



BILL NO. 167

Government Bill

*2nd Session, 60th General Assembly
Nova Scotia
57 Elizabeth II, 2008*

An Act to Improve and Promote Technical Safety in the Province

CHAPTER 10
ACTS OF 2008

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 27, 2008**

The Honourable Mark Parent
Minister of Labour and Workforce Development

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Improve and Promote Technical Safety in the Province

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Technical Safety Act*.

2 The purpose of this Act is to educate and encourage persons and the community to apply the principles of technical safety to prevent incidents that could cause injury, death or unwarranted property damage.

3 In this Act,

(a) “Administrator” means the person appointed as the Administrator for the purpose of this Act or the regulations, and includes an Acting Administrator;

(b) “Advisory Board” means the Technical Safety Advisory Board, or a sub-committee of the Advisory Board, established pursuant to this Act or the regulations;

(c) “aggrieved person” means a person who is both directly and immediately aggrieved with respect to a matter for the purpose of a review or an appeal;

(d) “alternative compliance method” means the written authorization from a chief inspector to substitute a method of compliance for a requirement in this Act, the regulations or a standard;

(e) “amusement device” means a device or combination of devices designed or intended to entertain or amuse people by physically moving them as prescribed by the regulations;

(f) “Appeal Board” means the Appeal Board referred to in Section 33;

(g) “appointment” means a written appointment to a position;

(h) “authorization” means any form of authorization such as an appointment, licence, permit, registration, certification, certificate of competency, alternative compliance method or minor variance, and includes an authorization granted by a recognized certification organization;

(i) “boiler” means a vessel in which steam or other vapour can be generated under pressure or in which a liquid can be put under pressure by the application of a heat source;

(j) “boiler plant” means any installation consisting of one or more boilers and any plant prescribed as a boiler plant by the regulations, and includes any pipe or fitting, prime mover, machinery or other equipment attached;

(k) “certificate of competency” means a certificate granted by a chief inspector or a recognized certification organization to an individual pursuant to this Act or the regulations, and includes a certificate of qualification;

(l) “certification”, for the purpose of Section 25, means a certification that a regulated product met the requirements of this Act, the regulations or a standard;

(m) “certification mark” means a mark or other identification of a recognized certification organization certifying that a regulated product on which it is placed meets the standard that the product must meet for that certification;

(n) “chief inspector” means a chief inspector appointed pursuant to this Act;

(o) “compliance audit” means an examination by an inspector of any information, record or other material that the inspector requires an owner, operator or other person to submit for the purpose of obtaining or continuing to hold a licence, permit, registration, certification or certificate of competency pursuant to this Act or the regulations;

(p) “contractor” means any individual, corporation, company, firm, organization or partnership performing or engaging to perform for the contractor’s own use or benefit, or for that of another and with or without remuneration or gain, any activity with respect to any regulated work to which this Act or the regulations applies;

(q) “crane” means a lifting device as prescribed by the regulations;

(r) “Department” means the Department of Labour and Workforce Development;

(s) “device” means a mechanism, tool or other piece of equipment designed for a specific purpose, and includes a crane, electrical device, elevating device, amusement device or other device as prescribed by the regulations;

(t) “directive” means a written guide by a chief inspector on the interpretation, application or operation of this Act, the regulations or a standard;

(u) “electrical work” means the installation, alteration, maintenance, operation or repair of any wiring and any electrical equipment in or upon any property used or intended to be used for the utilization, distribution or transmission of electric power, energy, light, signals, data, communications or alarm from any type of transmission source that is an electrical activity or installation as prescribed by the regulations;

(v) “elevating device” means a non-portable device for hoisting and lowering or moving persons or freight as prescribed by the regulations;

(w) “equipment” means one or more assemblies capable of performing a function as prescribed by the regulations;

(x) “fee” means the applicable fee pursuant to this Act or the regulations;

(y) “fuel” means a material that is burnt to release heat energy as prescribed by the regulations;

(z) “incident” means an event occurring as a result of regulated work, or the testing, use or operation of a regulated product, that

(i) causes death, personal injury or damage to property, or

(ii) creates a risk of personal injury or damage to property;

(aa) “inspection” means the critical examination of a thing, property or activity to determine its conformance with this Act, the regulations, a standard or a specification, and includes investigating, monitoring or auditing;

(ab) “inspection agency” means an inspection agency required or authorized by this Act or the regulations to carry out an inspection for compliance with this Act or the regulations or any part of this Act or the regulations, and includes the persons employed by the agency to inspect;

(ac) “inspector” means an inspector appointed pursuant to this Act or the regulations, and includes the Administrator and a chief inspector but not an inspection agency;

(ad) “licence” means authorization to engage in an action or activity granted pursuant to this Act or the regulations;

(ae) “Minister” means the Minister of Labour and Workforce Development;

(af) “minor variance” means an authorization granted by a chief inspector to vary from a minor requirement in this Act, the regulations or a standard or permission for the use of a regulated product in a manner other than the standard use that is not specifically prohibited under this Act;

(ag) “municipality” has the same meaning as in the *Municipal Government Act*;

(ah) “operator” means a person who operates a device, equipment, system, property or plant regulated by this Act or the regulations as the whole or a part of the normal duties of that person;

(ai) “owner” means any person, firm, corporation or unincorporated body, lessee, agent, syndicate, association, corporation or club that

(i) owns, controls, leases, manages or is in possession of property or any part of a property,

(ii) owns, controls, leases or manages an activity on a property,

(iii) owns, controls, leases, manages or is in possession of a device, equipment, system or plant,

(iv) is in charge of a property, thing or activity,

(v) in the absence of proof to the contrary, is the person assessed for a property, or

(vi) is prescribed as an owner by this Act or the regulations;

(aj) “permit” means authorization to engage in an activity within the scope of this Act or the regulations granted pursuant to this Act or the regulations;

(ak) “plant” means property used for regulated work, including a boiler plant or a refrigeration plant as prescribed by the regulations;

(al) “pressure system” means a system of pipes, vessels, tanks, reactors or other equipment or interconnections operating with an internal pressure greater than the barometric pressure, and includes a boiler, pressure vessel, pressure piping system, pressure plant or other similar device as prescribed by the regulations;

(am) “property” means land, premises or any portion thereof in, on or under which a regulated product is located or where regulated work is done and includes any installation, building, structure, equipment, system or device situated on the property;

(an) “recognized certification organization” means a certification organization accredited for a specific purpose prescribed by the regulations as a recognized certification organization;

(ao) “refrigeration plant” means an installation consisting of pressure vessels, pipes, fittings, machinery or other equipment by which refrigerants are vaporized, compressed and

liquified in the refrigerating cycle, and includes any installation as prescribed by the regulations;

(ap) “refrigeration system” means a system consisting of pressure vessels, pipes, fittings, machinery or other equipment by which refrigerants are vaporized, compressed and liquified in the refrigerating cycle, and includes any system as prescribed by the regulations;

(aq) “registration” means the entering of information or data into an official record as required by this Act or the regulations;

(ar) “regulated product” means a product or a part of that product prescribed as a regulated product in the regulations;

(as) “regulated work” means

(i) the assembly, manufacture, construction, installation, operation, testing, maintenance or repair of a regulated product,

(ii) the alteration of a regulated product, and

(iii) an activity that is prescribed as regulated work by the regulations;

(at) “review” means an internal review of a decision carried out by the Administrator pursuant to Section 32;

(au) “sealing” means a measure taken by an inspector or inspection agency as authorized by this Act or the regulations to isolate any device, equipment, regulated product, system, thing, plant or property so that it will not be occupied, used or operated;

(av) “standards” means the applicable codes, standards or guidelines adopted pursuant to this Act or the regulations;

(aw) “system” means a combination of two or more pieces of equipment integrated to perform a specific function.

4 (1) This Act binds Her Majesty in right of the Province.

(2) This Act applies to

(a) every agency of the Government of the Province; and

(b) all matters within the legislative jurisdiction of the Province.

(3) To the extent that Her Majesty in right of Canada submits, this Act binds Her Majesty in right of Canada and every agency of the Government of Canada.

5 Nothing in this Act affects the powers, obligations and duties of persons or bodies to comply with, carry out or enforce any other law of the Province.

6 (1) This Act and the regulations apply to

(a) all persons doing regulated work;

(b) all regulated products;

(c) all categories and sub-categories of activity relating to regulated work and products;

(d) all other matters or activities relating to regulated work and products with respect to the following:

- (i) amusement devices,
 - (ii) boiler systems and boiler plants,
 - (iii) cranes,
 - (iv) electrical work,
 - (v) elevating devices,
 - (vi) fuel systems and fuel equipment,
 - (vii) pressure systems,
 - (viii) refrigeration systems and refrigeration plants,
 - (ix) any other regulated products specified in the regulations; and
- (e) any other matter or activities prescribed by the regulations.

(2) Exemptions to subsection (1) may be established by the regulations.

7 The Minister is responsible for the supervision and management of this Act and the regulations.

8 Such persons as are necessary for the administration and enforcement of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*, except where this Act provides otherwise.

9 (1) The Minister shall designate from among those persons appointed pursuant to Section 8, an Administrator and one or more chief inspectors to perform the duties and functions and exercise the powers and authorities, imposed or conferred upon them by this Act, the regulations and the standards.

(2) The Administrator may delegate any or all of the duties and functions of the Administrator to a chief inspector, including any quasi-judicial function of the Administrator.

(3) The Administrator may designate, from among those persons appointed pursuant to Section 8, qualified persons as inspectors who shall perform the duties and functions and exercise the powers and authorities imposed or conferred upon inspectors by this Act, the regulations and the standards, subject to any limitations determined by the Administrator.

(4) The Administrator may require or designate an inspection agency to administer and enforce all or part of this Act, the regulations or the standards as prescribed by the regulations.

(5) The Deputy Minister of Labour and Workforce Development may designate one, or more than one, chief inspector to act in the place of the Administrator in the Administrator's absence or incapacity or where the position of the Administrator is vacant.

(6) A chief inspector designated pursuant to subsection (2) shall perform the functions and duties and has the powers and authorities of the Administrator, subject to any limitation determined by the Deputy Minister of Labour and Workforce Development.

10 (1) The Administrator may

(a) promote and encourage technical safety and co-operate with any body or person interested in improving or promoting technical safety, including promoting, encouraging and delivering public technical safety education programs and training and supporting and assisting others to provide public technical safety education programs and training;

(b) advise persons or organizations interested in improving or promoting technical safety, incident prevention, technical safety education and training and the delivery of those services;

(c) study conditions under which incidents occur;

(d) require such reports as the Administrator considers necessary from persons authorized or required to inspect, investigate or examine;

(e) maintain in the Administrator's office a statistical record of all incidents reported to the Administrator;

(f) collect and disseminate information with respect to incidents in the Province;

(g) study methods of technical safety;

(h) make recommendations, including reference guides, respecting technical safety, incident prevention and the training of persons involved in regulated work in the provision of those services and the delivery of those services and matters related to any of them;

(i) promote the development and implementation of consistent, objective, impartial, fair and transparent practices for authorizations.

(2) The Administrator shall exercise such other powers and perform such duties as are assigned to the Administrator

(a) pursuant to this Act or the regulations; or

(b) by the Minister.

(3) The Administrator has the power and authority to enforce compliance with this Act, the regulations and the standards.

(4) With the approval of the Minister, the Administrator, or a person on the staff of the Administrator, may

(a) sit as a member of a board or committee of a non-profit organization with a mandate that relates to the purpose of this Act; and

(b) represent the Minister on such a board or committee.

(5) With the approval of the Minister, the Administrator may assist, including provide administrative support for, the work of a non-profit organization with a primary mandate that relates to

- (a) technical safety or incident prevention;
- (b) training or certification of inspectors, employees of an inspection agency or persons involved in regulated work or accreditation of such training or certification programs; or
- (c) any other mandate prescribed by the regulations.

(6) The Administrator may, with the approval of the Minister, enter into an agreement to provide services to or contract to have services provided by a municipality or other body or person.

(7) The Administrator may charge a fee for the services contracted out pursuant to subsection (6) and the fee is a debt due to Her Majesty in right of the Province and may be recovered in the same manner as any debt due to Her Majesty.

11 (1) The Minister may establish an Advisory Board to be known as the Technical Safety Advisory Board.

(2) Members of the Advisory Board who are knowledgeable on technical safety matters shall be appointed by the Minister, in accordance with the regulations, for such terms as the Minister determines.

- (3) The Advisory Board may advise the Minister regarding
- (a) the administration or reform of this Act, the regulations and the standards;
 - (b) the promotion and support of technical safety, certification and training of persons involved in regulated work and incident prevention;
 - (c) matters arising from the functioning of non-profit organizations with mandates that relate to the purpose of this Act;
 - (d) the issuance, expiry, suspension and revocation of licences, registrations, permits or certifications or other matters as specified by the Minister;
 - (e) any other matter as determined by the Minister.

- (4) The Advisory Board, with the approval of the Minister, may
- (a) create one or more sub-committees of the Advisory Board;
 - (b) appoint members to a sub-committee;
 - (c) seek advice from non-members or groups who are experts or specialists in technical safety; and
 - (d) determine the mandate of a sub-committee.

(5) For greater certainty, a person who is not a member of the Advisory Board may be a member of a sub-committee of the Advisory Board.

(6) The members of the Advisory Board and any sub-committees shall be reimbursed for such expenses as the Minister determines.

12 (1) Technical safety is achieved when, taking into account the nature of the regulated work or product, all reasonable steps have been taken to ensure

(a) compliance with enactments having an impact on the protection of persons and property from the occurrence or consequences of an incident;

(b) all persons involved in regulated work or with regulated products exercise appropriate behaviour in relation to the regulated work and regulated products and take all reasonable steps to prevent incidents;

(c) all persons involved in regulated work or with regulated products have all the appropriate training and education in relation to the activities involved in the regulated work and the use of a regulated product;

(d) all persons involved in regulated work or with regulated products have all the appropriate training and education in relation to the regulated work and regulated products to fully prepare to appropriately respond to an incident or emergency; and

(e) that where an incident does occur, it does not cause unwarranted damage to property or injury.

(2) Unless this Act or the regulations otherwise provide, every owner, operator and all other persons shall take every precaution that is reasonable in the circumstances to achieve technical safety and to carry out the provisions of this Act, the regulations or a standard.

13 Where an incident occurs, the owner or operator shall notify the Administrator or the Administrator's designate of the incident as prescribed in the regulations.

14 (1) For the purpose of ensuring compliance with this Act, the regulations, the standards or any order made thereunder or to determine the cause of an incident, an inspector or, as authorized by regulation, an inspection agency may

(a) at a reasonable hour of the day or night enter and inspect the property, conduct tests and make such examinations as the inspector or inspection agency considers necessary or advisable;

(b) require the production of records, drawings, specifications, books, plans or other documents in the possession of a person and remove them temporarily for the purpose of making copies;

(c) require the production of documents or records that may be relevant and remove them temporarily for the purpose of making copies;

(d) take photographs or recordings of the property, any thing or any activity taking place on the property;

(e) make any examination, investigation or inquiry as the inspector or inspection agency considers necessary to ascertain whether there is compliance with this Act, the regulations, the standards or any order made under them or to determine the cause of an incident;

(f) inspect, take samples and conduct tests of samples, including tests in which a sample is destroyed, of any material, product, tool, equipment, machine, system or device being produced, used or found on the property;

(g) examine a person with respect to matters pursuant to this Act, the regulations or the standards;

(h) for the purpose of an inspection, inquiry or examination made by the inspector or inspection agency pursuant to this Act, the regulations or the standards, issue a summons to give evidence and administer an oath or affirmation to a person;

(i) in an inspection, examination, inquiry or test be accompanied and assisted by or take with the inspector or inspection agency, a person having special, expert or professional knowledge of any matter or any person required for safety or enforcement;

(j) conduct or require co-operation in order to conduct a compliance audit or an inspection;

(k) exercise such other powers as may be necessary or incidental to the carrying out of the inspector's or inspection agency's functions pursuant to this Act, the regulations or the standards.

(2) Where an inspector or inspection agency takes a sample pursuant to clause (1)(f), the inspector or inspection agency is responsible for the material, product, tool, equipment, machine, system or device, except for a sample that has been destroyed, until it is returned to the person being inspected.

15 Notwithstanding anything contained in this Act, an inspector or inspection agency may not enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except

(a) with the consent of the occupant of the place; or

(b) pursuant to an order under Section 16 to enter and inspect or under the authority of a search warrant.

16 (1) Notwithstanding anything contained in this Act, where a justice of the peace is satisfied on evidence under oath by an inspector or an inspection agency that

(a) there are reasonable grounds to believe that it is appropriate for the administration of this Act for the inspector or an inspection agency to do anything set out in Section 14; and

(b) the inspector or an inspection agency may not be able to carry out duties under this Act effectively without an order under this Section because

(i) no person is present to grant access to a place that is locked or is otherwise inaccessible,

(ii) a person has denied the inspector or an inspection agency access to a place or there is reasonable ground for believing that a person may deny the inspector or an inspection agency access to a place,

(iii) a person has prevented the inspector or an inspection agency from doing anything set out in Section 14 or denied the inspector or an inspection agency access to any thing as a result of which the inspector or an inspection agency is unable to do anything set out in Section 14,

(iv) there are reasonable grounds to believe that a person may prevent an inspector or an inspection agency from doing anything set out in Section 14 or may deny the inspector access to anything as a result of which the inspector or an inspection agency may be unable to do anything set out in Section 14,

(v) it is unpractical, because of the remoteness of the place, to be inspected or because of any other reason for the inspector or an inspection agency to obtain an order under this Section without delay if access is denied, or

(vi) there are reasonable grounds to believe that an attempt by the inspector or an inspection agency to do anything set out in Section 14 without the order might defeat the purpose of that Section or cause an adverse effect,

the justice of the peace may issue an order authorizing the inspector or an inspection agency to do anything set out in Section 14 that is specified in the order for the period of time set out in the order.

(2) The period of time referred to in subsection (1) may not extend beyond thirty days after the date on which the order is made, but the order may be renewed for any reason set out in subsection (1) for one or more periods each of which is not more than thirty days.

(3) An application pursuant to subsection (2) may be made before or after the expiry of the period.

(4) An order under this Section may be issued or renewed on application without notice.

17 (1) Where an inspector determines that any device, equipment, regulated product, system, thing, plant or property to be used

(a) is unsafe; and

(b) does not comply with this Act, the regulations or the standards,

the inspector may order the owner or any other person to rectify the violation, to stop using, displaying, selling, servicing, disconnecting, renting, leasing or otherwise supplying the device, equipment, regulated product, system, thing, plant or property to anyone.

(2) Where an inspector determines that the requirements of subsection (1) have not been met, the inspector may seal the device, equipment, regulated product, system, thing, plant or property out of service.

(3) Where an inspector seals any device, equipment, regulated product, system, thing, plant or property pursuant to subsection (2), no one shall remove or interfere with the seal and no one shall use, or permit the use of, the thing or occupy, or permit the occupancy of, the property while under seal.

18 (1) Where an inspector determines that there may be a safety risk or to assist in the determination of the cause of an incident, the inspector may order, at the expense of the owner, operator or another person, that person to

(a) obtain a report or assessment from a person who possesses such special expert or professional knowledge or qualifications as are specified by the inspector for the purpose of determining whether there is compliance with this Act, the regulations or the standards;

(b) cause any tests necessary to the production of the report or assessment to be conducted or taken.

(2) An order under subsection (1) may be revoked if the party who received the order establishes, on a review under Section 32 or an appeal under Section 34, that the order is unreasonable.

19 Except in accordance with this Act, the regulations or the standards, a person who, at the request of an inspector, makes an examination, inquiry or a test pursuant to clause 14(i) shall not publish, disclose or communicate to a person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred pursuant to this Act, the regulations or the standards.

20 (1) An inspector or inspection agency may give an order orally or in writing to a person for the carrying out of any matter, thing or activity regulated, controlled or required by this Act, the regulations or the standards, including any reasonable terms and conditions and may require that the order be carried out within such time as the inspector or inspection agency specifies.

(2) Where an inspector or inspection agency makes an oral order pursuant to subsection (1), the inspector or inspection agency shall confirm the oral order in writing.

(3) For greater certainty, an oral order is effective pursuant to this Act before it is confirmed in writing.

(4) Where an inspector or inspection agency makes an order pursuant to subsection (1) and finds that a property, matter, thing or activity referred to in the order is a source of danger or a hazard, the inspector or inspection agency may order that

(a) any property or thing not be used until the order is complied with;

(b) any activity on the property stop until the order to stop work is withdrawn or cancelled by an inspector;

(c) the property or any part of the property be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access to the property until the danger or hazard is removed;

(d) the person take any other action which the inspector or inspection agency determines is necessary to eliminate the source of the danger or hazard.

(5) Where an order is made pursuant to clause (4)(c), no one shall enter or permit anyone to enter the property or part of the property that is the subject of the order, except for the

purpose of doing work that is necessary or required to remove the danger or the hazard and only if the person doing the work is protected from the danger or the hazard.

(6) Where an inspector or inspection agency issues an order pursuant to this Section, the inspector or inspection agency may affix to the property or to any device, equipment, regulated product, system, plant or thing a copy or notice of the order and no person, except an inspector or inspection agency, shall remove the copy or notice unless authorized to do so by an inspector or inspection agency.

21 (1) No person shall hinder, obstruct, molest or interfere with an inspector or inspection agency in the exercise of a power or the performance of a duty pursuant to this Act, the regulations or the standards.

(2) No person shall knowingly furnish an inspector or inspection agency with false information or neglect or refuse to furnish information required by an inspector or inspection agency in the exercise of the inspector or inspection agency's powers or the performance of the inspector or inspection agency's duties pursuant to this Act, the regulations or the standards.

(3) A person who

(a) wilfully delays an inspector or inspection agency in the exercise of the inspector or inspection agency's powers or the performance of the inspector or inspection agency's duties pursuant to this Act, the regulations or the standards;

(b) fails to comply with a direction or summons of an inspector or inspection agency given pursuant to this Act, the regulations or the standards; or

(c) fails to produce any certificate or document that the person is required by this Act, the regulations or the standards to produce,

is guilty on summary conviction of obstructing the inspector or inspection agency in the exercise of the inspector's or inspection agency's powers or the performance of the inspector or inspection agency's duties pursuant to this Act.

(4) A person shall furnish all necessary means in that person's power to facilitate any entry, inspection, examination, testing or inquiry by an inspector or inspection agency in the exercise of the inspector or inspection agency's powers or the performance of the inspector or inspection agency's duties pursuant to this Act, the regulations or the standards.

22 (1) No person shall sell, service, construct, install, control, operate or supervise a device, equipment, regulated product, system, thing, plant, property or activity without an authorization or registration required pursuant to this Act or the regulations.

(2) A chief inspector, or others as authorized by regulation, may grant or accept an authorization or registration for regulated work or a regulated product pursuant to the regulations.

(3) A chief inspector, or others as authorized by regulation, may refuse, suspend or revoke an authorization or registration for regulated work or a regulated product where it is contrary to this Act, the regulations, the standards or a term or condition of the authorization or registration.

(4) A chief inspector, or others as authorized by regulation, shall provide written notice of and reasons for a refusal, suspension or revocation of an authorization or registration for regulated work or a regulated product.

23 (1) A licence for undertaking regulated work may be required pursuant to the regulations.

(2) No person shall direct or permit persons doing regulated work or to do regulated work for another licensed person unless those persons are licenced pursuant to this Act or the regulations.

(3) A chief inspector, may grant a licence for regulated work if the applicant meets all the requirements for the licence established in the regulations and the licence granted may be subject to terms and conditions provided for under the regulations.

(4) A licence may specify a category of regulated work and be subject to terms or conditions as set by a chief inspector.

(5) A licence holder shall comply with the terms and conditions of the licence.

(6) A chief inspector may examine a person's qualifications and those of the person's employees and determine the scope of a licence.

(7) A chief inspector may refuse, suspend or revoke a licence where it is contrary to this Act, the regulations, the standards or a term or condition of the licence.

(8) A licence may be re-instated by a chief inspector on the conditions established by regulation.

(9) A licence holder shall not do regulated work outside the scope of the licence and shall maintain a current knowledge of this Act, the regulations, the standards and other relevant materials that are applicable to the regulated work or regulated product in use.

(10) Licences granted pursuant to this Section may be renewed, except where there are outstanding fees.

24 (1) A permit for undertaking regulated work or the use of a regulated product may be required pursuant to the regulations.

(2) A person shall obtain a permit prior to undertaking regulated work or the use of a regulated product as required by this Act or the regulations.

(3) A chief inspector or, where authorized by regulation, an inspection agency may grant a permit if the applicant meets all the requirements for the permit established in the regulations and the permit granted may be subject to terms and conditions provided for under the regulations.

(4) A permit holder shall comply with the terms and conditions of the permit.

(5) A chief inspector, or an inspection agency as authorized by regulation, may refuse, suspend or revoke a permit where it is contrary to this Act, the regulations, the standards or a term or condition of the permit.

(6) A permit may be re-instated by the chief inspector or, where authorized by regulation, an inspection agency on the conditions established by the regulations.

(7) A permit granted pursuant to this Section may be renewed, except if there are outstanding fees.

25 (1) Certification of a regulated product may be required pursuant to the regulations.

(2) A person shall obtain a certification before using a regulated product as required by this Act or the regulations.

(3) A chief inspector or, where authorized by regulation, a recognized certification organization may grant a certification if the applicant meets all the requirements for the certification established in the regulations.

(4) A certification granted pursuant to this Section may be renewed, except if there are outstanding fees.

26 (1) A certificate of competency for undertaking regulated work may be required pursuant to the regulations.

(2) An individual may apply to a chief inspector for a certificate of competency to perform regulated work.

(3) An individual must meet all the requirements for a certificate of competency established in the regulations and the certificate of competency granted may be subject to terms and conditions provided for under the regulations.

(4) A chief inspector shall examine the individual's qualifications and determine the category of the certificate of competency.

27 (1) A person may apply to a chief inspector for authorization of an alternative compliance method as a substitute for a requirement in this Act, the regulations or a standard.

(2) A chief inspector may grant authorization if the chief inspector decides that the proposed alternative compliance method will result in the same or a greater level of technical safety and shall advise the applicant of the decision.

(3) A chief inspector may

(a) impose any term or condition that the chief inspector considers appropriate with respect to any alternative compliance method;

(b) specify requirements as to the manner in which the activity or thing to which an alternative compliance method relates is to be carried out or operated;

(c) amend a term or condition of, add a term or condition to or delete a term of condition from an alternative compliance method;

(d) require the applicant to provide reports or documentation from ~~a~~ [an](#) authorized certification organization or qualified expert in technical safety in support of an application sufficient to met the requirements in subsection (2).

(4) Authorization of an alternative compliance method is in effect only during the period prescribed and, notwithstanding anything contained in this Act, during that period the requirements that are not varied by the authorization apply to the activity or thing to which the alternative compliance method relates.

(5) Authorization of an alternative compliance method may not be granted if the

(a) alternative compliance method violates the intent of this Act, the regulations or a standard;

(b) alternative compliance method does not result in the same level or a greater level of technical safety; or

(c) difficulty experienced results from an intentional disregard for the requirements of this Act, the regulations or a standard.

(6) Where a chief inspector grants authorization of an alternative compliance method, compliance with the terms and conditions of the authorization constitutes compliance with this Act, the regulations and the standards.

28 (1) A person may apply to a chief inspector for a minor variance of a requirement of this Act, the regulations or a standard.

(2) A chief inspector may grant a minor variance if the chief inspector considers that the proposed minor variance results in the same or a greater level of technical safety and shall advise the applicant of the decision.

(3) A chief inspector may

(a) impose any term or condition that the chief inspector considers appropriate with respect to any minor variance;

(b) specify requirements as to the manner in which the activity or thing to which the minor variance relates is to be carried out or operated;

(c) amend a term or condition of, add a term or condition to or delete a term of condition from a minor variance.

(4) A minor variance may not be granted if the

(a) minor variance violates the intent of this Act, the regulations or a standard;

(b) minor variance does not result in the same level or greater level of technical safety; or

(c) difficulty experienced results from an intentional disregard for the requirements of this Act, the regulations or a standard.

(5) A minor variance is in effect only during the period prescribed and, notwithstanding anything contained in this Act, during that period the requirements that are not varied by the certificate apply to the activity or thing to which the minor variance relates.

29 (1) Where a chief inspector grants a minor variance, compliance with the terms and conditions in the minor variance constitutes compliance with this Act, the regulations and the standards.

(2) A chief inspector may decide that an application for a minor variance will be handled as an application for authorization of an alternative compliance method and may refuse to grant a minor variance and require that the person make an application under Section 27.

30 (1) A chief inspector may, in response to a request or otherwise, issue a directive on the interpretation, application or operation of this Act, the regulations or the standards.

(2) A directive may be issued

- (a) for general application;
- (b) for a specific regulated product or category of regulated products;
- (c) for specific regulated work or category of regulated work;
- (d) for a category of persons; or
- (e) in relation to a specific period of time.

(3) A chief inspector shall make all reasonable efforts to provide notice to all affected persons of a directive issued under this Section.

31 (1) An aggrieved person may seek a review or an appeal of any order or decision by an inspector or an inspection agency including, but not limited to, the following matters:

- (a) an authorization, certificate of competency, licence or registration for a person;
- (b) an authorization, certification, licence, permit or registration for an activity or property;
- (c) an amendment, addition or deletion of terms or conditions of an authorization;
- (d) a notice of an administrative penalty or requirement for compliance with this Act, the regulations or a standard;
- (e) the sealing out of service.

(2) An aggrieved person referred to in subsection (1) may

- (a) seek a review of the order or decision by the Administrator under Section 32; or
- (b) appeal the order or decision to the Appeal Board under Section 34,

by submission in writing to the Administrator or the Appeal Board, as the case may be, within fifteen days of service of the order or receipt of the notice of the decision by the aggrieved person.

(3) Notwithstanding anything contained in this Act, where the regulations so provide, matters in addition to those set out in subsection (1) may be the subject of a review or an appeal.

32 (1) An aggrieved person who seeks a review shall immediately serve a copy of the request on the inspector or inspection agency who made the order or decision, unless otherwise authorized in writing by the Administrator.

(2) The Administrator is not required to hold a hearing when conducting a review.

(3) Subject to subsection (4), where the Administrator has been previously involved in the matter that is the subject of a review, or has conferred with an inspector, an inspection agency or other person in respect of the matter, the Administrator is not disqualified from dealing with a review pursuant to clause 31(2)(a) if the involvement or conference is disclosed to the applicant as soon as the Administrator becomes aware and before the Administrator proceeds with the review.

(4) Where the Administrator discloses to an applicant a previous involvement or conference as described in subsection (3) and the applicant requests, in writing, that the Administrator not decide the review, the Administrator shall refuse to decide the review and shall refer the matter to the Appeal Board for a hearing pursuant to Section 34.

(5) When conducting a review pursuant to clause 31(2)(a), the Administrator shall summarily review the information provided by the applicant and, where the Administrator is not then able to determine that the order should be confirmed, may inquire into the matter and may use any information, including information that is gathered or has previously been provided by another person, that the Administrator considers advisable to assist in determining the review.

(6) On a review, the Administrator may, in writing,

- (a) confirm, vary or revoke an order or decision;
- (b) allow additional time for the person to comply with an order and attach conditions to such compliance;
- (c) make any order or decision that the inspector or inspection agency could have made; or
- (d) refuse to decide a matter and refer the matter to the Appeal Board.

(7) The Administrator, in writing,

- (a) shall notify the aggrieved person who applied for the review;
- (b) shall notify the inspector who made the order or decision; and
- (c) may notify any other persons,

of the decision of the Administrator.

(8) The submission of a written request to the Administrator for a review of an order or decision pursuant to clause 31(2)(a) acts as a stay of the order or decision until the review has been determined.

33 (1) Except as otherwise provided by the regulations, the Nova Scotia Utility and Review Board established pursuant to the *Utility and Review Board Act* is the Appeal Board for the purpose of this Act.

(2) Where an Appeal Board, other than the Nova Scotia Utility and Review Board, is provided for in the regulations, the members of the Appeal Board shall be appointed by the Minister in accordance with the regulations for such terms as the Minister determines.

(3) Where an Appeal Board referred to in subsection (2) is appointed by the Minister, the Minister may designate from the members a Chair and a Vice-chair.

(4) Different panels of the Appeal Board may sit at the same time to determine matters before the Appeal Board.

(5) The Appeal Board and each member has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(6) A member of the Appeal Board may administer oaths or affirmations, certify as to official acts of the Appeal Board and issue subpoenas to compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

(7) Where a person fails to comply with an order of the Appeal Board or a subpoena or where a witness refuses to testify to a matter regarding which the witness may be interrogated before the Appeal Board or a member, a judge of the Supreme Court of Nova Scotia shall, on application of the Appeal Board or a member, compel obedience by attachment proceedings for contempt as in the case of the disobedience of the requirements of a subpoena issued by the Court or a refusal to testify in court.

(8) Subsections (4) to (7) do not apply to the Nova Scotia Utility and Review Board and, for greater certainty, the *Utility and Review Board Act* applies.

34 (1) An aggrieved person may

- (a) appeal an order or decision made by an inspector or an inspection agency;
- (b) appeal a decision made on review by the Administrator pursuant to subsection 32(6); or
- (c) proceed with an appeal referred to the Appeal Board pursuant to clause 32(6)(d),

by submission, in writing, to the Appeal Board within the time established in Section 31.

(2) An aggrieved person who initiates an appeal to the Appeal Board shall immediately serve a copy of the appeal on the inspector, inspection agency or Administrator who made the order or decision unless otherwise authorized in writing by the Chair of the Appeal Board.

(3) Subject to subsection (4), an appeal made pursuant to subsection (1) acts as a stay of the order until the appeal has been determined.

(4) With or without notice, upon application by an inspector, an inspection agency or the Administrator who made the order or decision appealed from, the Appeal Board may order, after considering

(a) primarily, the degree of safety risk; and

(b) secondarily, the degree of prejudicial harm to an owner if the appeal of the order or decision does not operate as a stay and whether there is a strong *prima facie* case for a successful appeal of the order or decision,

that the appeal of the order or decision does not operate as a stay pending the outcome of the appeal.

(5) On an appeal made pursuant to subsection (1), the Appeal Board may, in writing,

(a) confirm, vary or revoke the order or decision appealed;

(b) allow additional time for the person to whom the order is directed, or who is the subject of the decision, to comply with the order or decision, and may attach conditions to such compliance; or

(c) make any order or decision that the inspector, inspection agency or Administrator making the original order or decision could have made.

(6) An order of the Appeal Board may, for the purpose of enforcement of the order, be registered with the Supreme Court of Nova Scotia and may be enforced in the same manner as a judgment of that Court.

(7) To register an order of the Appeal Board with the Supreme Court of Nova Scotia, the Chair of the Appeal Board may make a certified copy of the order or decision, upon which shall be made the following endorsement, signed by the Chair of the Appeal Board:

Register the within with the Supreme Court of Nova Scotia.

Dated this day of, 20.....

.....Chair of the Appeal Board

(8) The Chair of the Appeal Board may forward the certified copy referred to in subsection (7) so endorsed, to a prothonotary of the Supreme Court of Nova Scotia who shall, on receipt of the certified copy, enter it as a record and it shall thereupon be registered with and enforceable in the same manner as a judgment of that Court.

35 (1) The Administrator has standing as a party in an appeal made pursuant to subsection 34(1).

(2) An inspector or an inspection agency who made the order that is appealed has standing as a party in a review or an appeal made pursuant to this Act.

(3) Notwithstanding anything contained in this Act, a decision or order may be rescinded or varied by the inspector, inspection agency, Administrator or Appeal Board that made the order or decision.

36 (1) An order, ruling or decision of the Appeal Board is final and binding and not open to review, except for an error of law or jurisdiction.

- (2)** The Appeal Board has exclusive jurisdiction to determine all questions of
- (a) law respecting this Act, the regulations or the standards;
 - (b) fact; and
 - (c) mixed law and fact.

(3) A participant in a final order, ruling or decision of the Appeal Board may only seek leave to appeal to the Nova Scotia Court of Appeal on a question of jurisdiction or of law and where all other avenues of appeal provided for in this Act have been exhausted.

37 (1) Every person who

- (a) tampers with a safety device;
- (b) enters, attempts to enter or tampers with property that is closed or a thing that is sealed out of service pursuant to an order made by an inspector or inspection agency pursuant to this Act, the regulations or the applicable standards without the approval of the inspector or an inspection agency authorized to make the order;
- (c) removes a copy of an order or notice posted in accordance with this Act, the regulations or the standards without the approval of the inspector or inspection agency that made or required the posting or the Administrator;
- (d) provides an inspector or an inspection agency with information on matters relevant to an inspection or investigation that the person knows, or ought reasonably to know, is false or misleading;
- (e) hinders or obstructs an inspector or an inspection agency acting pursuant to this Act, the regulations or the standards;
- (f) refuses or neglects to attend, be sworn or give evidence before an inspector, an inspection agency or inquiry when summoned to do so;
- (g) fails to comply with an order made pursuant to this Act, the regulations or the standards; or
- (h) otherwise contravenes this Act, the regulations or the standards,

is guilty of an offence.

(2) Unless otherwise provided in this Act, no person shall be convicted of an offence under this Act if the person establishes on the balance of probabilities that the person

- (a) exercised all due diligence to prevent the commission of the offence; or
- (b) reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.

38 (1) An individual convicted of an offence pursuant to Section 37 is liable, on summary conviction, to a fine not exceeding twenty-five thousand dollars or to a term of imprisonment not exceeding six months, or to both.

(2) An individual convicted of an offence pursuant to Section 37 who knowingly committed the offence and the offence resulted in

- (a) loss of human life, injury or damage to the health of a person; or
- (b) a catastrophic impact on the community,

is, notwithstanding subsection (1), liable to a fine not exceeding one hundred and fifty thousand dollars or to a term of imprisonment not exceeding two years, or to both.

(3) In addition to the fine imposed upon an individual pursuant to subsection (1) or (2), the court, on summary conviction, may impose a fine not exceeding five thousand dollars for each additional day during which the offence continues.

39 (1) A corporation convicted of an offence pursuant to Section 37 is liable, on summary conviction, to a fine not exceeding fifty thousand dollars.

(2) A corporation convicted of an offence pursuant to Section 37 where the corporation, with the knowledge of an officer, director, manager or agent of the corporation, committed the offence and the offence resulted in

- (a) loss of human life, injury or damage to the health of a person; or
- (b) a catastrophic impact on the community,

is, notwithstanding subsection (1), liable to a fine not exceeding two hundred and fifty thousand dollars.

(3) In addition to the fine imposed upon a corporation pursuant to subsection (1) or (2), the court, on summary conviction, may impose a fine not exceeding ten thousand dollars for each additional day during which the offence continues.

40 (1) An officer, director, manager or agent of a corporation who directs, authorizes, assents to, acquiesces or participates in the commission of an offence pursuant to this Act is guilty of the offence and liable, on summary conviction, to a fine not exceeding twenty-five thousand dollars or to a term of imprisonment not exceeding one year, or to both.

(2) Notwithstanding subsection (1), where a person referred to in that subsection knowingly committed an offence and the offence results in

- (a) loss of human life, injury or damage to the health of a person; or
- (b) a catastrophic impact on the community,

the person is liable, on summary conviction, to a fine not exceeding one hundred and fifty thousand dollars or to a term of imprisonment not exceeding two years, or to both.

41 (1) A conviction for the offence of failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge may, in addition to a fine imposed, order the person to do any act or work to comply with the order with respect to which the person was convicted, within the time specified in the order.

(2) A person who fails to comply with an order made pursuant to subsection (1) within the time specified by the judge is guilty of an offence and is liable, on summary conviction, in the case of

(a) an individual, to a fine not exceeding five thousand dollars for each day during which the non-compliance continues; or

(b) a corporation, to a fine not exceeding ten thousand dollars for each day during which the non-compliance continues.

42 (1) The Administrator, an inspector or an inspection agency may apply to a judge of the Supreme Court of Nova Scotia for an order enjoining a person from carrying out any activity that is contrary to this Act, the regulations, the standards or an order made pursuant to this Act, the regulations or the standards.

(2) On receipt of an application made pursuant to subsection (1), a judge of the Supreme Court of Nova Scotia may make any order, including an order for interim relief, that the judge considers appropriate.

43 Except as otherwise provided in this Act or the regulations, the penalties collected pursuant to this Act shall be paid to the Minister of Finance for the use of Her Majesty in right of the Province.

44 (1) Where a person is convicted of an offence pursuant to this Act, the regulations or the standards in addition to any other punishment that may be imposed, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order directing the offender to pay an amount to the Minister of Finance to be held in trust, in accordance with the regulations, for the purpose of public technical-safety education to be carried out by non-profit organizations, schools or similar educational institutions.

(2) Where the court makes an order directing an offender to pay an amount to the Minister of Finance pursuant to subsection (1), the total of any moneys payable or direct costs incurred by the offender pursuant to subsection (1), must not exceed the maximum amount payable pursuant to Sections 38, 39 or 40.

(3) Where the court makes an order pursuant to subsection (1), the amount constitutes a debt due to Her Majesty in right of the Province and may be recovered as such in a court of competent jurisdiction.

(4) The Minister, in consultation with the Advisory Board, may designate a non-profit organization with a mandate that relates to the purpose of this Act that shall, in accordance with the regulations, direct the disbursement of amounts held in trust pursuant to subsection (1) for the purpose of public technical-safety education carried out as provided in subsection (1).

45 No prosecution for an offence pursuant to this Act, the regulations or the applicable standards may be commenced after two years from the date of the commission of the alleged offence.

46 No action lies against Her Majesty in right of the Province or an inspector or employee of Her Majesty, the Administrator or any person acting under the Administrator's

authority, an inspector or a delegate or a designate or an inspector, an inspection agency, member or employee, or any person acting under the authority of, or as an agent of, any person or body referred to in this Section, if the person or body is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, the regulations or the standards for any loss or damage suffered by a person because of an act or omission done in good faith by the person or body

- (a) pursuant to, or in the exercise or supposed exercise of, a power conferred by this Act, the regulations or the standards; or
- (b) in the carrying out, or supposed carrying out, of a function or duty imposed by this Act, the regulations or the standards.

47 (1) Subject to subsection (3), a document that is served pursuant to this Act or the regulations must be served

- (a) in the case of an individual,
 - (i) personally,
 - (ii) by a form of delivery that allows proof of receipt to the individual's last address known to the person sending the document, or
 - (iii) by electronic transmission, telephone transmission of a facsimile or by some other method that allows proof of receipt; or
- (b) in the case of a corporation,
 - (i) personally on the recognized agent, a director, manager or officer of the corporation,
 - (ii) by a form of delivery that allows proof of receipt to the registered office of the corporation or, where the corporation is an extra-provincial corporation, upon application for substituted service to the office of its legal counsel in the Province, or
 - (iii) by electronic transmission, telephone transmission of a facsimile or by some other method that allows proof of receipt.

(2) Notwithstanding subsection (1), where an order is made with respect to premises that contain two or more units intended for separate occupancy, the order is deemed to have been served upon the occupants of the premises if a copy of the order is posted in a conspicuous place on the premises.

(3) Where the owner of land or premises cannot be found in the Province, service of any document pursuant to this Act or the regulations may be accomplished by posting a copy of the document in a conspicuous place on the land or premises.

(4) Any document that is served on a person pursuant to this Act or the regulations by mail, in the absence of evidence to the contrary, is deemed to have been received by the addressee ten days after the day on which it was mailed, unless the person establishes that the person did not, acting in good faith, through absence, incident, illness or other cause beyond the person's control, receive a copy of the document until a later date than the deemed date of receipt.

(5) Service by electronic transmission or by telephone transmission of a facsimile is deemed to have been received the day after it was sent or, where that day was a Saturday or a holiday, on the next day that is not a Saturday or a holiday, unless the person being served establishes that the person did not, acting in good faith, through absence, incident, illness or other cause beyond the person's control, receive a copy until a later date than the deemed date of receipt.

48 A copy of a document that purports to be certified by the Administrator, an inspector or an inspection agency as being a true copy of the original is admissible in evidence.

49 (1) The Governor in Council may make regulations

(a) defining a product to be a regulated product for the purpose of this Act and the regulations;

(b) exempting, completely or partially and with or without conditions, from the application of any or all provisions of this Act and the regulations any of the following:

- (i) any person or class of persons,
- (ii) any regulated product,
- (iii) any regulated work or classification of regulated work,
- (iv) any thing, process, requirement or activity,
- (v) any property, class of property or a part thereof,
- (vi) any municipality or inspection agency;

(c) requiring or designating to an inspection agency the administration of any of the provisions of this Act or a regulation, except a power to make regulations, and respecting any matter necessary or advisable to carry out that intent, including the establishment of terms and conditions or limitations on the authority of the inspection agency;

(d) respecting the qualifications, registrations, certificates of competency, licensing, training, approval, examination and duties of persons or classes of persons, and any reporting requirements under this Act including, but not limited to, inspectors or an inspection agency;

(e) respecting the suspension, revocation or cancellation of a licence, permit, registration, certificate, certificate of competency or authorization granted inadvertently or by mistake and requiring the return of any documents issued with the licence, permit, registration certificate, certificate of competency or authorization;

(f) respecting requirements for a permit, registration, licence, certification, certificate of competency or authorization in respect of regulated work or regulated products, providing for the grant of licences, permits, registration, certificates or authorizations and other documents required under this Act and respecting terms and conditions of a licence, permit, registration, certification, certificate of competency or authorization;

(g) respecting classes of licences, permits, registrations, certifications, certificates of competency or authorizations;

(h) respecting requirements or procedures to perform regulated work or for activities involving regulated products, and for the issuance and scope of the authorizations for these activities;

(i) respecting the requirement for conducting or complying with inspections or compliance audits;

(j) respecting the grant, renewal, revocation and suspension of, or expiry date for, any permit, registration, certification, certificate of competency, licence or authorizations under this Act or the regulations;

(k) respecting a minor variance, including authority to grant and to set terms and conditions, establishment of information requirements and approaches for achieving technical safety objectives;

(l) respecting authorization of an alternative compliance method, including authority to grant and to set terms and conditions, establishment of information requirements and approaches for achieving safety objectives;

(m) recognizing a person or class of persons as an inspection agency for the purpose of this Act and the regulations;

(n) recognizing a person or class of persons, an institution or an accredited organization as an recognized certification organization for the purpose of this Act and the regulations;

(o) respecting the posting or display of any identification label, approval, licence, permit, registration, authorization, certification, certificate of competency, document, notice or other communication for the purpose of this Act;

(p) respecting the registration of

(i) regulated products,

(ii) designs of regulated products,

(iii) procedures used in respect of regulated products;

(q) prohibiting, regulating and controlling regulated work and regulated products, the sale, acquisition, leasing, disposal, alteration, repair, installation, maintenance, testing, servicing, advertising, displaying and use of regulated products and respecting licences, permits, registrations, certifications, certificates of competency or authorizations for, or notification of, the use of regulated products or the performance of regulated work;

(r) respecting the requirement for insurance or a bond for any purpose under this Act or the regulations and providing for the approval of the adequacy of insurance coverage;

(s) respecting the issuance of orders or directives pursuant to this Act or the regulations;

(t) providing, for a regulation made under this Act, that its contravention constitutes an offence and is subject to the penalties specified;

(u) respecting the submission or production of documents, the records to be made and maintained for the purpose of this Act and the issue of duplicate copies of any document issued under this Act;

(v) respecting any matter the Governor in Council considers necessary or advisable for the administration of a system of administrative penalties;

(w) providing for increased monetary penalties under a system of administrative penalties for repeated contraventions and specifying the time within which a contravention is to be considered a repeat contravention of an earlier contravention.

(x) governing the conduct and obligations of persons in the vicinity of regulated work or regulated products, and requiring a person to notify or obtain permission from a person in authority in respect of an intended activity in the vicinity of regulated work or regulated products and requiring the person in authority to perform duties necessary for the safe conduct of the intended activity;

(y) respecting the manufacture, carriage, storage, handling or disposal of any explosive, flammable or combustible solid, liquid or gas or the carriage, storage, handling or disposal of any gas, whether or not of such a type;

(z) subject to the *Environment Act*, respecting the carriage, storage, handling or disposal of any hazardous material, including gases that are likely to increase the risk of harm to persons in the event of ignition;

(aa) respecting the approval, sale, installation, permitting, servicing, maintenance, testing or repair of equipment using flammable or combustible liquid or a gas as fuel or equipment used in the carriage, storage, handling or disposal of any of these;

(ab) respecting the approval, sale, installation, permitting, servicing, maintenance, testing or repair of solid-fuel burning appliances or related equipment, including fireplaces, stoves, furnaces, ducts, flue pipes and chimneys;

(ac) respecting the training or qualifications of persons selling, installing, servicing, maintaining, testing or repairing products, equipment, apparatus or systems, requiring those persons to be licensed, registered or hold a certificate of competency in a prescribed manner and providing a system for the issuance, expiry, suspension and revocation of such licences, registrations or certificates of competency;

(ad) requiring persons installing, servicing or testing equipment, apparatus or systems to obtain insurance or performance bonds from a financial institution approved by the Minister in any amount the Minister considers necessary to cover damage that might result from such activities;

(ae) respecting the establishment of an Appeal Board, other than the Nova Scotia Utility and Review Board, and the structure, administration and procedures of the Appeal Board;

(af) prescribing the terms and conditions, including remuneration, for an Appeal Board other than the Nova Scotia Utility and Review Board, and engaging the services of professional persons, technical safety persons and experts to advise the Appeal Board;

(ag) respecting the remuneration and expenses of the Chair, Vice-chair and members of an Appeal Board, other than the Nova Scotia Utility and Review Board;

(ah) respecting the jurisdiction of the Appeal Board, and prescribing additional matters to be heard by the Appeal Board;

(ai) respecting the composition, structure, role and functioning of the Advisory Board and its subcommittees, if any;

(aj) respecting procedures and aggrieved persons on a review to the Administrator and prescribing additional matters that may be the subject of a review;

(ak) regulating the odorization of gas;

(al) respecting classes of incidents and the requirements for reporting classes of incidents;

(am) defining any word or expression used in this Act but not defined in this Act, or further defining any word or expression;

(an) generally, respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) Any new regulation or any substantive amendment to a regulation made under this Section comes into effect only after the new regulation or amendment has been subject to such public review as the Minister considers appropriate.

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

50 (1) The Minister may make regulations

(a) establishing standards respecting regulated work and regulated products, or adopting by reference all or part of a standard, as the edition adopted is amended from time to time, or any change thereto, in whole or in part with such modifications and additions as may be specified in the regulations, and requiring compliance with it as adopted;

(b) prescribing fees, or establishing the criteria for setting fees, for any application, appeal, interest, authorization, review, service or any other matter administered under this Act.

(2) Where a standard is established or adopted by a regulation made under this Section, the Minister shall provide direction on where it is available.

(3) Any new regulation or any new substantive amendment to a regulation made under this Section comes into effect only after the new regulation or amendment has been subject to such public review as the Minister considers appropriate.

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

51 (1) Where a chief inspector is of the opinion that a person has contravened this Act, the regulations or the standards, the chief inspector may, subject to the regulations, by notice in writing given to that person require that person to pay an administrative penalty in the amount set out in the notice sent for each day that the contravention continues.

(2) A notice of an administrative penalty may be reviewed or appealed under Section 32 or 34 subject to the conditions set out in Section 31.

(3) Where the time limit for review and appeal has expired, or where the Appeal Board has dismissed the appeal, the administrative penalty set out in the notice becomes a debt payable by the person named on the notice to Her Majesty in right of the Province and can be collected as such.

(4) A person who pays an administrative penalty as set out in the notice in respect of a contravention shall not be charged under this Act with an offence in respect of that contravention.

52 (1) Every licence, permit, registration, certificate, appointment, authorization or order given, made or issued pursuant to the

- (a) *Amusement Devices Safety Act* or regulations made pursuant to that Act;
- (b) *Crane Operators and Power Engineers Act* or regulations made pursuant to that Act;
- (c) *Electrical Installation and Inspection Act* or regulations made pursuant to that Act;
- (d) *Elevators and Lifts Act* or regulations made pursuant to that Act;
- (e) *Fire Safety Act* or regulations made pursuant to that Act; or
- (f) *Steam Boiler and Pressure Vessels Act* or regulations made pursuant to that Act,

that is subsisting and in force on the date the applicable enactment is repealed or replaced is deemed to have been given, made or issued pursuant to this Act, is enforceable as such and continues in force until it has expired or been varied, rescinded, suspended or revoked in accordance with this Act and the regulations.

(2) Where a right of appeal existed pursuant to a former enactment referred to in subsection (1), the appeal period has not expired before this Act comes into force and an appeal has not been initiated pursuant to the former enactment on the date this Act comes into force, the appeal provisions in this Act apply and the time for the filing of an appeal must be measured from the date on which the order or decision was served pursuant to the former enactment.

(3) Where an appeal has been initiated pursuant to a former enactment referred to in subsection (1) and has not been completed before the coming into force of this Act, the appeal shall be heard and determined pursuant to the former enactment.

53 Subsection 51(1) of Chapter 6 of the Acts of 2002, the *Fire Safety Act*, is amended by

- (a) **striking out clauses (f) to (h);**
- (b) **striking out “clauses (d), (g) and (h)” in the fifth line of clause (i) and substituting “clause (d)”;**
- (c) **striking out “, that may include establishing a board of examination,” in the seventh and eighth lines of clause (i); and**
- (d) **striking out “clauses (d), (g) and (h)” in the third line of clause (j) and substituting “clause (d)”.**

- 54** Clause 52(4)(d) of Chapter 6 is repealed.
- 55** Chapter 12 of the Revised Statutes, 1989, the *Amusement Devices Safety Act*, is repealed.
- 56** Chapter 2 of the Acts of 1993, the *Boilers and Pressure Vessels Act*, is repealed.
- 57** Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, is repealed.
- 58** Chapter 141 of the Revised Statutes, 1989, the *Electrical Installation and Inspection Act*, is repealed.
- 59** Chapter 4 of the Acts of 2002, the *Elevators and Lifts Act*, is repealed.
- 60** Chapter 444 of the Revised Statutes, 1989, the *Steam Boiler and Pressure Vessel Act*, is repealed.
- 61** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
-