

Bill No. 74 of 1955

A BILL TO PROVIDE FOR THE PROTECTION OF PERSONS FROM INJURY AND PROPERTY FROM DAMAGE IN THE INSTALLATION, TRANSMISSION, DISTRIBUTION, SUPPLY OR USE OF GAS, INCLUDING LIQUEFIED PETROLEUM GAS, IN THE PROVINCE.

NOTE

This Bill enacts a new Act to be known as *The Gas Protection Act*.

The purpose of this Bill is to provide a means by which regulations for the control and protection of gas installations may be made.

The Bill applies to gas installations and equipment for consumers and to the trade of gas fitting. It does not apply to the systems of public utilities, being confined to the domestic or consumers equipment and installation.

By means of rules and regulations, which are to be tabled in the Legislative Assembly, the Lieutenant Governor in Council may regulate and control installation, equipment and qualifications for gas fitters, appoint examiners, prescribe standards of proficiency and regulate other matters relevant to the safe installation of gas equipment, and adopt safety codes from recognized and public sources.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 74 of 1955

An Act to Provide for the Protection of Persons from Injury and Property from Damage in the Installation, Transmission, Distribution, Supply or Use of Gas, Including Liquefied Petroleum Gas, in the Province.

(Assented to _____, 1955)

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

Short Title

1. This Act may be cited as "*The Gas Protection Act*". Short title

Interpretation

2. In this Act,

- (a) "gas equipment" includes machinery, equipment, appliances and devices of every kind and description, used or intended to be used in the transmission, distribution, supply, or use of gas, including liquefied petroleum gas, in the Province; Interpretation
"gas equipment"
- (b) "gas installation" Interpretation
"gas installation"
 - (i) means the installation of any system of gas piping in or upon any land, building or premises from the meter or regulator where gas is delivered up to the point or points where such gas can be consumed or used by any gas consuming equipment, and
 - (ii) includes the connection of any such gas piping with any gas consuming equipment and any part of the gas system, and the maintenance, alteration, extension and repair of any such gas piping, but
 - (iii) does not include any electrical installation within the meaning of *The Electrical Protection Act*;
- (c) "gas fitter" means the person who installs, repairs or alters any gas installation or gas equipment; "gas fitter"
- (d) "Minister" means that member of the Executive Council for the time being charged with the administration of this Act. "Minister"

Application of the Act

3. Subject to section 4, this Act applies to gas installations and gas equipment for consumers and to the inspection of Act

tion of such gas installations and gas equipment and to the manufacture, sale and installation of gas equipment.

Exemption
from
application
of Act

4. This Act does not apply to
- (a) collection, transmission and distribution systems of public utilities within the meaning of *The Public Utilities Act*,
 - (b) any gas equipment or gas installation which may be exempted by the Lieutenant Governor in Council from the operation of this Act.

Rules and
regulations

5. (1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may make rules and regulations

- (a) prescribing the design, construction, installation, protection, use, maintenance, repair and extension of gas equipment,
- (b) providing for the inspection and approval of all or any specified gas equipment and prohibiting the use in the Province of any such gas equipment until it has been so inspected and approved,
- (c) prohibiting the advertising, display, offering for sale or other disposal, and the sale or other disposal, publicly or privately, in the Province of any specified gas equipment unless and until it has been inspected and approved,
- (d) prescribing the precautions to be taken in the sale, or other disposal of any specified gas equipment, and the warnings and instructions to be given to purchasers and others by means of advertisements, circulars or otherwise, in order to prevent the use thereof in such manner or under such conditions as may be likely to result in undue hazard to persons or property,
- (e) prescribing plans and specifications governing the design and construction of any specified gas equipment and modification or alteration of such equipment and the manner in which it is to be tested either before it is sold or disposed of or used or at any other time,
- (f) prescribing the manner in which and the times at which the inspection, removal, alteration, repair, connection or disconnection of any gas equipment is to be carried out and the measures to be taken in relation thereto for the purpose of protecting the public or workmen or property against injury or damage by any gas equipment or by the installation, alteration, repair or operation thereof,
- (g) providing for the issue of permits for the installation or operation of any gas equipment, and of certificates of approval of any gas equipment,
- (h) prescribing the fees to be paid for
 - (i) permits for the installation or operation of any gas equipment,

- (ii) inspections, tests and approvals of any gas equipment, and
- (iii) survey of plans and specifications relating to gas installations and equipment, and the time and manner in which such fees shall be paid,
- (i) providing for the collection of the prescribed fees,
- (j) providing for the examination of and the issue of certificates of proficiency to gas fitters,
- (k) prohibiting any person from engaging in or following the occupation of a gas fitter who is not the holder of a subsisting certificate of proficiency,
- (l) providing for the posting up of any or all regulations made under this section or of notices relating thereto and prescribing the places and manner in which the regulations or notices are to be posted up and the time or times during which they are to be kept so posted, and
- (m) relating to any other matter or thing,
 - (i) the doing of which is permitted by this Act, or
 - (ii) that has for its object the avoidance of danger to life and property by reason of the installation, repair or use of any gas equipment, or
 - (iii) that is intended to carry out the provisions of this Act according to the true intent thereof but for which no specific provision is made by this Act.

6. Without affecting the generality of the provisions of clause (j) of section 5 and in order to provide for such examination and the issue of such certificates as therein mentioned, the Lieutenant Governor in Council may from time to time

Powers of
Lieutenant
Governor
in Council

- (a) appoint such examiners or boards of examiners consisting of such and so many persons as he may deem advisable,
- (b) prescribe the nature, scope and extent of the examinations to be held and the conditions of admission to the examinations,
- (c) prescribe standards of proficiency to be attained by a person upon examination before the issue to him of any certificate of proficiency under this Act,
- (d) provide for the issue of certificates of proficiency,
- (e) provide for the forms of certificates of proficiency and applications therefor and for the fees to be charged in respect thereof,
- (f) prescribe the division of certificates of proficiency into classes, and
- (g) prescribe the work that may be performed by members of each class and the places where and conditions under which such work may be performed.

Publication
of rules and
regulations

7. (1) Any rules and regulations made under sections 5 and 6 shall be published in *The Alberta Gazette* and shall have force upon publication or at such later date as may be designated for that purpose.

Tabling of
rules and
regulations

(2) The rules and regulations shall be laid upon the table of the Legislative Assembly at the session thereof next ensuing after the making of the rules and regulations and unless they are disapproved thereat have the same force and validity as if they had been expressly enacted as a part of this Act.

Appointment
of inspec-
tors, etc.

8. Subject to *The Public Service Act, 1954*, the Lieutenant Governor in Council may appoint such inspectors, officers, clerks and servants as are required for the administration of this Act and fix their remuneration and prescribe their duties.

Declaration
that Code of
Gas Safety
Rules in
force

9. (1) If a code of gas safety rules has been promulgated by any association or body of persons and is available in printed form, the Lieutenant Governor in Council may upon the recommendation of the Minister, declare such code to be in force either in whole or in part or with such variations as may be specified in the order.

Effective
date of rules

(2) Upon publication in *The Alberta Gazette* of any such order, the rules thereby declared to be in force, subject to such variations as may be specified in the order, take effect from the date on which the order is published or from such later date as may be designated for that purpose, and have the same force as if they were rules and regulations made under this Act.

Performance
of duties of
inspectors

10. An inspector appointed under this Act may at any reasonable hour, enter any buildings or premises, or upon any land for the purpose of performing any duty assigned to him under this Act.

Inspectors
not liable for
injury, etc.

11. Notwithstanding any inspection or test made, or any certificate or permit issued pursuant to this Act, or pursuant to any rule or regulation made under this Act,

(a) no inspector or other person acting under this Act or any rule or regulation thereunder is liable for any injury, loss or damage caused to any person or property by reason of

(i) a defect in any gas equipment, or

(ii) any rule, regulation, plan, specification or order issued under the authority of this Act,

and

(b) nothing in this Act or in any rules, regulations, plans, specifications or orders issued under the authority of this Act affects the liability of any person or any city, town, village, municipal district or county for injury, loss or damage caused by reason of a defect in any gas equipment.

12. (1) A municipality or other corporation that contravenes any provision of this Act or of any rule or regulation made under this Act is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars for each day during which the offence continues. Fines and penalties

(2) A person

(a) who contravenes any provision of this Act or of any rule or regulation made under this Act, or

(b) who hinders, molests, disturbs or interferes with any inspector or other person in the performance of a duty or power imposed or conferred upon him by this Act,

is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars.

(3) The term "person" in subsection (2) does not include a body corporate.

(4) A prosecution under this section may be brought within two years of the commission of the alleged offence.

13. Where there is any conflict between this Act or any rules or regulations made thereunder and *The City Act*, or *The Town and Village Act, 1952*, the provisions of this Act and any rules or regulations made thereunder prevail. Conflict with other Acts

14. This Act comes into force on the day upon which it is assented to. Coming into force

No 74

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to Provide for the Protection
of Persons from Injury and Property
from Damage in the Installation,
Transmission, Distribution, Supply or
Use of Gas, Including Liquefied
Petroleum Gas, in the Province

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. WILLMORE
