

The Electrical Inspection Act, 1993

being

Chapter E-6.3 of the *Statutes of Saskatchewan, 1993* (effective May 21, 1993) as amended by the *Statutes of Saskatchewan, 1996, c.9* and *14*; *1999, c.C-38.01*; and *2004, c.56*.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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.

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CHAPTER E-6.3

An Act respecting the Inspection of Electrical Equipment, Installations and Materials

SHORT TITLE

Short title

- 1 This Act may be cited as *The Electrical Inspection Act, 1993*.

INTERPRETATION AND APPLICATION

Interpretation

- 2 In this Act:

- (a) “**approved**” means approved by the chief inspector pursuant to this Act, *The Electrical Inspection Act* or *The Electrical Inspection and Licensing Act, 1981*;
- (b) “**bond**” means a bond required pursuant to *The Electrical Licensing Act* or *The Electrical Inspection and Licensing Act, 1981*;
- (c) “**chief inspector**” means the chief inspector appointed pursuant to section 6;
- (d) “**contractor**” means a contractor as defined in *The Electrical Licensing Act*;
- (e) “**corporation**” means the Saskatchewan Power Corporation;
- (f) “**department**” means the department as defined in *The Electrical Licensing Act*;
- (g) “**designated city**” means a city that is designated pursuant to section 8;
- (h) “**director**” means the director of licensing appointed pursuant to *The Electrical Licensing Act*;
- (i) “**distribution system**” means a system for the supply of electrical energy by an electric utility to the premises of its customers, and includes all wiring and equipment owned or operated by the utility that may be located in or on those premises;
- (j) “**electric utility**” means a person who owns or operates equipment or facilities in Saskatchewan for the production, generation, transmission, sale, delivery or furnishing of electrical power for compensation to two or more premises in Saskatchewan, and includes a lessee, trustee, receiver or liquidator of that person;

- (k) **“electrical equipment”**:
- (i) means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used, or capable of being used, in or for:
 - (A) the generation, transformation, transmission, distribution, supply or utilization of electrical power or energy; or
 - (B) the protection of buildings or premises from damage by lightning; and
 - (ii) includes any assemblage or combination of materials or things used, or capable of being used or adapted, to serve or perform any purpose or function when connected to an electrical installation, notwithstanding that any of the materials or things may be mechanical, metallic or non-electric in origin;
- (l) **“electrical installation”** includes electrical equipment and any connected wiring;
- (m) **“employer”** means an employer as defined in *The Electrical Licensing Act*;
- (n) **“inspector”** means an inspector appointed pursuant to section 6 and includes the chief inspector;
- (o) **“judge”** means a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (p) **“licence”** means a valid and subsisting licence issued or continued pursuant to *The Electrical Licensing Act*;
- (q) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (r) **“permit”** means a valid and subsisting permit issued or continued pursuant to this Act;
- (s) **“person”** includes a firm, partnership, joint venture, association, society or any other organization;
- (t) **“premises”** includes land, buildings and structures;
- (u) **“prescribed”** means prescribed in the regulations;
- (v) **“supply house”** means a manufacturer, jobber or wholesale vendor or a manufacturer’s agent that deals in electrical equipment;
- (v.1) **“transmission line”** means a facility for the transmission of electrical energy by an electrical utility from point to point, including to the premises of customers;

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

- (i) the insertion or replacement of:
 - (A) approved lamps in sockets or receptacles; or
 - (B) approved fuses, rated at less than 750 volts, controlling circuits or equipment;
- (ii) the connection, use or operation of small portable electrical equipment to supply circuits by means of attachment plugs, if the connection does not overload the circuit conductors; or
- (iii) any prescribed work of electrical installation.

1993, c.E-6.3, s.2; 2004, c.56, s.3.

Application

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

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

(2) This Act does not apply to:

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

2004, c.56, s.4.

Act binds Crown

4 The Crown is bound by this Act.

1993, c.E-6.3, s.4.

STANDARDS OF WORK

Canadian Electrical Code to govern

5(1) All work of electrical installation, with respect to workmanship and any other matter, is required to conform to the requirements of the latest prescribed edition of the *Canadian Electrical Code*, subject to any amendments that may be prescribed by the minister.

(2) For the purposes of this section, the minister may prescribe any amendments to the latest prescribed edition of the *Canadian Electrical Code* that the minister considers appropriate.

1993, c.E-6.3, s.5.

INSPECTORS

Appointment

6(1) The corporation:

- (a) shall appoint a chief inspector; and
- (b) may appoint any inspectors, in addition to the chief inspector, that it considers appropriate.

(2) **Repealed.** 2004, c.56, s.5.

(3) No individual who is interested, either directly or indirectly, in the sale of electrical equipment or the work of electrical installation shall be appointed to the office of chief inspector.

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

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

1993, c.E-6.3, s.6; 2004, c.56, s.5.

Persons contracted

7(1) Subject to subsection (2), the corporation may, on any terms and conditions that the corporation considers appropriate, engage the services of persons as independent contractors to assist in the enforcement of this Act and the regulations.

(2) The services of persons may be engaged pursuant to subsection (1) only for the purposes of dealing with a backlog of work and not for the purpose of taking the place on a full-time basis of an inspector appointed pursuant to section 6.

- (3) Any person whose services are engaged pursuant to this section shall:
- (a) carry liability insurance in an amount that the corporation considers sufficient;
 - (b) have the powers and carry out the functions of an inspector as set out in the contract; and
 - (c) carry out inspections only in the area authorized in the contract for services.
- (4) No person whose services are engaged pursuant to this section shall inspect:
- (a) any work of electrical installation that he or she has performed or in which he or she has any direct or indirect interest; or
 - (b) any electrical equipment if he or she has any direct or indirect interest in the sale of that electrical equipment.

1993, c.E-6.3, s.7; 2004, c.56, s.6.

Designation of certain cities

8 The chief inspector may designate any city as a city in which an inspector is to be employed on a full-time or part-time basis.

1993, c.E-6.3, s.8.

Certificate of appointment

9(1) The corporation shall furnish each inspector with an identification card.

(2) When requested, an inspector shall produce his or her identification card when the inspector applies for admission to any premises.

1993, c.E-6.3, s.9; 2004, c.56, s.7.

Powers of inspectors

10(1) An inspector may:

- (a) at any reasonable time, enter premises for the purpose of enforcing this Act or the regulations;
- (b) inspect any work of electrical installation or any electrical equipment, and may:
 - (i) approve, conditionally or unconditionally, any work of electrical installation or any electrical equipment inspected; or
 - (ii) reject any work of electrical installation or electrical equipment inspected;
- (c) make any examination and investigation that may be necessary to ascertain whether or not this Act or the regulations are being complied with;
- (d) order, in writing, the production of, or inspect and make copies of, any books, records, documents or computer data or any entry in any book, record, document or computer data relating to any matter within the scope of this Act or the regulations;

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- (e) examine and test any electrical equipment and require any electrical equipment that is being examined or tested to be actively put in motion or use, stopped or disassembled for the purpose of examination or testing;
 - (f) order the removal of any obstruction that prevents testing or an examination or inspection.
- (2) A justice of the peace or a judge of the Provincial Court of Saskatchewan, if satisfied by the oath of an inspector that there are reasonable grounds for believing that a contravention of this Act, the regulations, *The Electrical Inspection Act*, the regulations made pursuant to that Act or a notice, order, decision, requirement or direction of an inspector made pursuant to this Act, the regulations, *The Electrical Inspection 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 or her hand authorizing the person 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, computer data or other documents or other property that the inspector has reasonable and probable grounds to believe may constitute evidence of the contravention of the notice, order, decision, requirement or direction.

1993, c.E-6.3, s.10; 2004, c.56, s.8.

INSTALLATIONS

Stop-work order

- 11(1) Where any construction or work of electrical installation is being carried out in contravention of this Act or the regulations, an inspector may order the construction or the work of electrical installation to stop immediately.
- (2) An order issued pursuant to subsection (1):
- (a) is to be posted at the location where the work is being, or is to be, performed; and
 - (b) is effective immediately on posting.
- (3) No construction or work of electrical installation that is the subject of an order pursuant to subsection (1) is to be recommenced until the order is rescinded by an inspector.

1993, c.E-6.3, s.11.

Connections and reconnections

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

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

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

2004, c.56, s.9.

Temporary permits

13(1) The corporation may, on payment of the fee fixed by the corporation, issue a temporary permit with respect to:

(a) a building that is about to be constructed or that is under construction, for the purpose of enabling the owner or occupant to obtain a supply of electrical energy during the period of construction; or

(b) any temporary electrical wiring other than that described in clause (a).

(2) A permit issued pursuant to subsection (1) is effective for the period stated in the permit, and the electrical supply may be disconnected on the expiration of that period unless a new permit is issued.

1993, c.E-6.3, s.13.

Reports by operator of distribution system, transmission line

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

(a) the serial number of the permit authorizing the connection or reconnection;

(b) the name of the contractor who requested the permit;

(c) the name of the customer at whose premises the connection or reconnection was made;

(d) the address or location of the premises at which the connection or reconnection was made;

(e) the date on which the connection or reconnection was made;

(f) any additional information requested by the chief inspector.

2004, c.56, s.10.

Owner permits

15 The corporation may, on payment of the fee fixed by the corporation, issue a permit to an individual who, alone or together with his or her spouse, owns and occupies premises as a single family dwelling, for the purpose of authorizing the individual to do work of electrical installation there without obtaining a licence pursuant to section 8 of *The Electrical Licensing Act*.

1993, c.E-6.3, s.15.

Contractor permits

16(1) The corporation may, on payment of the fee fixed by the corporation, issue a permit to a contractor to authorize the work of electrical installation specified in the contractor's application for a permit.

(2) Subject to subsections (3) to (6), no contractor shall commence any work of electrical installation without first being issued a permit authorizing the work.

(3) A contractor may commence work of electrical installation on a day on which the offices of the corporation are closed if the contractor is issued a permit on the next day on which the offices of the corporation are open, but shall discontinue that work if the application for a permit is refused.

(4) Subject to subsection (5), with respect to work of electrical installation to be done in any place other than a designated city, a contractor shall apply for a permit within seven days after the completion of the work.

(5) If work described in subsection (4) is not completed within 30 days after the commencement of the work, the contractor shall:

- (a) apply for a permit within 30 days after commencement of the work; and
- (b) immediately after completion of the work, send or deliver to the corporation a notice of completion.

(6) The notice and permits required pursuant to this section are to be in any form that the chief inspector may specify and are to be mailed by prepaid first class mail or delivered by hand or by electronic means to:

- (a) an office of the corporation in a designated city, in the case of work to be performed in the designated city; and
- (b) the office of the corporation in Regina, in the case of any other work.

1993, c.E-6.3, s.16; 1996, c.9, s.2.

Refusal of permit

17(1) The chief inspector may, for cause, refuse to issue a permit or may cancel a permit.

(2) Without limiting the generality of subsection (1), the chief inspector may refuse to issue a permit to any of the following, or may cancel a permit issued to any of the following:

- (a) a person who has not paid any inspection fee, licence fee, permit fee or costs required by this Act, the regulations made pursuant to this Act, *The Electrical Inspection Act*, the regulations made pursuant to that Act, *The Electrical Licensing Act* or the regulations made pursuant to that Act;
- (b) a person who has defective work of electrical installation outstanding at the time of applying for a permit or a licence;
- (c) a person who has submitted an incomplete application or an application with false or misleading information;
- (d) a person who exhibits an inability to perform the work of electrical installation in a manner that, in the opinion of an inspector, is acceptable and safe;
- (e) a person who fails to comply with a term or condition of a permit;
- (f) a person who fails to make corrections that are directed in an order pursuant to section 20 within the time specified in the order;
- (g) an individual who applies for or who receives a permit pursuant to section 15 within one year after being issued a permit pursuant to that section for an electrical installation on different premises;
- (h) a person who supplies, transmits, distributes or sells electrical energy contrary to subsection 38(1) of *The Power Corporation Act* without the consent of the corporation.

1993, c.E-6.3, s.17; 2004, c.56, s.11.

ELECTRICAL EQUIPMENT**Manufacture, sale, etc.**

18(1) No person shall manufacture, sell or offer for sale, display, advertise, rent, use or otherwise provide or offer for use any electrical equipment, or attempt to do any of those things, unless the electrical equipment is:

- (a) approved; or
- (b) certified by a prescribed testing laboratory.

(2) All electrical equipment must bear evidence, in a manner satisfactory to the chief inspector, of the approval or certification mentioned in subsection (1).

(3) All electrical equipment is subject to inspection by an inspector.

- (4) Where an inspector finds electrical equipment that is not approved or certified and that has been sold to any person within Saskatchewan, the chief inspector may send a notice to the seller requiring the seller, within a reasonable time, to replace the equipment with approved or certified electrical equipment.
- (5) Where an inspector finds electrical equipment that is not approved or certified and finds or believes that the electrical equipment was sold or supplied to any person within Saskatchewan, the chief inspector may send a notice to the seller or supply house requiring the seller or supply house, within a reasonable time, to:
- (a) provide the chief inspector with information with respect to the person to whom the electrical equipment was sold or supplied; and
 - (b) recall the electrical equipment from the person to whom it was sold or supplied.
- (6) Where an inspector finds electrical equipment that is not approved or certified and that is or has been offered for sale, the inspector may order the seller to cease offering that electrical equipment for sale.
- (7) Where a person fails to comply with an order made pursuant to subsection (6), the chief inspector may seize or have seized the electrical equipment that is not approved or certified and may, after giving 30 days' notice to the person from whom it was seized, dispose of the electrical equipment in any manner that is not inconsistent with this Act.
- (8) All costs associated with an investigation, notification, seizure or disposal pursuant to this section, including the administrative costs of the corporation that are attributable to those activities, are to be determined by an inspector and charged to the seller or supply house and constitute a debt due and owing to the corporation that may be recovered by action or otherwise.

1993, c.E-6.3, s.18.

MAJOR INSTALLATION DESIGNS

Submission of plans and specifications

19(1) In this section, “**major electrical installation**” means an electrical installation that:

- (a) has an ampacity in excess of 200 amperes;
 - (b) has a voltage in excess of 300 volts; or
 - (c) is in a hazardous location, other than a service station or an oil well that has an ampacity equal to or less than 200 amperes or a voltage equal to or less than 300 volts.
- (2) Where a major electrical installation is to be made in Saskatchewan, the chief inspector may request the contractor, owner, architect, designer or consultant to submit to the corporation any number of copies of the plans and specifications with respect to the installation, and the person to whom the request is directed shall submit those plans and specifications to the corporation, together with the examination fee fixed by the corporation.

1993, c.E-6.3, s.19.

DEFECTS AND HAZARDS

Defects

20 Where an inspector finds any work of electrical installation or any electrical equipment that does not comply with this Act or the regulations, the inspector may:

- (a) make a written order directing that the necessary corrections be made; and
- (b) specify a reasonable time within which the corrections are to be made.

1993, c.E-6.3, s.20.

Fire hazard

21(1) Where in any premises an inspector finds that any electrical equipment or any work of electrical installation, for want of proper repair, by reason of age or for any other cause, constitutes a fire hazard, a potential fire hazard or a danger to persons in the premises, the inspector may do one or more of the following:

- (a) order the owner, the owner's agent or the occupant of the premises to disconnect the equipment or to stop the work immediately;
- (b) order the owner, the owner's agent or the occupant of the premises to repair, alter or remove the electrical equipment;
- (c) specify a reasonable time within which the hazard is to be remedied;
- (d) in the event of an immediate hazard or danger, order the persons in the premises to evacuate the premises;
- (e) order persons who are situated in proximity to the hazard or danger to relocate;
- (f) make any other remedial order that the inspector considers appropriate in the circumstances.

(2) An order made pursuant to subsection (1):

- (a) is to be in writing;
- (b) is to be delivered by hand to the owner or occupant of the premises or posted in a conspicuous place on or near the premises; and
- (c) is effective immediately on delivery or posting in accordance with clause (b).

(3) All costs associated with an investigation and order pursuant to this section, including the administrative costs of the corporation that are attributable to those activities, are to be determined by an inspector and charged to the owner of the premises that are the subject of the order and constitute a debt due and owing to the corporation that may be recovered by action or otherwise.

1993, c.E-6.3, s.21.

Disconnections

22(1) Where an order issued pursuant to section 20 or 21 is not complied with within the time specified in the order, the chief inspector may order the electric utility to discontinue service to the premises.

(2) Where an electrical installation is made without a permit, the chief inspector may order the electric utility or the person who operates the transmission line to discontinue service to the premises.

1993, c.E-6.3, s.22.

Refusal of access to premises

23(1) Where an inspector is refused access to premises or premises are not made accessible to an inspector, the inspector shall:

(a) give written notice of that fact to the owner or the contractor, as the case may require; and

(b) order the owner or the contractor to allow or provide access to the premises within 30 days after the day on which the inspector attempted to gain access.

(2) Where an owner or contractor fails to comply with an order pursuant to clause (1)(b), an inspector may:

(a) cancel any permit that has been issued with respect to those premises; and

(b) order the electrical utility to discontinue service to the premises.

(3) After a permit is cancelled pursuant to clause (2)(a), the corporation has no further duty to inspect the premises or investigate any matter associated with the premises.

1993, c.E-6.3, s.23; 2004, c.56, s.12.

Recourse to guarantee bond

24(1) Where an inspector finds that work of electrical installation done or electrical equipment supplied by a contractor does not comply with this Act, the regulations, *The Electrical Inspection Act* or the regulations made pursuant to that Act, the chief inspector may:

(a) send a notice of the defective work or equipment to the surety under the contractor's guarantee bond in accordance with *The Electrical Licensing Act*; and

(b) specify in the notice a reasonable time within which the defects are to be remedied.

(2) Where defects are not remedied within the time specified in the notice sent pursuant to subsection (1):

(a) the chief inspector may cause the necessary corrective work to be done, or the electrical equipment to be supplied, by another contractor; and

- (b) the cost of the work or electrical equipment and the costs of the corporation that are not included in any fee that has been charged are to be:
 - (i) charged against the amount of the guarantee bond; and
 - (ii) notwithstanding *The Electrical Licensing Act* and the regulations made pursuant to that Act, paid immediately by the surety to the corporation.
- (3) The chief inspector shall:
 - (a) send a copy of the notice mentioned in subsection (1) to the director; and
 - (b) give notice to the director of any corrective work to be done or electrical equipment supplied pursuant to subsection (2).

1993, c.E-6.3, s.24.

Private power plants

25(1) Where an inspector finds a defect that constitutes a hazard or a potential hazard to life or property in an electrical installation that is not supplied with electrical energy from a distribution system or transmission line, the chief inspector may send a written notice of the defect to:

- (a) the person who operates the generating plant that supplies electrical energy to the premises on which the defective installation exists;
 - (b) the owner and the occupant of the premises; and
 - (c) the person who made the installation.
- (2) The notice mentioned in subsection (1) is to specify a reasonable time within which the defects are to be remedied.
- (3) Where defects are not remedied within the time specified in the notice, the chief inspector may, by written notice, order the person who operates the generating plant to discontinue service to the premises.
- (4) At or after the time when notice is given pursuant to subsection (3), an inspector may take any measures that the inspector considers necessary to stop the supply of electrical energy to the premises.

1993, c.E-6.3, s.25; 2004, c.56, s.13.

Agent of necessity

26(1) The chief inspector may direct an inspector to appoint a contractor to render premises safe in accordance with the inspector's instructions where:

- (a) the inspector finds the existence of an immediate hazard;
- (b) the owner of the premises on which the hazard is located:
 - (i) cannot be contacted immediately; or
 - (ii) refuses to comply with an order of the inspector; and

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- (c) either:
 - (i) substantial damage could occur to the premises; or
 - (ii) there is a risk of injury to persons.
- (2) The corporation shall indemnify any contractor appointed pursuant to subsection (1).
- (3) The owner of the premises rendered safe pursuant to subsection (1) is liable to the corporation for all costs incurred, including the costs of the corporation that are not included in any fee that has been charged.

1993, c.E-6.3, s.26.

REPORTS AND INVESTIGATIONS OF ACCIDENTS

Reporting

27 Where an accident involving an electrical installation or electrical equipment occurs and results in the death or injury of a person or in a fire or an explosion, the contractor or the contractor's agent or the owner of the electrical equipment or the owner's agent shall immediately notify the chief inspector, stating the precise location of the accident, its general nature and results.

1993, c.E-6.3, s.27

Investigation

28 Subject to *The Coroners Act, 1999*, *The Fire Prevention Act, 1992* and *The Occupational Health and Safety Act, 1993*:

- (a) where an accident described in section 27 occurs, no part of any electrical plant or electrical equipment involved is to be removed or its position altered by any person, except for the purposes of rescuing persons injured or removing the bodies of persons killed, until the written permission of an inspector has been obtained; and
- (b) an inspector may:
 - (i) investigate a death or injury of a person, a fire or an explosion that the inspector has reason to believe has been caused by any electrical equipment, electrical installation or work of electrical installation to which this Act applies; and
 - (ii) remove from the premises all or any part of the electrical equipment to provide evidence regarding the cause of the death, injury, fire or explosion or to further investigate the electrical equipment.

1993, c.E-6.3, s.28; 1999, c.C-38.01, s.68; 2004, c.56, s.14.

Prohibitions

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

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

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

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

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

2004, c.56, s.15.

Administrative penalties

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

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

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

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

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

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

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

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

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

(b) determine that no penalty should be assessed.

- (6) The chief inspector or the inspector shall send written notice of his or her decision to the person.
- (7) No order is to be made pursuant to this section more than three years after the act or omission that, in the opinion of the chief inspector or the inspector, renders the person liable to a penalty.
- (8) A penalty assessed pursuant to this section is a debt due to and recoverable by the Crown in right of Saskatchewan.
- (9) After the time for filing an appeal of an order of the chief inspector or the inspector pursuant to this section has passed and, if there is no appeal or if an appeal is unsuccessful, the corporation may file a certificate with the registrar of the Court of Queen's Bench certifying the amount of any unpaid fees for permits required pursuant to section 16 and the amount of the penalty imposed pursuant to this section.
- (10) A certificate filed pursuant to subsection (9) with the registrar of the Court of Queen's Bench has the same force and effect as if it were a judgment of that court for the recovery of debt in the amount specified in the certificate together with the cost of filing.

2004, c.56, s.15.

OFFENCES AND PENALTIES

Offences and penalties

29(1) Any person who:

- (a) contravenes this Act or the regulations;
- (b) fails to comply with a decision, order or directive made pursuant to this Act or the regulations; or
- (c) obstructs or hinders an inspector in the performance of the inspector's 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 \$10,000, to imprisonment for a term of not more than six months, or to both fine and imprisonment and, in the case of a continuing offence, to a further fine of not more than \$10,000 for each day during which the offence continues.

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

(2) Where a person is convicted of an offence for non-compliance with a decision, order or directive issued pursuant to this Act, the conviction does not relieve the person from compliance with the decision, order or directive, and the convicting judge of the Provincial Court of Saskatchewan may, in addition to any fine imposed, order that person to do, within a specified period, any act or work necessary to remedy the non-compliance with the decision, order or directive.

(3) A person who fails to comply with an order made pursuant to subsection (2) is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000, to imprisonment for a term of not more than six months, or to both fine and imprisonment and, in the case of a continuing offence, to a further fine of not more than \$10,000 for each day during which the offence continues.

1993, c.E-6.3, s.29; 2004, c.56, s.16.

Vicarious liability

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

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

2004, c.56, s.17.

Limitation of actions

30 No prosecution with respect to an alleged offence pursuant to this Act or the regulations is to be commenced after the later of:

- (a) two years from the day on which the alleged offence becomes known to an inspector; or
- (b) three years from the day of the commission of the alleged offence.

1993, c.E-6.3, s.30; 2004, c.56, s.18.

Liability for damages

31(1) Nothing in this Act or the regulations annuls or lessens the responsibility of any person for damages with respect to a person who is killed or injured or any property that is destroyed or damaged.

(2) No action or proceeding lies against the minister, the corporation or any officer, inspector, employee or agent of the corporation for any matter or thing done by any of them with reasonable care or omitted in good faith to be done by any of them in exercising their powers or carrying out their duties pursuant to this Act or the regulations.

1993, c.E-6.3, s.31.

APPEALS

Appeal to chief inspector

32(1) A person aggrieved by a decision, order or directive made by an inspector may, within 30 days after the date of the service of the decision, order or directive on the person, appeal in writing to the chief inspector who may affirm, amend or cancel the decision, order or directive.

(2) The chief inspector shall give notice of, and provide written reasons for, his or her decision to the person mentioned in subsection (1).

(3) An appeal pursuant to subsection (1) does not suspend the operation of the decision, order or directive, but the chief inspector may suspend its operation pending the disposition of the appeal.

1993, c.E-6.3, s.32; 2004, c.56, s.19.

Appeal to court

33(1) A person aggrieved by an order or decision of the chief inspector may, by notice of motion, appeal the decision to a judge at any time within 30 days after the day on which the decision is made.

(2) On an appeal pursuant to subsection (1), the judge may allow the appeal or affirm or vary the order or decision appealed against.

(3) The decision of the judge on an appeal pursuant to subsection (1) is final, and there is no right to a further appeal.

(4) An appeal pursuant to subsection (1) does not stay the operation of the chief inspector's order or decision, but the judge may stay its operation pending disposition of the appeal.

1993, c.E-6.3, s.33.

REGULATIONS

Regulations

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

- (a) respecting the classification and issue of permits;
- (b) prescribing the period for which and conditions under which a permit or any class of permits may be issued;
- (c) prescribing the penalty for electrical installations made without a permit or the written consent of the corporation;
- (d) respecting the submission, registration and approval of plans and specifications for anything done or permitted to be done pursuant to this Act or the regulations;
- (e) designating testing agencies for the purpose of approving or certifying electrical equipment;

- (f) respecting the investigation and reporting of fires, explosions, electrocutions or any accident involving any work of electrical installation or electrical equipment;
- (g) regulating or prohibiting the exchange, display, advertising, sale or other disposal or use of electrical equipment;
- (h) exempting from the application of all or any part of this Act any:
 - (i) electrical installation, part or type of a structure, building or class of buildings; or
 - (ii) work of electrical installation or operation, alteration or repair of electrical equipment;
- (i) providing for the periodic inspection of any work of electrical installation or electrical equipment and for the method of inspection;
- (j) respecting the certification and listing of electrical equipment;
- (k) respecting the terms of the contract for services, liability insurance and remuneration of persons contracted pursuant to section 7;
- (l) prescribing the form, period and content of reports required pursuant to section 14;
- (m) adopting any relevant code, rule or published standard, together with any amendments;
- (m.1) prescribing the maximum amount of an administrative penalty that may be imposed by an order pursuant to subsection 28.2(1);
- (n) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (o) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1993, c.E-6.3, s.34; 2004, c.56, s.20.

FEES AND COSTS

Fees and costs

35(1) Where, in the opinion of an inspector, costs are incurred in the conduct of an inspection or the provision of a service pursuant to this Act that are not covered by a fee that has been charged, the inspector may require the person for whom the inspection was made or the service provided to pay any of those costs for which an amount is fixed by the corporation pursuant to subsection (2).

c. E-6.3

ELECTRICAL INSPECTION, 1993

(2) The corporation shall fix the amount of fees and costs to be paid, and the manner in which fees and costs are to be paid, for approvals, inspections, re-inspections, special inspections, examinations of plans and specifications of electrical installations, the work of electrical installation, the issue of permits or classes of permits, the preparation of reports and opinions and any other services provided pursuant to this Act or the regulations.

(3) The corporation may determine the circumstances in which refunds of fees may be given, the amounts of any refunds and the manner in which refunds may be given.

(4) Fees and costs that are in arrears after the expiry of a period specified in an invoice shall bear interest at the rate currently set by the corporation for interest on overdue customer accounts.

1993, c.E-6.3, s.35.

GENERAL

Service of documents

36(1) Any document required by this Act or the regulations to be given or served is, unless otherwise prescribed in the regulations, to be served personally or mailed by registered mail to the last known address of the person being served.

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

1993, c.E-6.3, s.36; 2004, c.56, s.21.

Public notices, bulletins

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

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

2004, c.56, s.22.

**REPEAL, TRANSITIONAL, CONSEQUENTIAL AMENDMENTS
AND COMING INTO FORCE**

S.S. 1988-89, c.E-6.2 repealed

37 *The Electrical Inspection Act* is repealed.

1993, c.E-6.3, s.37.

Transitional

38 Notwithstanding the repeal of *The Electrical Inspection Act*:

- (a) every valid and subsisting permit issued or continued pursuant to that Act on or before the coming into force of this Act continues in force and may be enforced and dealt with as if issued pursuant to this Act;
- (b) every bond mentioned in clause 38(b) of *The Electrical Inspection Act* may be dealt with pursuant to this Act as if it were required pursuant to *The Electrical Licensing Act*;
- (c) references in a bond mentioned in clause 38(c) of *The Electrical Inspection Act* are to be interpreted in the manner provided in *The Electrical Licensing Act*;
- (d) any recourse to bond mentioned in clause 38(d) of *The Electrical Inspection Act* may be continued pursuant to section 24 of this Act;
- (e) section 31 of *The Electrical Inspection Act* remains in force for the purpose of determining any appeal from a decision, order or directive made by an inspector pursuant to that Act;
- (f) section 32 of *The Electrical Inspection Act* remains in force for the purpose of determining any appeal from an order or decision made by the chief inspector pursuant to that Act.

1993, c.E-6.3, s.38.

39 Dispensed. This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

**Editorial Appendix
(Amendments)**

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please consult Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

<u>Amending Year</u>	<u>Chapter</u>	<u>Section</u>	<u>Effective</u>
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