (3)(d), if the action requires ongoing reporting to the chief inspector, the discipline order must set a period of not more than one year in which the reporting of the action must be completed.

2019, c.13, s.2.

Placarding of amusement ride

25 Where an inspector prohibits the operation of an amusement ride pursuant to section 24, he may:

- (a) cause a placard to be posted in a conspicuous place on the amusement ride or in the vicinity of the amusement ride setting forth the prohibition;
- (b) affix a seal to the amusement ride;
- (c) render the amusement ride inoperable; or
- (d) do all or any combination of the things mentioned in clauses (a) to (c).

1986, c.A-18.2, s.25.

Prohibition

26 No person shall, without the permission of an inspector:

- (a) operate or cause or permit to be operated an amusement ride that has been placarded, sealed or rendered inoperable;
- (b) remove, alter, deface or otherwise tamper with a placard posted or seal affixed; or
- (c) render operable an amusement ride rendered inoperable by an inspector;

pursuant to section 25.

1986, c.A-18.2, s.26.

Notification of accident

27 Where an accident involving an amusement ride occurs that results in the death or serious injury of a person, the manager of the amusement ride or his agent shall immediately notify the chief inspector by telephone or by any other direct means stating:

- (a) the precise location of the accident;
- (b) the time at which the accident occurred;
- (c) the number of persons killed or injured; and
- (d) the nature and extent of the accident.

1986, c.A-18.2, s.27.

c. A-18.2**AMUSEMENT RIDE SAFETY****Investigation of accident**

28 Subject to *The Coroners Act, 1999*, the chief inspector may investigate or inquire, or cause an investigation or inquiry to be made, into the cause and circumstances of an accident involving an amusement ride.

1986, c.A-18.2, s.28; 1999, c.C-38.01, s.67.

Scene of accident

29 Subject to *The Coroners Act, 1999* and *The Fire Safety Act*, where an accident described in section 27 occurs:

- (a) no part of any amusement ride is to be removed or its position altered by any person, except for the purposes of rescuing persons injured, removing the bodies of persons killed or preventing further injuries or deaths, without the permission of an inspector; and
- (b) an inspector may remove from the scene of the accident any object that he has reasonable and probable grounds to believe may have caused or contributed to the accident.

1986, c.A-18.2, s.29; 1999, c.C-38.01, s.67; 2015, c.F-15.11, s.55.

Prohibition

30 No person shall operate or cause to be operated an amusement ride that has been involved in an accident described in section 27 until he has obtained the permission of an inspector.

1986, c.A-18.2, s.30.

Appeal to chief inspector

31(1) A person aggrieved by a notice, order, decision, requirement or direction of an inspector may, within 30 days of the date of the notice, order, decision, requirement or direction appeal to the chief inspector by:

- (a) serving him with a written notice setting forth the nature of his grievance; or
- (b) notifying him orally or otherwise and confirming that notification with a written notice setting forth the nature of his grievance.

(2) The chief inspector shall consider the appeal and give the appellant an opportunity to be heard:

- (a) within seven days of receiving notice of the appeal in the case of an appeal launched within two days of the date of the notice, order, decision, requirement or direction appealed against; or
- (b) within 30 days of receiving notice of the appeal in any other case.

(3) The chief inspector may conduct further inquiries respecting the subject of the grievance.

- (4) The chief inspector may allow the appeal or affirm or vary the notice, order, decision, requirement or direction of the inspector.
- (5) The chief inspector shall provide written reasons for his decision.
- (6) An appeal pursuant to this section does not operate as a stay of the notice, order, decision, requirement or direction appealed against, but the chief inspector may stay its operation pending the disposition of the appeal.

1986, c.A-18.2, s.31.

Judicial review

- 32(1)** A person aggrieved by a notice, order, decision, requirement or direction of the chief inspector may apply to the Court of Queen's Bench for judicial review within 30 days of the chief inspector's notice, order, decision, requirement or direction.
- (2) The Queen's Bench Rules respecting judicial review, other than Rules 664(2) and 667(2), apply to proceedings pursuant to this section to the extent that they are not inconsistent with this Act.
- (3) No interim order shall be granted by the court without notice being given to the chief inspector, but the court may direct the manner of giving notice and may authorize short notice.

1986, c.A-18.2, s.32; 2018, c.42, s.65.

Administrative penalties

- 32.1(1)** The chief inspector may assess a penalty against a person for contraventions of this Act or the regulations or for failure to comply with an order pursuant to this Act.
- (2) The penalty may consist of:
 - (a) a single monetary amount not exceeding \$5,000;
 - (b) a daily amount not exceeding \$1,000 for each day the infraction continues; or
 - (c) a combination of clauses (a) and (b).
- (3) Before assessing a penalty, the chief inspector shall provide notice to the person:
 - (a) setting out the facts and circumstances that, in the chief inspector's opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the chief inspector considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make representations to the chief inspector.
- (4) No penalty is to be assessed by the chief inspector more than three years after the act or omission that renders the person liable to a penalty first came to the knowledge of the chief inspector.

c. A-18.2**AMUSEMENT RIDE SAFETY**

- (5) A person to whom notice is sent pursuant to subsection (3) may make representations to the chief inspector respecting whether a penalty should be assessed and the amount of any penalty.
- (6) Representations pursuant to subsection (5) must be made within 30 days after the person received the notice.
- (7) After considering any representations, the chief inspector may:
- (a) assess a penalty in the amount set out in the notice and set a date by which the penalty is to be paid in full;
 - (b) assess a revised penalty and set a date by which the penalty is to be paid in full; or
 - (c) determine that no penalty should be assessed.
- (8) The chief inspector shall serve a copy of the decision pursuant to subsection (7), with reasons, on the person who made the representations.
- (9) The chief inspector may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.
- (10) If a corporation commits a contravention mentioned in subsection (1), the chief inspector may, in accordance with this section, assess a penalty against an officer, director or other person of the corporation who authorized, permitted or acquiesced in the contravention, even though the corporation is liable for or pays an administrative penalty.

2019, c 13, s.2.

Enforcement of administrative penalty

32.2(1) The chief inspector may file in the Court of Queen's Bench a certificate signed by the chief inspector and setting out:

- (a) the amount of the penalty assessed pursuant to subsection 32.1(7); and
 - (b) the person from whom the penalty is to be recovered.
- (2) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

2019, c 13, s.2.

Appeal to Court of Queen's Bench re administrative penalty

32.3(1) Any person aggrieved by a decision of the chief inspector to assess a penalty against that person pursuant to section 32.1 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the chief inspector's decision.

- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the chief inspector's decision;

- (b) any written representations made to the chief inspector by the person named in the decision;
 - (c) the notice of motion commencing the appeal;
 - (d) any other documents or material prescribed in the regulations; and
 - (e) any other material that the Court of Queen's Bench may require.
- (3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
- (a) confirming the penalty;
 - (b) amending the amount of the penalty; or
 - (c) quashing the chief inspector's decision to assess a penalty.

2019, c 13, s.2.

Court-ordered compliance

32.4(1) The chief inspector may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations, an order issued pursuant to this Act or the regulations, or the terms and conditions of a licence;
 - (b) an order enjoining any person from proceeding contrary to this Act, the regulations, an order issued pursuant to this Act or the regulations, or the terms and conditions of a licence.
- (2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.
- (3) The chief inspector may apply for an order pursuant to subsection (1) regardless of whether an order pursuant to this Act or the regulations has been issued with respect to the matter.

2019, c 13, s.2.

Public notice

32.5 Notice of administrative penalties, discipline orders, court-ordered compliance, cancellation or suspension of a licence, or any other orders made pursuant to this Act may be published in any manner that the minister considers necessary to protect the public, including posting the notice on the ministry's website.

2019, c 13, s.2.

Service of notice or documents

32.6(1) Unless otherwise provided in this Act, any notice, order or document required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other means prescribed in the regulations.

(2) A notice, order or document directed to the occupants of a premises that contains two or more units intended for separate occupancy is deemed to have been served on each occupant by posting a copy of the notice, order or document in a conspicuous place on the land or premises to which the notice, order or document relates.

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

(4) Irregularity in the service of a notice, order or document does not affect the validity of an otherwise valid notice, order or document.

2019, c 13, s.2.

Offences and penalties

33(1) No person shall:

- (a) contravene this Act or the regulations;
- (b) fail to comply with any notice, order, decision, requirement or direction of the minister or an inspector made pursuant to this Act or the regulations;
- (c) fail to comply with a term or condition of a licence issued pursuant to this Act;
- (d) knowingly make a false or misleading statement in any communication, whether in writing or otherwise, to the minister, the ministry or an inspector; or
- (e) obstruct or hinder an inspector in the exercise of the inspector's powers or the performance of the inspector's duties pursuant to this Act or the regulations.

(1.1) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day or part of a day during which the offence continues; and
- (b) in the case of a corporation, to a fine of not more than \$200,000 and in the case of a continuing offence, to a further fine of not more than \$20,000 for each day or part of a day during which the offence continues.

(2) A conviction for an offence mentioned in clause (1)(b) does not relieve the person convicted from compliance with the notice, order, decision, requirement or direction, and the convicting judge shall, in addition to any fine imposed, order that person to do, within a specified period, any act or work necessary to remedy the non-compliance.

(3) A person who fails to comply with an order made pursuant to subsection (2) within the specified time is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 for each day during which the non-compliance continues.

(4) Where a person is convicted of contravening this Act by failing to pay any fees or charges that are required to be paid by this Act and the regulations, the convicting judge shall, in addition to the fine imposed, order the person to pay to the Minister of Finance those fees or charges, as the case may be, immediately or on any terms and conditions that the judge considers just.

(5) Where default is made in payment of any fees or charges ordered pursuant to subsection (4) to be paid, the convicting judge shall, on the request of the Minister of Finance, furnish him with two certified copies of the order.

(6) The Minister of Finance may file a certified copy of the order with the local registrar of the Court of Queen's Bench at any judicial centre and, when so filed, the copy of the order has the same force and effect as if it were a judgment of the Court of Queen's Bench for Saskatchewan and may be enforced as a judgment of that court.

1986, c.A-18.2, s.33; 2018, c42, s.65; 2019, c13,
s.2.

Prosecution of corporate offence

34 Where a corporation has committed an offence against this Act or the regulations, an officer, director, manager or agent of the corporation who directed, authorized or participated in the commission of the offence is guilty of an offence and liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

1986, c.A-18.2, s.34.

Limitation of action

35 No prosecution shall be commenced for an offence pursuant to this Act or the regulations after the expiration of two years from the date of commission of the alleged offence.

1986, c.A-18.2, s.35.

Evidence

36 A certificate signed by the chief inspector certifying that:

- (a) a person or an amusement ride is licensed or not licensed pursuant to this Act; or
- (b) the licence of a person or an amusement ride was suspended, cancelled or reinstated at a particular time;

is, without proof of the office or signature of the chief inspector, admissible in evidence as prima facie proof of the facts stated in the certificate for all purposes in any action, proceeding or prosecution.

1986, c.A-18.2, s.36.

Regulations

37(1) The Lieutenant Governor in Council may make regulations:

- (a) adopting all or any part of any code of standards respecting the use, location, design, construction, erection, installation, dismantling, operation, maintenance, alteration, repair, testing and inspection of amusement rides and structures and equipment used in connection with them, and providing for the revision, variation or modification of any code or part of any code so adopted;
- (b) classifying amusement rides;
- (c) exempting any amusement ride or class of amusement rides from all or any part of this Act;
- (d) regulating and prescribing standards for the use, location, design, construction, erection, installation, dismantling, operation, maintenance, alteration, repair, testing and inspection of amusement rides and structures and equipment used in connection with them;
- (e) prescribing standards for any materials, equipment, parts and protective devices that are to be used or installed in amusement rides and structures and equipment used in connection with them;
- (f) prescribing the duties of any person and the procedures to be followed in the use, location, design, construction, erection, installation, dismantling, operation, maintenance, alteration, repair, testing and inspection of amusement rides and structures and equipment used in connection with them;
- (g) governing the conduct of persons in, on or about amusement rides and prohibiting unsafe conduct;
- (h) requiring and respecting the registration of designs, plans and specifications for amusement rides;
- (i) respecting the training and qualifications of operators and prescribing a minimum age for operators;
- (j) prescribing the conditions pursuant to which licences may be granted, suspended or cancelled and suspended licences may be reinstated;
- (k) prescribing information to be furnished by applicants for licences;
- (l) prescribing the amount, character and form of liability insurance coverage to be held by applicants for licences and licensees;
- (m) prescribing the duration of licences, governing the transfer of licences, prohibiting the transfer of licences and requiring the posting of licences;
- (m.1) for the purposes of section 32.6, prescribing other means of service;
- (n) prescribing the fees to be paid for the granting of licences and the reinstatement of licences that have been suspended;
- (o) prescribing the fees and charges to be paid for inspections and reinspections, for the examination and registration of designs, plans and specifications, for testing and other special services furnished and for the furnishing of copies of inspection reports to persons other than managers;

- (p) requiring managers and operators of amusement rides to keep records and prescribing the nature of those records;
 - (q) prescribing qualifications for persons who may be appointed as inspectors or who may make inspections pursuant to this Act;
 - (r) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
 - (s) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations.
- (2) Where, in the opinion of the chief inspector, exceptional circumstances exist which would render strict compliance with a regulation impracticable, and he is satisfied that the exemption is not inconsistent with safe practice, the chief inspector may, subject to those conditions that he may prescribe, grant a special exemption to a person from all or any part of the regulations.

1986, c.A-18.2, s.37; 2019, c 13, s.2.

Special services

38 The ministry may furnish testing and other services related to amusement rides to the public and may charge for those services any fees and charges that may be prescribed in the regulations.

1986, c.A-18.2, s.38; 2019, c 13, s.2.

Minister's notices

39(1) The minister may authorize the issuing of notices or bulletins respecting the use and operation of amusement rides and may require every manager to post those notices or bulletins in any places and in any manner that an inspector may direct.

(2) No person shall remove, alter, deface or otherwise tamper with a notice or bulletin posted pursuant to subsection (1).

1986, c.A-18.2, s.39.

Inquiries

40 The minister or any person appointed by him for the purpose may conduct an inquiry or investigation into any matter or thing considered by the minister to be advisable for the proper administration of this Act and, for the purpose of conducting any inquiry or investigation, the minister or the person appointed by him has all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

1986, c.A-18.2, s.40; 2013, c.27, s.4.

Immunity

41 No action or proceeding lies or shall be commenced against the minister, the ministry, an inspector, an employee or agent of the ministry or any other person appointed to administer all or any of the provisions of this Act or the regulations, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2019, c 13, s.2.

Obstruction of inspector prohibited

42 No person shall hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty pursuant to this Act or the regulations.

1986, c.A-18.2, s.42.

Act binds Crown

42.1 The Crown is bound by this Act.

2020, c31, s.2-1.