

The Boiler and Pressure Vessel Act, 1999

being

Chapter B-5.1 of *The Statutes of Saskatchewan, 1999*
(effective January 1, 2007) as amended by the *Statutes of
Saskatchewan, 2006, c.3*; and *2010, c.T-9.2*.

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 B-5.1

An Act respecting the Design, Construction, Installation, Operation, Alteration, Repair and Sale of Boilers, Pressure Vessels, Plants and Pressure Piping Systems

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Boiler and Pressure Vessel Act, 1999*.

Interpretation

2 In this Act:

- (a) **“board”** means the Boiler and Pressure Vessel Safety Board established pursuant to section 44;
- (b) **“boiler”** means a vessel in which steam is or may be generated or hot water produced under pressure, and includes any high pressure boiler or low pressure boiler and any pipe, fitting, prime mover, machinery or other equipment attached to the vessel or used in connection with the vessel;
- (c) **“chief inspector”** means the chief inspector appointed pursuant to section 4, and includes an acting chief inspector;
- (d) **“compressed gas”** means liquefied petroleum gas, oxygen, acetylene, ammonia, chlorine or any other gas, whether in a liquid, vapour or dissolved state, that is explosive, flammable or toxic or contained under pressure exceeding 103 kilopascals;
- (e) **“compressed gas plant”** means a plant used for producing, manufacturing, transferring, storing, distributing or otherwise handling compressed gas, and includes all pressure vessels, pipes, fittings, machinery and other equipment used in connection with the plant;
- (f) **“department”** means the department over which the minister presides;
- (g) **“expansible fluid”** means:
 - (i) any vapour or gas; or
 - (ii) any liquid that will change to a vapour or gas at atmospheric conditions;
- (h) **“fitting”** means a valve, gauge, regulating or controlling device, flange, pipe fitting, nozzle or thing that is attached to or forms part of a boiler, pressure vessel or pressure piping system or any combination of them;
- (i) **“guarded plant”** means a plant that is equipped with fail-safe controls and audio and visual alarm systems and that is licensed as a guarded plant pursuant to section 35;

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- (j) **“high pressure boiler”** means:
- (i) a steam boiler designed to carry a working pressure of more than 103 kilopascals but does not include a boiler of that type that is equipped with a safety valve set to relieve at a pressure of not more than 103 kilopascals; or
 - (ii) a hot water or fluid heating boiler that is operated at a pressure in excess of 1 100 kilopascals or produces a temperature that exceeds 121°C at or near the outlet;
- (k) **“inspector”** means an inspector appointed pursuant to section 4, and includes the chief inspector and a special inspector;
- (l) **“low pressure boiler”** means:
- (i) a steam boiler designed to carry a working pressure of 103 kilopascals or less; or
 - (ii) a hot water or fluid heating boiler that is operated at a pressure of 1 100 kilopascals or less or produces a temperature that is 121°C or less at or near the outlet;
- (m) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (n) **“operate”**:
- (i) in relation to operation in the capacity of owner, means to place into operation, or permit to be operated, a boiler, pressure vessel, plant or pressure piping system; and
 - (ii) in relation to operation in the capacity of operator, means:
 - (A) to supervise the operation of a boiler or plant;
 - (B) to directly operate a boiler or plant or assist in the direct operation of a boiler or plant; or
 - (C) to be in immediate charge of a boiler or plant;
- (o) **“owner”** means an owner of a boiler, pressure vessel, plant or pressure piping system, and includes a lessee or sublessee of a boiler, pressure vessel, plant or pressure piping system;
- (p) **“plant”** means:
- (i) an installation of two or more high pressure boilers, low pressure boilers or a combination of high pressure and low pressure boilers;
 - (ii) a refrigeration plant; or
 - (iii) a compressed gas plant;
- and includes any pressure piping system that is attached to or used in connection with a component of a plant;

- (q) **“prescribed”** means prescribed in the regulations;
- (r) **“pressure piping system”** means pipes, tubes, conduits, gaskets, bolts and other fittings making up a system, the sole purpose of which is the conveyance of an expansible fluid under pressure and the control of the flow of an expansible fluid under pressure between two or more points;
- (s) **“pressure vessel”** means a vessel or similar apparatus, other than a boiler, that is or may be used for containing, storing, distributing, transferring, distilling, evaporating, processing or otherwise handling gases, fluids or solids and that is normally operated under pressure, and includes any pipe or fitting that is attached to the vessel or used in connection with the vessel;
- (t) **“quality management system”** means a quality management system described in section 28;
- (u) **“refrigeration plant”** means an installation of pressure vessels, pipes and fittings, machinery and other equipment by which refrigerants are vaporized, compressed and liquefied in their refrigerating cycle.

1999, c.B-5.1, s.2.

Interpretation and administration of Act – safety standards agreement

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

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

2010, c.T-9.2, s.32.

Application of Act

3(1) Subject to subsections (2) and (3), this Act applies to all boilers, pressure vessels, plants, pressure piping systems and fittings except:

- (a) a pressure vessel that is used for the transportation of dangerous goods as defined in the *Transportation of Dangerous Goods Act, 1992* (Canada);
- (b) a boiler or pressure vessel to which the *Canada Shipping Act* applies or that is subject to the jurisdiction of the Canadian Transportation Agency pursuant to the *Canada Transportation Act*;
- (c) a pipeline as defined in *The Pipelines Act, 1998*;
- (d) gas equipment or a gas installation as defined in *The Gas Licensing Act*;
- (e) a boiler that is used in connection with a hot liquid heating system that has no valves or other obstructions to free circulation between the boiler and an expansion tank that is fully vented to the atmosphere;

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- (f) a high pressure boiler that has a heating surface with an area of two square metres or less;
 - (g) a low pressure boiler that has a heating surface with an area of three square metres or less;
 - (h) a pressure vessel that has a volume of 0.0425 cubic metres or less;
 - (i) a pressure vessel that has an internal diameter of 152 millimetres or less;
 - (j) a pressure vessel that is used for the storage of hot water and has an internal diameter of 610 millimetres or less;
 - (k) a pressure vessel or pressure piping system that operates at, and has pressure relief valves set at, a pressure of 103 kilopascals or less;
 - (l) a pressure vessel that is intended to be installed in a closed hot water heating system, that has a working pressure of 207 kilopascals or less and that has an internal diameter of 610 millimetres or less;
 - (m) a pressure vessel that is used exclusively for hydraulic purposes at atmospheric temperature;
 - (n) a pressure vessel that is designed for human occupancy;
 - (o) a refrigeration plant that has a capacity of three tonnes or less of refrigeration in 24 hours; and
 - (p) any class of boilers, pressure vessels, plants, pressure piping systems or fittings that is designated in the regulations.
- (2) The chief inspector may give notice in writing to the owner of a boiler, pressure vessel, plant, pressure piping system or fitting exempted from the application of this Act pursuant to subsection (1) that any provisions of this Act or the regulations specified in the notice are to apply to that boiler, pressure vessel, plant, pressure piping system or fitting.
- (3) The provisions of this Act or the regulations specified in a notice given pursuant to subsection (2) apply to the boiler, pressure vessel, plant, pressure piping system or fitting mentioned in the notice from the date specified in the notice until the chief inspector gives a further notice in writing to the owner cancelling or amending the notice given pursuant to subsection (2).
- (4) The Crown is bound by this Act.

Appointment of inspectors

- 4(1) A chief inspector and any other inspectors that may be necessary for the purposes of this Act may be appointed.
- (2) The minister may appoint any person who possesses the prescribed qualifications as a special inspector to carry out any functions of an inspector that are set out in the appointment.
- (3) Subject to any conditions or restrictions set out in the appointment, a special inspector is deemed to be an inspector for the purposes of this Act and has all the powers of an inspector with respect to functions that the special inspector is authorized to carry out.

1999, c.B-5.1, s.4; 2010, c.T-9.2, s.32.

**PART II
Licences****Licences required**

- 5(1) Unless otherwise provided in the regulations, no person shall carry out any of the following activities unless the person holds a valid licence authorizing the person to do so:
- (a) construct, install, alter or repair a boiler, pressure vessel, plant or pressure piping system;
 - (b) carry out any welding on a boiler, pressure vessel, plant or pressure piping system;
 - (c) operate a boiler, pressure vessel or plant in the capacity of owner;
 - (d) operate a boiler or plant in the capacity of operator;
 - (e) conduct an inspection on behalf of an insurer or in connection with a quality management system;
 - (f) distribute compressed gas.
- (2) No person shall operate a boiler, pressure vessel or plant in the capacity of owner unless:
- (a) the person holds a valid licence authorizing the operation of that boiler, pressure vessel or plant; and
 - (b) in the case of a boiler or plant, the person posts the licence in a readily accessible place on or in the vicinity of the boiler or plant.
- (3) No person shall operate a boiler or plant in the capacity of operator unless a valid licence authorizing the operation of that boiler or plant:
- (a) has been issued to the owner; and
 - (b) is posted in a readily accessible place on or in the vicinity of the boiler or plant.

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(4) A person who apparently is carrying out any of the activities described in subsection (1) must, on the request of an inspector, produce any licence, certificate or permit that the person is required by this Act or the regulations to hold in order to carry out that activity.

(5) The failure of a person to produce a licence, certificate or permit on the request of an inspector is proof, in the absence of evidence to the contrary, that the person concerned does not hold a licence, certificate or permit.

1999, c.B-5.1, s.5.

Duration of licences

6(1) Every licence issued pursuant to this Act is to be issued for a prescribed period.

(2) Every licence issued is the property of the department and must be returned to the chief inspector if the licence is suspended or revoked.

1999, c.B-5.1, s.6.

Applications for licences

7(1) A person who meets the requirements prescribed in the regulations for a class of licence may apply for a licence.

(2) An application for a licence must be made to the chief inspector on a form supplied by the department and must be accompanied by the prescribed fee.

(3) An applicant for a licence must:

(a) provide any prescribed information and any further information that the chief inspector may require; and

(b) if required to do so by the chief inspector, verify by affidavit or statutory declaration any information provided by or on behalf of the applicant.

1999, c.B-5.1, s.7.

Issuance or refusal of licences

8(1) The chief inspector or an inspector designated by the chief inspector may:

(a) issue a licence if the applicant meets all of the requirements of this Act and the regulations; or

(b) refuse to issue a licence if:

(i) the applicant does not meet all of the requirements of this Act and the regulations; or

(ii) the chief inspector has reason to believe that it is not in the interest of public safety to issue the licence.

- (2) The chief inspector may:
- (a) impose any terms and conditions on a licence that the chief inspector considers advisable in the interest of public safety at the time the licence is issued or at any time during the period of validity of the licence; and
 - (b) amend, vary, suspend, revoke or replace any terms or conditions imposed pursuant to clause (a).

1999, c.B-5.1, s.8.

Cancellation or suspension of licences

- 9(1) The chief inspector may cancel a licence issued in error.
- (2) The chief inspector may cancel or suspend a licence for cause, including, without limiting the generality of the foregoing:
- (a) a failure of the licensee or the licensee's agent or employee to:
 - (i) comply with this Act or the regulations;
 - (ii) comply with a term or condition of the licence;
 - (iii) comply with a notice, order, decision, requirement or direction of an inspector; or
 - (iv) pay any fee required by this Act or the regulations; and
 - (b) the making of a misleading or erroneous statement on a material point by the licensee in the application for the licence.
- (3) Where a licence has been issued with respect to more than one boiler, pressure vessel or plant, the chief inspector may cancel or suspend the licence in whole or in part as the case may require.
- (4) Subject to subsection (5), the chief inspector shall not cancel or suspend a licence until the chief inspector has given the licensee an opportunity to be heard.
- (5) Where, in the opinion of the chief inspector, it is necessary to do so in the interest of public safety, the chief inspector may immediately suspend or cancel a licence, but the chief inspector shall give the licensee an opportunity to be heard within 10 days after the day on which the licence is suspended or cancelled.
- (6) A licensee may appeal a decision of the chief inspector pursuant to this section to the board in accordance with Part IX.

1999, c.B-5.1, s.9.

PART III

Design, Construction, Installation, Alteration, Repair and Sale of Boilers, Pressure Vessels, Plants, Pressure Piping Systems and Fittings**Standards for design, construction, etc.**

10(1) Every boiler, pressure vessel, plant, pressure piping system and fitting must be designed, constructed, installed, altered and repaired in accordance with the standards set out in the regulations.

(2) Without limiting the generality of subsection (1), all welding on a boiler, pressure vessel, plant or pressure piping system must be carried out in accordance with the standards set out in the regulations.

1999, c.B-5.1, s.10.

Registration required

11(1) Unless otherwise provided in the regulations, no person shall construct or install a boiler, pressure vessel, plant, pressure piping system or fitting unless the design of the boiler, pressure vessel, plant, pressure piping system or fitting is registered pursuant to this Part and the construction or installation is carried out in accordance with the registered design.

(2) Unless otherwise provided in the regulations, no person shall alter or repair a boiler, pressure vessel, plant, pressure piping system or fitting unless:

(a) the alteration or repair is consistent with the registered design; or

(b) the design of the alteration or repair is registered pursuant to this Part and the alteration or repair is carried out in accordance with the registered design.

(3) Subject to this Part, no person shall sell or offer for sale a boiler, pressure vessel, plant, pressure piping system or fitting unless the design of the boiler, pressure vessel, plant, pressure piping system or fitting has been registered and the boiler, pressure vessel, plant, pressure piping system or fitting has been constructed in accordance with the registered design.

1999, c.B-5.1, s.11.

Application for registration

12(1) Unless otherwise provided in the regulations, a person who intends to construct or install a boiler, pressure vessel, plant or pressure piping system according to a design that is not registered, or who intends to alter or repair a boiler, pressure vessel, plant or pressure piping system in a manner that is not in accord with a registered design, must apply to the chief inspector for registration of the design in accordance with this section and the regulations.

(2) An applicant must submit any drawings, specifications and other information prescribed in the regulations, together with any prescribed fee.

(3) An applicant must provide any further information that the chief inspector may require and, if required to do so by the chief inspector, verify by affidavit or statutory declaration any information provided by or on behalf of the applicant.

1999, c.B-5.1, s.12.

Registration

13(1) After an inspector reviews the design submitted by an applicant, the chief inspector:

- (a) if satisfied that the design meets the standards set out in the regulations, may register the design and assign a registration number to the design; or
 - (b) if not satisfied that the design meets the standards set out in the regulations, may refuse to register the design and shall notify the applicant of the refusal.
- (2) A boiler, pressure vessel, plant, pressure piping system or fitting may be constructed, installed, altered or repaired in accordance with a registered design until:
- (a) the standards set out in the regulations or in a relevant code or standard adopted by the regulations are changed in a way that significantly affects the design; or
 - (b) the design is deregistered pursuant to subsection (4).
- (3) Registration of a design does not relieve any person who constructs, installs, alters or repairs a boiler, pressure vessel, plant, pressure piping system or fitting in accordance with that design of liability with respect to the boiler, pressure vessel, plant, pressure piping system or fitting.
- (4) Where a design has been registered and the chief inspector subsequently determines that the design is not safe or is obsolete, the chief inspector:
- (a) may deregister the design; and
 - (b) shall, as soon as is practicable, notify the applicant of the deregistration.
- (5) An applicant may appeal a decision of the chief inspector to refuse registration or to deregister a design in accordance with Part IX.

1999, c.B-5.1, s.13.

Sale of used boilers, etc.

14(1) Except where a boiler, pressure vessel or pressure piping system is sold along with the building or structure in which it is used, no person shall sell, exchange or reinstall in a new location a boiler, pressure vessel or pressure piping system that has been previously used without first obtaining the written approval of the chief inspector.

(2) An applicant for an approval pursuant to subsection (1) must send to the chief inspector by registered mail a written description of the boiler, pressure vessel or pressure piping system, including its registration number and, in the case of a sale or exchange, the name and address of the proposed new owner, and must provide any other information that the chief inspector may require.

1999, c.B-5.1, s.14.

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15(1) No person shall install or cause to be installed a boiler, pressure vessel or pressure piping system that has previously been installed or used outside Saskatchewan without first obtaining the written approval of the chief inspector.

(2) An applicant for an approval pursuant to subsection (1) must send to the chief inspector by registered mail written particulars of the design, type, specifications, make and date of manufacture of the boiler, pressure vessel or pressure piping system and any other information respecting the boiler, pressure vessel or pressure piping system that the chief inspector may require.

1999, c.B-5.1, s.15.

No welding by unqualified persons

16 No person shall do any welding, and no person shall employ a person to do any welding, in the construction, alteration or repair of a boiler, pressure vessel or pressure piping system unless the person is qualified, in accordance with the regulations, to perform that welding process.

1999, c.B-5.1, s.16.

PART IV Inspections

Inspection required

17(1) Every owner of a boiler, pressure vessel or plant that is in use or operation shall ensure that the boiler, pressure vessel or plant is inspected periodically at prescribed intervals by an inspector or in accordance with a quality management system approved pursuant to section 29.

(2) No person shall use or operate a boiler, pressure vessel or plant unless there is a valid inspection certificate for that boiler, pressure vessel or plant issued:

- (a) pursuant to section 21; or
- (b) where a quality management system has been approved pursuant to section 29 with respect to that boiler, pressure vessel or plant, in accordance with that quality management system.

1999, c.B-5.1, s.17; 2006, c.3, s.3.

Right to inspect

18(1) For the purpose of ensuring compliance with this Act and the regulations, every boiler, pressure vessel and plant may be inspected periodically by an inspector.

(2) An inspector may at any time inspect a boiler, pressure vessel, plant or pressure piping system that the inspector has reason to believe:

- (a) is unsafe;
- (b) is being operated in an unsafe manner; or
- (c) is or is being operated in contravention of this Act, the regulations or a notice, order, decision, requirement or direction of an inspector.

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- (3) An inspector may inspect any boiler, pressure vessel, plant, pressure piping system or fitting that is under construction.
- (4) An inspector may reinspect a boiler, pressure vessel, plant, pressure piping system or fitting that is the subject of a notice, order, decision, requirement or direction of an inspector.

1999, c.B-5.1, s.18; 2006, c.3, s.4.

Duty to report defects

19(1) During the inspection of a boiler, pressure vessel, plant or pressure piping system, the owner or any person who operates the boiler, pressure vessel or plant must point out to the inspector any defect or hazard of which the person has knowledge or that the person believes may exist in the boiler, pressure vessel, plant or pressure piping system.

(2) If at any other time a person mentioned in subsection (1) learns of any defect that might render a boiler, pressure vessel, plant or pressure piping system unsafe to operate, the person must notify an inspector immediately.

1999, c.B-5.1, s.19; 2006, c.3, s.5.

Powers of inspection

20(1) Subject to subsection (2), for the purposes of conducting an inspection, an inspector may, at any reasonable time, without a warrant:

- (a) enter and inspect any place or premises where a boiler, pressure vessel, plant or pressure piping system is situated or is being constructed, installed, altered or repaired;
- (b) enter any place or premises containing any records or property that are required to be kept pursuant to this Act or the regulations or that relate to a boiler, pressure vessel, plant or pressure piping system and inspect those records or that property;
- (c) make a copy of any records described in clause (b) or, if the inspector is unable to make a satisfactory copy, after giving a receipt remove and retain the records for any period the inspector considers reasonable;
- (d) require the owner or other person responsible for or in immediate charge of a boiler, pressure vessel, plant or pressure piping system to provide the inspector with all reasonable assistance to make possible an internal or external inspection, a hydrostatic test or any other test that the inspector considers necessary, including:
 - (i) taking any steps necessary to shut down the operation of the boiler, pressure vessel, plant, pressure piping system or any associated equipment;
 - (ii) taking any steps necessary to put into operation the boiler, pressure vessel, plant, pressure piping system or any associated equipment;

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(iii) placing at the inspector's disposal any supplies, equipment or personnel that the inspector considers necessary for the purposes of the inspection or test; and

(iv) cutting or drilling holes in the boiler or pressure vessel so that the inspector may determine the thickness and condition of the plates.

(2) An inspector shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant obtained pursuant to section 53, except in circumstances in which the inspector considers an emergency exists.

1999, c.B-5.1, s.20.

Issuance of certificates

21(1) Where, after conducting an inspection, an inspector considers that a boiler, pressure vessel or plant meets the requirements of this Act and the regulations, the inspector may issue an inspection certificate.

(2) An inspection certificate is valid until the next inspection of the boiler, pressure vessel or plant unless the certificate is cancelled or suspended pursuant to section 26.

1999, c.B-5.1, s.21; 2006, c.3, s.6.

Order to correct

22 Where, after conducting an inspection, an inspector considers that a boiler, pressure vessel, plant or pressure piping system does not meet the requirements of this Act or the regulations or that a boiler, pressure vessel, plant or pressure piping system is otherwise unsafe, the inspector may, by an order in writing, direct the owner to make, or cause to be made, any maintenance, repairs, alterations or replacement of parts that the inspector considers necessary, within any time that the inspector may specify.

1999, c.B-5.1, s.22.

Order re welding defects

23(1) Where an inspector believes that a boiler, pressure vessel or pressure piping system is welded in an improper or unsafe manner or in a manner that contravenes the regulations, the inspector may order the person responsible for carrying out the welding:

(a) to do 100% radiographic examination of all welds; and

(b) to cut out all rejected welds, reweld and re-examine them or replace them if they are beyond repair.

(2) Where a weld is found to have been improperly welded, the chief inspector may order the welder to return his or her certificate of qualification to an inspector and cease welding on boilers, pressure vessels or pressure piping systems until the welder successfully completes a welding retest.

1999, c.B-5.1, s.23.

Sealing unsafe boilers, pressure vessels, plants

24(1) An inspector may, on the instructions of the chief inspector, seal a boiler, pressure vessel, pressure piping system or any part of a plant or may serve notice on the owner, either personally or by registered mail, that the boiler, pressure vessel, pressure piping system or part of the plant is not to be operated where, in the opinion of the inspector:

- (a) the boiler, pressure vessel, pressure piping system or part of the plant is in an unsafe operating condition or is being operated in a dangerous manner or by a person or persons not holding any licence, certificate or permit required by this Act; or
- (b) repairs or alterations required by an inspector are not made within the time specified by the inspector or, where no time has been specified, within a reasonable time.

(2) No person shall, without the permission of an inspector, operate a boiler, pressure vessel, pressure piping system or part of a plant mentioned in subsection (1) or cause or permit it to be operated, or destroy, remove or tamper with an inspector's seal, unless the reason for sealing or prohibiting operation has been corrected to the satisfaction of an inspector.

1999, c.B-5.1, s.24.

Review by chief inspector

25(1) A person aggrieved by a notice, order, decision, requirement or direction of an inspector pursuant to this Part may, within 14 days after the date of its receipt, request the chief inspector to review the notice, order, decision, requirement or direction.

(2) A request for a review pursuant to subsection (1) does not operate as a stay of the notice, order, decision, requirement or direction to be reviewed unless the chief inspector orders otherwise.

(3) The chief inspector shall review a request pursuant to subsection (1) and shall give the person who makes the request an opportunity to be heard.

(4) After completing a review, the chief inspector:

- (a) may confirm, revoke or vary the notice, order, decision, requirement or direction; and
- (b) shall give written notice to the person who made the request of the chief inspector's decision.

1999, c.B-5.1, s.25.

c. B-5.1**BOILER AND PRESSURE VESSEL****Cancellation or suspension of certificate**

26 The chief inspector may cancel or suspend an inspection certificate, in whole or in part, where:

- (a) an owner fails to comply with an inspector's order pursuant to section 22, or a person responsible for carrying out welding on a boiler, pressure vessel or pressure piping system fails to comply with an inspector's order pursuant to section 23, within the time specified in the order and:
 - (i) does not request a review of the order within the time specified in subsection 25(1); or
 - (ii) after a review pursuant to subsection 25(1), fails to comply with the chief inspector's decision pursuant to subsection 25(4);
- (b) a boiler, pressure vessel, plant or pressure piping system to which the certificate applies has been sealed pursuant to section 24; or
- (c) in the opinion of the chief inspector, it is necessary to do so in the interest of public safety.

1999, c.B-5.1, s.26.

Right of appeal

27 A person aggrieved by a decision of the chief inspector pursuant to this Part may appeal the decision to the board in accordance with Part IX.

1999, c.B-5.1, s.27.

PART V**Quality Management Systems****Application for approval**

28 An owner or an insurer of a boiler, pressure vessel or plant may apply to the chief inspector in accordance with the regulations for approval of a quality management system of inspection to be carried out by the owner, the insurer or a third party on behalf of the owner or insurer.

1999, c.B-5.1, s.28; 2006, c.3, s.7.

Certificate of authorization

29(1) Where the chief inspector is satisfied that a quality management system proposed by an applicant, if implemented as set out in the proposal, is consistent with the standards prescribed in the regulations, the chief inspector may approve the quality management system and issue a certificate of authorization to the applicant.

(2) The chief inspector may approve a quality management system subject to any terms and conditions that the chief inspector considers appropriate and shall set out those terms and conditions in the certificate of authorization.

- (3) Subject to section 30, a certificate of authorization is valid for the period set out in the certificate.
- (4) During the period of validity of a certificate of authorization, a boiler, pressure vessel or plant covered by the quality management system is exempt from periodic inspection pursuant to subsection 18(1).
- (5) Nothing in this section affects the right of an inspector to inspect a boiler, pressure vessel, plant or pressure piping system pursuant to subsection 18(2).

1999, c.B-5.1, s.29; 2006, c.3, s.8.

Cancellation or suspension of certificate of authorization

30(1) The chief inspector may cancel or suspend a certificate of authorization where, in the opinion of the chief inspector:

- (a) the holder of the certificate is contravening any provision of this Act or the regulations or a term or condition of the certificate of authorization;
 - (b) the holder of the certificate is not acting in accordance with the quality management system approved by the chief inspector; or
 - (c) the quality management system is not adequate, or becomes inadequate, to protect the safety of the public.
- (2) Subject to subsection (3), the chief inspector shall not cancel or suspend a certificate of authorization until the chief inspector has given the holder of the certificate an opportunity to be heard.
- (3) Where, in the opinion of the chief inspector, it is necessary to do so in the interest of public safety, the chief inspector may immediately suspend or cancel a certificate of authorization, but the chief inspector shall give the holder of the certificate an opportunity to be heard within 10 days after the day on which the certificate is suspended or cancelled.
- (4) A holder of a certificate of authorization may appeal a decision of the chief inspector pursuant to this section to the board in accordance with Part IX.

1999, c.B-5.1, s.30.

PART VI

Operation of Boilers, Pressure Vessels and Plants

Operating standards

- 31(1)** The owner of a boiler, pressure vessel or plant shall ensure that the boiler, pressure vessel or plant is operated safely and in accordance with this Act, the regulations and the terms and conditions of any licence, certificate or permit required by this Act or the regulations.
- (2) A person who operates or assists in the operation of a boiler, pressure vessel or plant or who is in immediate charge of a boiler, pressure vessel or plant shall carry out those activities or fulfil those responsibilities safely and in accordance with this Act, the regulations and the terms and conditions of any licence, certificate or permit required by this Act or the regulations.

1999, c.B-5.1, s.31.

c. B-5.1**BOILER AND PRESSURE VESSEL****Operation beyond maximum pressure prohibited**

32 No person shall operate a boiler or pressure vessel or cause or permit a boiler or pressure vessel to be operated at a pressure in excess of the maximum pressure set out in the licence or inspection certificate.

1999, c.B-5.1, s.32.

Operation by unqualified persons prohibited

33(1) No owner shall cause or permit a boiler or plant to be operated unless:

(a) a person possessing the prescribed certificate of qualification for the applicable class of boiler or plant is responsible for the operation of the boiler or plant; and

(b) subject to sections 34 and 35 and the regulations, a person possessing the prescribed certificate of qualification for the applicable class of boiler or plant is in personal attendance on the boiler or plant at all times.

(2) The owner of any plant or premises in which a steam engine, turbine or other steam-driven machinery is operated but in which steam is not generated for the operation must, if so directed in writing by the chief inspector, place the steam engine, turbine or other steam-driven machinery under the supervision of a person or persons holding any qualifications that the chief inspector considers appropriate.

1999, c.B-5.1, s.33.

Permit in urgent cases

34(1) Where the owner of a boiler or plant shows to the satisfaction of the chief inspector that the owner is unable, because of some exceptional circumstance, to obtain the services of a person holding a certificate of qualification of the appropriate class, the chief inspector may issue a permit to operate the boiler or plant or to assist in the operation of the boiler or plant to a person recommended by the owner, if the person holds a certificate that is not more than one class lower than the class of certificate required.

(2) A permit issued pursuant to subsection (1) is valid for a period, not exceeding 90 days, that is specified by the chief inspector in the permit.

1999, c.B-5.1, s.34.

Guarded plants

35(1) The owner of a boiler or plant may apply in writing to the chief inspector to have the premises in which the boiler or plant is situated licensed as a guarded plant.

(2) If, after an inspection, the chief inspector is satisfied that each boiler and plant mentioned in an application pursuant to subsection (1) is equipped in accordance with the regulations with protective devices that shut down the boilers and prevent automatic restarting, the chief inspector may issue a licence for the premises as a guarded plant.

(3) Subject to the regulations, the person who operates a boiler or plant in a guarded plant may be absent from the boiler or plant to perform any duties in the guarded plant that are not inconsistent with good safety practices and are approved by the chief inspector.

(4) The person who operates a boiler or plant in a guarded plant shall ensure that the safety valves and other fittings of the boiler or plant are in safe operating condition.

1999, c.B-5.1, s.35.

Resetting pressure gauges, etc., prohibited

36 No person making inspections on behalf of an insurer or an owner shall reset pressure gauges, interfere with safety valves or classify as being in a safe or good condition a boiler, pressure vessel, plant or pressure piping system that has been otherwise classified by an inspector.

1999, c.B-5.1, s.36.

Accidents

37(1) In this section, “**accident**” means:

- (a) an explosion, serious fire, rupture or serious overheating of a boiler, pressure vessel, plant or pressure piping system; or
 - (b) an accident that causes death or serious injury to a person and arises out of the operation of a boiler, pressure vessel, plant or pressure piping system.
- (2) Where an accident occurs, the owner or a person acting on behalf of the owner must immediately notify the chief inspector by telephone or any other direct means stating:
- (a) the precise location of the accident;
 - (b) the time at which the accident occurred;
 - (c) the number of persons killed or injured, if any; and
 - (d) the nature and extent of the accident.
- (3) Subject to *The Coroners Act*, the chief inspector may investigate or inquire, or cause an investigation or inquiry to be made, into the cause and circumstances of an accident.
- (4) Subject to *The Coroners Act* and *The Fire Prevention Act, 1992*, where an accident involving the explosion or rupture of a boiler, pressure vessel, plant or pressure piping system occurs:
- (a) no part of the boiler, pressure vessel, plant or pressure piping system is to be removed nor is its position to be altered by any person, except for the purposes of rescuing persons injured, removing the bodies of persons killed or preventing further injuries or deaths, without the permission of an inspector; and

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- (b) an inspector may remove from the scene of the accident any object that the inspector has reasonable grounds to believe may have caused or contributed to the accident.
- (5) No person shall operate or cause to be operated a boiler, pressure vessel, plant or pressure piping system that has been involved in an accident until the person has obtained the permission of an inspector.

1999, c.B-5.1, s.37.

PART VII
Certificates of Qualification

General

38 The Lieutenant Governor in Council may, by regulation, establish a system governing the qualifications of persons who carry out any of the activities regulated pursuant to this Act.

1999, c.B-5.1, s.38.

Certificates of qualification

39(1) The chief inspector shall issue a certificate of qualification of the appropriate class established by the regulations to a person who has:

- (a) demonstrated his or her competence and established his or her qualifications in accordance with the regulations; and
 - (b) met the other requirements set out in the regulations.
- (2) A certificate of qualification of a particular class entitles its holder to carry out the activities that are specified in the regulations for that class if the holder also holds a valid licence.

1999, c.B-5.1, s.39.

Qualifications from other jurisdictions

40(1) The holder of a certificate or other document issued by the Government of Canada, the government of another province or territory of Canada or any competent authority of another jurisdiction that attests to the qualifications of the holder to carry out activities of a type that are regulated pursuant to this Act may apply to the chief inspector in accordance with the regulations for a certificate of qualification.

(2) If the chief inspector is satisfied by evidence of the applicant's qualifications and identity as the holder of the certificate or other document, the chief inspector may issue to the applicant a certificate of qualification of the class that the chief inspector considers appropriate to the applicant's qualifications.

(3) The chief inspector may issue a certificate of qualification pursuant to subsection (2) unconditionally or subject to any terms and conditions that the chief inspector considers appropriate.

1999, c.B-5.1, s.40.

Interprovincial certificates

41 The minister may enter into an agreement with the competent authority of any other province or territory of Canada for the granting of interprovincial certificates of qualification.

1999, c.B-5.1, s.41.

Cancellation, suspension, etc., of certificates

42 The chief inspector may cancel or suspend a certificate of qualification where the chief inspector has reason to believe that the holder of the certificate:

- (a) no longer meets the requirements of this Act and the regulations for that certificate;
- (b) has contravened this Act or the regulations or has aided or abetted another person in contravening this Act or the regulations; or
- (c) has contravened a term or condition of a licence or certificate.

1999, c.B-5.1, s.42.

Right of appeal

43 A person who is refused a certificate of qualification or a holder of a certificate of qualification that is suspended or cancelled may appeal the chief inspector's decision to the board in accordance with Part IX.

1999, c.B-5.1, s.43.

PART VIII**Boiler and Pressure Vessel Safety Board****Board established**

44 The Boiler and Pressure Vessel Safety Board is established.

1999, c.B-5.1, s.44.

Membership of board

45(1) The board consists of not more than 11 persons who are residents of Saskatchewan and who are appointed by the Lieutenant Governor in Council in accordance with any criteria or procedures for appointment that are prescribed in the regulations.

- (2) Each member of the board:
- (a) holds office for a term not exceeding three years that is specified in the appointment;
 - (b) is eligible for reappointment; and
 - (c) continues in office until a successor is appointed.

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(3) Where a vacancy occurs in the membership of the board, the Lieutenant Governor in Council may appoint a qualified person to fill that vacancy for the remainder of the term of the person being replaced.

(4) Members of the board are entitled to any remuneration and reimbursement for expenses determined by the Lieutenant Governor in Council.

1999, c.B-5.1, s.45.

Conduct of business

46(1) The Lieutenant Governor in Council shall designate one of the members as chairperson of the board.

(2) The members of the board shall choose one of their number as vice-chairperson.

(3) The board shall meet annually and at the call of the chairperson.

(4) A majority of members of the board constitutes a quorum of the board.

(5) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

1999, c.B-5.1, s.46.

Responsibilities of board

47 The board shall:

- (a) hear appeals commenced pursuant to Part IX;
- (b) advise the minister on matters concerning this Act and the regulations;
and
- (c) perform any other duties that the minister may direct.

1999, c.B-5.1, s.47.

Panels

48(1) The chairperson may appoint any three or more members of the board to constitute a panel and may direct the panel to conduct the hearing of an appeal.

(2) Any number of panels may sit concurrently.

(3) Three members of a panel constitute a quorum at a sitting of a panel.

(4) A panel may exercise the powers of the board in the hearing of an appeal, and the decision of a panel is deemed to be the decision of the board.

1999, c.B-5.1, s.48.

PART IX
Appeals

Commencing an appeal

49(1) A person who intends to appeal a decision of the chief inspector to the board must, in accordance with the regulations, serve a notice of appeal on the board, and a copy of the notice of appeal on the chief inspector, within 30 days after the date of the decision.

(2) Within 21 days after the service of a notice of appeal, the chairperson shall appoint a panel pursuant to subsection 48(1) to hear the appeal and set a date, place and time for the hearing of the appeal.

(3) An appeal commenced pursuant to this section does not operate as a stay of the decision appealed against unless otherwise ordered by the board.

1999, c.B-5.1, s.49.

Conduct of appeals

50(1) On an appeal, the board shall determine the matter *de novo*.

(2) Subject to the regulations, the board may determine the procedures by which an appeal is to be conducted.

(3) The chief inspector is entitled to participate in the hearing of an appeal and make representations to the board.

(4) The board is not bound by the rules of law concerning evidence and may accept any evidence that the board considers appropriate.

(5) For the purpose of conducting an appeal, the board has the powers of a commissioner pursuant to *The Public Inquiries Act*.

1999, c.B-5.1, s.50.

Powers on appeal

51 After hearing an appeal, the board may confirm, revoke or vary the decision of the chief inspector.

1999, c.B-5.1, s.51.

No further appeal

52 The decision of the board is final and there shall be no further appeal.

1999, c.B-5.1, s.52.

PART X
Enforcement

Warrant

53(1) Where a justice of the peace or a judge of the Provincial Court of Saskatchewan is satisfied by information on the oath of an inspector that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of the offence is likely to be found in a place or premises or that a person required to produce or provide any record or property refuses or neglects to produce or provide that record or property, the justice of the peace or the judge may issue a warrant to do all or any of the following:

- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle described in the warrant;
 - (c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (2) With a warrant issued pursuant to subsection (1), an inspector may:
- (a) enter at any time and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) open and examine the contents of any trunk, box, bag, parcel, closet, cupboard or other receptacle that the inspector finds in the place, premises or vehicle;
 - (d) require the production of and examine any records or property that the inspector believes, on reasonable grounds, may contain information related to an offence against this Act;
 - (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
 - (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (3) Subject to subsection (4), an inspector may exercise all or any of the powers mentioned in subsection (2) without a warrant if:
- (a) the conditions for obtaining a warrant exist; and
 - (b) the inspector has reasonable grounds to believe that the delay necessary to obtain a warrant would result in:
 - (i) danger to human life or safety; or
 - (ii) the loss, removal or destruction of evidence.
- (4) An inspector shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant issued pursuant to this section.

Copies of documents

54(1) Where an inspector makes copies of records examined, removed, produced or provided pursuant to section 53, the inspector must:

- (a) make those copies with reasonable dispatch; and
 - (b) promptly return the originals of the records to:
 - (i) the place from which they were removed; or
 - (ii) any other place agreed to by the inspector and the person who furnished the records or from whom they were seized.
- (2) A record certified by an inspector to be a copy made pursuant to this section:
- (a) is admissible in evidence without proof of the office or signature of the person making the certificate; and
 - (b) has the same probative force as the original record.

1999, c.B-5.1, s.54.

Statements by owners

55 The minister may require the owner of a boiler, pressure vessel, plant or pressure piping system to supply, within a specified time, a statement, verified by the owner's affidavit, or a statutory declaration giving any information that the minister considers necessary with respect to the boiler, pressure vessel, plant or pressure piping system, its operation and the persons employed in connection with it.

1999, c.B-5.1, s.55.

Offences and penalties

56(1) No person shall:

- (a) obstruct or hinder an inspector acting pursuant to the authority of this Act or the regulations;
 - (b) fail to comply with any notice, order, decision, requirement or direction of an inspector or the board pursuant to this Act or the regulations;
 - (c) fail to pay any fee or other charge that is required by this Act or the regulations to be paid; or
 - (d) fail to comply with any other provision of this Act or the regulations.
- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$1,000 for each day or part of a day during which the offence continues;

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(ii) in the case of a corporation, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine of not more than \$2,000 for each day or part of a day during which the offence continues; and

(b) for a second or subsequent offence:

(i) in the case of an individual, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine of not more than \$2,000 for each day or part of a day during which the offence continues;

(ii) in the case of a corporation, to a fine of not more than \$20,000 and, in the case of a continuing offence, to a further fine of not more than \$4,000 for each day or part of a day during which the offence continues.

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

(4) Where a person is convicted of an offence of failing to pay any fees or charges, the convicting judge shall, in addition to the fine imposed, order the person to pay those fees or charges immediately or on any conditions that the judge considers appropriate.

(5) Where default is made in payment of a fine imposed pursuant to this section or in payment of any fees or charges ordered pursuant to subsection (4), the convicting judge shall, on request, provide the minister with a certified copy of the conviction and sentence or order, as the case may be.

(6) The minister may file a certified copy of a conviction and sentence or order provided pursuant to subsection (5) with the local registrar of the Court of Queen's Bench at any judicial centre and, when so filed, the copy of the conviction and sentence or order has the same effect as if it were a judgment of that court and may be enforced as a judgment of that court.

1999, c.B-5.1, s.56.

Directors, etc., of corporations

57 Every director, officer or agent of a corporation who directed, authorized, assented to, 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 the offence whether or not the corporation has been prosecuted or convicted.

1999, c.B-5.1, s.57.

Limitation

58 No prosecution shall be commenced for an offence pursuant to this Act or the regulations after the later of:

- (a) one year after the day on which the alleged offence comes to the attention of the chief inspector; and
- (b) three years after the date of commission of the alleged offence.

1999, c.B-5.1, s.58.

**PART XI
General**

Regulations

59(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) establishing classes of boilers, pressure vessels, plants, pressure piping systems and fittings;
- (c) for the purposes of clause 3(1)(p), designating classes of boilers, pressure vessels, plants, pressure piping systems or fittings to which this Act or any provision of this Act does not apply;
- (d) for the purposes of subsection 4(2), prescribing the qualifications necessary for appointment as a special inspector;
- (e) establishing classes of licences;
- (f) for the purposes of subsection 5(1), exempting any class of persons or any class of activities from the requirement to hold a valid licence;
- (g) prescribing and governing the requirements to be met by applicants for any class of licences, including the information to be provided by applicants;
- (h) governing the issuance of licences and the period of validity of any class of licences;
- (i) prescribing standards for:
 - (i) the design, construction, installation, alteration, repair and maintenance of boilers, pressure vessels, plants, pressure piping systems and fittings;
 - (ii) any materials, equipment, parts and safety devices that are to be used in the construction, installation, alteration, repair and maintenance of boilers, pressure vessels, plants and pressure piping systems; and
 - (iii) any welding to be done on boilers, pressure vessels, plants and pressure piping systems;

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- (j) governing the calculation of the capacities of boilers, pressure vessels, plants and pressure piping systems;
- (k) exempting any class of persons, any class of boilers, pressure vessels, plants, pressure piping systems or fittings or any class of alterations or repairs from the requirement for registration pursuant to section 11;
- (l) prescribing and governing requirements to be met by applicants for registration, including the information to be provided by applicants, and governing the registration of designs, plans and specifications for the construction, installation, alteration and repair of boilers, pressure vessels, plants, pressure piping systems and fittings pursuant to Part III;
- (m) prescribing the qualifications of persons who are eligible to carry out inspections pursuant to quality management systems;
- (n) prescribing standards for quality management systems;
- (o) prescribing standards for the operation of boilers, pressure vessels, plants and pressure piping systems;
- (p) governing the supervision of the operation of a boiler, pressure vessel, plant or pressure piping system and circumstances in which the person in immediate charge may be temporarily absent;
- (q) prescribing and governing requirements to be met for the licensing of a plant as a guarded plant;
- (r) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;
 - (ii) amending for the purposes of this Act or the regulations any code or standard adopted pursuant to subclause (i);
 - (iii) requiring compliance with a code or standard adopted pursuant to subclause (i);
- (s) establishing classes of certificates of qualification, prescribing the requirements that must be met to obtain certificates of qualification of each class, governing the issuance of certificates of qualification and specifying the activities that may be carried out by holders of certificates of qualification of each class;
- (t) governing the training and examinations to be taken by candidates for certificates of qualification;
- (u) respecting applications for certificates of qualification by holders of certificates issued by other jurisdictions;

- (v) governing eligibility criteria and procedures for appointment to the board;
- (w) governing addresses for service and the service of documents for the purposes of this Act;
- (x) governing the commencement of reviews and appeals;
- (y) governing the conduct of reviews and appeals;
- (z) requiring and governing the keeping of records in relation to any matter governed by this Act;
- (aa) with respect to any matter governed by this Act, requiring the payment of fees or charges or both, prescribing the amounts of fees and charges to be paid and prescribing circumstances in which refunds of fees or charges may be granted;
- (bb) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (cc) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) Regulations pursuant to subsection (1) may make different provisions for different classes of boilers, pressure vessels, plants, certificates or persons.

(3) Where, in the opinion of the chief inspector, exceptional circumstances exist that would make strict compliance with a regulation impracticable, the chief inspector may grant a special exemption to a person from all or any part of the regulations if the chief inspector is satisfied that the exemption is not inconsistent with safe practice.

(4) A special exemption pursuant to subsection (3) may be made subject to any terms and conditions that the chief inspector considers appropriate.

1999, c.B-5.1, s.59; 2006, c.3, s.9.

Non-liability

60 No action or proceeding lies or shall be commenced against the minister, the department, an inspector, an employee or agent of the department or any other person appointed to administer all or any of the provisions of this Act or the regulations for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them pursuant to or in the exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1999, c.B-5.1, s.60.

61 Dispensed. This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Transitional

62(1) Notwithstanding the repeal of *The Boiler and Pressure Vessel Act*:

- (a) any order, demand, direction, request or requirement of an inspector that was made pursuant to that Act and is in force on the day before this Act comes into force remains in force until it is complied with or the period specified in it has expired, unless the order, demand, direction, request or requirement is revoked before that occurs; and
 - (b) any approval granted by the chief inspector or an inspector pursuant to that Act that is in force immediately before the coming into force of this Act remains in force for the period specified in the approval or until the approval is amended or revoked.
- (2) Subject to the regulations, all certificates, registrations and permits granted or issued pursuant to *The Boiler and Pressure Vessel Act* are continued, with any necessary modification, as if granted or issued pursuant to this Act and may be dealt with as if granted or issued pursuant to this Act.
- (3) Any action or decision of an inspector or the chief inspector made before the coming into force of this Act may be appealed in accordance with this Act.

1999, c.B-5.1, s.62.