

# *The Gas Licensing Act*

*being*

Chapter G-4.1 of the *Statutes of Saskatchewan, 1988-89* (effective July 1, 1988) as amended by the *Statutes of Saskatchewan, 1993*, c.G-3.2; 1997, c.4; 1998, c.P-42.1; and 2018, c.42.

**NOTE:**

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

## Table of Contents

	SHORT TITLE		SUPPLY HOUSES
1	Short title	15	Prohibition
	INTERPRETATION	16	Licence
2	Interpretation		PROPANE DISTRIBUTORS
	APPLICATION	17	Propane distributors
3	Application	18	Out of province propane distributors
4	Non-application		LICENCES
	DIRECTOR	19	Power to issue licences
5	Appointment	20	Refusal of licence
6	Identification card	21	Period of licence
7	Powers	22	Suspension of licences
	CONTRACTORS	23	Proof of licence
8	Prohibition		GENERAL
9	Contractor's licence and bond	24	Reports
10	Recourse to bond	25	Regulations
	GAS-FITTERS	26	Judicial review
11	Prohibition	27	Offences and penalties
12	Gas-fitter's licence	28	Limitation of action
	EMPLOYERS	29	Liability for damages
13	Licence and bond	30	Crown bound
14	Application of certain section	31	Transitional

## CHAPTER G-4.1

### An Act respecting the Licensing of Persons who Perform Work of Gas Installation or Sell Gas Equipment

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Gas Licensing Act*.

#### INTERPRETATION

##### Interpretation

- 2 In this Act:

- (a) **“apprentice”** means a person who works as assistant to a gas-fitter with a view to qualifying himself as a gas-fitter;
- (b) **“approved”** means approved in accordance with *The Gas Inspection Act, 1993*, the regulations made pursuant to that Act, *The Gas Inspection Act*, the regulations made pursuant to that Act, *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, or the regulations made pursuant to that Act;
- (c) **“chief inspector”** means the chief inspector as defined in *The Gas Inspection Act, 1993*;
- (d) **“contractor”** means any person, corporation, company, firm, partnership or organization performing or engaging to perform either for his or its own use or benefit, or for that of another, with or without remuneration or gain, any work with respect to a gas installation or any other work to which this Act applies;
- (e) **“department”** means the department over which the minister presides;
- (f) **“director”** means the person appointed director of licensing pursuant to section 5;
- (g) **“distribution system”** means a system for the supply of gas to consumers’ premises from collection or transmission systems;
- (h) **“employer”** means a person other than a licensed contractor who employs one or more gas-fitters, whether employed in the business of the employer or on the staff of the owner or occupant, in a municipal, provincial or federal building or plant, an assembly or public building, apartment, commercial, industrial, institutional, storage and mixed occupancy buildings, a radio broadcasting station, mine, quarry or travelling show, a railway, express or telegraph company’s building or plant, or in any other premises that may be designated by the Lieutenant Governor in Council in the regulations;

(i) **“gas equipment”** means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the transmission, distribution, supply or utilization of gas and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things that is used, or is capable of being used or adapted, to serve or perform a particular purpose or function when connected to a gas installation, but does not include any electrical equipment within the meaning of *The Electrical Licensing Act*;

(j) **“gas-fitter”** means a person who installs, repairs or alters any gas installation or equipment;

(k) **“gas installation”** means the installation of a system of gas piping in or on any land, building or premises from the meter or regulator where gas is delivered therein or thereon up to the point or points where the gas can be consumed or used therein or thereon by any gas consuming equipment and includes the connection of any such gas piping with any of that equipment and any part of the gas system, and the alteration, extension and repair of that gas piping, but does not include any electrical installation within the meaning of *The Electrical Licensing Act*;

(l) **“inspector”** means an inspector appointed pursuant to *The Gas Inspection Act, 1993* and includes the chief inspector;

(m) **“licence”** means a licence issued pursuant to this Act or the regulations;

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

(o) **“propane distributor”** means any person, corporation, company, firm, partnership or organization engaged in the storage of propane in refillable cylinders or tanks or in bulk for the purpose of resale;

(p) **“supply house”** means a manufacturer, jobber or wholesale vendor or a manufacturer’s agent that deals in gas equipment.

1988-89, c.G-4.1, s.2; 1993, c.G-3.2, s.41; 1997,  
c.4, s.3.

## APPLICATION

### Application

**3** Subject to section 4, this Act applies to gas installations and gas equipment and to the sale of gas equipment.

1988-89, c.G-4.1, s.3.

### Non-application

**4** This Act does not apply to collection, transmission and distribution systems of public utilities nor to any gas equipment or gas installation designated by the Lieutenant Governor in Council in the regulations.

1988-89, c.G-4.1, s.4.

## DIRECTOR

**Appointment**

5(1) A director of licensing and any authorized representatives of the director necessary for the purposes of this Act may be appointed in accordance with *The Public Service Act, 1998*.

(2) No person who is interested, either directly or indirectly, in the sale or installation of gas equipment may be appointed to the office of director or authorized representative of the director.

1988-89, c.G-4.1, s.5; 1998, c.P-42.1, s.42.

**Identification card**

6(1) The minister shall furnish the director and every authorized representative of the director with an identification card.

(2) When requested, the director or an authorized representative of the director shall produce his identification card when he applies for admission to any premises.

1988-89, c.G-4.1, s.6.

**Powers**

7(1) The director or an authorized representative of the director may:

- (a) at any reasonable time, enter land or premises for the purposes of enforcing this Act or the regulations;
- (b) make any examination and investigation that may be necessary to ascertain whether or not this Act or the regulations are being complied with;
- (c) order, in writing, the production of or inspect and make copies of any books, records or documents, or any entry in any book, record or document, relating to any matter within the scope of this Act or the regulations.

(2) A justice of the peace or a judge of the Provincial Court of Saskatchewan, if satisfied by the oath of the director or an authorized representative of the director that there are reasonable grounds for believing that a contravention of this Act, the regulations, *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, or the regulations made pursuant to that Act or a notice, order, decision, requirement or direction of the director made pursuant to this Act or the regulations or *The Gas Inspection and Licensing Act* or the regulations made pursuant to that Act 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 director made pursuant to this Act.

1988-89, c.G-4.1, s.7.

## CONTRACTORS

**Prohibition**

8(1) No person shall:

- (a) engage in the business of a contractor; or
- (b) advertise or hold himself out as a contractor;

unless he holds a valid and subsisting contractor's licence.

(2) No contractor shall make any gas installation or install gas equipment or perform any work with respect to a gas installation that is outside the limits of authority prescribed in the regulations for the class of contractor's licence that he holds.

1988-89, c.G-4.1, s.8.

**Contractor's licence and bond**

9(1) Subject to subsections (2) to (5), the director may issue the appropriate class of contractor's licence to a person who intends to engage in the business of a contractor.

(2) Every person who applies for a contractor's licence shall furnish the department with a guarantee bond that is:

- (a) in the penal sum prescribed in the regulations; and
- (b) in the form and subject to the conditions specified by the director.

(3) A licence shall not be issued pursuant to subsection (1) unless that person:

- (a) is a licensed gas-fitter;
- (b) has a partner who is a licensed gas-fitter; or
- (c) employs a licensed gas-fitter.

(4) For the purposes of subsection (1), the appropriate class of contractor's licence is a class which authorizes only the type of work which may lawfully be performed by the gas-fitter mentioned in subsection (3).

(5) A gas-fitter's licence shall not be used to entitle more than one person to either a contractor's licence or an employer's licence.

1988-89, c.G-4.1, s.9.

**Recourse to bond**

10(1) If an inspector finds that the necessary corrections ordered pursuant to section 20 of *The Gas Inspection Act, 1993* or the necessary alterations ordered pursuant to section 10 of *The Gas Inspection Act* or section 13 of *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, have not been made, the chief inspector may send notice of the defective work to the surety under the contractor's bond and may specify in the notice a reasonable time within which the defects shall be remedied.

## GAS LICENSING

## c. G-4.1

- (2) If the defects are not remedied within the time specified in the notice, the chief inspector may cause the necessary alterations to be made by another contractor to conform to the requirements of *The Gas Inspection Act, 1993* and the regulations made pursuant to that Act.
- (3) The cost of the alterations mentioned in subsection (2) shall be charged against the amount of the bond and shall be paid immediately by the surety to the department.
- (4) The chief inspector shall:
- (a) send a copy of the notice mentioned in subsection (1) to the director; and
  - (b) give notice of any alterations made pursuant to subsection (2) to the director.
- (5) The department shall pay any amounts received from the surety pursuant to subsection (3) to the Saskatchewan Power Corporation.

1988-89, c.G-4.1, s.10; 1993, c.G-3.2, s.41.

## GAS-FITTERS

**Prohibition**

- 11(1)** No person shall work as a gas-fitter unless he holds a valid and subsisting gas-fitter's licence.
- (2) The holder of a gas-fitter's licence shall perform only the work prescribed in his licence.

1988-89, c.G-4.1, s.11.

**Gas-fitter's licence**

- 12** Subject to the regulations, the director may issue the appropriate class of gas-fitter's licence to any person who:
- (a) possesses the qualifications that may be prescribed in the regulations; and
  - (b) in the opinion of the director, is qualified to perform the work.

1988-89, c.G-4.1, s.12.

## EMPLOYERS

**Licence and bond**

- 13(1)** No employer shall make any gas installation, install gas equipment or perform any work with respect to a gas installation unless he holds a valid and subsisting employer's licence.

(2) No employer shall employ on his staff any person to take charge of a gas installation or install gas equipment on, over or under the employer's premises unless the person holds a valid and subsisting gas-fitter's licence authorizing him to do so.

(3) The director may issue an employer's licence to an employer who:

(a) employs a licensed gas-fitter who is not employed by any other holder of an employer's licence or by the holder of a contractor's licence; and

(b) where the regulations so require, furnishes to the department a guarantee bond that is:

(i) in the penal sum prescribed in the regulations; and

(ii) in the form and subject to the conditions specified by the director.

1988-89, c.G-4.1, s.13.

**Application of certain section**

**14** Section 10 applies *mutatis mutandis* to defective work of employers and to an employer's guarantee bond.

1988-89, c.G-4.1, s.14.

## SUPPLY HOUSES

**Prohibition**

**15** No person shall engage in the business of a supply house or advertise or hold himself out as operating a supply house unless he holds a valid and subsisting supply house licence.

1988-89, c.G-4.1, s.15.

**Licence**

**16** The department may issue a supply house licence to any person who intends to engage in the business of a supply house of gas equipment, but only if, where the regulations so require, that person furnishes to the department a guarantee bond in that penal sum prescribed in the regulations and in the form and subject to the conditions specified by the director.

1988-89, c.G-4.1, s.16.

## PROPANE DISTRIBUTORS

**Propane distributors**

**17(1)** No person shall engage in the business of a propane distributor or advertise or hold himself out as a propane distributor unless he holds a valid and subsisting propane distributor's licence.



(2) The department may issue a propane distributor's licence to any person who intends to engage in the business of a propane distributor if the director is satisfied that the actual or proposed facilities for propane storage and distribution meet current, generally accepted safety standards.

1988-89, c.G-4.1, s.17.

**Out of province propane distributors**

**18** No person who is engaged in the business of a propane distributor outside Saskatchewan shall distribute propane within Saskatchewan or advertise or hold himself out as distributing propane within Saskatchewan unless he holds a valid and subsisting out of province propane distributor's licence.

1988-89, c.G-4.1, s.18.

LICENCES

**Power to issue licences**

**19** The director may issue all licences required pursuant to this Act or the regulations.

1988-89, c.G-4.1, s.19.

**Refusal of licence**

**20** The director may refuse to issue a licence to:

- (a) any person who has not paid any fee required by:
  - (i) this Act or the regulations;
  - (i.1) *The Gas Inspection Act, 1993* or the regulations made pursuant to that Act;
  - (ii) *The Gas Inspection Act* or the regulations made pursuant to that Act; or
  - (iii) *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, or the regulations made pursuant to that Act;
- (b) any person whose licence is suspended;
- (c) any person with respect to whom the minister has prescribed a further period pursuant to subsection 22(3);
- (d) any person who has work of gas installation identified by an inspector as defective pursuant to *The Gas Inspection Act, 1993* or *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, and that has not been rectified at the time of his application for a licence.

1988-89, c.G-4.1, s.20; 1993, c.G-3.2, s.41.

**Period of licence**

**21(1)** Licences shall be issued for the periods that may be prescribed in the regulations.

(2) Every licence remains the property of the department and, if suspended, the holder of the licence shall immediately return it to the department.

1988-89, c.G-4.1, s.21.

**Suspension of licences**

**22(1)** Subject to subsection (2), on the recommendation of the director, the minister may, for cause and for any period that the minister considers expedient, suspend any licence.

(2) The director shall not recommend the suspension of a licence unless he has given the holder of the licence an opportunity to be heard unless, in the opinion of the director, it is in the public interest to suspend a licence immediately, in which case he may recommend the suspension of a licence to the minister and the minister may suspend the licence immediately, but the director shall give the holder of the licence an opportunity to be heard within 15 days of the date of the suspension.

(3) Where:

- (a) a person's licence is suspended; and
- (b) in the opinion of the minister, the period between the date of the suspension of the licence and the date of its expiry is not sufficient for the purposes of subsection (1);

the minister may prescribe a further period during which the director may refuse pursuant to clause 20(c) to issue a licence to that person.

1988-89, c.G-4.1, s.22.

**Proof of licence**

**23** A certificate signed by the director certifying that:

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

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

1988-89, c.G-4.1, s.23.

## GENERAL

**Reports**

**24(1)** The chief inspector shall provide the director with reports respecting inspection activities carried out pursuant to *The Gas Inspection Act, 1993* and the work of persons licensed pursuant to this Act observed in the course of inspections.

(2) Reports mentioned in subsection (1) shall be made at any intervals and in any form that the director may request.

1988-89, c.G-4.1, s.24; 1993, c.G-3.2, s.41.

**Regulations**

**25** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act or the regulations but not defined in this Act;
- (a.1) providing for the enforcement of the obligations contained in bonds given pursuant to this Act;
- (b) designating the persons or categories of persons who shall furnish to the department a guarantee bond in accordance with any provision of this Act and prescribing the penal sums for those bonds, which sums may be different for different categories of those persons;
- (c) providing for the issuance of appropriate licences, including the classification of those licences;
- (d) prescribing the period for which:
  - (i) licences of any class;
  - (ii) any licence;
 may be issued;
- (e) prescribing the limits of authority to be conferred by any licence;
- (f) prescribing the conditions under which a contractor may permit any person to work as an apprentice;
- (g) prescribing the conditions under which a person may work as an apprentice;
- (h) prescribing the qualifications necessary in order to obtain any licence;
- (i) prescribing forms to be used for the purposes of this Act and the regulations;
- (j) prescribing the fees to be paid for licences;
- (k) prescribing the causes for which a licence may be suspended;
- (l) requiring the holders of any class of licence and utilities supplying gas to make returns to the department respecting any matter that may be specified in the regulations;

(m) designating gas equipment and gas installations to which this Act does not apply;

(n) prescribing any other matter or thing that is required by this Act to be prescribed in the regulations.

1988-89, c.G-4.1, s.25; 1997, c.4, s.4.

#### Judicial review

**26(1)** A person aggrieved by a notice, order, decision, requirement or direction of the director may apply to the Court of Queen's Bench for judicial review within 30 days of the director'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.

1988-89, c.G-4.1, s.26.; 2018, c.42, s.65

#### Offences and penalties

**27(1)** Every person who obstructs or hinders the director or an authorized representative of the director in the performance of his duties pursuant to this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

(2) Every person who engages in the business of a contractor, supply house, propane distributor or out of province propane distributor or who advertises or holds himself out as a contractor, supply house, propane distributor or out of province propane distributor without holding a valid contractor's licence, supply house licence, propane distributor's licence or out of province propane distributor's licence, as the case may require, is guilty of an offence and liable on summary conviction to a fine of not more than \$500 for each day during which he so engages in business or so advertises or holds himself out.

(3) Every person who is the holder of a contractor's licence and makes a gas installation not authorized by that licence is guilty of an offence and liable on summary conviction to a fine of not more than \$500 for each day during which he engages in unauthorized gas installations.

(4) Every person who works as a gas-fitter without holding a valid and subsisting gas-fitter's licence is guilty of an offence and liable on summary conviction to a fine of not more than \$250 for each day during which he so works.

(5) Every licence holder who performs any work not authorized by his licence is guilty of an offence and liable on summary conviction to a fine of not more than \$500 for each day during which he so works.

(6) Every employer who employs on his staff, for the purpose of making a gas installation, a person who is not the holder of a valid and subsisting gas-fitter's licence authorizing him to make that installation, except under conditions of emergency, is guilty of an offence and liable on summary conviction to a fine of not more than \$500 for each day during which that work is carried on.

(7) Every person who violates any provision of this Act or the regulations, for which no other penalty is provided, is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 for each day during which the violation continues.

1988-89, c.G-4.1, s.27.

**Limitation of action**

**28** No prosecution in respect of an alleged offence under this Act or the regulations is to be commenced after:

- (a) one year from the date the alleged offence becomes known to the director; or
- (b) three years from the date of the commission of the alleged offence;

whichever is later.

1988-89, c.G-4.1, s.28.

**Liability for damages**

**29(1)** Nothing in this Act or the regulations removes or lessens the liability of any person, firm or corporation for damages in respect of any person killed or injured or for any property destroyed or damaged.

(2) No action lies or shall be instituted against the department or any officer or employee of the department, where the department, officer or employee is acting under the authority of this Act or the regulations, for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to, or in exercise of, or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1988-89, c.G-4.1, s.29.

**Crown bound**

**30** The Crown is bound by this Act.

1988-89, c.G-4.1, s.30.

**Transitional**

**31** Notwithstanding the repeal of *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, pursuant to *The Gas Inspection Act*:

- (a) any valid and subsisting licence issued pursuant to *The Gas Inspection and Licensing Act* continues in force and may be enforced and otherwise dealt with as if issued pursuant to this Act;
- (b) any bond required pursuant to *The Gas Inspection and Licensing Act* may be dealt with pursuant to this Act as if it were required pursuant to this Act; and
- (c) a reference in a bond required pursuant to *The Gas Inspection and Licensing Act*, as that Act existed on the day before the coming into force of this Act, to:

(i) *The Gas Inspection and Licensing Act* and the regulations made pursuant to that Act is deemed to be a reference to:

(A) *The Gas Inspection Act, 1993*, if the reference is to the standards of work, material or gas equipment;

(B) *The Gas Licensing Act*, if the reference is to the issuance or suspension of a licence or the requirement to furnish a bond;

(ii) the Gas Safety Unit, the Government of Saskatchewan, the Department of Labour or any other department of the Government of Saskatchewan is deemed to be a reference:

(A) the corporation, if the reference is to the standards of work, material or gas equipment;

(B) the department, if the reference is to the issuance or suspension of a licence or the requirement to furnish a bond;

(iii) the chief inspector under that Act is deemed to be a reference to:

(A) the chief inspector, if the reference is to the standards of work, material or gas equipment;

(B) the director, if the reference is to the issuance or suspension of a licence or to giving notice of termination of a suretyship under the bond;

(d) any recourse to bond taken pursuant to section 14 of *The Gas Inspection and Licensing Act* may be continued pursuant to section 10.

1988-89, c.G-4.1, s.31; 1993, c.G-3.2, s.41.