

No. 82

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4th Session, 14th Legislature, Alberta  
10 Elizabeth II

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## **BILL 82**

A Bill respecting Elevators and other Fixed Conveyor  
Systems

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HON. MR. REIERSON

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Edmonton, Alberta, 1962

## **Explanatory Note**

**General.** This new Act will repeal The Factories Act. Many of its provisions are similar to those in The Factories Act but are limited in application to fixed conveyances.

**2. Definitions.**

**3. Application of the Act.**

**4. Appointment of personnel to administer the Act.**

**5. Powers of an inspector.**

# BILL

No. 82 of 1962

An Act respecting Elevators and other Fixed Conveyor Systems

(Assented to \_\_\_\_\_, 1962)

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

**1.** This Act may be cited as "*The Elevator and Fixed Conveyances Act*".

**2.** In this Act,

- (a) "fixed conveyance" means a fixed system or device for conveyance to which this Act applies;
- (b) "inspector" means an inspector appointed under section 4, and includes the Chief Inspector;
- (c) "Minister" means the member of the Executive Council charged with the administration of this Act;
- (d) "owner" includes a lessee of a fixed conveyance.

**3.** (1) This Act applies to passenger elevators, freight elevators, dumbwaiters, escalators, inclined passenger lifts, belt lifts, aerial tramways, chairlifts, ski tows, rope tows, mechanized parking garages, speedwalks and speedramps.

(2) The Lieutenant Governor in Council may designate any fixed conveyor system, whether vertical, inclined or horizontal, to be a fixed conveyance to which this Act applies.

**4.** (1) The Lieutenant Governor in Council may

- (a) appoint as many inspectors as he deems necessary for the purposes of this Act, and
- (b) designate one of the inspectors as Chief Inspector.

(2) The Chief Inspector has the general supervision and direction of the other inspectors and of carrying out the requirements of this Act and the regulations.

**5.** (1) An inspector may, in the execution of his duties under this Act and for enforcing this Act and the regulations,

- (a) gain access to and inspect at all reasonable times by day or night any fixed conveyance,

**6.** Inspector may be required to produce certificate of appointment.

**7.** Inspector may take specialists with him.

**8.** Waiver of responsibility.

**9.** Liability of inspector.

- (b) enter, pass over or through any land, building or premises for the purpose of this Act,
- (c) demand the production of any register, certificate, plan or document pertaining to any fixed conveyance and may examine and copy the same,
- (d) make such examination and inquiry as may be necessary to ascertain whether the requirements of this Act and the regulations are being complied with,
- (e) for the purpose of any investigation, inquiry or examination made by him under the authority of this Act, administer an oath and summon any person to give evidence and produce plans, specifications, files and records, and
- (f) exercise such other powers as are necessary for carrying out the provisions of this Act and the regulations.

(2) All plans, specifications, files and records produced and inspected pursuant to clause (c) or (e) of subsection (1) shall be treated by the inspector as confidential, except for the purpose of this Act.

(3) The owner of a fixed conveyance and his agents and servants shall furnish any necessary assistance required by an inspector for the exercise of his duties under this Act and the regulations.

(4) Where a fixed conveyance is installed in a private residence and an inspector has inspected the completed installation and found it to be in accordance with this Act and the regulations, he shall give his approval thereof in writing and thereafter this Act does not apply to that fixed conveyance, except where

- (a) the owner or occupier of the residence requests an inspection,
- (b) any alteration is proposed to be made to the conveyance, or
- (c) the Minister orders an inquiry under section 14.

**6.** An inspector shall be furnished with a certificate of his appointment under the hand of the Minister and shall, if required, produce his certificate on applying for admission to any premises.

**7.** When he deems it necessary, an inspector may take with him into any premises an engineer or other specialist.

**8.** An inspector or a person lawfully accompanying an inspector is not required to sign or give any release or waiver of responsibility before entering any place pursuant to this Act and any such release is void.

**9.** While acting pursuant to this Act or the regulations, an inspector or a person lawfully accompanying an inspec-

**10.** Approval of types of fixed conveyances.

**11.** Power of inspector to direct remedial action.

**12.** Appeal to Minister from inspector's decision.

**13.** Notice of accidents to be given.

**14.** Investigation of accidents

**15.** Power to protect possible evidence.

tor, is not liable for any injury, loss or damage occasioned thereby.

**10.** (1) The Chief Inspector may, subject to the regulations, approve or refuse to approve different types of fixed conveyances and any component parts thereof.

(2) Where any type of fixed conveyance or component part submitted for approval requires special examination the person making the submission may be required to supply all the necessary materials, parts, plans and specifications and to pay such fees as may be fixed by regulations.

(3) No person shall

(a) install a fixed conveyance, or

(b) install in or attach to a fixed conveyance any component part,

of a type that the Chief Inspector has refused to approve.

**11.** (1) Where an inspector notes any condition that contravenes a regulation or is otherwise inconsistent with good operating practices relating to a fixed conveyance, he may bring the condition to the attention of the owner or his agent, who shall take such remedial action as may be required by the inspector within the specified time.

(2) Where an inspector notes an unsafe condition that in his opinion presents an immediate hazard to persons using a fixed conveyance, the inspector may direct that the conveyance be taken out of service until such time as the hazard is removed and the owner or his agent shall comply with the direction of the inspector.

**12.** A person affected by a decision of an inspector may appeal to the Minister.

**13.** An owner of a fixed conveyance or his agent shall

(a) notify an inspector as soon as possible after the happening of any accident involving the fixed conveyance that results in death or serious injury or damage to equipment, and

(b) if requested by an inspector, submit as early as possible, a full report in writing of any accident involving the fixed conveyance that results in death or injury or damage to equipment.

**14.** (1) Any accident involving a fixed conveyance that results in death, injury or damage to equipment may be investigated by an inspector.

(2) The Minister may cause an inquiry to be held into any accident involving a fixed conveyance that results in death or injury or damage to equipment.

**15.** (1) Until permission is received from an inspector no unauthorized person shall

**16.** Chief Inspector may be represented at inquests.

**17.** Specifications of proposed construction to be submitted for approval.

**18.** Posting of certificates and licences.

**19.** Issue and posting of notices and bulletins.

**20.** Prohibition against removing or defacing bulletins.

**21.** Lieutenant Governor in Council may make regulations.



- (a) interfere with the scene of an accident involving a fixed conveyance save to prevent further damage or to remove injured or deceased persons or hazards, or
- (b) remove or tamper with any safety device, guard or other protective equipment.

(2) For the purposes of investigation and inquiry and to prevent it being lost or misplaced, an inspector may remove from the scene of an accident any article, part or thing that in his opinion may have caused or contributed in any way to the accident.

(3) The powers given to an inspector by this section shall not be construed as derogating from or interfering with the powers and duties of police officers and coroners.

**16.** The Chief Inspector has a right to be represented at any inquest into a death that may involve a fixed conveyance and he or his representative may examine any witness.

**17.** (1) Before erecting or altering a fixed conveyance, the owner or his agent shall submit such relevant plans, blueprints, drawings and specifications as may be required by an inspector and no person shall

- (a) construct or alter the conveyance, or
- (b) commence the construction or alteration,

until such time as the plans, blueprints, drawings and specifications have been certified as approved pursuant to subsection (2).

(2) If the plans, blueprints, drawings and specifications provide for the fulfilment of the requirements of this Act and the regulations, the Chief Inspector, or an inspector authorized by him, shall certify the plans, blueprints, drawings and specifications as approved.

**18.** A certificate or licence issued pursuant to this Act or the regulations shall be posted by the owner or his agent as directed by an inspector.

**19.** The Minister may approve the issuing of notices or bulletins dealing with the use of fixed conveyances and the owner or his agent shall post such notices or bulletins as directed by an inspector.

**20.** No unauthorized person shall remove, alter or deface any certificate, licence or notice or bulletin posted pursuant to this Act or the regulations.

**21.** The Lieutenant Governor in Council may make regulations

- (a) with respect to the construction, maintenance and use of any type or class of fixed conveyance,

**22.** Penalty section.

**23.** Repeal of The Factories Act.

**24.** Commencement of Act.

- (b) prescribing the nature and frequency of inspections to be made of fixed conveyances or any type or class thereof,
- (c) prescribing the requirements for or the conditions under which approval may be given pursuant to sections 10 and 17,
- (d) prohibiting or restricting the use of any type or class of fixed conveyance, either generally or for particular purposes,
- (e) respecting the issue of certificates and licences, including the conditions under which they may be granted, suspended, revoked or transferred,
- (f) prescribing the fees payable in respect of any approval of plans, blueprints, drawings and specifications, or otherwise, in respect of inspections and in respect of the issue of certificates and licences, and the persons by whom the fees are to be paid, and
- (g) respecting such other matters as may be necessary for carrying out the intent of this Act, including the adoption of all or part of any safety code, order, regulation or standard.

**22.** (1) A person who contravenes

- (a) this Act or the regulations, or
- (b) any order or direction of an inspector given pursuant to this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding twelve months.

(2) An information and complaint may be laid within two years of the commission of the alleged offence.

**23.** *The Factories Act*, being chapter 107 of the Revised Statutes, is hereby repealed.

**24.** This Act comes into force on the day upon which it is assented to.

No. 82

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FOURTH SESSION  
FOURTEENTH LEGISLATURE  
10 ELIZABETH II  
1962

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**BILL**

An Act respecting Elevators and  
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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. REIERSON

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