



Province of Alberta

SAFETY CODES ACT

Revised Statutes of Alberta 2000 Chapter S-1

Current as of November 1, 2010

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2011 c3 s33 amends ss11, 45(b) and 65(1)(b).

Regulations

The following is a list of the regulations made under the *Safety Codes Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Safety Codes Act		
Administrative Items	16/2004	49/2006, 35/2007, 68/2008, 52/2011
Amusement Rides Standards	223/2001	32/2005, 283/2006
Building Code	117/2007	49/2009, 265/2009
Certification and Permit	295/2009	
Electrical Code	209/2006	14/2008, 178/2009
Elevating Devices Codes	62/2009	
Elevating Devices, Passenger Ropeways and Amusement Rides Permit	286/2002	12/2011
Exemption	351/2003	1/2008, 209/2010
Fire Code	118/2007	50/2009

Gas Code	111/2010	
Motor Vehicle Propane Conversions.....	210/2001 221/2004, 177/2006
Passenger Ropeways and Passenger Conveyors Standards.....	190/2008	
Permit	204/2007 266/2009, 295/2009, 223/2010
Plumbing Code.....	119/2007	
Power Engineers	85/2003 270/2004
Pressure Equipment Exemption Order	56/2006	
Pressure Equipment Safety.....	49/2006 150/2008, 238/2009, 138/2011
Pressure Welders.....	169/2002 97/2009, 71/2010
Private Sewage Disposal Systems.....	229/97 119/99, 354/2003, 8/2007, 264/2009

SAFETY CODES ACT

Chapter S-1

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

Interpretation

1(1) In this Act,

- (a) “accredited agency” means a person designated as an accredited agency under this Act;
- (b) “accredited corporation” means a corporation designated as an accredited corporation under this Act;
- (c) “accredited municipality” means a municipality that is designated as an accredited municipality under this Act;
- (d) “accredited regional services commission” means a regional services commission established under the *Municipal Government Act* that is designated as an accredited regional services commission under this Act;
- (e) “Administrator” means an Administrator appointed under this Act;
- (f) “building” includes a structure and any part of a building or structure, but does not include any thing excluded by the regulations from the definition of building;
- (g) “construction” includes alteration, installation, repair, relocation, demolition and removal;
- (h) “contractor” means a person or organization that does or undertakes to do, either for the person’s or organization’s own use or benefit or for that of another, whether or not for the purposes of gain, any process or activity to which this Act applies;
- (i) “Council” means the Safety Codes Council established under this Act;
- (j) “design” includes plans, diagrams, drawings and specifications depicting the arrangement and operation of any thing, process or activity to which this Act applies;
- (k) “electrical system” means an assembly or any part of an assembly of electrical equipment or components used or intended to be used for the generation, transmission, distribution, control or utilization of electric energy, but

does not include any thing excluded by the regulations from the definition of electrical system;

- (l) “elevating device” means a passenger elevator, freight elevator, dumbwaiter, escalator, inclined passenger lift, manlift, passenger ropeway, freight platform lift, moving walk, personnel hoist, lift for persons with disabilities or amusement ride or any thing designated by the regulations as an elevating device;
- (m) “evaluation” includes load, destructive and non-destructive tests;
- (n) “fire protection” includes fire detection, prevention and suppression;
- (o) “gas” means any gas or compressed gas or any mixture or dilution of gases and includes any combustible or flammable fluid, but does not include any gas, mixture or dilution of gases or combustible or flammable fluid excluded by the regulations from the definition of gas;
- (p) “gas system” means any equipment or installation used or intended to be used in or in conjunction with the processing, transmission, storage, distribution, supply or use of gas, but does not include any thing excluded by the regulations from the definition of gas system;
- (q) “information system” means the information system established under this Act;
- (r) “local authority” means
 - (i) a council of a city, town, village, summer village or municipal district,
 - (ii) for the purposes of this Act, a settlement council of a Metis settlement,
 - (iii) a board of administrators of a new town,
 - (iv) the Minister responsible for the *Municipal Government Act*, in the case of an improvement district, or
 - (v) the Minister responsible for the *Special Areas Act*, in the case of a special area;

- (s) “Metis patented land” means patented land as defined in the *Metis Settlements Act*;
- (t) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (u) “municipality” includes, for the purposes of this Act, a Metis settlement;
- (v) “owner” includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;
- (w) “person” includes a partnership and a band as defined in the *Indian Act* (Canada);
- (x) “plumbing system” means the whole or any part of a drainage system, a venting system or a water system, but does not include any thing excluded by the regulations from the definition of plumbing system;
- (y) “pressure equipment” means a thermal liquid heating system and any containment for an expansible fluid under pressure, including, but not limited to, fittings, boilers, pressure vessels and pressure piping systems, as defined in the regulations;
- (z) “private sewage disposal system” means a plant for the treatment and disposal of sewage, including a septic tank and absorption field, that is not connected to a municipal sewage disposal system;
- (aa) “quality management system” means all the documented, planned and systematic actions needed to ensure that this Act is complied with;
- (bb) “safety codes officer” means an individual designated as a safety codes officer under section 31;
- (cc) “thermal liquid heating system” means one or more thermal liquid heaters in which a thermal liquid that is not pressurized by the application of a heat source is used as the heat transfer medium and includes any connected piping system or vessel;
- (dd) “variance” means a variance issued under this Act;

(ee) “vendor” includes a lessor.

(2) In this Act, a reference to “this Act” includes the regulations and bylaws made under this Act and any code, standards or body of rules declared to be in force pursuant to this Act.

1991 cS-0.5 s1;1995 c24 s99(39);1998 c22 s40;1999 c26 s23

Application of Act

(2.1) This Act applies to fire protection and applies to the design, manufacture, construction, installation, operation and maintenance of

- (a) buildings,
- (b) electrical systems,
- (c) elevating devices,
- (d) gas systems,
- (e) plumbing and private sewage disposal systems, and
- (f) pressure equipment.

(2) The Minister may, by order, exempt any person or municipality or any thing, process or activity from any or all provisions of this Act and attach terms and conditions to the exemption.

(2.1) This Act is to be applied in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to access and use buildings and facilities to which this Act applies.

(3) An order under this section may be made to apply generally or specifically and to apply to all or a particular area of Alberta.

RSA 2000 cS-1 s2;2004 c19 s2

Crown bound

3 The Crown is bound by this Act.

1991 cS-0.5 s3

Part 1 Responsibilities

Government

4(1) The Minister shall, in accordance with this Act, co-ordinate and encourage the safe management and control of any thing, process or activity to which this Act applies.

(2) The Minister shall, in accordance with this Act, co-ordinate and encourage the principles of barrier-free design and access for any thing, process or activity to which this Act applies.

RSA 2000 cS-1 s4;2004 c19 s3

Owners, care and control

5 The owner of any thing, process or activity to which this Act applies shall ensure that it meets the requirements of this Act, that the thing is maintained as required by the regulations and that when the process or activity is undertaken it is done in a safe manner.

1991 cS-0.5 s5

Design duties

6 A person who creates, alters, has care and control of or owns a design or offers a design for use by others shall ensure that the design complies with this Act and that it is submitted for review or registered if required by this Act, and if the design is deregistered, the person shall provide notice of its deregistration in accordance with the regulations.

1991 cS-0.5 s6

Manufacturers' duties

7 A person who manufactures any thing or undertakes a process or activity to which this Act applies shall ensure that the thing, the process or the activity complies with this Act.

1991 cS-0.5 s7

Contractors' duties

8 A contractor who undertakes construction, operation or maintenance of or builds or installs any thing to which this Act applies shall ensure that this Act is complied with.

1991 cS-0.5 s8

Vendors' duties

9(1) A person who is a vendor in the ordinary course of business, other than as an employee or an agent, shall not advertise, display

or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing to which this Act applies unless that thing complies with this Act.

(2) A person who sells, leases or otherwise disposes of a thing referred to in subsection (1) shall provide any warnings or instructions required by this Act.

(3) No person shall advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing that is prohibited from being sold by the regulations.

1991 cS-0.5 s9

Use of variances

10(1) An owner, vendor, contractor, manufacturer or designer of a thing, or a person who authorizes, undertakes or supervises any process or activity, to which a variance applies shall ensure that the terms and conditions of the variance are complied with.

(2) Compliance with a variance is deemed to be compliance with this Act.

1991 cS-0.5 s10

Professional services

11 A person permitted to affix stamps or seals pursuant to the *Architects Act* or the *Engineering, Geological and Geophysical Professions Act* shall ensure that any professional service the person renders to which this Act applies, including the affixing of stamps and seals, complies with this Act.

1991 cS-0.5 s11

Liability exemption

12(1) No action lies against the Crown, the Council, members of the Council, safety codes officers, accredited municipalities or their employees or officers, accredited regional services commissions or their employees or officers, accredited agencies or their employees or officers or Administrators for anything done or not done by any of them in good faith while exercising their powers and performing their duties under this Act.

(2) The Crown, an accredited municipality, an accredited regional services commission and an accredited agency acting in good faith under this Act are not liable for any damage caused by a decision related to the system of inspections, examinations, evaluations and

investigations, including but not limited to a decision relating to their frequency and the manner in which they are carried out.

(3) The Crown and an accredited municipality and an accredited regional services commission that engage the services of an accredited agency are not liable for any negligence or nuisance of the accredited agency that causes an injury, loss or damage to any person or property.

(4) Subject to this section, nothing done pursuant to this Act affects the liability of any person for injury, loss or damage caused by any thing, process or activity to which this Act applies.

1991 cS-0.5 s12;1993 c7 s2;1999 c26 s23

Part 2 Administration

Overall administration

13(1) The Minister administers this Act but an accredited municipality, an accredited regional services commission and an accredited corporation shall provide for the administration of this Act in accordance with the order that designated it as an accredited municipality, accredited regional services commission or accredited corporation.

(2) The Minister or the Council may, in accordance with the regulations, establish and operate safety information and education programs or services related to any thing, process or activity to which this Act applies.

1991 cS-0.5 s13;1999 c26 s23

Administrator

Administrator appointed

14(1) The Minister may appoint persons as Administrators and prescribe their powers and duties and may make an order fixing or governing the terms and conditions of service, including remuneration and expenses, applicable to an Administrator if the person is not an employee as defined in the *Public Service Act*.

(2) The Minister may direct, in writing,

- (a) that an Administrator report to the Council with respect to exercising the powers and performing the duties of an Administrator, and

- (b) that the Council direct the Administrator in exercising the powers and performing the duties of an Administrator.

1991 cS-0.5 s14

Deemed an officer

15 An Administrator may, in accordance with the appointment under section 14, exercise any or all of the powers and perform any or all of the duties of a safety codes officer.

1991 cS-0.5 s15

Safety Codes Council

Council

16(1) There is hereby established a corporation to be known as the "Safety Codes Council".

(2) On and after September 1, 1993, the Council shall consist of members appointed as follows:

- (a) not more than 40% of the members shall be appointed by the Minister, and
- (b) at least 60% of the members shall be appointed by the Coordinating Committee of the Safety Codes Council, established by a Council bylaw.

(3) Among the persons appointed to the Council the Minister and the Committee shall include persons who are experts in fire protection, buildings, barrier-free building design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment.

(4) The Minister and the Committee shall ensure that representatives of municipalities, business, labour and persons with disabilities are appointed to the Council from among the persons described in subsection (3).

(5) An Administrator is not eligible to be a member of the Council.

(6) The Minister shall designate one of the members of the Council to chair the Council and may designate others as alternates to chair the Council.

(7) A person appointed as a member of the Council

- (a) holds office for a term not exceeding 3 years as prescribed in the appointment, and

- (b) continues to hold office after the expiry of the term of office until the person is reappointed or a successor is appointed.

(8) If a member of the Council resigns or the appointment terminates, that person may, in relation to a proceeding in which the person participated as a member of the Council, perform and complete the duties or responsibilities and continue to exercise the powers that the person would have had if the person had not ceased to be a member, until that proceeding is completed.

RSA 2000 cS-1 s16;2004 c19 s4

Expenses

17 The Council may pay members of the Council travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the Council at the rates provided for in the regulations under the *Public Service Act*.

1991 cS-0.5 s17;1993 c7 s4

Duties and powers

18 The Council

- (a) shall perform its duties and responsibilities under this Act,
- (b) shall hear appeals under Part 5,
- (c) shall, on the request of the Minister, provide information about any matter related to this Act,
- (d) shall carry out any activities that the Minister directs,
- (e) may promote uniformity of safety standards for any thing, process or activity to which this Act applies,
- (e.1) may promote the principles of barrier-free design and access for any thing, process or activity to which this Act applies,
- (f) may provide a liaison between the Minister and any person or organization interested in safety or barrier-free design and access matters governed by this Act,
- (g) may review and formulate classifications of certificates of competency and qualifications required of a person to hold a certificate of competency,

- (h) may, with the consent of the Minister, review and formulate codes and standards for accreditation, safety standards and barrier-free design and access for any thing, process or activity to which this Act applies and promulgate those codes and standards, and
- (i) may recommend to the Minister that it undertake to provide the Minister with advice on safety information, barrier-free design and access information, education programs and services, accreditation and other matters related to this Act and may, with the consent of the Minister, provide that advice.

RSA 2000 cS-1 s18;2004 c19 s5

Bylaws**19(1)** The Council may make bylaws

- (a) respecting sub-councils and committees of the Council and the delegation of any power or duty conferred or imposed on it, except the power to make bylaws, to a sub-council or committee of the Council or a member of the Council,
- (b) governing the calling of its meetings and the meetings of the sub-councils and committees of the Council, and regulating the conduct of those meetings,
- (c) governing the practice and procedure applicable to appeals before it, and
- (d) governing the business, property, operation and affairs of the Council.

(2) A bylaw under subsection (1) does not come into force unless it has been approved by the Minister.

1991 cS-0.5 s19

Staff**20(1)** The Council may enter into agreements to engage the services of persons it considers necessary and may prescribe their duties and conditions of employment and pay their salary, remuneration and expenses.**(2)** The Council may enter into agreements to engage the services of agents, advisors or persons providing special, technical or professional services of a kind required by the Council in

connection with its business and affairs and may pay their remuneration, fees and expenses.

1991 cS-0.5 s20

Money

21(1) The Council, in connection with the powers conferred and duties imposed on it under this Act, may acquire real property, construct buildings or improvements or hold or dispose of real property.

(2) The Council, in connection with the powers conferred and duties imposed on it under this Act, may acquire, hold and dispose of personal property.

(3) Any money that is derived from donations that is not immediately required for the operation of the Council may, subject to the regulations, be invested only in accordance with the *Trustee Act*.

(3.1) Subsection (3) is subject to any trust or condition that applies to the donation.

(4) The Council may spend money only for purposes related to the powers conferred and duties imposed on it under this Act.

(5) Notwithstanding the *Financial Administration Act*, any money received by the Council belongs to the Council.

RSA 2000 cS-1 s21;2001 c28 s19;2006 c9 s17

Fees

22 The Council may establish and charge fees

- (a) for anything issued or for any material, information, education program or service the Council provides,
- (b) with respect to the conduct of appeals, and
- (c) for any research that is carried out that relates to any thing, process or activity to which this Act applies.

1993 c7 s6

Levies

23(1) The Council may, with the approval of the Minister, for the purpose of enabling the Council to carry out activities and services it is directed or authorized to carry out under this Act, collect money by the levy of assessments on persons who apply for, or

hold, certificates or permits or who apply to register, or register, designs.

(2) The Council may require an accredited municipality, accredited regional services commission, accredited corporation, accredited agency or other organization that issues certificates or permits or registers designs to collect the money referred to in subsection (1) and to remit it to the Council.

1994 c44 s2;1999 c26 s23

Levies

24(1) An accredited agency may, with the approval of the Minister, for the purpose of enabling the accredited agency to carry out activities and services it is directed or authorized to carry out under this Act, collect money by the levy of assessments on persons who apply for, or hold, certificates or permits or who apply to register, or register, designs.

(2) An accredited agency may, with the approval of the Minister, require an accredited municipality, accredited regional services commission, accredited corporation, accredited agency or other organization that issues certificates or permits or registers designs, to collect the money referred to in subsection (1), and the accredited municipality, accredited regional services commission, accredited corporation, accredited agency or other organization shall collect the money and remit it as directed by the accredited agency.

1994 c44 s2;1999 c26 s23

Reports

25(1) The Council shall, after the end of each fiscal year, prepare and submit to the Minister an annual report consisting of a general summary of its activities in that year and a financial report.

(2) The Council may, at any time, report to the Minister on any matter related to this Act.

(3) The Minister shall lay a copy of the report described in subsection (1) before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

1991 cS-0.5 s22

Accreditation

Accredited municipalities

26(1) On the application of a local authority, the Minister may, by order,

- (a) designate a municipality as an accredited municipality authorized to administer all or part of this Act with respect to any or all things, processes or activities to which this Act applies within the boundaries of the municipality, or
- (b) designate 2 or more municipalities as accredited municipalities authorized to administer in common all or part of this Act with respect to any or all things, processes or activities to which this Act applies within the boundaries of those municipalities.

(2) The Minister may include terms and conditions in an order under this section.

(3) If the Minister, on reasonable and probable grounds, is of the opinion that an accredited municipality does not comply with the requirements of this Act or the terms and conditions of its designation, or that any thing, process or activity to be administered by the accredited municipality may constitute a serious danger to persons or property, the Minister may

- (a) request the local authority to take the action necessary to correct the situation;
- (b) direct a safety codes officer appointed under section 33(1) to undertake the administration of this Act in that accredited municipality and to charge fees, in the amount provided for by the regulations,
 - (i) to the accredited municipality for any permit issued by the safety codes officer and for any material or service that is provided by the safety codes officer,
 - (ii) to the owner of a premises or place for any material or services provided by the safety codes officer, and
 - (iii) to the recipient of any permit issued by the safety codes officer;
- (c) by order, cancel or suspend the municipality's designation as an accredited municipality.

(4) An order under this section shall be published in The Alberta Gazette.

(5) The Minister may delegate any or all of the Minister's powers under this section to the Council, and if the Council refuses to designate a municipality as an accredited municipality or cancels or suspends the designation of an accredited municipality, the municipality may appeal the refusal, cancellation or suspension to the Minister.

1991 cS-0.5 s23

Accredited regional services commission

27(1) On the application of a regional services commission established under the *Municipal Government Act*, the Minister may, by order, designate a regional services commission as an accredited regional services commission authorized to administer all or part of this Act with respect to any or all things, processes or activities to which this Act applies within the boundaries of its members.

(2) The Minister may include terms and conditions in an order under this section.

(3) If the Minister, on reasonable and probable grounds, is of the opinion that an accredited regional services commission does not comply with the requirements of this Act or with the terms and conditions of its designation, or that any thing, process or activity to be administered by the accredited regional services commission may constitute a serious danger to persons or property, the Minister may

- (a) request the board of directors of the accredited regional services commission to take the action necessary to correct the situation;
- (b) direct a safety codes officer appointed under section 33(1) to undertake the administration of this Act on behalf of that accredited regional services commission and to charge fees, in the amount provided for by the regulations,
 - (i) to the accredited regional services commission for any permit issued by the safety codes officer and for any material or service that is provided by the safety codes officer,
 - (ii) to the owner of a premises or place for any material or services provided by the safety codes officer, and

(iii) to the recipient of any permit issued by the safety codes officer;

(c) by order, cancel or suspend the regional services commission's designation as an accredited regional services commission.

(4) An order under this section must be published in The Alberta Gazette.

(5) The Minister may delegate any or all of the Minister's powers under this section to the Council, and if the Council refuses to designate a regional services commission as an accredited regional services commission or cancels or suspends the designation of an accredited regional services commission, the regional services commission may appeal the refusal, cancellation or suspension to the Minister.

1999 c26 s23

Accredited corporations

28(1) On the application of a corporation an Administrator may, by order, designate it as an accredited corporation authorized to administer all or part of this Act with respect to any or all things, processes or activities to which this Act applies that are owned by or are under the care and control of the corporation.

(2) If an Administrator refuses to designate a corporation as an accredited corporation, the Administrator shall serve written notice of the refusal on the corporation.

(3) An Administrator may include terms and conditions and specify locations and facilities in an order under this section.

(4) If an Administrator, on reasonable and probable grounds, is of the opinion that an accredited corporation does not comply with the requirements of this Act or with the terms and conditions of its designation, the Administrator may, by order, suspend or cancel the designation as an accredited corporation and shall serve the corporation with a written notice of the suspension or cancellation.

(5) A corporation may appeal to the Council in accordance with the Council's bylaws

(a) a refusal of designation as an accredited corporation, and

(b) a suspension or cancellation of a designation as an accredited corporation.

(6) An order under this section shall be published in The Alberta Gazette.

1991 cS-0.5 s24

Accreditation overlap

29(1) If an accredited municipality, an accredited regional services commission and an accredited corporation are authorized to administer the same part of this Act with respect to the same thing, process or activity at the same location, the Minister may direct whether the accredited municipality, the accredited regional services commission or the accredited corporation may administer this Act with respect to that thing, process or activity.

(2) If the Minister considers it expedient and in the public interest, the Minister may delegate the Minister's powers under this section to another individual.

1991 cS-0.5 s25;1999 c26 s23

Accredited agencies

30(1) On the application of a person, an Administrator may, by order, designate the person as an accredited agency authorized to provide services pursuant to all or part of this Act with respect to any or all things, processes or activities to which this Act applies.

(2) If an Administrator refuses to designate a person as an accredited agency, the Administrator shall serve the person with a written notice of the refusal.

(3) An Administrator may include terms and conditions in an order under this section.

(4) An accredited agency may enter into an agreement with the Minister, an accredited municipality, an accredited corporation or another person approved by the Minister to provide services under this Act that the agency is authorized to provide.

(5) If an Administrator, on reasonable and probable grounds, is of the opinion that an accredited agency does not comply with the requirements of this or any other Act or with the terms and conditions of its designation, the Administrator may, by order, suspend or cancel the designation as an accredited agency and shall serve the agency with a written notice of the suspension or cancellation.

(6) A person may appeal to the Council in accordance with the Council's bylaws

- (a) a refusal of designation as an accredited agency, and
- (b) a suspension or cancellation of a designation as an accredited agency.

(7) An order under this section shall be published in The Alberta Gazette.

1991 cS-0.5 s26;1998 c24 s61

Safety Codes Officers

Designation

31(1) On receipt of an application, an Administrator may designate a person who holds an appropriate certificate of competency and meets the requirements of the regulations as a safety codes officer with respect to all or part of this Act and may designate the powers that a safety codes officer may exercise.

(2) If an Administrator refuses to designate a person as a safety codes officer, the Administrator shall serve the person with a written notice of the refusal.

(3) If an Administrator, on reasonable and probable grounds, is of the opinion that a safety codes officer contravenes this Act or the terms of the person's designation as a safety codes officer, the Administrator may suspend or cancel the designation and shall serve the safety codes officer with a written notice of the suspension or cancellation.

(4) A safety codes officer may appeal to the Council a refusal of designation and a suspension or cancellation of a designation as a safety codes officer in accordance with the Council's bylaws.

1991 cS-0.5 s27

Officer's powers and duties

32 A safety codes officer may exercise the powers and perform the duties of a safety codes officer only in accordance with the designation under section 31 and the safety codes officer's terms of employment.

1991 cS-0.5 s28

Employment

33(1) In accordance with the *Public Service Act*, there may be appointed safety codes officers for the administration of all or part of this Act anywhere in Alberta.

(2) A local authority shall provide for safety codes officers for the purpose of administering all or part of this Act that an accredited municipality is authorized to administer.

(3) An accredited regional services commission shall provide for safety codes officers for the purpose of administering all or part of this Act that it is authorized to administer.

(4) An accredited corporation shall provide for safety codes officers for the purpose of administering all or part of this Act that it is authorized to administer.

(5) An accredited agency shall provide for safety codes officers for the purpose of providing services under this Act that it is authorized to provide.

1991 cS-0.5 s29;1999 c26 s23

Inspections

34(1) For the purpose of ensuring that this Act and any thing issued under this Act are complied with, a safety codes officer may, without a warrant, at any reasonable time, enter any premises or place, except a private dwelling place that is in use as a dwelling, in which the officer has reason to believe there is something to which this Act applies and may, using reasonable care, carry out an inspection, review designs and examine and evaluate quality management systems and manufacturing and construction processes.

(2) For the purpose of ensuring that this Act and any thing issued under this Act are complied with, a safety codes officer may, at any reasonable time and on reasonable notice, enter a private dwelling place that is in use as a dwelling in which the officer has reason to believe there is something to which this Act applies and, using reasonable care, may carry out an inspection and review designs

(a) with the consent of the owner or occupant, or

(b) with a warrant from a justice.

(3) On entering a premises or place, a safety codes officer shall, on request, produce identification in accordance with the regulations and provide advice on the powers to carry out inspections, review designs and examine and evaluate quality management systems and manufacturing and construction processes.

(4) In carrying out an inspection, review, examination or evaluation under this Act, a safety codes officer may

- (a) be accompanied by any person or with any thing that the safety codes officer considers would be of assistance,
 - (b) inspect, review, examine and evaluate any thing, process or activity to which this Act applies and photograph or otherwise record any thing, process or activity that the safety codes officer considers would be of assistance,
 - (c) require any person on the premises or at the place to be interviewed and to make full disclosure either orally or in writing about any matter concerning any thing, process or activity to which this Act applies,
 - (d) if necessary for safety reasons and on providing notice when practical, temporarily close or disconnect, or require temporary closure or disconnection of, any thing, process or activity to which this Act applies for the purpose of making the inspection, review, examination or evaluation, and
 - (e) review, perform or require to be performed any tests and evaluations the safety codes officer considers necessary on any thing, process or activity to which this Act applies and remove any thing, if necessary, for the purpose of having tests or evaluations performed.
- (5)** The owner or occupier of premises or a place or thing shall ensure, during an inspection, review, examination or evaluation, that
- (a) on the request of a safety codes officer, there is a person in attendance who is capable of taking all the necessary precautions and providing reasonable assistance to ensure the safety of the safety codes officer, and
 - (b) any necessary safety equipment, including but not limited to that requested by a safety codes officer, is immediately available for the officer's use.
- (6)** A safety codes officer who has reviewed, detained or removed any thing shall, on completion of the inspection, review, examination or evaluation, return the thing to the person entitled to it unless it is impossible, unsafe or impractical to return that thing.
- (7)** On completion of an inspection, review, examination or evaluation, the safety codes officer may provide, to the owner, occupier, vendor, contractor, manufacturer or designer, advice or a report on the thing, process or activity that was inspected, reviewed, examined or evaluated.

- (8) Notwithstanding subsection (6), a safety codes officer may,
- (a) on obtaining a warrant, or
 - (b) without a warrant if the safety codes officer believes on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence,

detain or remove for the purposes of evidence any thing that the officer discovers during an inspection, review, examination or evaluation that the officer believes on reasonable and probable grounds may provide evidence of the commission of an offence under this Act.

1991 cS-0.5 s30

Production of documents

35(1) For the purpose of ensuring that this Act and any thing issued under this Act are complied with, a safety codes officer may demand the production, within a reasonable time, of any record or document pertaining in any manner to compliance with this Act and may on giving a receipt for it remove it for not more than 48 hours for the purpose of making copies of it.

(2) If a person on whom a demand is made under subsection (1) refuses or fails to comply, the safety codes officer may apply to a judge of the Court of Queen's Bench and the judge may make any order that the judge considers necessary to enforce compliance with subsection (1).

(3) A copy of the application and a copy of each affidavit in support shall be served not less than 3 days before the day named in the application for the hearing.

RSA 2000 cS-1 s35;2009 c53 s167

Incriminating disclosures

36 A person who makes a disclosure under section 34(4)(c) has the right not to have any incriminating disclosure so given used to incriminate the person in a prosecution under this Act except in a prosecution under section 67(2).

1991 cS-0.5 s32

Officer hindered

37(1) If a person refuses to allow a safety codes officer to exercise that officer's powers under this Act or interferes or attempts to interfere with a safety codes officer in the exercise of that officer's

powers under this Act, an Administrator, accredited municipality or accredited regional services commission may apply to the Court of Queen's Bench for an order

- (a) restraining that person from preventing or in any manner interfering with a safety codes officer in the exercise of that officer's powers under this Act, and
- (b) for the purposes of providing protection, authorizing a police officer to accompany the safety codes officer on an inspection, review, examination or evaluation under this Act.

(2) A copy of the application and a copy of each affidavit in support shall be served not less than 3 days before the day named in the application for the hearing.

RSA 2000 cS-1 s37;2009 c53 s167

Part 3 Standards

Variances

38(1) An Administrator or a safety codes officer may issue a written variance with respect to any thing, process or activity to which this Act applies if the Administrator or officer is of the opinion that the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act.

(2) An Administrator or a safety codes officer may include terms and conditions in the variance.

(3) A safety codes officer on issuing a variance shall notify an Administrator.

(4) The *Regulations Act* does not apply to variances issued under this section.

1991 cS-0.5 s34

Quality management system

39(1) An owner, occupier, vendor, contractor, manufacturer or designer of a thing, or a person who authorizes, undertakes or supervises a process or activity, to which this Act applies may be required by a written order of an Administrator or by this Act to have and maintain a quality management system that meets the requirements of the regulations.

(2) No person shall make a change to a quality management system without first notifying an Administrator of the change if it is a type of change of which an Administrator requires notification.

(3) A person who has or maintains a quality management system shall, on the request of an Administrator or a safety codes officer, make available a copy of a written description of the quality management system and submit reports respecting the quality management system.

1991 cS-0.5 s35

Design registration

40(1) An Administrator may register the design of any thing, process or activity that is required by this Act to be registered if the submitted design meets the requirements of this Act and the Administrator is of the opinion that the design is safe.

(2) If this Act requires that the design of any thing, process or activity be registered, no person shall construct or manufacture the thing or undertake or operate the process or activity unless the design is registered.

(3) If an Administrator refuses to register a design, the Administrator shall serve the applicant with a written notice of the refusal.

(4) If an Administrator is of the opinion that a registered design is not safe or is obsolete, the Administrator may deregister the design and shall as soon as practicable notify the person who submitted the design for registration.

(5) If a person's application to have a design registered is refused or if a person's registered design is deregistered, the person may appeal the refusal or deregistration to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s36;1994 c44 s3

Certificate required

41(1) No person shall, without a certificate of competency, control or operate any thing to which this Act applies or supervise, operate or undertake any process or activity to which this Act applies if this Act requires that the person hold a certificate of competency to do so.

(2) No person shall employ or authorize a person who does not hold a certificate of competency to control or operate any thing or to supervise, operate or undertake a process or activity if this Act

requires that an employed or authorized person hold a certificate of competency.

1991 cS-0.5 s37

Certificate issues

42(1) On receipt of an application, an Administrator may issue a certificate of competency to a person who complies with the requirements of this Act.

(2) A certificate of competency is valid for the length of time specified in it unless it is cancelled or suspended earlier.

(3) An Administrator may suspend or cancel a certificate of competency if the Administrator, on reasonable and probable grounds, is of the opinion that

- (a) the person no longer complies with the requirements of this Act for a certificate of competency, or
- (b) the person does not comply with this Act when acting pursuant to the certificate of competency.

(4) The Administrator shall serve written notice of a refusal to issue a certificate of competency or of the suspension or cancellation of a certificate of competency on the applicant for or the holder of the certificate of competency.

(5) A person who is refused a certificate of competency or whose certificate of competency is suspended or cancelled may appeal the refusal, suspension or cancellation to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s38

Permits required

43(1) If this Act requires a person to have a permit to sell, construct, control or operate any thing or supervise, operate or undertake any process or activity, no person shall do so unless the person has the appropriate permit.

(2) If any thing to which this Act applies is approved by the regulations for a certain use or purpose, no person shall use that thing for any other use or purpose unless a safety codes officer issues a permit for that other use or purpose or it is an innocuous use or purpose.

- (3) If the regulations require that any thing be approved before it is installed or operated, no person shall install or operate that thing unless a safety codes officer issues a permit for it.
- (4) A permit under this Act does not authorize a person to do any thing, implement any process or engage in any activity that does not comply with any other enactment.

1991 cS-0.5 s39

Permit issues

44(1) On receipt of an application, a safety codes officer or other person designated by an Administrator may issue a permit to a person who complies with the requirements of this Act or issue a permit with respect to a thing, process or activity if it complies with the requirements of this Act.

(2) A safety codes officer or other person designated by an Administrator may include terms and conditions in a permit.

(3) If a safety codes officer or other person designated by an Administrator refuses to issue a permit, the safety codes officer or other person designated by an Administrator shall serve the applicant with a written notice of the refusal.

(4) A person who acts pursuant to a permit shall do so in accordance with this Act and shall comply with this Act and any terms or conditions contained in the permit.

(5) A person who is refused a permit may appeal the refusal to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s40;1994 c23 s42

Stamps, seals

45 If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or registered and to have

- (a) a stamp or seal affixed to it pursuant to the *Architects Act*,
or
- (b) a seal affixed to it pursuant to the *Engineering, Geological and Geophysical Professions Act*,

no permit may be issued with respect to the design unless the design is submitted for review or registered and is stamped and sealed in accordance with the regulations.

1991 cS-0.5 s41

Permit suspended, etc.

46(1) A safety codes officer may suspend or cancel a permit if the safety codes officer, on reasonable and probable grounds, is of the opinion that the permit holder does not comply with this Act when acting pursuant to the permit or that the thing, process or activity does not comply with this Act.

(2) The safety codes officer shall serve written notice of the suspension or cancellation on the permit holder and shall also notify an Administrator.

(3) A person whose permit is suspended or cancelled may appeal the suspension or cancellation to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s42

Part 4 Unusual Situations

Emergency

47(1) If a safety codes officer is, on reasonable and probable grounds, of the opinion that there is an imminent serious danger to persons or property because of any thing, process or activity to which this Act applies or because of a fire hazard or risk of an explosion, the officer may take any action that the officer considers necessary to remove or reduce the danger.

(2) An action taken under subsection (1) may include ordering the evacuation of persons from the affected premises and disconnecting or requiring the disconnection of an electrical, gas, sewage or plumbing system.

(3) A safety codes officer may request the assistance of a police officer when acting under subsection (1).

1991 cS-0.5 s43

Investigation

48(1) A safety codes officer may investigate an unsafe condition, accident or fire to determine its cause and circumstances and make recommendations related to safety.

(2) For the purposes of investigating an unsafe condition, accident or fire, a safety codes officer may whenever necessary

- (a) exercise any of the powers of a safety codes officer under sections 34 and 35, and

(b) for 48 hours or any extended period of time authorized by a justice, close all or part of the affected premises and prohibit any person from entering or remaining on the closed premises except a police officer or a person who enters to prevent injury or death or to preserve property if, in the opinion of the safety codes officer, there are dangerous or emergency circumstances and the action is necessary for safety reasons or to preserve evidence.

(3) A safety codes officer shall, as soon as possible after the completion of the investigation, return to the person entitled to it any thing removed during the investigation unless it is impossible, unsafe or impractical to return that thing.

(4) A safety codes officer who conducts an investigation shall provide a report to an Administrator.

1991 cS-0.5 s44

Part 5

Orders, Appeals

Order

49(1) A safety codes officer may issue an order if the safety codes officer believes, on reasonable and probable grounds, that

- (a) this Act is contravened, or
- (b) the design, construction, manufacture, operation, maintenance, use or relocation of a thing or the condition of a thing, process or activity to which this Act applies is such that there is danger of serious injury or damage to a person or property.

(2) An order may be issued to a person who provides services that are the subject-matter of the order or to the owner, occupier, vendor, contractor, manufacturer or designer of the thing or to the person who authorizes, undertakes or supervises the process or activity that is the subject-matter of the order, or may be issued to any 2 or more of them.

(3) An order

- (a) shall set out what a person is required to do or to stop doing in respect of the thing, process or activity and a reasonable time within which it must be done or stopped;

- (b) may direct a method of work, construction, manufacturing, operation, maintenance, use or relocation that must be followed;
- (c) may direct that the use of the thing, process or activity be stopped in whole or in part in accordance with the order;
- (d) may direct that a design be altered;
- (e) may direct that an altered design be submitted to an Administrator for review or for registration;
- (f) may direct compliance with this Act, a permit, a certificate or a variance;
- (g) shall meet the requirements of the regulations on format and contents.

(4) On issuing an order, the safety codes officer shall serve a copy on the person to whom it is issued in accordance with the regulations and send a copy of it to an Administrator in a form and within the time satisfactory to the Administrator.

(5) A person who is served with an order under subsection (4) may, within 14 days after being served, submit a written request to the Administrator for a review of the order.

(6) If an Administrator receives a request, in accordance with subsection (5), from a person on whom an order is served and if the Administrator considers that the order

- (a) is improper, impractical or unreasonable,
- (b) contains incorrect references or typographical errors, or
- (c) does not correct or satisfy concerns about safety,

the Administrator may, by order, revoke or vary the original order within 21 days from when the original order was served.

(7) If an Administrator issues an order under subsection (6), the Administrator shall serve it, in accordance with the regulations, on all the persons on whom the original order was served and on the safety codes officer who issued the original order.

1991 cS-0.5 s45;1999 c26 s23

Appeal of orders

50(1) A person to whom an order is issued may, if the person objects to the contents of the order, appeal the order to the Council in accordance with the Council's bylaws within 35 days after the date the order was served on the person.

(2) The Council, on receipt of a notice of appeal, shall send a copy to an Administrator and also to an accredited municipality or accredited regional services commission if the subject-matter of the order is administered by the accredited municipality or accredited regional services commission, and the Council shall notify the Administrator and the appellant and the accredited municipality or accredited regional services commission of the time and place of the appeal.

(3) An appeal may proceed under this section regardless of whether a request was made in accordance with section 49(5).

RSA 2000 cS-1 s50;AR 49/2002 s8;2002 c30 s28

Appeal of refusals, suspensions, cancellations

51(1) The Council, on receipt of a notice of appeal with respect to

- (a) a refusal to designate a corporation as an accredited corporation or a person as an accredited agency,
- (b) a refusal to register a design or a deregistration of a design, or
- (c) a suspension or cancellation of a designation of accreditation, a certificate of competency or a permit,

shall send a copy of the notice of appeal to the relevant Administrator and the safety codes officer, if any, who issued the suspension or cancellation, and notify them and the appellant of the time and place of the appeal.

(2) In order for an appeal to proceed, the Council must receive a notice of appeal within 30 days after the date the corporation or person was served with the written notice of the refusal to designate, refusal to register, deregistration, suspension or cancellation.

1991 cS-0.5 s47

Council considers appeal

52(1) When the Council is considering an appeal,

- (a) it may, at the direction of the person who chairs the Council or in accordance with the Council's bylaws, sit in one or more divisions, and the divisions may sit simultaneously or at different times;
 - (b) 3 members constitute a quorum of a division of the Council;
 - (c) an order of a division is an order of the Council and binds all members of the Council;
 - (d) evidence may be given before the Council in any manner the Council considers appropriate and the Council is not bound by the rules of law respecting evidence applicable to judicial proceedings.
- (2) The Council may by order
- (a) confirm, revoke or vary an order, suspension or cancellation appealed to it and as a term of its order may issue a written variance with respect to any thing, process or activity related to the subject-matter of the order if in its opinion the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act,
 - (b) confirm a refusal or direct that a designation, certificate or permit be issued and direct the inclusion of terms and conditions in the designation, certificate or permit, or
 - (c) confirm a deregistration of a design, confirm a refusal to register a design or direct that a design be submitted for review or be registered and that changes be made to the design before it is submitted for review or is registered.
- (3) The Council may include terms and conditions in a variance and shall, on issuing a variance, notify an Administrator.
- (4) The *Regulations Act* does not apply to a variance issued under this section.
- (5) The Council shall serve a copy of its order on the appellant and the Administrator and on the accredited municipality, accredited regional services commission and safety codes officer if they were sent a copy of the notice of appeal.

1991 cS-0.5 s48;1999 c26 s23

Appeal to Court

53(1) An appeal lies from an order of the Council to the Court of Queen's Bench only on a question of law or jurisdiction.

(2) An appeal under this section may be commenced within 30 days after receipt of service of the Council's decision

- (a) by filing an application with the clerk of the Court, and
- (b) by serving a copy of the application
 - (i) on the Council, if the appellant is the person to whom the order under appeal is directed, or
 - (ii) on the Council and on the person to whom the order under appeal is directed, if the appellant is an Administrator, accredited municipality or accredited regional services commission.

(3) The Court may, on application either before or after the time referred to in subsection (2), extend that time if it considers it appropriate to do so.

(4) The Court may, in respect of an appeal under subsection (2),

- (a) determine the issues to be resolved on the appeal, and
- (b) limit the evidence to be submitted by the Council to a copy of the Council's decision certified by the person who was the chair when the appeal was heard and those materials necessary for the disposition of those issues.

(5) On hearing the appeal, the Court may confirm, revoke or vary the order of the Council.

RSA 2000 cS-1 s53;2009 c53 s167

Stay pending appeal

54(1) An appeal taken under section 50 or 51 does not operate as a stay of the order, suspension or cancellation appealed from unless a person who may chair the Council, on receipt of a written application, so directs.

(2) An appeal taken under section 53 does not operate as a stay of the order of the Council unless a judge of the Court of Queen's Bench so directs.

(3) A stay directed under this section may include terms and conditions and shall be in writing.

1991 cS-0.5 s50

Enforcement of order

55(1) A safety codes officer appointed under section 33(2) or (3), together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

- (a) if a person to whom the order is issued under section 49, 52 or 53 with respect to any thing, process or activity under the administration of an accredited municipality or accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, and
- (b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the settlement member registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land has been given written notice of the intention of the accredited municipality or accredited regional services commission to carry out the order.

(2) When an order is carried out under subsection (1) in respect of land that is not Metis patented land, the local authority may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount

- (a) forms a lien on the land in favour of the municipality, and
- (b) is, for all purposes, deemed to be taxes imposed and assessed on the land and in arrears under the *Municipal Government Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(3) When an order is carried out under subsection (1) in respect of Metis patented land, the settlement council may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount is, for all purposes, deemed to be taxes imposed and assessed on the land

and in arrears under the *Metis Settlements Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(4) In addition to the power granted under subsection (3), when an order is carried out under subsection (1) in respect of Metis patented land, the settlement council may record a notification of the amount of the expenses incurred in carrying out the order in the Metis Settlements Land Registry against the Metis title, provisional Metis title or an allotment in the land, and

- (a) the expenses are a debt due to the Metis settlement by the settlement member who is registered as owner of the Metis title, provisional Metis title or allotment, and
- (b) no dealings in respect of the land by the settlement member may be recorded in the Registry without the consent of the settlement council until the recording of the notification is cancelled.

(5) A Metis settlement may, in addition to the rights under this section, exercise any rights granted under a General Council Policy to collect the expenses incurred in carrying out an order under subsection (1) that are payable by a settlement member.

1991 cS-0.5 s51; 1994 cM-26.1 s642(64); 1998 c22 s40; 1999 c26 s23

Enforcement of order

56(1) An Administrator or a safety codes officer appointed under section 33(1) and designated by the Administrator, together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

- (a) if a person to whom an order is issued under section 49, 52 or 53 with respect to a subject-matter that is not under the administration of an accredited municipality or an accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal, and the order is not carried out within the time set out in the order, and
- (b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land and the persons named by the

Minister under subsection (2) have been given written notice of the intention to carry out the order.

(2) When an order is carried out under subsection (1), the amount of the expenses incurred in carrying out the order is a debt due to the Crown jointly and severally by the persons named by the Minister prior to the carrying out of the order, but those persons may only include

- (a) the owner of the land concerned as registered under the *Land Titles Act*,
- (b) in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land, and
- (c) the persons to whom the order was issued.

(3) The Minister may delegate any or all of the Minister's powers under this section to the Council.

1991 cS-0.5 s52;1998 c22 s40;1999 c26 s23

Order of the Court

57(1) If a person refuses to allow an Administrator or a safety codes officer or a person lawfully accompanying either of them to carry out an order under section 55 or 56 or interferes with or attempts to interfere with the carrying out of that order, the Administrator, accredited municipality or accredited regional services commission, as the case may be, may, whether or not that person has been prosecuted under section 67(1) or 67(4)(c) or (d), make an application to the Court of Queen's Bench for an order

- (a) requiring that person to comply with the order issued under this Act, or
- (b) restraining that person from interfering in any manner with the carrying out of an order in accordance with section 55 or 56.

(2) A copy of the application and each affidavit in support shall be served not less than 3 days before the day named in the application for the hearing or within any shorter time that the Court may direct.

RSA 2000 cS-1 s57;2009 c53 s167

Part 6 Information

Information system

58 An Administrator or the Council may, in accordance with the regulations, maintain an information system with respect to any or all matters under this Act.

1991 cS-0.5 s54

Accident notification

59 If there is an unsafe condition, accident or fire that involves a thing, process or activity to which this Act applies, the owner or person designated in the regulations shall, if required by the regulations, forthwith report it to an Administrator, or to the accredited municipality or accredited regional services commission if the thing, process or activity is under the administration of the accredited municipality or accredited regional services commission.

1991 cS-0.5 s55;1999 c26 s23

Information compilation

60 If any information is required to be prepared, submitted or retained under this Act, the regulations and the terms and conditions of a permit may state the qualifications required to be held by the person who prepares, submits or retains it and may provide for how the information is to be prepared, submitted and retained.

1991 cS-0.5 s56

Outstanding orders

61 If a person to whom an order is issued under this Act

- (a) does not commence an appeal of the order within the time set out in this Act for commencement of an appeal, and
- (b) does not carry out the order within the time set out in the order,

an Administrator may place an entry on the information system that briefly indicates the subject-matter of the outstanding order, the name of the owner and the location of the thing, process or activity that is the subject-matter of the outstanding order.

1991 cS-0.5 s57

Variance register

62 An Administrator may place an entry on the information system that briefly indicates the subject-matter of a variance and the location of the thing, process or activity to which the variance applies.

1991 cS-0.5 s58

Release of information

63(1) The Minister, members of the Council, Administrators, accredited municipalities, accredited regional services commissions, accredited corporations, accredited agencies, safety codes officers and any person employed in the administration of this Act shall preserve confidentiality with respect to all information and documents that come to their knowledge from employment in the administration of this Act except

- (a) with the consent of the owner of the thing, process or activity that is the subject-matter of the information,
- (b) if the information is published in statistical form whereby no place or premises is readily identified, unless the regulations authorize their identification,
- (c) if the release of information or a document is required by an order of a court,
- (d) if the release of information or a document is required by another Act,
- (e) if the release of information or a document is authorized by this Act, or
- (f) if the information
 - (i) concerns a permit,
 - (ii) is released by a public body as defined in the *Freedom of Information and Protection of Privacy Act*, and
 - (iii) is limited to the name of the permit holder and the nature of the permit.

(2) Notwithstanding subsection (1),

- (a) an accredited regional services commission must, on request by a municipality, release information to the

municipality with respect to the administration of this Act within the municipality, and

- (b) an accredited agency must, on request by a municipality, release information to the municipality with respect to the administration of this Act within the municipality.

(3) A person may request a search of the information system for variances and outstanding orders.

1991 cS-0.5 s59;1999 c26 s23;1999 c32 s18

Part 7 General

Fees

64(1) The Government may charge fees, in accordance with an order of the Minister,

- (a) for anything issued or for any material, information, education program or service provided by the Minister under this Act, and
- (b) for any research that is carried out by the Minister that relates to any thing, process or activity to which this Act applies.

(2) The Minister may make orders respecting the payment of fees to witnesses and interpreters and for reporting fires.

1991 cS-0.5 s60;1993 c7 s7

Regulations

65(1) The Lieutenant Governor in Council may make regulations

- (a) governing fire protection and the safe design, manufacture, construction, sale, installation, use, operation, occupancy and maintenance of
 - (i) buildings,
 - (ii) electrical systems,
 - (iii) elevating devices,
 - (iv) gas systems,
 - (v) plumbing or private sewage disposal systems,

- (vi) pressure equipment, and
- (vii) fire protection systems and equipment;
- (b) respecting designs that require stamps or seals affixed by persons licensed or registered under the *Architects Act* or the *Engineering, Geological and Geophysical Professions Act* or any other enactment governing a profession or occupation;
- (c) respecting exclusions from the definitions of
 - (i) building,
 - (ii) gas,
 - (iii) electrical system,
 - (iv) gas system, and
 - (v) plumbing system,for the purposes of this Act;
- (d) respecting the designation of any thing as an elevating device;
- (e) defining for the purposes of this Act fittings, boilers, pressure vessels and pressure piping systems;
- (e.1) governing barrier-free design and access;
- (e.2) defining for the purposes of this Act principles of barrier-free design and access;
- (f) governing the qualifications and the evaluation of the qualifications of safety codes officers and applicants for and holders of permits and certificates of competency;
- (g) designating things, processes or activities with respect to which a certificate of competency or permit is required and establishing the classifications of certificates of competency and permits;
- (h) governing the issuance, display, making available, suspension, renewal and cancellation of permits and certificates of competency;

- (i) governing the provision of identification of safety codes officers and the use of the identification;
 - (i.1) respecting the investment of money for the purpose of section 21(3);
 - (j) respecting forms for the purposes of this Act;
 - (k) governing the information system and the release of information under section 63;
 - (l) governing orders and the service of orders and notices;
 - (m) governing the preparation, submission and retention of reports and information and the reporting of unsafe conditions, accidents and fires;
 - (n) governing designs;
 - (o) governing quality management systems;
 - (p) governing accredited municipalities, accredited regional services commissions, accredited corporations and accredited agencies.
- (2)** If a code, standard or body of rules relating to
- (a) fire protection,
 - (b) buildings,
 - (c) electrical systems,
 - (d) elevating devices,
 - (e) gas systems,
 - (f) plumbing or private sewage disposal systems,
 - (g) pressure equipment,
 - (g.1) barrier-free design and access,
 - (h) classifications of and qualifications for certificates of competency,
 - (i) quality management systems, or

- (j) accredited municipalities, accredited regional services commissions, accredited corporations or accredited agencies,

has been published by the Council or any association or person and copies are available, the Lieutenant Governor in Council may, in addition to or instead of any regulation the Lieutenant Governor in Council may make under subsection (1), by regulation declare the code, standards or rules to be in force either in whole or in part or with any variations that the Lieutenant Governor in Council specifies.

(3) The Minister shall ensure that the Council has the opportunity to review a proposed regulation for a period of 90 days prior to the regulation's being made unless the Council has waived or reduced the period of time.

(4) Regulations under this section may apply generally or specifically and may provide for which provision of which regulation prevails in the case of a conflict between the regulations.

RSA 2000 cS-1 s65;2001 c28 s19;2004 c19 s6

Bylaws

66(1) A bylaw of a municipality that purports to regulate a matter that is regulated by this Act is inoperative.

(2) Notwithstanding subsection (1), a municipality may make bylaws

- (a) to carry out its powers and duties under the *Forest and Prairie Protection Act*;
- (b) respecting minimum maintenance standards for buildings and structures;
- (c) respecting unsightly or derelict buildings or structures.

(3) Notwithstanding subsection (1), an accredited municipality may make bylaws

- (a) respecting fees for anything issued or any material or service provided pursuant to this Act, and
- (b) respecting the carrying out of its powers and duties as an accredited municipality.

1991 cS-0.5 s62;1994 cM-26.1 s642(64)

Prohibitions

Offences

67(1) A person who interferes with or in any manner hinders an Administrator or a safety codes officer in the exercise of the Administrator's or officer's powers and performance of the Administrator's or officer's duties under this Act is guilty of an offence.

(2) A person who knowingly makes a false or misleading statement under section 34(4)(c) either orally or in writing is guilty of an offence.

(3) A person who fails to prepare, submit or retain any information that the person is required by this Act to prepare, submit or retain is guilty of an offence.

(4) A person who

- (a) contravenes this Act,
- (b) contravenes a condition in a permit, certificate or variance,
- (c) contravenes an order, or
- (d) fails to carry out any action required in an order to be taken within the time specified in it,

is guilty of an offence.

1991 cS-0.5 s63

Penalty

68(1) A person who is guilty of an offence is liable

- (a) for a first offence,
 - (i) to a fine of not more than \$15 000 and, in the case of a continuing offence, to a further fine of not more than \$1000 for each day during which the offence continues after the first day or part of a day, or
 - (ii) to imprisonment for a term not exceeding 6 months, or to both fines and imprisonment, and
- (b) for a 2nd or subsequent offence,

- (i) to a fine of not more than \$30 000 and, in the case of a continuing offence, to a further fine of not more than \$2000 for each day or part of a day during which the offence continues after the first day, or
- (ii) to imprisonment for a term not exceeding 12 months, or to both fines and imprisonment.

(2) If a person is guilty of an offence under this Act, the court may, in addition to any other penalty imposed or order made, order the person to comply with this Act or any order, permit, certificate or variance, or all or any one or more of them, as the case requires.

1991 cS-0.5 s64

Proof by certificate

69 For the purpose of a prosecution for a contravention of any provision of this Act requiring a person to hold a certificate of competency, permit or variance, a certificate purporting to be signed by an Administrator stating that a person was or was not on a named day the holder of a certificate of competency, permit or variance is proof, in the absence of evidence to the contrary, of the facts stated in it, without proof of the signature or official character of the person signing the certificate.

1991 cS-0.5 s65

Penalty proceeds

70 If a fine results from an offence under this Act with respect to a matter that an accredited municipality is authorized to administer, the fine may, on the application of the accredited municipality when the fine is assessed, accrue to the benefit of the municipality.

1991 cS-0.5 s66

Transitional Provisions

Permits, etc., continue

71(1) On March 31, 1994, a permit, licence, certificate, approval, registration or order under the

(a) *Fire Prevention Act*, SA 1982 cF-10.1, or

(b) *Uniform Building Standards Act*, RSA 1980 cU-4,

continues as a permit, certificate, registration or order under this Act until it would have expired under the Act under which it was issued or it is suspended or cancelled.

(2) On October 1, 1994, a permit, licence, certificate, approval, registration or order under the

- (a) *Electrical Protection Act*, RSA 1980 cE-6,
- (b) *Elevator and Fixed Conveyances Act*, RSA 1980 cE-7,
- (c) *Gas Protection Act*, RSA 1980 cG-2,
- (d) *Plumbing and Drainage Act*, RSA 1980 cP-10, or
- (e) *Boilers and Pressure Vessels Act*, RSA 1980 cB-8,

continues as a permit, certificate, registration or order under this Act until it would have expired under the Act under which it was issued or it is suspended or cancelled.

(3) In accordance with section 36(1)(e) of the *Interpretation Act*, all or any part of a code, standard or body of rules and the revisions, variations and modifications to it that have been adopted or declared in force by a regulation under an Act referred to in subsection (1) or (2) is deemed to be a regulation that has been made under this Act.

1991 cS-0.5 s67

Inspectors, local assistants

72(1) On March 31, 1994, a person who is appointed as an inspector under the

- (a) *Fire Prevention Act*, SA 1982 cF-10.1, or
- (b) *Uniform Building Standards Act*, RSA 1980 cU-4,

is deemed, in accordance with the regulations, to be appointed as a safety codes officer for the period of time set out in the regulations with the powers and duties of an inspector that the person had under the previous Act.

(2) On October 1, 1994, a person who is appointed as an inspector under the

- (a) *Electrical Protection Act*, RSA 1980 cE-6,
- (b) *Elevator and Fixed Conveyances Act*, RSA 1980 cE-7,
- (c) *Gas Protection Act*, RSA 1980 cG-2,
- (d) *Plumbing and Drainage Act*, RSA 1980 cP-10,

- (e) *Boilers and Pressure Vessels Act*, RSA 1980 cB-8, or
- (f) bylaws passed pursuant to section 159(i) of the *Municipal Government Act*, RSA 1980 cM-26,

is deemed, in accordance with the regulations, to be appointed as a safety codes officer for the period of time set out in the regulations with the powers and duties of an inspector that the person had under the previous Act.

(3) On March 31, 1994, a person who is designated or appointed as a local assistant under the *Fire Prevention Act*, SA 1982 cF-10.1, is deemed, in accordance with the regulations, to be designated or appointed as a safety codes officer under this Act for the period of time set out in the regulations with the powers and duties that the person had under the *Fire Prevention Act*.

1991 cS-0.5 s68;1994 c44 s5

Municipal duties

73(1) A local authority, as defined in the *Uniform Building Standards Act*, RSA 1980 cU-4, that is authorized to enforce that Act is deemed to be an accredited municipality under this Act with all the powers and duties it had under the *Uniform Building Standards Act*.

(2) On March 31, 1994, a municipality with any powers or duties under the *Fire Prevention Act*, SA 1982 cF-10.1, relating to matters regulated under this Act is deemed to be an accredited municipality with those powers and duties.

(3) On October 1, 1994, a municipality with any powers or duties under the

- (a) *Electrical Protection Act*, RSA 1980 cE-6,
- (b) *Elevator and Fixed Conveyances Act*, RSA 1980 cE-7,
- (c) *Gas Protection Act*, RSA 1980 cG-2,
- (d) *Plumbing and Drainage Act*, RSA 1980 cP-10,
- (e) *Boilers and Pressure Vessels Act*, RSA 1980 cB-8, or
- (f) bylaws passed pursuant to section 159(i) of the *Municipal Government Act*, RSA 1980 cM-26,

relating to matters related under this Act is deemed to be an
accredited municipality with those powers and duties.

1991 cS-0.5 s69;1994 c23 s42;1994 c44 s6