

1975 Bill 3

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Fourth Session, 17th Legislature, 24 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 3**

**THE BOILERS AND PRESSURE VESSELS ACT, 1975**

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MR. PURDY

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First Reading .....

Second Reading .....

Third Reading .....

# **THE BOILERS AND PRESSURE VESSELS ACT, 1975**

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## **BILL 3**

1975

### **THE BOILERS AND PRESSURE VESSELS ACT, 1975**

*(Assented to , 1975)*

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

**1. In this Act,**

1. "accident" means an accident that results in damage to property or injury to or the death of a person;
2. "approved and registered" means approved and registered in accordance with the regulations;
3. "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 direct application of a heat source;
4. "boiler horsepower" means the unit for measuring the rating of a boiler as determined in the regulations;
5. "certificate of competency" means a certificate of competency specified or referred to in section 34;
6. "certificate of inspection" means a certificate of inspection issued by an inspector pursuant to section 25;
7. "chief inspector" means the person appointed as chief inspector for the purposes of this Act and the regulations;
8. "expansible fluid" means
  - (i) any vapour or gaseous substance, or
  - (ii) any liquid under a pressure and at a temperature that is such that the liquid will change to a gas or vapour when the pressure is reduced to atmospheric pressure;
9. "fitting" means any valve, gauge, regulating and controlling device, flange, pipe fitting or any other appurtenance which is attached to or forms part

## **Explanatory Notes**

General: The Boilers and Pressure Vessels Act, 1975 replaces an Act which was last revised some 20 years ago. The new Act will provide a greater degree of flexibility in administering and inspecting the growing number of boilers and pressure vessels in Alberta. The terminology has been upgraded consistent with technological change and to provide for innovation and new types of equipment. It will ensure continuing safeguards in the industrial development of the Province.

### **1. Definitions.**

of a boiler, pressure vessel or pressure piping system in a power plant, heating plant or pressure plant;

10. "heating plant" means
  - (i) any one or more boilers in which steam or other vapour may be generated at a pressure not exceeding 15 pounds per square inch and a temperature not exceeding 250 degrees fahrenheit, or
  - (ii) any one or more boilers in which water or other liquid may be heated to a pressure not exceeding 160 pounds per square inch and a temperature not exceeding 250 degrees fahrenheit at or near the outlet of the boiler, or
  - (iii) any system or arrangement of boilers referred to in subclause (i) or (ii),  
and the engines, turbines, pressure vessels, pressure piping system, machinery and ancillary equipment of any kind used in connection therewith;
11. "inspector" means
  - (i) a person appointed as an inspector for the purposes of this Act and the regulations, and
  - (ii) the chief inspector;
12. "Minister" means the member of the Executive Council who is charged with the administration of this Act by the Lieutenant Governor in Council;
13. "power plant" means
  - (i) any one or more boilers in which steam or other vapour is generated at more than 15 pounds per square inch, or
  - (ii) any one or more boilers containing liquid and having a working pressure exceeding 160 pounds per square inch and a temperature exceeding 250 degrees fahrenheit or either one of them, or
  - (iii) any system or arrangement of boilers referred to in subclause (i) or (ii),  
and the engines, turbines, pressure vessels, pressure piping system, machinery and ancillary equipment of any kind used in connection therewith;
14. "pressure piping system" means pipe, tubes, conduits, fittings, gaskets, bolting and other components making up a system the sole purpose of which is the conveyance of an expansible fluid under pressure and the control of the flow of an expansible fluid under pressure between two or more points;



15. "pressure plant" means any one or more pressure vessels or any system or arrangement of pressure vessels and the engines, turbines, pressure piping system, machinery and ancillary equipment of any kind used in connection therewith;
16. "pressure vessel" means any receptacle of a capacity exceeding one and one-half cubic feet that contains or is intended to contain an expansible fluid under pressure.





## PART 1

### GENERAL

2. (1) Except as provided in subsections (2) and (3), this Act and the regulations apply to all boilers, pressure vessels, power plants, heating plants and pressure plants.

(2) This Act and the regulations do not apply to

- (a) a boiler of 2 horsepower or less in capacity installed in a heating plant;
- (b) a boiler that is intended to be used in connection with a hot water heating system and that has no valves or other obstructions to prevent circulation between the boiler and the expansion tank, but only if the expansion tank is fully vented to the atmosphere;
- (c) a pressure vessel of six inches or less in internal diameter;
- (d) a pressure vessel which is used for the storage of hot water and has an internal diameter of 24 inches or less;
- (e) a pressure vessel or pressure piping system operating at and with relief valves set at 15 pounds per square inch or less;
- (f) a boiler or pressure vessel subject to the jurisdiction of the Canadian Transport Commission or a boiler or pressure vessel subject to the *Canada Shipping Act*;
- (g) a pressure vessel intended to be installed in a closed hot water heating system having a working pressure of 30 pounds per square inch or less and having an internal diameter of 24 inches or less;
- (h) any pressure piping system and machinery and equipment ancillary thereto by which refrigerants are vapourized, compressed and liquefied in the refrigerating cycle and that has a capacity of three tons or less.

(3) The Lieutenant Governor in Council may exempt from all or any provision of this Act or the regulations, with or without conditions,

- (a) any boiler, pressure vessel or pressure piping system which, in the opinion of the Lieutenant Governor in Council, does not constitute a sufficient hazard to require it to be subject to this Act;
- (b) any class or type of pressure piping system having an aggregate internal capacity of 20 cubic feet or less.

(4) This Act applies to boilers, pressure vessels, pressure plants, power plants and heating plants which form the

## **2. Application of the Act.**

whole or any part of an installation as defined in *The Pipe Line Act*, but it does not apply

- (a) to any boiler, pressure vessel or pressure piping system that is exempted from the application of this Act by regulation of the Lieutenant Governor in Council under subsection (3), or
- (b) to any other part of a pipe line within the meaning of *The Pipe Line Act*.

**3.** (1) In accordance with *The Public Service Act* there may be appointed a chief inspector and such other inspectors, officers and persons as may be required for the purposes of this Act and the regulations.

(2) Where the chief inspector is given any power or duty under this Act or the regulations he may authorize one or more inspectors to exercise or perform that power or duty upon such conditions or in such circumstances as the chief inspector prescribes and thereupon that power or duty may be exercised or performed by the inspector or inspectors so authorized in addition to the chief inspector.

**4.** Where any calculation is made with respect to the application of this Act or the regulations the calculation shall be made and determined in accordance with the regulations.

**3. Appointment of staff.**

**4. Calculations.**

## **PART 2**

### **DESIGN, CONSTRUCTION AND SALE**

#### **Design**

**5.** (1) Where a person intends to construct in Alberta, for use in Alberta

(a) a boiler or pressure vessel, or

(b) a pressure piping system,

the design of which has not been approved and registered, he shall apply to the chief inspector for approval and registration of the design.

(2) The applicant shall submit such drawings, specifications and other information as may be required by the regulations.

(3) Where an inspector is satisfied that the design of the boiler, pressure vessel or pressure piping system meets the requirements of the regulations the design shall be approved and registered and the applicant notified accordingly.

(4) No person shall commence the construction of any boiler, pressure vessel or pressure piping system in Alberta, for use in Alberta, unless the design of the boiler, pressure vessel or pressure piping system has been approved and registered.

**6.** Any person who brings into Alberta a new or used boiler, pressure vessel or pressure piping system the design of which has not been approved and registered, shall apply to the chief inspector for approval and registration of the design.

**7.** (1) Where a person wishes to change a design approved and registered he shall apply for approval to do so in accordance with the regulations.

(2) Where an inspector is satisfied that the change to the design meets the requirements of the regulations, the change shall be approved and registered and the applicant notified accordingly.

(3) Where the design of a boiler or pressure vessel or pressure piping system is changed, no person shall commence construction in accordance with the change in design until the change is approved and registered.

**8.** The approval and registration of a design or any change to a design of a boiler, pressure vessel or pressure piping system does not relieve

**5. Approval and registration of designs.**

**6. Designs of boilers, pressure vessels and pressure piping systems coming into Alberta must be approved and registered.**

**7. Approval and registration of changes to a design.**

**8. Responsibility of owner and manufacturer not affected by approval and registration of a design.**

- (a) the owner of the design, from the responsibility for ensuring that the design complies with the regulations, or
- (b) any person constructing to the design, for ensuring that the construction complies with the regulations.

**9. (1)** Where the design of a boiler, pressure vessel or pressure piping system has been approved and registered and the chief inspector determines that

- (a) it is no longer safe to construct the boiler, pressure vessel or pressure piping system in accordance with the design, or
- (b) the design does not meet or no longer meets the requirements of the regulations,

the chief inspector shall give notice in writing to the owner of the design that from a date specified in the notice no boiler, pressure vessel or pressure piping system shall be constructed in Alberta, for use in Alberta, in accordance with the design.

(2) Upon receipt of a notice referred to in subsection (1), the owner of the design shall forward copies of the notice to every person who is permitted to construct a boiler, pressure vessel or pressure piping system in accordance with the design referred to in the notice.

(3) No person shall construct a boiler, pressure vessel or pressure piping system in Alberta, for use in Alberta, contrary to a notice referred to in subsection (1).

(4) No person shall use, sell or otherwise dispose of any boiler, pressure vessel or pressure piping system in Alberta, for use in Alberta,

- (a) where the design is the subject of a notice referred to in subsection (1), and
- (b) that was constructed after the date prohibiting construction specified in the notice referred to in subsection (1).

#### **Fittings**

**10. (1)** Any person who intends to construct in Alberta a fitting, for use in Alberta, in connection with any boiler, pressure vessel or pressure piping system, shall apply to the chief inspector to register the fitting in accordance with the regulations.

(2) Where an inspector is satisfied that the application forms are properly completed the fitting shall be registered and the applicant notified accordingly.

(3) No person shall commence construction of any fitting in Alberta, for use in Alberta, unless the fitting has been registered in accordance with the regulations.



**9. Unsafe and obsolete designs.**

**10. Registration of fittings.**

**11.** Any person who brings into Alberta a new or used fitting which has not been registered in accordance with the regulations shall apply for registration of the fitting.

**12.** (1) Where a person wishes to make any change to the manner or method of constructing a fitting that is registered in accordance with the regulations, he shall apply to the chief inspector to register the change.

(2) Where an inspector is satisfied that the application forms are properly completed, the change to the fitting shall be registered and the applicant notified accordingly.

(3) Where the design of a fitting is changed, no person shall commence construction in accordance with the change unless the change is registered in accordance with the regulations.

**13.** (1) Where a fitting has been registered in accordance with the regulations and the chief inspector determines that the fitting

(a) is not safe, or

(b) does not meet or no longer meets the requirements of the regulations,

the chief inspector shall give notice in writing to the person who registered the fitting that from a date specified in the notice, the fitting described therein shall not be constructed in Alberta, for use in Alberta, in connection with a boiler, pressure vessel or pressure piping system.

(2) Upon receipt of a notice referred to in subsection (1), the person who registered the fitting shall forward copies of the notice to every person who is permitted to construct the fitting referred to in the notice.

(3) No person shall construct a fitting in Alberta, for use in Alberta, contrary to a notice referred to in subsection (1).

(4) No person shall use, sell or otherwise dispose of any fitting in Alberta, for use in Alberta, that is intended for use in connection with a boiler, pressure vessel or pressure piping system that is the subject of a notice referred to in subsection (1).

#### **Boiler and Pressure Vessel Identification**

**14.** Before an inspector issues the first certificate of inspection with respect to any boiler or pressure vessel he shall ensure that the boiler or pressure vessel is stamped with a number to be known as the Alberta identification number, unless the boiler or pressure vessel is to be used or operated outside Alberta.

**11. Fittings brought into Alberta must be registered.**

**12. Changes to fittings must be registered.**

**13. Unsafe or obsolete fittings.**

**14. Identification of boilers and pressure vessels.**

**Construction, Installation and Sale of Boilers,  
Pressure Vessels and Fittings**

**15. (1)** A person proposing to construct a boiler, pressure vessel or pressure piping system for use or operation in Alberta, the design of which has been approved and registered, shall ensure that it is constructed, inspected, tested and identified in accordance with the design and the regulations.

(2) No person shall sell, rent, exchange or otherwise dispose of a new boiler or pressure vessel for use or operation in Alberta

- (a) unless the design of the boiler or pressure vessel has been approved and registered in Alberta, and
- (b) unless otherwise exempted by the regulations, a certificate of inspection has been issued therefor or in respect thereof.

**16. (1)** A person proposing to construct a fitting for use in Alberta shall ensure that it is designed, constructed, inspected, tested, registered and identified in accordance with this Act and the regulations.

(2) No person shall sell or otherwise dispose of a fitting for use in Alberta unless it is registered in accordance with the regulations.

(3) No person shall install or cause or permit to be installed any fitting unless it has been registered in accordance with the regulations.

**17.** Where a person intends to sell, rent, exchange or otherwise dispose of a used boiler or pressure vessel previously installed in Alberta that is intended to be used or operated in Alberta, he shall send to the chief inspector by registered or certified mail a notice in writing stating

- (a) the names and addresses of all parties to the transaction,
- (b) the effective date of the transaction,
- (c) the proposed new location of the boiler or pressure vessel (if any), and
- (d) the Alberta identification number thereon.

**18. (1)** No person shall install any pressure piping system unless its design has been approved and registered in Alberta and it has been inspected and tested in accordance with the regulations.

(2) No person shall install or cause or permit any boiler or pressure vessel to be installed

**15. Restrictions on construction and sale of boilers and pressure vessels to be used or operated in Alberta.**

**16. Restrictions on construction and sale of fittings to be used in Alberta.**

**17. Notice of disposal of used boiler or pressure vessel.**

**18. Prohibition on installation and use of boilers or pressure vessels.**

- (a) unless the design of the boiler or pressure vessel has been approved and registered in Alberta, and
- (b) unless otherwise exempted by the regulations, a certificate of inspection has been issued therefor or in respect thereof.

(3) No person shall use, operate or place under pressure or cause or permit any boiler or pressure vessel to be used, operated or placed under pressure unless a certificate of inspection has been issued therefor or in respect thereof.

(4) Subsection (3) does not apply

- (a) where no certificate of inspection is required in respect of the boiler or pressure vessel, or
- (b) with respect to any boiler, hot water tank, cushion tank or heating plant installed, used, operated or placed under pressure in a private residence occupied by not more than four families before the coming into force of this Act.

**19.** Unless the regulations otherwise require, the owner of every boiler or pressure vessel which is to be used or operated in any year, shall pay to the Crown a fee in respect of that boiler or pressure vessel of such amount, at such times and in such manner as may be prescribed in the regulations.

**19. Payment of periodic fees in respect of boilers and pressure vessels.**

**PART 3**  
**INSPECTIONS**

**20.** (1) An inspector may inspect or investigate the construction, installation, condition, operation or use of a boiler, pressure vessel, power plant, heating plant or pressure plant.

(2) For the purpose of an inspection or investigation, an inspector may issue an order in writing requiring the owner or person in charge of the boiler or pressure vessel to prepare it in such a manner as to permit an internal inspection by him.

(3) Where the inspector is not satisfied with respect to the construction, installation, condition, operation or use of any thing inspected or investigated, he may

- (a) issue an order in writing stating the changes required to be made for the purpose of making the thing inspected or investigated comply with this Act and the regulations, or
- (b) where the boiler, pressure vessel, power plant, heating plant or pressure plant is unsafe and immediate action is necessary to prevent an accident, issue an order in writing, forbidding the installation, operation or use thereof or any part used in connection therewith until the requirements of the order are complied with.

(4) Where an inspector issues an order under subsection (2) or subsection (3), clause (a), the person to whom the order is issued shall comply with the order within the time specified in the order.

(5) Where an inspector issues an order under subsection (3), clause (b), no person shall install, operate or use the boiler, pressure vessel, power plant, heating plant or pressure plant, until he has

- (a) complied with the order of the inspector, and
- (b) notified the inspector in writing that the order has been complied with.

**21.** An inspector may, for the purpose of any inspection or investigation concerning any boiler, pressure vessel, power plant, heating plant or pressure plant,

- (a) inspect and examine all books and records that in any way relate to its maintenance, repair, operation or use;
- (b) take extracts from or make copies of any entry in the books and records mentioned in clause (a) and for that purpose may temporarily remove them after notifying the person in charge thereof;



**20.** Inspector to inspect and inquire into various matters and may issue orders in certain circumstances.

**21.** Powers of an inspector.

- (c) require any person to make full disclosure either orally or in writing of any matter concerning its maintenance, repair, operation or use and to produce and deliver to him all records or documents or copies thereof that he has in his possession or under his control that in any way relate to the boiler, pressure vessel, power plant, heating plant or pressure plant;
- (d) take or remove or order the removal of samples of any material, substance or thing and shall notify either the owner, manufacturer or contractor of the sample, substance or thing taken or removed.

**22.** (1) For the purpose of this Act and the regulations, an inspector may at any reasonable time enter upon any property, place or thing, other than a private dwelling, used in connection with the construction, installation, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant or pressure plant to inspect the same.

(2) An inspector shall be furnished by the Minister with a certificate of his appointment and on entering any place used in connection with the construction, installation, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant or pressure plant shall, if so required, produce the certificate to the person in charge thereof.

**23.** (1) No person shall

- (a) refuse admission to an inspector, or
- (b) obstruct or hinder an inspector,

who presents his certificate of appointment and who is engaged in carrying out any inspection or investigation under this Act or the regulations.

(2) No person shall make a false or misleading statement either orally or in writing to an inspector engaged in carrying out any inspection or investigation under this Act or the regulations.

**24.** (1) The person in charge of the construction, installation, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant or pressure plant and every person employed by him or in connection therewith shall give an inspector all reasonable assistance to enable the inspector to carry out his inspection or investigation.

(2) The owner or person in charge of a boiler, pressure vessel, power plant, heating plant or pressure plant shall

**22. Right of entry.**

**23. Inspector not to be hindered.**

**24. Assistance and safety equipment to be provided to an inspector.**

ensure, during any inspection or investigation by an inspector, that

- (a) there is a person in attendance who is capable of taking all the necessary precautions to ensure the safety of the inspector, and
- (b) any safety equipment that the inspector considers necessary is immediately available for his use.

**25.** (1) Where a certificate of inspection is required by this Act or the regulations, an inspector shall issue the certificate of inspection

- (a) where, after an inspection, he is satisfied that the boiler or pressure vessel complies with this Act and the regulations, or
- (b) in accordance with the regulations.

(2) A certificate of inspection for a boiler or pressure vessel shall show

- (a) the Alberta identification number of the boiler or pressure vessel,
- (b) the date on which the inspection is made by an inspector,
- (c) the maximum allowable pressure and temperature at which the boiler or pressure vessel is permitted to be operated or used,
- (d) any other condition under which the boiler or pressure vessel is to be operated, used or maintained, and
- (e) such other information as the chief inspector may require.

(3) No person shall operate or use or permit to be operated or used any boiler or pressure vessel

- (a) in excess of the maximum allowable pressure and temperature specified on the certificate of inspection, or
- (b) contrary to any other condition specified on the certificate of inspection.

**26.** (1) Every owner of and every person in charge of a boiler or pressure vessel shall ensure that a certificate of inspection

- (a) is conspicuously placed adjacent to the boiler or pressure vessel to which it relates and where it can be easily read, or
- (b) is retained and safeguarded in a manner approved by the inspector.

**25. Certificate of inspection.**

**26. Retention and production of certificate of inspection.**

(2) The owner or person in charge of a boiler or pressure vessel shall produce the certificate of inspection applicable thereto on demand of an inspector or a peace officer.

(3) Every owner of and every person in charge of a boiler or pressure vessel mounted on a vehicle subject to the provisions of *The Public Service Vehicles Act* shall ensure that the certificate of inspection or a copy thereof is retained on the vehicle and produced upon demand of an inspector, a peace officer or a patrol officer of the Motor Transport Board appointed under *The Public Service Vehicles Act*.



## **PART 4**

### **OPERATION AND SUPERVISION, ACCIDENTS AND INVESTIGATIONS**

**27.** (1) Except for a power plant exempted under subsection (3), no owner or person in charge of a power plant shall operate or permit it to be operated unless it is operated

- (a) under the general supervision of the holder of a certificate of competency the classification of which qualifies the holder to act as chief power engineer of the power plant, and
- (b) under the continuous supervision of the holder of a certificate of competency the classification of which qualifies the holder to act as shift power engineer under the general supervision of a person referred to in clause (a).

(2) Where in the opinion of the chief inspector there are insufficient power engineers to exercise satisfactory supervision over a power plant, the chief inspector may direct the owner or person in charge of the plant to employ sufficient power engineers to exercise satisfactory supervision of the plant.

(3) The Lieutenant Governor in Council may by regulation exempt from the provisions of this section a power plant consisting of

- (a) one or more coil type drumless boilers used for the sole purpose of underground thermal flooding in oil fields;
- (b) one or more boilers in which steam is generated at a pressure not exceeding 20 pounds per square inch;
- (c) one or more boilers having an aggregate capacity of 25 boiler horsepower or less;
- (d) one or more boilers having an aggregate capacity not exceeding three cubic feet.

(4) Where a regulation is made under subsection (3), the Lieutenant Governor in Council may by regulation require the owner or person in charge of the power plant exempted from this section to hold a certificate of competency the classification of which qualifies him to have general supervision of the plant.

**28.** (1) No owner of a heating plant of a capacity specified in the regulations which is used primarily for the purpose of heating one or more buildings shall operate it or permit or cause it to be operated unless it is under the general supervision of the holder of a certificate of com-



**27. Supervision of power plants.**

**28. Supervision of heating plants.**

petency the classification of which qualifies the holder to exercise general supervision of and be responsible for the heating plant.

(2) Where any question arises as to whether the primary purpose of a heating plant is for the heating of one or more buildings, the matter shall be referred to the chief inspector whose decision is final.

(3) Where in the opinion of the chief inspector there are insufficient persons responsible for the supervision of one or more heating plants, the chief inspector may direct the owner or person in charge of the plant to employ a sufficient number of persons who are holders of a certificate of competency the classification of which qualifies them to exercise general supervision of and be responsible for the heating plant.

**29.** (1) Where pursuant to this Act or the regulations the operation of a boiler, pressure vessel, power plant or heating plant requires the supervision of the holder of a certificate of competency, no person shall assign duties or issue orders to the holder of a certificate of competency to operate the boiler, pressure vessel, power plant or heating plant contrary to the provisions of this Act or the regulations.

(2) Where supervision by the holder of a certificate of competency is not required by this Act or the regulations, the owner is responsible for the proper care and safe operation of the boiler, pressure vessel, power plant, heating plant or pressure plant.

**30.** No person shall interfere with or render inoperative or do away with any fitting that is by this Act or the regulations required to be part of a power plant, heating plant or pressure plant unless he has written permission from an inspector to do so.

**31.** The owner or person in charge of the operation of a boiler, pressure vessel or pressure piping system shall notify the chief inspector immediately upon discovery of any thing that renders it or may render it unsafe to operate or use.

**32.** (1) Where any accident concerning a boiler, pressure vessel, power plant, heating plant or pressure plant occurs, the owner or person in charge shall send a full report in writing by registered or certified mail to the chief inspector as soon as possible after the accident and shall specify in the report

- (a) the exact place of the accident,
- (b) the name of any person killed or injured as a result of the accident,

**29. Assigning duties contrary to the Act.**

**30. Interference with fittings prohibited.**

**31. Notification of unsafe conditions.**

**32. Accident reports.**

- (c) a description of any damage to property, and
- (d) the cause and particulars of the accident, as far as can be ascertained.

(2) After an accident referred to in subsection (1), nothing shall be removed or interfered with in, on or about the place where the accident occurred until an inspector has made an inspection thereof, except in so far as may be necessary for the purpose of preventing death or injury or protecting property.

**33.** (1) Where in the opinion of the chief inspector it is necessary to investigate any matter relating to the construction, use, operation, maintenance or repair of a boiler, pressure vessel, power plant, heating plant or pressure plant or any accident in connection therewith the chief inspector may investigate the matter or may direct any other person to do so.

(2) The person making the investigation shall give to the owner or person in charge of the boiler, pressure vessel, power plant, heating plant or pressure plant in respect of which an investigation is to be held, not less than 24 hours' notice in writing of the commencement of the investigation and its purpose.

(3) Where the person making the investigation is not an inspector, that person has all the powers of an inspector for the purpose of making the investigation.

**33. Commencement of investigation.**

## **PART 5**

### **CERTIFICATES OF COMPETENCY**

**34.** (1) A person may, in accordance with the regulations, apply for any certificate of competency specified in this section or any other certificate of competency prescribed in the regulations.

(2) There shall be the following certificates of competency:

- (a) First Class Power Engineer's Certificate of Competency,
- (b) Second Class Power Engineer's Certificate of Competency,
- (c) Third Class Power Engineer's Certificate of Competency,
- (d) Fourth Class Power Engineer's Certificate of Competency,
- (e) Fireman's Certificate of Competency,
- (f) Special Oil Well Operator's Certificate of Competency,
- (g) Pressure Welder's Certificate of Competency,
- (h) Building Operator's Certificate of Competency, and
- (i) such other certificates of competence and any grade or class thereof as may be prescribed in the regulations.

(3) Where a person meets the qualifications required and passes any examinations required to be passed, he shall be granted the appropriate certificate of competency.

**35.** The holder of a certificate of competency the classification of which authorizes him to act as a power engineer may sketch, construct, install, operate, repair and give advice on all things pertaining to any power plant in which he is employed but is not entitled to perform any welding unless he holds a certificate of competency permitting him to do so.

**36.** (1) No person shall

- (a) weld or offer to weld a boiler, pressure vessel or pressure piping system or any fitting unless that person is the holder of a certificate of competency and a valid performance qualification card issued pursuant to the regulations authorizing him to do that type of welding, or
- (b) require, cause or permit the welding of a boiler, pressure vessel or pressure piping system or any fitting unless the person required, caused or per-

**34. Application and issue of certificates of competency.**

**35. Authority of a power engineer's certificate of competency.**

**36. Welding of boilers, pressure vessels, fittings or pressure piping systems.**

mitted to do the welding is the holder of a certificate of competency and a valid performance qualification card issued pursuant to the regulations authorizing him to do that type of welding.

(2) No person shall alter or repair a boiler or pressure vessel by welding unless he is authorized to do so by an inspector.

#### **Complaints, Investigation and Appeals**

**37.** (1) Where an inspector or any other person is of the opinion that the holder of a certificate of competency

- (a) has acted in an incompetent manner, or
- (b) has acted in a grossly negligent or dangerous manner, or
- (c) is incapable of performing those duties that his certificate of competency authorize him to perform, or
- (d) has acted in an improper manner,

he may make a complaint to the chief inspector.

(2) Upon receipt of a complaint the chief inspector shall make a preliminary investigation into the complaint.

**38.** (1) Upon the conclusion of a preliminary investigation the chief inspector shall either

- (a) direct that no further action be taken, or
- (b) where he considers that there is sufficient evidence to justify an inquiry into the conduct, capability or fitness of the person against whom the complaint was made, he shall make a report to the Minister recommending that a committee of inquiry be established.

(2) Where the chief inspector

- (a) directs that no further action be taken under subsection (1), clause (a), he shall notify the person making the complaint in writing and give him the reason for his direction, or
- (b) recommends to the Minister that a committee of inquiry be established under subsection (1), clause (b), he shall notify the person making the complaint in writing but not the reasons therefor.

(3) Upon receipt of a report pursuant to subsection (1), clause (b), the Minister shall establish a committee of inquiry consisting of one or more persons and, if more than one person is appointed, appointing one of them as chairman.



**37. Complaint against holder of certificate of competency.**



**38. Committee of inquiry established.**



**39.** (1) At least 14 days before a committee of inquiry commences hearings for the purpose of taking evidence or otherwise ascertaining facts, a notice in writing shall be served upon the person whose conduct, capability or fitness is the subject of the inquiry

(a) containing reasonable particulars of the matter to be investigated, and

(b) specifying the time and place of the hearing.

(2) The person who is the subject of the investigation is entitled to be represented by counsel.

(3) Testimony may be adduced before a committee of inquiry in any manner the committee considers proper and the committee is not bound by the rules of law concerning evidence applicable to judicial proceedings, but a certificate of competency shall not be cancelled or suspended on affidavit evidence alone.

(4) Any member of the committee of inquiry is empowered to administer an oath to any witness who is to give evidence before it.

**40.** (1) The holder of a certificate of competency whose conduct, capability or fitness is being investigated is a compellable witness in any hearing of the committee of inquiry.

(2) A witness may be examined on oath on all matters relevant to the proceedings and shall not be excused from answering any question on the ground that the answer

(a) might tend to criminate him, or

(b) might subject him to punishment under this Act or the regulations, or

(c) might tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any person, or

(ii) to prosecution under any statute,

but the answer so given, if it is such as tends to criminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings, in any proceedings under section 51 or under any other Act of the Legislature.

(3) A notice to enforce

(a) the attendance of a witness, and

(b) the production of books, papers and other documents,

before a committee of inquiry may be issued by the chairman of the committee of inquiry stating the time and place at which the witness is to attend or to produce the documents, if any, he is required to produce.

**39. Notice of hearing and testimony before committee of inquiry.**

**40. Witnesses and documents.**

(4) A witness, other than the person whose conduct, capability or fitness is being investigated, who is served with a notice to attend or to produce documents, is entitled to demand and to be paid the usual fees payable to witnesses in an action in the Trial Division of the Supreme Court of Alberta.

(5) A witness

(a) who fails

- (i) to attend before a committee of inquiry, or
- (ii) to produce any books, records, papers or other documents or things, in obedience to a notice issued under this section,

or

(b) who fails in any other way to comply with a notice issued under this section, or

(c) who refuses to be sworn, or to answer any questions allowed by the committee of inquiry,

is liable to attachment upon application to a judge of the Supreme Court of Alberta.

(6) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Supreme Court, upon an application ex parte by the chairman of the committee of inquiry, may direct the issue of a commission for the obtaining of the evidence of the witness and the commission shall be issued and evidence taken pursuant to the Alberta Rules of Court which apply with all necessary modifications.

**41.** (1) If the person whose conduct, capability or fitness is the subject of an investigation does not attend the inquiry, the committee of inquiry may, upon proof of personal service of the notice to attend, proceed with the subject matter of the inquiry in his absence and make its decision under section 42 without further notice to him.

(2) The non-attendance or refusal to testify by the person who is the subject of the inquiry may be held to be an action of an improper manner within section 42, subsection (2), clause (d).

**42.** (1) After completing its inquiry the committee of inquiry shall prepare a written report of the complaint investigated.

(2) The committee of inquiry may dismiss the complaint or give a warning or where the committee of inquiry is of the opinion that the holder of a certificate of competency

(a) has acted in an incompetent manner, or

(b) has acted in a grossly negligent or dangerous manner, or

**41. Failure to attend to give evidence.**

**42. Disciplinary action.**

- (c) is incapable of performing those duties that his certificate of competency authorize him to perform, or
  - (d) has, acted in a manner which is improper, the committee of inquiry may, by order in writing,
  - (e) suspend the certificate of competency of the person investigated with or without conditions, or
  - (f) cancel the certificate of competency.
- (3) Upon the committee of inquiry making its decision the chairman shall cause a notice in writing to be sent to
- (a) the person whose conduct was the subject of the investigation or his counsel, and
  - (b) the chief inspector,
- notifying them of the decision and any order made in connection therewith.

**43.** (1) A person who is the subject of an order of a committee of inquiry may, within 30 days of the date of the order, appeal to the Supreme Court of Alberta.

- (2) The appeal shall be commenced by
  - (a) filing a notice of appeal with the office of the clerk of the Supreme Court at Edmonton or Calgary, and
  - (b) serving a copy of the notice of appeal upon the chief inspector and such other persons as the Court may direct,
 within 30 days from the later of the dates on which the order is made by the committee of inquiry.

(3) The person appealing, after commencing the appeal and upon notice to the chief inspector, may apply to the committee of inquiry or to a judge of the Supreme Court for an order suspending any order of the committee of inquiry pending disposition of the appeal.

**44.** (1) The appeal shall be founded upon a copy of the report of the committee of inquiry, a copy of the record, a copy of the findings and order, if any, of the committee of inquiry and a copy of the evidence, if any, received by the committee of inquiry, all of which shall be certified by the chairman of the committee.

(2) The chief inspector shall on request furnish to the appellant or to his solicitor or agent the number of copies of the documents mentioned in subsection (1) so requested but not exceeding nine in any case.

**45.** Notwithstanding section 44, the Court may

- (a) receive further evidence by oral evidence or by affidavit, or

**43. Appeal.**

**44. Material in an appeal.**

**45. Procedure in appeal.**

- (b) direct a trial to determine all or any of the matters in issue.

46. (1) The Court, upon hearing the appeal, may

- (a) make any other findings that in its opinion ought to have been made, or
  - (b) quash, confirm or vary any order or finding of the committee of inquiry, or
  - (c) refer the matter back to the committee of inquiry for further consideration by them.
- (2) The Court may make such award as to costs as it considers just in the circumstances.

#### **Advisory Board**

47. (1) The Lieutenant Governor in Council shall establish an Advisory Board.

(2) The Lieutenant Governor in Council shall appoint five persons as members of the Advisory Board and designate one of the members as chairman.

(3) At least two persons appointed as members of the Advisory Board shall be holders of a power engineer's certificate of competency.

(4) At least two persons appointed as members of the Advisory Board shall be registered professional engineers actively engaged in a field dealing with boilers and pressure vessels.

(5) Not more than one member of the Advisory Board shall be a full time employee of the Department of Manpower and Labour.

48. The Advisory Board shall report to and advise the Minister on any one or more of the following matters:

- (a) the application of this Act and the regulations and any code or body of rules related thereto;
- (b) the qualification and examination of any applicant for a certificate of competency under this Act or the regulations;
- (c) a review of any technical evidence with respect to the cancellation or suspension of any certificate of competency;
- (d) a review of any technical evidence with respect to accidents concerning any boiler, pressure vessel or pressure piping system;



**46. Courts power on appeals.**

**47. Advisory Board.**

**48. Jurisdiction of the Advisory Board.**

- (e) any other matter assigned to the Advisory Board by the Minister or the chief inspector with respect to any matter pertaining to this Act and the regulations and the administration thereof.

**49.** (1) The Advisory Board shall meet when requested by the Minister or the chairman.

(2) The members of the Advisory Board hold office during pleasure and shall be paid such allowance and remuneration for their services, and for the expenses necessarily incurred in the performance of their duties, as may be prescribed by the Minister.

**49. Meetings of the Advisory Board.**

## **PART 6**

### **REGULATIONS AND OFFENCES**

**50.** (1) The Lieutenant Governor in Council may make regulations

1. concerning the survey, approval and registration of designs and changes thereto of boilers, pressure vessels, power plants, heating plants, pressure plants and concerning the registration of fittings;
2. concerning the construction, testing, installation, inspection, repair, maintenance, use and operation of boilers, pressure vessels, pressure plants, power plants, heating plants and fittings;
3. adopting with or without changes, any code or body of rules relating to the design, construction, installation, inspection, repair, maintenance, operation or use of boilers, pressure vessels, power plants, heating plants, pressure plants or fittings;
4. providing that any class or type of pressure vessel of one and one-half cubic feet or less in capacity is subject to all or any provisions of this Act and the regulations;
5. authorizing the chief inspector to accept or provide for methods of evaluating designs submitted to him for approval and registration if they are of an equivalent standard of safety as those codes or bodies of rules adopted by the regulations;
6. governing applications for approval and registration of designs and changes to a design and the classification of boilers and pressure vessels for the purpose of inspection, operation and use;
7. governing the allocation of identification numbers to boilers and pressure vessels;
8. governing the method of preparing boilers and pressure vessels for inspection and the times at which an inspection is to be made and types of inspection that are to be made;
9. prescribing types of certificates of competency in addition to those specified in this Act, the grades or classes within each type of certificate and the manner in which each certificate of competency and grade or class thereof may be obtained and prescribing for any certificate of competency
  - (i) the qualifications, tests and examinations required to be met,
  - (ii) the conditions precedent and subsequent to the issue of a certificate of competency, and

## **50. Regulations.**

- (iii) the person authorized to issue them;
10. governing with respect to each certificate of competency, the matters that the holder of a certificate of competency is authorized to do;
  11. prohibiting any person from doing any act or thing or operating or having charge of any type of pressure vessel that is a hazard to the general public unless he is the holder of a certificate of competency which qualifies him to operate or have charge of the pressure vessel and specifying what constitutes a hazard to the general public for the purpose of this clause;
  12. concerning the making of any inquiry or investigation and any matter required in connection therewith;
  13. concerning the issue, renewal, suspension or cancellation of any certificate of competency issued;
  14. concerning the amount of fees payable and the method of payment for any matter or thing under this Act and the regulations;
  15. concerning any calculation to be made under this Act or the regulations;
  16. requiring data and reports of service inspections from any person and the matters to be contained in the report and the times at which it is to be submitted;
  17. requiring or exempting any person from holding a certificate of inspection with respect to a boiler or pressure vessel and the basis upon and the manner in which a certificate of inspection is to be issued;
  18. concerning the issue of a permit authorizing the installation of a heating plant and prohibiting any person from installing a heating plant unless he holds a permit to do so;
  19. governing welding procedures relating to the construction of boilers, pressure vessels, fittings and pressure piping systems;
  20. providing for a system of survey, approval and registration of welding procedures and matters relating thereto and providing for tests and the issue of performance qualification cards for welders engaged in work on a boiler, pressure vessel or pressure piping system;
  21. governing the issue and removal of performance qualification cards issued to a welder by an inspector;
  22. providing for any other matter required for the administration of this Act and the regulations.

(2) Any regulation made under this Act may be specific or general in its application or apply to the whole or any part of Alberta.



(3) Where any code or body of rules relating to the design, construction, installation, inspection, repair, maintenance, operation or use of a power plant, heating plant or pressure plant is adopted by the regulations and any conflict arises between the code or body of rules and other regulations made under this section, the provisions of the other regulations prevail.

**51.** Any person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 and in default of payment to imprisonment for a term not exceeding one year or to both fine and imprisonment.



**51. Offence and penalty.**

## **PART 7**

### **TRANSITIONAL AND CONSEQUENTIAL PROVISIONS**

#### **Transitional Provisions**

**52.** In this Part, "former Act" means *The Boilers and Pressure Vessels Act* being chapter 32 of the Revised Statutes of Alberta 1970 and "former regulations" means regulations made under that Act.

**53.** (1) An Engineer's Certificate of Competency issued under the former Act shall be deemed to be a Power Engineer's Certificate of Competency of the same class under this Act.

(2) A Fireman's Certificate of Competency issued under the former Act shall be deemed to be a Fireman's Certificate of Competency under this Act.

(3) A Pressure Vessel Welder's Certificate of Competency issued under the former Act shall be deemed to be a Pressure Welder's Certificate of Competency under this Act.

**54.** An inspection certificate issued by an inspector under the former Act shall be deemed to be a certificate of inspection issued under this Act.

**55.** A temporary certificate and a Special Limiting Certificate issued pursuant to the former regulations continues to have the same force and effect as though this Act and the regulations had not come into force and the former Act and regulations had remained in force.

#### **Consequential Amendments**

**56.** *The Coal Mines Regulation Act, section 35, clause (b) is amended by striking out the words "The Boilers and Pressure Vessels Act" and substituting the words "The Boilers and Pressure Vessels Act, 1975".*

**57.** *The Licensing of Trades and Businesses Act, section 3, clause (b) is amended by striking out the words "The Boilers and Pressure Vessels Act" and substituting the words "The Boilers and Pressure Vessels Act, 1975".*

**58.** *The Pipe Line Act is amended*

(a) *as to section 33, subsection (3), by striking out the words "The Boilers and Pressure Vessels Act" and substituting the words "The Boilers and Pressure Vessels Act, 1975";*

**52. Definitions.**

**53. Former Certificates of Competency continued.**

**54. Inspection certificate deemed to be a certificate of inspection under this Act.**

**55. Temporary certificates and Special Limiting Certificate continues under the provisions of the former Act.**

**56. Amends chapter 52 of the Revised Statutes of Alberta 1970.**

**57. Amends chapter 207 of the Revised Statutes of Alberta 1970.**

**58. Amends chapter 275 of the Revised Statutes of Alberta 1970.**

(b) as to section 47, by striking out the words "*The Boilers and Pressure Vessels Act*" and substituting the words "*The Boilers and Pressure Vessels Act, 1975*".

**59.** *The Tradesmen's Qualification Act, section 5 is amended by striking out the words "The Boilers and Pressure Vessels Act" and substituting the words "The Boilers and Pressure Vessels Act, 1975".*

**60.** *The Welding Act, section 12 is amended by striking out the words "The Boilers and Pressure Vessels Act" and substituting the words "The Boilers and Pressure Vessels Act, 1975".*

**61.** *The Boilers and Pressure Vessels Act is repealed.*

**62.** (1) This Act, except section 28, comes into force on the day upon which it is assented to.

(2) Section 28 comes into force on a date to be fixed by Proclamation.

**59.** Amends chapter 367 of the Revised Statutes of Alberta 1970.

**60.** Amends chapter 389 of the Revised Statutes of Alberta 1970.

**61.** Repeals chapter 32 of the Revised Statutes of Alberta 1970.