

BILL NO. 105

(as passed, with amendments)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Government Bill

Elevators and Lifts Act

CHAPTER 4 OF THE ACTS OF 2002

The Honourable David M. Morse
Minister of Environment and Labour

[First Reading](#): April 2, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: May 6, 2002

[Third Reading](#): May 21, 2002 (WITH COMMITTEE AMENDMENTS)

Royal Assent: May 30, 2002



**An Act to Provide for the Licensing
and Regulating of Elevators
and Certain Other Types of Lifts**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Elevators and Lifts Act*.

2 In this Act,

(a) "Appeal Board" means the Appeal Board established pursuant to this Act;

(b) "Chief Inspector" means the Chief Inspector appointed pursuant to this Act;

(c) "construction and material hoist" means a temporary hoisting mechanism used for raising or lowering persons or materials during the construction, repair, alteration or demolition of buildings, structures or works;

(d) "dumbwaiter" means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides in a substantially vertical direction, that has a total compartment height not exceeding four feet, that is used exclusively for lifting or lowering freight and that serves two or more floors or permanent levels of the building or structure, and includes its hoistway enclosure;

(e) "elevating device" means a non-portable device for hoisting and lowering or moving persons or freight and includes an elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction and material hoist, stage lift, platform lift, stairchair lift and special elevating devices;

(f) "elevator" means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides in a substantially vertical direction and that is used to lift or lower persons or freight in or about the building or structure, and includes its hoistway enclosure;

(g) "escalator" means a power-driven, inclined, continuous stairway or runway affixed to a building or structure that is used for moving persons and that serves two or more floors or permanent levels of the building or structure, and includes its hoistway enclosure;

(h) "freight" means any substance, article or thing;

(i) "incline lift" means an elevating device that is equipped with a car or platform that moves at an angle other than vertical and that serves two or more permanent levels, but does not include a stair-platform lift;

(j) "inspector" means an inspector appointed pursuant to this Act, and includes the Chief Inspector;

(k) "licence" means a licence granted pursuant to this Act;

(l) "major alteration" means a major alteration as defined in the regulations;

(m) "manlift" means a mechanism affixed to a building or structure that has an endless belt, is hand powered or powered and that serves two or more floors or permanent levels of a building or structure, and includes its hoistway enclosure;

(n) "maximum capacity" means the number of persons or the weight that an elevating device may carry safely as determined under the regulations;

(o) "mechanic" means a person who has a working knowledge of this Act and the regulations, including the applicable code document, respecting the elevating device upon which the mechanic is assigned to work and who is the holder of a certificate of competency issued pursuant to this Act;

(p) "Minister" means the Minister of Environment and Labour;

(q) "operator" means a person who operates an elevating device as the whole or a part of the normal duties of that person;

(r) "owner" means the person in charge of an elevating device as owner, tenant, agent or otherwise, but does not include an operator;

(s) "passenger ropeway" means an elevating device that is designed and constructed to move persons along a horizontal or inclined pathway by means of a hauling rope that is driven by a non-portable power unit, and includes bar lifts, chair lifts, gondola lifts, reversible ropeways and ropetows;

(t) "registered contractor" means a person who carries on the business of constructing, installing, altering, repairing, maintaining, servicing, inspecting, examining or testing elevating devices or parts of elevating devices.

3 This Act does not apply to

(a) elevating devices in private dwelling houses, unless the owner of the device requests that this Act be applied to it;

(b) elevators and hoists within the meaning of the *Coal Mines Regulation Act* and the *Metalliferous Mines and Quarries Regulation Act*;

(c) feeding machines or a belt, bucket, scoop, roller or similar type of freight conveyer;

(d) freight ramps or platforms with a rise of sixty inches or less;

(e) lubrication hoists or other similar mechanisms;

(f) piling or stacking machines used within one story; or

(g) any class or subclass of elevating device excluded by the regulations.

4 (1) For the purpose of this Act, the Minister may appoint a person in the public service to be the Chief Inspector and one or more persons to be inspectors.

(2) The Chief Inspector may employ the services of any person who holds a certificate of competency issued under this Act to inspect any elevating device and to report to the Chief Inspector with respect to the inspection.

(3) No person shall be appointed or act as an inspector who has any direct or indirect interest in the manufacture, sale, installation or maintenance of an elevating device.

5 No person shall construct, install, alter, repair, maintain, service, inspect, examine or test an elevating device unless that person

(a) holds a certificate of competency issued under this Act; or

(b) is a mechanic in training under the supervision of a person who holds a certificate of competency.

6 (1) No owner of an elevating device shall permit the use or operation of the device unless arrangements have been made by the owner for the device to be maintained by a registered contractor.

(2) A registered contractor referred to in subsection (1) shall

(a) be registered under this Act;

(b) employ persons who have been issued a certificate of competency under this Act;

(c) comply with this Act and the regulations; and

(d) construct, install, alter, repair, maintain, service, inspect, examine or test an elevating device in accordance with the applicable safety codes.

(3) Maintenance, service, repairs, inspections, examinations or tests on licensed elevating devices shall be carried out or directly supervised by a qualified mechanic who holds a certificate of competency under this Act.

7 In carrying out an inspection pursuant to this Act, an inspector shall

(a) apply the latest edition of the applicable safety code to new installations of elevating devices;

(b) apply the applicable parts of the safety code to major alternations of elevating devices as prescribed by the regulations; and

(c) apply the applicable parts of the safety code to the general maintenance of elevating devices as prescribed by the regulations.

8 For the purpose of an inspection or investigation under this Act, an inspector may, by notice in writing, require the attendance before the inspector of any person at the time and place named in the notice and may examine the person under oath regarding any matter pertaining to the inspection or investigation.

9 An inspector may enter any premises where the inspector has reason to believe that an elevating device is being installed, altered or operated.

10 (1) An inspector may, at all reasonable times, by notice in writing, require an owner to prepare the owner's elevating device, or any part of it, for inspection.

(2) An inspector may require the owner of an elevating device to do or refrain from doing anything the inspector considers necessary during an inspection.

(3) An inspector may, by notice in writing, require an owner of an elevating device to do or refrain from doing, within the time specified in the notice, such things as the notice specifies in order to ensure compliance with this Act and the regulations.

11 (1) The Chief Inspector may grant a licence for any elevating device and may suspend, revoke or transfer a licence.

(2) A licence shall designate the elevating device for which it is granted and the maximum capacity of the device.

(3) A licence is valid for the length of time, as specified in the regulations, for which it is granted, unless sooner suspended or revoked.

(4) A licence shall be kept by the owner in a conspicuous position in the car of the elevator for which it is granted and any other licence shall be kept by the owner in a conspicuous position on or adjacent to the elevating device for which it is granted.

(5) Where a licence is suspended or revoked, the Chief Inspector may cause such things to be done as the Chief Inspector deems necessary to ensure that the elevating device will not be operated contrary to this Act and the regulations.

12 (1) No person shall commence a new installation or a major alteration of an elevating device until the drawings and specifications of the installation or alteration have been registered by the Chief Inspector and an installation permit has been issued.

(2) The drawings and specifications shall be submitted in duplicate and shall furnish full information as to the size, composition and arrangement of the proposed new installation or major alteration, as well as any

information required by the applicable safety codes.

(3) All drawings and specifications submitted shall be stamped by a professional engineer registered in the Province and shall include the engineer's statement that the proposed elevating device was designed and manufactured to meet all requirements of the applicable safety codes.

(4) Where the documents for the proposed new installation or major alteration comply with this Act and the regulations, the documents shall be registered by the Chief Inspector, an installation permit shall be issued and one set of drawings and specifications returned to the person who submitted them.

13 (1) Where an elevating device falls freely, where the emergency supporting devices have engaged or where an accident that causes injury to any person occurs on or about an elevating device, the owner shall give notice in writing with full particulars to the Chief Inspector within twenty-four hours.

(2) Where an accident occurs in connection with an elevating device that results in the death of any person or in injuries that may result in the death of any person, the owner shall give notice immediately after the accident to the Chief Inspector and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission is given by an inspector.

(3) On receipt of a notice pursuant to subsection (1) or (2), the Chief Inspector shall cause an investigation to be made to determine the cause of the occurrence or accident.

14 No person shall hinder or obstruct an inspector in the performance of the inspector's duties under this Act.

15 No person shall make a false or misleading statement in any communication, whether in writing or otherwise, to an inspector concerning any matter under this Act or the regulations.

16 No owner of an elevating device shall operate the device or cause or permit it to be operated unless it is licensed under this Act.

17 (1) No person shall operate an elevating device or cause or permit it to be operated if that person has reason to believe that it is in an unsafe condition.

(2) No person shall operate an elevating device or cause or permit it to be operated in an unsafe manner.

18 No person shall operate an elevating device or cause or permit it to be operated with a load in excess of its maximum capacity as designated in the licence.

19 (1) The Minister may appoint an Appeal Board consisting of three persons, each of whom possesses the qualifications prescribed by the regulations.

(2) The Appeal Board shall hear appeals as provided for in the regulations.

(3) The members of the Appeal Board shall be paid such reasonable travelling and living expenses and such remuneration as determined by the Governor in Council.

20 Nothing in this Act or the regulations affects any other Act or regulation or any municipal by-law relating to hoistways or hoistway enclosures in so far as any such Act, regulation or by-law imposes additional or more stringent requirements than those contained in this Act or the regulations.

21 (1) A person who fails to comply with or violates this Act or the regulations or any notice or order made under this Act is guilty of an offence and liable on summary conviction to a penalty of not more than two hundred thousand dollars.

(2) Where a person fails to comply with or violates this Act or the regulations or any notice or order made under this Act or the regulations on more than one day, each day constitutes a separate offence.

22 Where there is a conflict between this Act and the *Occupational Health and Safety Act*, this Act prevails.

23 (1) The Governor in Council may make regulations

- (a) designating classes or subclasses of elevating devices;
- (b) defining a major alteration for the purpose of this Act and the regulations;
- (c) prescribing qualifications for persons who may be appointed inspectors or who may make inspections under this Act;
- (d) prescribing qualifications for persons who may be issued a certificate of competency;
- (e) providing for the issue of certificates of competency to inspectors and determining the period for which the certificates continue in force and the terms upon which they may be renewed;
- (f) providing for the issue of certificates of competency to persons other than inspectors and determining the period for which the certificates continue in force and the terms upon which they may be renewed;
- (g) prescribing the examination fees to be paid by an applicant for a certificate of competency;
- (h) prescribing the fee to be paid on the issue and renewal of a certificate of competency;
- (i) prescribing the reasons for which a certificate of competency may be suspended or cancelled;
- (j) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevating devices and equipment used in connection with an elevating device;
- (k) prescribing requirements as to the form and substance of the drawings and specifications to be submitted pursuant to this Act;
- (l) prescribing methods of determining maximum capacity for the purpose of this Act;
- (m) applying the applicable safety code to new installations and major alterations of elevating devices;
- (n) governing the conduct of persons in or about elevating devices;
- (o) providing for and requiring the registration of contractors, prescribing the fees for the first and subsequent registrations and the conditions under which registrations may be made, suspended or cancelled;
- (p) providing for fees to be paid for the registration of drawings and specifications submitted pursuant to this Act and designating the amount of such fees;
- (q) prescribing the form of licences and the conditions under which licences or any class of licence may be granted, suspended, revoked or transferred, prohibiting the transfer of licences or any class of licence and providing for fees to be paid on the grant or transfer of licences;
- (r) prescribing the circumstances under which expenses or special fees, or both, are to be paid and designating the amount of such fees and the persons by whom such expenses or fees, or both, are to be paid;
- (s) prescribing the fees to be paid for inspections by inspectors;

- (t) prescribing the form and location of notices and markings that must be kept in or about elevating devices;
- (u) excluding from this Act any class or subclass of elevating device;
- (v) prescribing the qualifications to be possessed by members of the Appeal Board;
- (w) establishing the length of terms to be served by members of the Appeal Board;
- (x) respecting appeals to the Appeal Board;
- (y) defining any word or expression used but not defined in this Act;
- (z) respecting any other matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

24 Chapter 143 of the Revised Statutes, 1989, the *Elevators and Lifts Act*, is repealed.

25 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2002 Crown in right of Nova Scotia. Updated May 31, 2002. Send comments to legc.office@gov.ns.ca.