Province of Alberta

SAFETY CODES ACT

Revised Statutes of Alberta 2000
Chapter S-1

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Safety Codes Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Safety Codes Act		
Administrative Items	16/2004	*49/2006, 35/2007, 68/2008, 52/2011, 170/2012, 53/2016, 261/2020*
Administrative Penalties	207/2017	*139/2021, 182/2021, 218/2022*
Alberta Safety Codes Authority Order	29/2016	*56/2020*
Amusement Rides Standards	223/2001	*32/2005, 283/2006, 180/2012, 206/2016, 200/2019*
Building Code	31/2015	*20/2019*
Certification and Permit	295/2009	*39/2012, 193/2014, 229/2018, 157/2022*
Electrical Code	209/2006	*14/2008, 178/2009, 176/2013, 126/2015, 186/2018*
Elevating Devices Codes	192/2015	*205/2021, 157/2022*
Elevating Devices, Passenger Ropeways and Amusement Rides Permit	28/2012	*170/2012, 39/2015, 16/2017, 206/2021*

Exemption	351/2003	*1/2008, 209/2010, 22/2012, 159/2013, 156/2015, 217/2016, 29/2019, 296/2020, 241/2021*
Fire Code	32/2015	*21/2019*
Gas Code	111/2010	*227/2012, 193/2015 65/2022*
Motor Vehicle Gas Conversion	210/2001	*221/2004, 177/2006, 179/2015, 262/2020, 157/2022*
Passenger Ropeways and Passenger Conveyors Standards	190/2008	*227/2012, 78/2017*
Permit	204/2007	*266/2009, 295/2009, 223/2010, 40/2012, 212/2013, 17/2015, 31/2015, 194/2015, 99/2016, 207/2016, 207/2017, 208/2017, 22/2019, 157/2022*
Plumbing Code	119/2007	*154/2012, 227/2012, 208/2016, 23/2019*
Power Engineers	85/2003	*270/2004, 24/2013, 218/2013, 45/2014, 84/2014, 20/2018*
Pressure Equipment Exemption Order	56/2006	*158/2014, 262/2018, 206/2019*
Pressure Equipment Safety	49/2006	*150/2008, 238/2009, 138/2011, 227/2012, 218/2013, 85/2014, 158/2014,195/2015*
Pressure Welders	169/2002	*97/2009, 71/2010, 103/2014, 35/2020, 66/2022, 157/2022*
Private Sewage Disposal Systems	229/97	*119/99, 354/2003, 8/2007, 264/2009, 170/2012, 227/2012, 196/2015*

SAFETY CODES ACT

Chapter S-1

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

Interpretation

1(1) In this Act,

(a) "accredited agency" means a person designated as an accredited agency under this Act;

(b) "accredited corporation" means a corporation designated as an accredited corporation under this Act;

(c) "accredited municipality" means a municipality that is designated as an accredited municipality under this Act;

(d) "accredited regional services commission" means a regional services commission established under the *Municipal Government Act* that is designated as an accredited regional services commission under this Act;

(d.1) "administrative penalty" means an administrative penalty referred to in section 57.1;

(e) "Administrator" means an Administrator appointed under this Act;

(e.1) "Authority" means the Alberta Safety Codes Authority established under section 30.1;

(f) "building" includes a structure and any part of a building or structure, but does not include any thing excluded by the regulations from the definition of building;

(g) "construction" includes alteration, installation, repair, relocation, demolition and removal;

(h) "contractor" means a person or organization that does or undertakes to do, either for the person's or organization's own use or benefit or for that of another, whether or not for the purposes of gain, any process or activity to which this Act applies;

(i) "Council" means the Safety Codes Council established under this Act;

(j) "design" includes plans, diagrams, drawings and specifications depicting the arrangement and operation of any thing, process or activity to which this Act applies;

(k) "electrical system" means an assembly or any part of an assembly of electrical equipment or components used or intended to be used for the generation, transmission, distribution, control or utilization of electric energy, but does not include any thing excluded by the regulations from the definition of electrical system;

(l) "elevating device" means a passenger elevator, freight elevator, dumbwaiter, emergency elevator, escalator, inclined passenger lift, manlift, passenger ropeway, material lift, moving walk, personnel hoist, lift for persons with disabilities, or amusement ride, as defined in the regulations, or anything designated by the regulations as an elevating device;

(m) "evaluation" includes load, destructive and non-destructive tests;

(n) "fire protection" includes fire detection, prevention and suppression;

(o) "gas" means any gas or compressed gas or any mixture or dilution of gases and includes any combustible or flammable fluid, but does not include any gas, mixture or dilution of gases or combustible or flammable fluid excluded by the regulations from the definition of gas;

(p) "gas system" means any equipment or installation used or intended to be used in or in conjunction with the processing, transmission, storage, distribution, supply or use of gas, but does not include any thing excluded by the regulations from the definition of gas system;

(q) "information system" means an information system maintained under section 58;

(r) "local authority" means

(i) a council of a city, town, village, summer village or municipal district,

(ii) for the purposes of this Act, a settlement council of a Metis settlement,

(iii) a board of administrators of a new town,

(iv) the Minister responsible for the *Municipal Government Act*, in the case of an improvement district, or

(v) the Minister responsible for the *Special Areas Act*, in the case of a special area;

(s) "Metis patented land" means patented land as defined in the *Metis Settlements Act*;

(t) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(u) "municipality" includes, for the purposes of this Act, a Metis settlement;

(v) "owner" includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;

(w) "person" includes a partnership and a band as defined in the *Indian Act* (Canada);

(x) "plumbing system" means the whole or any part of a drainage system, a venting system or a water system, but does not include any thing excluded by the regulations from the definition of plumbing system;

(y) "pressure equipment" means a boiler, a fired-heater pressure coil, a thermal liquid heating system and other equipment designed to contain expansible fluid under pressure, including, but not limited to, pressure vessels, pressure piping systems and fittings, as defined in the regulations;

(z) "private sewage disposal system" means the whole or any part of a system for the management, treatment and disposal of sewage on the site where the sewage is generated, but does not include anything excluded by the regulations;

(aa) "quality management system" means all the documented, planned and systematic actions needed to ensure that this Act is complied with;

(bb) "safety codes officer" means an individual designated as a safety codes officer under section 31;

(cc) repealed 2015 c10 s2;

(cc.1) "sub-council" means a sub-council of the Council established under section 16.1(3);

(cc.2) "tele-warrant" means a tele-warrant issued under section 48.1;

(dd) "variance" means a variance issued under this Act;

(ee) "vendor" includes a lessor.

(2) In this Act, a reference to "this Act" includes the regulations and bylaws made under this Act and any code, standards or body of rules declared to be in force pursuant to this Act.

(3) This Act is to be interpreted in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to more easily and safely access and use buildings, facilities and services to which this Act applies.

RSA 2000 cS-1 s1;2015 c10 s2

Application of Act

2(1) This Act applies to fire protection, barrier-free design and the design, manufacture, construction, installation, use, operation, occupancy and maintenance of

(a) buildings,

(b) electrical systems,

(c) elevating devices,

(d) gas systems,

(e) plumbing systems,

(f) pressure equipment, and

(g) private sewage disposal systems.

(2) The Minister may, by order, exempt any person or municipality or any thing, process or activity from any or all provisions of this Act and attach terms and conditions to the exemption.

(3) An exemption order made under subsection (2) may be made to apply generally or specifically and to all or a particular area of Alberta.

(4) The *Regulations Act* applies to an exemption order made under subsection (2).

RSA 2000 cS-1 s2;2004 c19 s2;2015 c10 s3

Validation of orders

2.1(1) The following orders are, as of the date they came into force, validated and declared for all purposes to have been validly made under section 2:

(a) Ministerial Order No. P:002/04, an exemption regarding the GP3 Generation Facility;

(b) Ministerial Order No. P:007/10, an exemption regarding the application of sentence 9.10.15.3(1) of Division B of the Alberta Building Code 2006.

(2) Everything done under or pursuant to the orders referred to in subsection (1) is validated and declared for all purposes to have been validly done.

2015 c10 s4

Suspension or modification of Act or regulations

2.2(1) On the making of

(a) an order under section 52.1 or 52.2(1) of the *Public Health Act*, or

(b) an order under section 18(1) or 21(1) of the *Emergency Management Act*,

and for up to 60 days following the lapsing of that order, the Minister may, by order, modify or suspend any or all provisions of this Act in relation to any thing, process or activity and may attach terms and conditions to the modification or suspension.

(2) An order of the Minister under subsection (1) may be made retroactive to a date not earlier than the date on which the order referred to in subsection (1)(a) or (b) was made.

(3) An order of the Minister under subsection (1) may be made to apply generally or specifically and to all or a particular area of Alberta.

(4) An order of the Minister under subsection (1) lapses 60 days after the order referred to in subsection (1)(a) or (b) lapses, unless

(a) the order of the Minister provides that the order of the Minister lapses on an earlier date, or

(b) the Minister terminates the order of the Minister on an earlier date.

(5) The Minister shall publish and make available an order of the Minister under subsection (1) in the manner the Minister considers appropriate.

(6) The *Regulations Act* does not apply to an order of the Minister under subsection (1).

2020 c13 s13;2022 c14 s15

Crown bound

3 The Crown is bound by this Act.

1991 cS-0.5 s3

Part 1
Responsibilities

Government

4(1) The Minister shall, in accordance with this Act, co-ordinate and encourage the safe management and control of any thing, process or activity to which this Act applies.

(2) The Minister shall, in accordance with this Act, co-ordinate and encourage the principles of barrier-free design and access for any thing, process or activity to which this Act applies.

RSA 2000 cS-1 s4;2004 c19 s3

Owners, care and control

5 The owner of any thing, process or activity to which this Act applies shall ensure that it meets the requirements of this Act, that the thing is maintained as required by the regulations and that when the process or activity is undertaken it is done in a safe manner.

1991 cS-0.5 s5

Design duties

6 A person who creates, alters, has care and control of or owns a design or offers a design for use by others shall ensure that the design complies with this Act and that it is submitted for review or registered if required by this Act, and if the design is deregistered, the person shall provide notice of its deregistration in accordance with the regulations.

1991 cS-0.5 s6

Manufacturers' duties

7 A person who manufactures any thing or undertakes a process or activity to which this Act applies shall ensure that the thing, the process or the activity complies with this Act.

1991 cS-0.5 s7

Contractors' duties

8 A contractor who undertakes construction, operation or maintenance of or builds or installs any thing to which this Act applies shall ensure that this Act is complied with.

1991 cS-0.5 s8

Vendors' duties

9(1) A person who is a vendor in the ordinary course of business, other than as an employee or an agent, shall not advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing to which this Act applies unless that thing complies with this Act.

(2) A person who sells, leases or otherwise disposes of a thing referred to in subsection (1) shall provide any warnings or instructions required by this Act.

(3) No person shall advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing that is prohibited from being sold by the regulations.

1991 cS-0.5 s9

Use of variances

10(1) An owner, vendor, contractor, manufacturer or designer of a thing, or a person who authorizes, undertakes or supervises any process or activity, to which a variance applies shall ensure that the terms and conditions of the variance are complied with.

(2) Compliance with a variance is deemed to be compliance with this Act.

1991 cS-0.5 s10

Professional services

11 A person permitted to affix stamps or seals pursuant to the *Architects Act* or the *Engineering and Geoscience Professions Act* shall ensure that any professional service the person renders to which this Act applies, including the affixing of stamps and seals, complies with this Act.

RSA 2000 cS-1 s11;2011 c3 s33

Liability exemption

12(1) No action lies against the Crown, the Council, members of the Council, employees or officers of the Council, safety codes officers, accredited municipalities or their employees or officers, accredited regional services commissions or their employees or officers, accredited agencies or their employees or officers or Administrators for anything done or not done by any of them in good faith while exercising their powers and performing their duties under this Act.

(2) The Crown, the Council, an accredited municipality, an accredited regional services commission and an accredited agency acting in good faith under this Act are not liable for any damage caused by a decision related to the system of inspections, examinations, evaluations and investigations, including but not limited to a decision relating to their frequency and the manner in which they are carried out.

(3) The Crown, the Council, an accredited municipality and an accredited regional services commission that engage the services of an accredited agency are not liable for any negligence or nuisance of the accredited agency that causes an injury, loss or damage to any person or property.

(4) Subject to this section, nothing done pursuant to this Act affects the liability of any person for injury, loss or damage caused by any thing, process or activity to which this Act applies.

RSA 2000 cS-1 s12;2015 c10 s5

Part 2
Administration

Overall administration

13(1) The Minister administers this Act but an accredited municipality, an accredited regional services commission, an accredited corporation and the Authority shall provide for the administration of this Act in accordance with

(a) the order that designated the accredited municipality, accredited regional services commission or accredited corporation, or

(b) the order referred to in section 18(d.1) authorizing the establishment of the Authority.

(2) The Minister or the Council may, in accordance with the regulations, establish and operate safety information and education programs or services related to any thing, process or activity to which this Act applies.

RSA 2000 cS-1 s13;2015 c10 s6

Administrator

Administrator appointed

14(1) The Minister may appoint persons as Administrators and prescribe their powers and duties and may make an order fixing or governing the terms and conditions of service, including remuneration and expenses, applicable to an Administrator if the person is not an employee as defined in the *Public Service Act*.

(2) The Minister may direct, in writing,

(a) that an Administrator report to the Council with respect to exercising the powers and performing the duties of an Administrator, and

(b) that the Council direct the Administrator in exercising the powers and performing the duties of an Administrator.

1991 cS-0.5 s14

Deemed an officer

15 An Administrator may, in accordance with the appointment under section 14, exercise any or all of the powers and perform any or all of the duties of a safety codes officer.

1991 cS-0.5 s15

Safety Codes Council

Council

16(1) There is hereby established a corporation to be known as the "Safety Codes Council".

(2) On the coming into force of this subsection, a person who, immediately before the coming into force of this subsection, held an appointment as a member of the Council continues as a member of the Council until the term of office stated in the member's appointment expires or the appointment is terminated, revoked or rescinded.

(3) Subject to subsection (2), the Council consists of the persons appointed to the Council by the Minister and the persons appointed to the Council by the Board of Directors in accordance with this section.

(4) The persons appointed to the Council by the Board of Directors must include persons who are experts in fire protection, buildings, barrier-free building design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment.

(5) The Board of Directors shall ensure that representatives of municipalities, business, labour and persons with disabilities are appointed to the Council from among the persons described in subsection (4).

(6) An Administrator is not eligible to be appointed to the Council.

(7) A person appointed under subsection (3)

(a) holds office for a term not exceeding 3 years, as set out in the appointment, and

(b) continues to hold office after the expiry of the term of office until the person is reappointed or a successor is appointed.

(8) If a member of the Council resigns or the appointment terminates, that person may, in relation to an appeal in which the person participated as a member of the Council, perform and complete the duties or responsibilities and continue to exercise the powers that the person would have had if the person had not ceased to be a member of the Council, until the appeal is completed.

(9) Subject to subsection (7)(b) and (11), a member of the Council may not hold office for a period exceeding 9 consecutive years.

(10) Breaks in service of less than 2 years shall be disregarded in determining the number of consecutive years for the purposes of subsection (9).

(11) The Minister may make an order providing that subsection (9) does not apply in respect of a specified appointment to the Council if in the opinion of the Minister that order is necessary to ensure the effective operation of the Council.

RSA 2000 cS-1 s16;2004 c19 s4;2015 c10 s7

Board of Directors and sub-councils

16.1(1) On the coming into force of this section,

(a) the Co-ordinating Committee of the Safety Codes Council as it existed immediately before the coming into force of this section is continued as the Board of Directors;

(b) a person who, immediately before the coming into force of this section, held an appointment as a member of the Co-ordinating Committee of the Safety Codes Council continues as a member of the Board of Directors until the term of office stated in the member's appointment expires or the appointment is terminated, revoked or rescinded;

(c) a person who, immediately before the coming into force of this section, held the designation as the Chair of the Council continues as the chair of the Board of Directors until the term of office stated in the designation expires or the designation is terminated, revoked or rescinded;

(d) a person who, immediately before the coming into force of this section, held a designation as an alternate to chair the Council continues as vice-chair of the Board of Directors

until the term of office stated in the designation expires or the designation is terminated, revoked or rescinded.

(2) Subject to subsection (1), the Board of Directors shall consist of

(a) a chair appointed by the Minister as a member of the Council and as the chair of the Board of Directors,

(b) one or more members of the Council appointed by the Board of Directors as a vice-chair of the Board of Directors, and

(c) the members of the Council appointed by the Board of Directors as directors.

(3) The Board of Directors may establish sub-councils of the Council, including, without limitation, sub-councils relating to any thing, process or activity to which this Act applies.

(4) A sub-council shall consist of

(a) the members of the Council appointed by the Board of Directors as members of the sub-council, and

(b) a member of the public appointed by the Minister as a member of the Council and as the public member of the sub-council.

2015 c10 s8

Expenses

17 The Council may pay members of the Council travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the Council at the rates provided for in the regulations under the *Public Service Act*.

1991 cS-0.5 s17;1993 c7 s4

Duties and powers

18 The Council

(a) shall perform its duties and responsibilities under this Act,

(b) shall hear appeals under Part 5,

(c) shall, on the request of the Minister, provide information about any matter related to this Act,

(d) shall carry out any activities that the Minister directs,

(d.1) shall, on the order of the Minister, establish the Authority referred to in section 30.1,

(e) may promote uniformity of safety standards for any thing, process or activity to which this Act applies,

(e.1) may promote the principles of barrier-free design and access for any thing, process or activity to which this Act applies,

(f) may provide a liaison between the Minister and any person or organization interested in safety or barrier-free design and access matters governed by this Act,

(g) may review and formulate classifications of certificates of competency and qualifications required of a person to hold a certificate of competency,

(h) may, with the consent of the Minister, review and formulate codes and standards for accreditation, safety standards and barrier-free design and access for any thing, process or activity to which this Act applies and promulgate those codes and standards, and

(i) may

(i) provide advice and recommendations to the Minister about safety information, barrier-free design and access information, education programs and services, accreditation and other information and services related to this Act, and

(ii) with the consent of the Minister, publish or provide to the public the information and services referred to in subclause (i).

RSA 2000 cS-1 s18;2004 c19 s5;2015 c10 s9

Bylaws

19 The Council may make bylaws

(a) respecting the Board of Directors, sub-councils and committees of the Council and the delegation of any power or duty conferred or imposed on it, except the power to make bylaws, to the Board of Directors, a sub-council or committee of the Council or a member of the Council;

(b) respecting the Authority and the exercise of its powers and performance of its duties under this Act;

(c) governing the calling of its meetings and the meetings of the Board of Directors, sub-councils and committees of the Council, and regulating the conduct of those meetings;

(d) governing the practice and procedure applicable to appeals before it;

(e) governing the business, property, operation and affairs of the Council.

RSA 2000 cS-1 s19; 2015 c10 s10

Staff

20(1) The Council may enter into agreements to engage the services of persons it considers necessary and may prescribe their duties and conditions of employment and pay their salary, remuneration and expenses.

(2) The Council may enter into agreements to engage the services of agents, advisors or persons providing special, technical or professional services of a kind required by the Council in connection with its business and affairs and may pay their remuneration, fees and expenses.

1991 cS-0.5 s20

Money

21(1) The Council, in connection with the powers conferred and duties imposed on it under this Act, may acquire real property, construct buildings or improvements or hold or dispose of real property.

(2) The Council, in connection with the powers conferred and duties imposed on it under this Act, may acquire, hold and dispose of personal property.

(3) Any money that is derived from donations that is not immediately required for the operation of the Council may, subject to the regulations, be invested only in accordance with the *Trustee Act*.

(3.1) Subsection (3) is subject to any trust or condition that applies to the donation.

(4) The Council may spend money only for purposes related to the powers conferred and duties imposed on it under this Act.

(5) Notwithstanding the *Financial Administration Act*, any money received by the Council belongs to the Council.

RSA 2000 cS-1 s21;2001 c28 s19;2006 c9 s17

Fees

22 The Council may establish and charge fees

(a) for anything issued or for any material, information, education program or service the Council provides,

(b) with respect to the conduct of appeals, and

(c) for any research that is carried out that relates to any thing, process or activity to which this Act applies.

1993 c7 s6

Levies

23(1) The Council may, with the approval of the Minister, for the purpose of enabling the Council to carry out activities and services it is directed or authorized to carry out under this Act, collect money by the levy of assessments on persons who apply for, or hold, certificates or permits or who apply to register, or register, designs.

(2) The Council may require an accredited municipality, accredited regional services commission, accredited corporation, accredited agency or other organization that issues certificates or permits or registers designs to collect the money referred to in subsection (1) and to remit it to the Council.

1994 c44 s2;1999 c26 s23

Levies

24(1) An accredited agency may, with the approval of the Minister, for the purpose of enabling the accredited agency to carry out activities and services it is directed or authorized to carry out under this Act, collect money by the levy of assessments on persons who apply for, or hold, certificates or permits or who apply to register, or register, designs.

(2) An accredited agency may, with the approval of the Minister, require an accredited municipality, accredited regional services commission, accredited corporation, accredited agency or other organization that issues certificates or permits or registers designs, to collect the money referred to in subsection (1), and the accredited municipality, accredited regional services commission, accredited corporation, accredited agency or other organization shall collect the money and remit it as directed by the accredited agency.

1994 c44 s2;1999 c26 s23

Reports

25(1) The Council shall, after the end of each fiscal year, prepare and submit to the Minister an annual report consisting of a general summary of its activities in that year and a financial report.

(2) The Council may, at any time, report to the Minister on any matter related to this Act.

(3) The Minister shall lay a copy of the report described in subsection (1) before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

1991 cS-0.5 s22

Accreditation

Accredited municipalities

26(1) On the application of a local authority, the Minister may, by order,

(a) designate a municipality as an accredited municipality authorized to administer all or part of this Act with respect to any or all things, processes or activities to which this Act applies within the boundaries of the municipality, or

(b) designate 2 or more municipalities as accredited municipalities authorized to administer in common all or part of this Act with respect to any or all things, processes or activities to which this Act applies within the boundaries of those municipalities.

(2) The Minister may include terms and conditions in an order under this section.

(3) If the Minister, on reasonable and probable grounds, is of the opinion that an accredited municipality does not comply with the requirements of this Act or the terms and conditions of its designation, or that any thing, process or activity to be administered by the accredited municipality may constitute a serious danger to persons or property, the Minister may

(a) request the local authority to take the action necessary to correct the situation;

(b) direct a safety codes officer appointed under section 33(1) to undertake the administration of this Act in that accredited municipality and to charge fees, in the amount provided for by the regulations,

(i) to the accredited municipality for any permit issued by the safety codes officer and for any material or service that is provided by the safety codes officer,

(ii) to the owner of a premises or place for any material or services provided by the safety codes officer, and

(iii) to the recipient of any permit issued by the safety codes officer;

(c) by order, cancel or suspend the municipality's designation as an accredited municipality.

(4) An order under this section shall be published in The Alberta Gazette.

(5) The Minister may delegate any or all of the Minister's powers under this section to the Council, and if the Council refuses to designate a municipality as an accredited municipality or cancels or suspends the designation of an accredited municipality, the municipality may appeal the refusal, cancellation or suspension to the Minister.

1991 cS-0.5 s23

Accredited regional services commission

27(1) On the application of a regional services commission established under the *Municipal Government Act*, the Minister may, by order, designate a regional services commission as an accredited regional services commission authorized to administer all or part of this Act with respect to any or all things, processes or activities to which this Act applies within the boundaries of its members.

(2) The Minister may include terms and conditions in an order under this section.

(3) If the Minister, on reasonable and probable grounds, is of the opinion that an accredited regional services commission does not comply with the requirements of this Act or with the terms and conditions of its designation, or that any thing, process or activity to be administered by the accredited regional services commission may constitute a serious danger to persons or property, the Minister may

(a) request the board of directors of the accredited regional services commission to take the action necessary to correct the situation;

(b) direct a safety codes officer appointed under section 33(1) to undertake the administration of this Act on behalf of that accredited regional services commission and to charge fees, in the amount provided for by the regulations,

(i) to the accredited regional services commission for any permit issued by the safety codes officer and for any material or service that is provided by the safety codes officer,

(ii) to the owner of a premises or place for any material or services provided by the safety codes officer, and

(iii) to the recipient of any permit issued by the safety codes officer;

(c) by order, cancel or suspend the regional services commission's designation as an accredited regional services commission.

(4) An order under this section must be published in The Alberta Gazette.

(5) The Minister may delegate any or all of the Minister's powers under this section to the Council, and if the Council refuses to designate a regional services commission as an accredited regional services commission or cancels or suspends the designation of an accredited regional services commission, the regional services commission may appeal the refusal, cancellation or suspension to the Minister.

1999 c26 s23

Accredited corporations

28(1) On the application of a corporation an Administrator may, by order, designate it as an accredited corporation authorized to administer all or part of this Act with respect to any or all things, processes or activities to which this Act applies that are owned by or are under the care and control of the corporation.

(2) If an Administrator refuses to designate a corporation as an accredited corporation, the Administrator shall serve written notice of the refusal on the corporation.

(3) An Administrator may include terms and conditions and specify locations and facilities in an order under this section.

(4) If an Administrator, on reasonable and probable grounds, is of the opinion that an accredited corporation does not comply with the requirements of this Act or with the terms and conditions of its

designation, the Administrator may, by order, suspend or cancel the designation as an accredited corporation and shall serve the corporation with a written notice of the suspension or cancellation.

(5) A corporation may appeal to the Council in accordance with the Council's bylaws

(a) a refusal of designation as an accredited corporation, and

(b) a suspension or cancellation of a designation as an accredited corporation.

(6) An order under this section shall be published in The Alberta Gazette.

1991 cS-0.5 s24

Accreditation overlap

29(1) If an accredited municipality, an accredited regional services commission and an accredited corporation are authorized to administer the same part of this Act with respect to the same thing, process or activity at the same location, the Minister may direct whether the accredited municipality, the accredited regional services commission or the accredited corporation may administer this Act with respect to that thing, process or activity.

(2) If the Minister considers it expedient and in the public interest, the Minister may delegate the Minister's powers under this section to another individual.

(3) The Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act* shall, at the request of the Minister, provide recommendations regarding a question or matter relating to an accreditation overlap referred to in subsection (1).

RSA 2000 cS-1 s29;2015 c10 s11;2020 cL-2.3 s39

Accredited agencies

30(1) On the application of a person, an Administrator may, by order, designate the person as an accredited agency authorized to provide services pursuant to all or part of this Act with respect to any or all things, processes or activities to which this Act applies.

(2) If an Administrator refuses to designate a person as an accredited agency, the Administrator shall serve the person with a written notice of the refusal.

(3) An Administrator may include terms and conditions in an order under this section.

(4) An accredited agency may enter into an agreement with the Minister, the Council, an accredited municipality, an accredited

corporation or another person approved by the Minister to provide services under this Act that the agency is authorized to provide.

(5) If an Administrator, on reasonable and probable grounds, is of the opinion that an accredited agency does not comply with the requirements of this or any other Act or with the terms and conditions of its designation, the Administrator may, by order, suspend or cancel the designation as an accredited agency and shall serve the agency with a written notice of the suspension or cancellation.

(6) A person may appeal to the Council in accordance with the Council's bylaws

(a) a refusal of designation as an accredited agency, and

(b) a suspension or cancellation of a designation as an accredited agency.

(7) An order under this section shall be published in The Alberta Gazette.

RSA 2000 cS-1 s30;2015 c10 s12

Alberta Safety Codes Authority

Establishment and powers of Authority

30.1(1) On the order of the Minister, the Council shall establish a division of the Council to be known as the "Alberta Safety Codes Authority" to oversee the provision of services pursuant to all or part of this Act identified by the order in areas to be administered by the Crown.

(2) The membership, powers and duties of the Authority shall be established in accordance with the order referred to in subsection (1).

(3) The Authority may enter into contracts on behalf of the Council that the Authority considers appropriate for the exercise of its powers and performance of its duties under this Act.

(4) The Authority may appear as an applicant or respondent in legal proceedings concerning the services that it provides or oversees pursuant to this section.

(5) The *Regulations Act* applies to an order made under this section.

2015 c10 s13

Safety Codes Officers

Designation

31(1) On receipt of an application, an Administrator may

(a) designate a person who holds an appropriate certificate of competency and meets the requirements of the regulations as a safety codes officer with respect to all or part of this Act, and

(b) designate the powers that a safety codes officer referred to in section 33(2) to (6) may exercise.

(2) If an Administrator refuses to designate a person as a safety codes officer, the Administrator shall serve the person with a written notice of the refusal.

(3) If an Administrator, on reasonable and probable grounds, is of the opinion that a safety codes officer contravenes this Act or the terms of the person's designation as a safety codes officer, the Administrator may suspend or cancel the designation and shall serve the safety codes officer with a written notice of the suspension or cancellation.

(4) A safety codes officer may appeal to the Council a refusal of designation and a suspension or cancellation of a designation as a safety codes officer in accordance with the Council's bylaws.

RSA 2000 cS-1 s31;2015 c10 s14

Officer's powers and duties

32 A safety codes officer designated in accordance with section 31(1)(a) may exercise the powers and perform the duties of a safety codes officer only in accordance with

(a) a designation of powers under section 31(1)(b) and the safety codes officer's terms of employment, or

(b) an appointment referred to in section 33(1) and the safety codes officer's terms of employment.

RSA 2000 cS-1 s32;2015 c10 s15

Employment

33(1) The Minister may, in accordance with the *Public Service Act*, appoint safety codes officers for the administration of all or part of this Act anywhere in Alberta and shall prescribe the powers and duties of the safety codes officers.

(2) A local authority shall provide for safety codes officers for the purpose of administering all or part of this Act that an accredited municipality is authorized to administer.

(3) An accredited regional services commission shall provide for safety codes officers for the purpose of administering all or part of this Act that it is authorized to administer.

(4) An accredited corporation shall provide for safety codes officers for the purpose of administering all or part of this Act that it is authorized to administer.

(5) An accredited agency shall provide for safety codes officers for the purpose of providing services under this Act that it is authorized to provide.

(6) The Authority shall provide for safety codes officers for the purpose of providing services under this Act that it provides or oversees pursuant to section 30.1.

RSA 2000 cS-1 s33;2015 c10 s16

Inspections

34(1) For the purpose of ensuring that this Act and any thing issued under this Act are complied with, a safety codes officer may, without a warrant, at any reasonable time, enter any premises or place, except a private dwelling place that is in use as a dwelling, in which the officer has reason to believe there is something to which this Act applies and may, using reasonable care, carry out an inspection, review designs and examine and evaluate quality management systems and manufacturing and construction processes.

(2) For the purpose of ensuring that this Act and any thing issued under this Act are complied with, a safety codes officer may, at any reasonable time and on reasonable notice, enter a private dwelling place that is in use as a dwelling in which the officer has reason to believe there is something to which this Act applies and, using reasonable care, may carry out an inspection and review designs

(a) with the consent of the owner or occupant, or

(b) with a warrant from a justice.

(3) On entering a premises or place, a safety codes officer shall, on request, produce identification in accordance with the regulations and provide advice on the powers to carry out inspections, review designs and examine and evaluate quality management systems and manufacturing and construction processes.

(4) In carrying out an inspection, review, examination or evaluation under this Act, a safety codes officer may

(a) be accompanied by a police officer, a peace officer or any other person or with any thing that the safety codes officer considers appropriate,

(b) inspect, review, examine and evaluate any thing, process or activity to which this Act applies and photograph or otherwise record any thing, process or activity that the safety codes officer considers would be of assistance,

(c) require any person on the premises or at the place to be interviewed and to make full disclosure either orally or in writing about any matter concerning any thing, process or activity to which this Act applies,

(d) if necessary for safety reasons and on providing notice when practical, temporarily close or disconnect, or require temporary closure or disconnection of, any thing, process or activity to which this Act applies for the purpose of making the inspection, review, examination or evaluation, and

(e) review, perform or require to be performed any tests and evaluations the safety codes officer considers necessary on any thing, process or activity to which this Act applies and remove any thing, if necessary, for the purpose of having tests or evaluations performed.

(5) The owner or occupier of premises or a place or thing shall ensure, during an inspection, review, examination or evaluation, that

(a) on the request of a safety codes officer, there is a person in attendance who is capable of taking all the necessary precautions and providing reasonable assistance to ensure the safety of the safety codes officer, and

(b) any necessary safety equipment, including but not limited to that requested by a safety codes officer, is immediately available for the officer's use.

(6) A safety codes officer who has reviewed, detained or removed any thing shall, on completion of the inspection, review, examination or evaluation, return the thing to the person entitled to it unless it is impossible, unsafe or impractical to return that thing.

(7) On completion of an inspection, review, examination or evaluation, the safety codes officer may provide, to the owner, occupier, vendor, contractor, manufacturer or designer, advice or a report on the thing, process or activity that was inspected, reviewed, examined or evaluated.

(8) Notwithstanding subsection (6), a safety codes officer may,

(a) on obtaining a warrant, or

(b) without a warrant if the safety codes officer believes on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence,

detain or remove for the purposes of evidence any thing that the officer discovers during an inspection, review, examination or evaluation that the officer believes on reasonable and probable grounds may provide evidence of the commission of an offence under this Act.

RSA 2000 cS-1 s34;2015 c10 s17

Production of documents

35(1) For the purpose of ensuring that this Act and any thing issued under this Act are complied with, a safety codes officer may demand the production, within a reasonable time, of any record or document pertaining in any manner to compliance with this Act and may on giving a receipt for it remove it for not more than 48 hours for the purpose of making copies of it.

(2) If a person on whom a demand is made under subsection (1) refuses or fails to comply, the safety codes officer may apply to a judge of the Court of King's Bench and the judge may make any order that the judge considers necessary to enforce compliance with subsection (1).

(3) A copy of the application and a copy of each affidavit in support shall be served not less than 3 days before the day named in the application for the hearing.

RSA 2000 cS-1 s35;2009 c53 s167;AR 217/2022

Incriminating disclosures

36 A person who makes a disclosure under section 34(4)(c) has the right not to have any incriminating disclosure so given used to incriminate the person in a prosecution under this Act except in a prosecution under section 67(2).

1991 cS-0.5 s32

Officer hindered

37(1) If a person refuses to allow a safety codes officer to exercise that officer's powers under this Act or interferes or attempts to interfere with a safety codes officer in the exercise of that officer's powers under this Act, an Administrator, an accredited municipality, an accredited regional services commission, the

Authority or the Council may apply to the Court of King's Bench for an order

(a) restraining that person from preventing or in any manner interfering with a safety codes officer in the exercise of that officer's powers under this Act, and

(b) for the purposes of providing protection, authorizing a police officer to accompany the safety codes officer on an inspection, review, examination or evaluation under this Act.

(2) A copy of the application and a copy of each affidavit in support shall be served not less than 3 days before the day named in the application for the hearing.

RSA 2000 cS-1 s37;2009 c53 s167;2015 c10 s18;AR 217/2022

Part 3
Standards

Variances

38(1) An Administrator or a safety codes officer may issue a written variance with respect to any thing, process or activity to which this Act applies if the Administrator or officer is of the opinion that the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act.

(2) An Administrator or a safety codes officer may include terms and conditions in the variance.

(3) A safety codes officer on issuing a variance shall notify an Administrator.

(4) The *Regulations Act* does not apply to variances issued under this section.

(5) A decision of the Administrator under subsection (1) is final and not subject to appeal.

(6) If a safety codes officer refuses to issue a written variance, the applicant shall be served with a written notice of the refusal.

(7) An applicant who receives a notice referred to in subsection (6) may, within 30 days after the date on which the notice is received, appeal the refusal to the Council in accordance with the Council's bylaws.

RSA 2000 cS-1 s38;2015 c10 s19

Quality management system

39(1) An owner, occupier, vendor, contractor, manufacturer or designer of a thing, or a person who authorizes, undertakes or supervises a process or activity, to which this Act applies may be required by a written order of an Administrator or by this Act to have and maintain a quality management system that meets the requirements of the regulations.

(2) No person shall make a change to a quality management system without first notifying an Administrator of the change if it is a type of change of which an Administrator requires notification.

(3) A person who has or maintains a quality management system shall, on the request of an Administrator or a safety codes officer, make available a copy of a written description of the quality management system and submit reports respecting the quality management system.

1991 cS-0.5 s35

Design registration

40(1) An Administrator or safety codes officer may register the design of any thing, process or activity that is required by this Act to be registered if the submitted design meets the requirements of this Act.

(2) If this Act requires that the design of any thing, process or activity be registered, no person shall construct or manufacture the thing or undertake or operate the process or activity unless the design is registered.

(3) If an application to have a design registered is refused

(a) by an Administrator, the Administrator shall serve the applicant with a written notice of the refusal, or

(b) by a safety codes officer, the safety codes officer shall serve the applicant with a written notice of the refusal.

(4) If an Administrator is of the opinion that a registered design does not meet the requirements of this Act or is unsafe, the Administrator may deregister the design and shall as soon as practicable notify the person who submitted the design for registration.

(5) If a person's application to have a design registered is refused or if a person's registered design is deregistered, the person may appeal the refusal or deregistration to the Council in accordance with the Council's bylaws.

RSA 2000 cS-1 s40;2014 c18 s3

Certificate required

41(1) No person shall, without a certificate of competency, control or operate any thing to which this Act applies or supervise, operate or undertake any process or activity to which this Act applies if this Act requires that the person hold a certificate of competency to do so.

(2) No person shall employ or authorize a person who does not hold a certificate of competency to control or operate any thing or to supervise, operate or undertake a process or activity if this Act requires that an employed or authorized person hold a certificate of competency.

1991 cS-0.5 s37

Certificate issues

42(1) On receipt of an application, an Administrator may issue a certificate of competency to a person who complies with the requirements of this Act.

(2) A certificate of competency is valid for the length of time specified in it unless it is cancelled or suspended earlier.

(3) An Administrator may suspend or cancel a certificate of competency if the Administrator, on reasonable and probable grounds, is of the opinion that

(a) the person no longer complies with the requirements of this Act for a certificate of competency, or

(b) the person does not comply with this Act when acting pursuant to the certificate of competency.

(4) The Administrator shall serve written notice of a refusal to issue a certificate of competency or of the suspension or cancellation of a certificate of competency on the applicant for or the holder of the certificate of competency.

(5) A person who is refused a certificate of competency or whose certificate of competency is suspended or cancelled may appeal the refusal, suspension or cancellation to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s38

Permits required

43(1) If this Act requires a person to have a permit to sell, construct, control or operate any thing or supervise, operate or undertake any process or activity, no person shall do so unless the person has the appropriate permit.

(2) If any thing to which this Act applies is approved by the regulations for a certain use or purpose, no person shall use that thing for any other use or purpose unless a safety codes officer issues a permit for that other use or purpose or it is an innocuous use or purpose.

(3) If the regulations require that any thing be approved before it is installed or operated, no person shall install or operate that thing unless a safety codes officer issues a permit for it.

(4) A permit under this Act does not authorize a person to do any thing, implement any process or engage in any activity that does not comply with any other enactment.

1991 cS-0.5 s39

Permit issues

44(1) On receipt of an application, a safety codes officer or other person designated by an Administrator may issue a permit to a person who complies with the requirements of this Act or issue a permit with respect to a thing, process or activity if it complies with the requirements of this Act.

(2) A safety codes officer or other person designated by an Administrator may include terms and conditions in a permit.

(3) If a safety codes officer or other person designated by an Administrator refuses to issue a permit, the safety codes officer or other person designated by an Administrator shall serve the applicant with a written notice of the refusal.

(4) A person who acts pursuant to a permit shall do so in accordance with this Act and shall comply with this Act and any terms or conditions contained in the permit.

(5) A person who is refused a permit may appeal the refusal to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s40;1994 c23 s42

Stamps, seals

45(1) If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or to be registered and

(a) to have a stamp or seal affixed to it and to be signed pursuant to the *Architects Act*, or

(b) to have a seal affixed to it and to be signed pursuant to the *Engineering and Geoscience Professions Act*,

no permit may be issued with respect to the design unless the design is submitted for review or registered and is signed, stamped and sealed in accordance with the regulations.

(2) Despite subsection (1), a permit may be issued on or before April 1, 2016 with respect to a design submitted on or before April 1, 2016 that does not bear the signatures referred to in subsection (1).

RSA 2000 cS-1 s45;2011 c3 s33;2015 c10 s20

Permit suspended, etc.

46(1) A safety codes officer may suspend or cancel a permit if the safety codes officer, on reasonable and probable grounds, is of the opinion that the permit holder does not comply with this Act when acting pursuant to the permit or that the thing, process or activity does not comply with this Act.

(2) The safety codes officer shall serve written notice of the suspension or cancellation on the permit holder and shall also notify an Administrator.

(3) A person whose permit is suspended or cancelled may appeal the suspension or cancellation to the Council in accordance with the Council's bylaws.

1991 cS-0.5 s42

Part 4
Unusual Situations

Emergency

47(1) If a safety codes officer is, on reasonable and probable grounds, of the opinion that there is an imminent serious danger to persons or property because of any thing, process or activity to which this Act applies or because of a fire hazard or risk of an explosion, the officer may take any action that the officer considers necessary to remove or reduce the danger.

(2) An action taken under subsection (1) may include ordering the evacuation of persons from the affected premises and disconnecting or requiring the disconnection of an electrical, gas, sewage or plumbing system.

(3) A safety codes officer may request the assistance of a police officer, a peace officer or any other person as the safety codes officer considers appropriate when taking an action under subsection (1).

(4) If an action is taken under subsection (1) in respect of land that is not Metis patented land, the local authority may place an amount

equal to the expense incurred in carrying out the action on the tax roll as an additional tax against the land concerned, and that amount

(a) forms a lien on the land in favour of the local authority,

(b) is, for all purposes, deemed to be a tax imposed and assessed on the land and in arrears under the *Municipal Government Act* from the date the amount was placed on the tax roll, and

(c) the *Municipal Government Act* applies for the purposes of the enforcement, collection and recovery of that amount.

(5) If an action is taken under subsection (1) by a safety codes officer appointed under section 33(1) or (6), or in respect of a subject-matter that is not under the administration of an accredited municipality or an accredited regional services commission, an amount equal to the expense incurred in carrying out the investigation is a debt due to the Crown jointly and severally by the owners of the land concerned, but those persons may only include

(a) the owners of the land concerned as registered under the *Land Titles Act*, or

(b) in the case of Metis patented land, the persons registered in the Metis Settlements Land Registry as owners of the Metis title, provisional Metis title or an allotment in the land.

(6) Nothing in this section precludes the owners of the land concerned from seeking indemnity from a third party for the removal or reduction of a danger or any expense incurred in carrying out an investigation.

RSA 2000 cS-1 s47;2015 c10 s21

Investigation

48(1) A safety codes officer may investigate an unsafe condition, accident or fire to determine its cause and circumstances and make recommendations related to safety.

(2) For the purposes of investigating an unsafe condition, accident or fire, a safety codes officer may whenever necessary

(a) exercise any of the powers of a safety codes officer under sections 34, 35 and 48.1, and

(b) for 48 hours or any extended period of time authorized by a justice, close all or part of the affected premises and prohibit any person from entering or remaining on the closed premises except a police officer or a person who enters to

prevent injury or death or to preserve property if, in the opinion of the safety codes officer, there are dangerous or emergency circumstances and the action is necessary for safety reasons or to preserve evidence.

(3) A safety codes officer shall, as soon as possible after the completion of the investigation, return to the person entitled to it any thing removed during the investigation unless it is impossible, unsafe or impractical to return that thing.

(4) A safety codes officer who conducts an investigation shall provide a report to an Administrator.

RSA 2000 cS-1 s48;2015 c10 s22

Tele-warrants

48.1(1) In carrying out an investigation under section 48, if

(a) a safety codes officer has reasonable grounds to believe that there is in a place anything that will afford evidence as to the investigation,

(b) a person refuses to allow a safety codes officer to exercise that officer's powers under this Act or interferes or attempts to interfere with a safety codes officer in the exercise of that officer's powers under this Act, and

(c) it would be impracticable to appear personally before a justice to make an application for a search warrant,

the safety codes officer may submit an information on oath to a justice by telephone or other means of telecommunication.

(2) An information submitted by telephone or other means of telecommunication must be recorded verbatim by the justice, who must, as soon as practicable, cause to be filed with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant is intended for execution, the record or a transcription of the record certified by the justice as to time, date and contents.

(3) For the purposes of subsection (2), an oath may be administered by telephone or other means of telecommunication.

(4) An information on oath submitted by telephone or other means of telecommunication must include

(a) a statement of the circumstances that make it impracticable for the safety codes officer to appear personally before a justice,

(b) a statement of the place to be searched and the things alleged to be liable to seizure in respect of the investigation,

(c) a statement of the safety codes officer's grounds for believing that things liable to seizure in respect of the investigation will be found in the place to be searched, and

(d) a statement as to any prior application under this section or any other warrant or order issued or applied for in respect of the same matter of which the safety codes officer has knowledge.

(5) A justice who is satisfied that an information on oath submitted by telephone or other means of telecommunication

(a) is in respect of an investigation under this Act and conforms to the requirements of subsection (4),

(b) discloses reasonable grounds for dispensing with an information presented personally and in writing, and

(c) discloses reasonable grounds for the issuance of a search warrant in respect of the investigation,

may issue a tele-warrant to a safety codes officer and may require that the tele-warrant be executed within any time period that the justice may order.

(6) A tele-warrant issued under this section may confer the same authority as may be conferred by a warrant issued by a justice before whom the safety codes officer appears personally.

(7) If a justice issues a tele-warrant under subsection (5),

(a) the justice must complete and sign the tele-warrant in the form prescribed in the regulations, noting on its face the date, time and place of issuance,

(b) the safety codes officer, on the direction of the justice, must complete, in duplicate, a facsimile of the tele-warrant in the form prescribed in the regulations, noting on its face the name of the issuing justice and the date, time and place of issuance, and

(c) the justice must, as soon as practicable after the tele-warrant has been issued, cause the tele-warrant to be filed with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant is intended for execution.

(8) A safety codes officer who executes a tele-warrant issued under subsection (5) must, before entering the place to be investigated, or as soon as is practicable afterwards, give a facsimile of the tele-warrant to any person present and ostensibly in control of the place.

(9) A safety codes officer who, in any unoccupied place, executes a tele-warrant issued under subsection (5) must, on entering the place or as soon as is practicable afterwards, cause a facsimile of the tele-warrant to be suitably affixed in a prominent location within the place.

(10) A safety codes officer to whom a tele-warrant is issued under subsection (5) must file a written report with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant was executed as soon as is practicable but not more than 7 days after the tele-warrant was executed, which report must include

(a) a statement of the time and date the tele-warrant was executed, or if the tele-warrant was not executed, a statement of the reasons why it was not executed,

(b) a statement of the things, if any, that were seized pursuant to the tele-warrant and the location where they are being held, and

(c) a statement of the information, data, records, reports, documents and things, if any, that were seized in addition to the things mentioned in the tele-warrant and the location where they are being held, together with a statement of the safety codes officer's grounds for believing that those additional things provide evidence relevant to the unsafe condition, accident or fire under investigation.

(11) The clerk of The Provincial Court of Alberta with whom a written report is filed pursuant to subsection (10) must, as soon as is practicable, cause the report, together with the information on oath and a copy of the tele-warrant to which it pertains, to be brought before a justice to be dealt with in respect of anything that was seized and is referred to in the report, in the same manner as if the things were seized pursuant to a search warrant issued by a justice on an information presented personally by a safety codes officer.

(12) In any proceeding in which it is material for a court to be satisfied that a search or seizure was authorized by a tele-warrant issued under subsection (5), the absence of a copy of the information on oath, transcribed and certified by the justice as to

the time, date and contents, or a copy of the tele-warrant, signed by the justice and carrying on its face a notation of the time, date and place of issuance, is, in the absence of evidence to the contrary, proof that the search or seizure was not authorized by a tele-warrant issued under subsection (5).

2015 c10 s23

Part 5
Orders, Appeals

Order

49(1) A safety codes officer may issue an order if the safety codes officer believes, on reasonable and probable grounds, that

(a) this Act is contravened, or

(b) the design, construction, manufacture, operation, maintenance, use or relocation of a thing or the condition of a thing, process or activity to which this Act applies is such that there is danger of serious injury or damage to a person or property.

(2) An order may be issued to a person who provides services that are the subject-matter of the order or to the owner, occupier, vendor, contractor, manufacturer or designer of the thing or to the person who authorizes, undertakes or supervises the process or activity that is the subject-matter of the order, or may be issued to any 2 or more of them.

(3) An order

(a) shall set out what a person is required to do or to stop doing in respect of the thing, process or activity and a reasonable time within which it must be done or stopped;

(b) may direct a method of work, construction, manufacturing, operation, maintenance, use or relocation that must be followed;

(c) may direct that the use of the thing, process or activity be stopped in whole or in part in accordance with the order;

(d) may direct that a design be altered;

(e) may direct that an altered design be submitted to an Administrator for review or for registration;

(f) may direct compliance with this Act, a permit, a certificate or a variance;

(g) shall meet the requirements of the regulations on format and contents.

(4) On issuing an order, the safety codes officer shall serve a copy on the person to whom it is issued in accordance with the regulations and send a copy of it to an Administrator in a form and within the time satisfactory to the Administrator.

(5) A person who is served with an order under subsection (4) may, within 14 days after being served, submit a written request to the Administrator for a review of the order.

(6) If an Administrator receives a request, in accordance with subsection (5), from a person on whom an order is served and if the Administrator considers that the order

(a) is improper, impractical or unreasonable,

(b) contains incorrect references or typographical errors, or

(c) does not correct or satisfy concerns about safety,

the Administrator may, by order, revoke or vary the original order within 21 days from when the original order was served.

(7) If an Administrator issues an order under subsection (6), the Administrator shall serve it, in accordance with the regulations, on all the persons on whom the original order was served and on the safety codes officer who issued the original order.

1991 cS-0.5 s45;1999 c26 s23

Appeal of orders

50(1) A person to whom an order is issued may, if the person objects to the contents of the order, appeal the order to the Council in accordance with the Council's bylaws within 35 days after the date the order was served on the person.

(2) The Council, on receipt of a notice of appeal in the form approved by the Council, shall

(a) send a copy of the notice of appeal to

(i) the relevant Administrator,

(ii) the safety codes officer who issued the order being appealed, and

(iii) an accredited municipality, accredited regional services commission or the Authority, as the case may be, if the subject-matter of the order is administered by the

accredited municipality, accredited regional services commission or the Authority,

and

(b) notify the persons listed in clause (a) and the appellant of the time and place of the appeal.

(3) An appeal may proceed under this section regardless of whether a request was made in accordance with section 49(5).

RSA 2000 cS-1 s50;AR 49/2002 s8; 2002 c30 s28;2015 c10 s24

Appeal of refusals, suspensions, cancellations

51(1) The Council, on receipt of a notice of appeal with respect to

(a) a refusal to designate a corporation as an accredited corporation or a person as an accredited agency,

(a.1) a refusal by a safety codes officer to issue a written variance,

(b) a refusal to register a design or a deregistration of a design, or

(c) a suspension or cancellation of a designation of accreditation, a certificate of competency or a permit,

shall send a copy of the notice of appeal to the relevant Administrator and the safety codes officer, if any, who issued the suspension or cancellation, and notify them and the appellant of the time and place of the appeal.

(2) In order for an appeal to proceed, the Council must receive a notice of appeal in the form approved by the Council within 30 days after the date the corporation or person was served with the written notice of the refusal to designate, refusal by a safety codes officer to issue a written variance, refusal to register, deregistration, suspension or cancellation.

RSA 2000 cS-1 s51;2015 c10 s25

Council considers appeal

52(1) When the Council is considering an appeal,

(a) it may, at the direction of the chair of the Board of Directors or in accordance with the Council's bylaws, sit in one or more divisions, and the divisions may sit simultaneously or at different times;

(b) 3 members constitute a quorum of a division of the Council;

(c) an order of a division is an order of the Council and binds all members of the Council;

(d) evidence may be given before the Council in any manner the Council considers appropriate and the Council is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) The Council may by order

(a) confirm, revoke or vary an order, suspension or cancellation appealed to it and as a term of its order may issue a written variance with respect to any thing, process or activity related to the subject-matter of the order if in its opinion the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act,

(b) confirm a refusal or direct that a designation, certificate or permit be issued and direct the inclusion of terms and conditions in the designation, certificate or permit,

(b.1) confirm the refusal by a safety codes officer to issue a written variance or revoke the refusal by a safety codes officer to issue a written variance and issue a written variance on the terms and conditions that the Council considers appropriate, or

(c) confirm a deregistration of a design, confirm a refusal to register a design or direct that a design be submitted for review or be registered and that changes be made to the design before it is submitted for review or is registered.

(3) The Council may include terms and conditions in a variance and shall, on issuing a variance, notify an Administrator.

(4) The *Regulations Act* does not apply to a variance issued under this section.

(5) The Council shall serve a copy of its order on the appellant and the Administrator and on the accredited municipality, the accredited regional services commission, the Authority and the safety codes officer if they were sent a copy of the notice of appeal.

RSA 2000 cS-1 s52;2015 c10 s26

Appeal to Court

53(1) An appeal lies from an order of the Council to the Court of King's Bench only on a question of law or jurisdiction.

(2) An appeal under this section may be commenced within 30 days after receipt of service of the Council's decision

(a) by filing an application with the clerk of the Court, and

(b) by serving a copy of the application

(i) on the Council and on the respondent, if the appellant is the person to whom the order under appeal is directed, or

(ii) on the Council and on the person to whom the order under appeal is directed, if the appellant is an Administrator, an accredited municipality, an accredited regional services commission or the Authority.

(3) The Court may, on application either before or after the time referred to in subsection (2), extend that time if it considers it appropriate to do so.

(4) The Court may, in respect of an appeal under subsection (2),

(a) determine the issues to be resolved on the appeal, and

(b) limit the evidence to be submitted by the Council to a copy of the Council's decision certified by the person who was the chair when the appeal was heard and those materials necessary for the disposition of those issues.

(5) On hearing the appeal, the Court may confirm, revoke or vary the order of the Council.

RSA 2000 cS-1 s53;2009 c53 s167;2015 c10 s27;AR 217/2022

Stay pending appeal

54(1) An appeal taken under section 50 or 51 does not operate as a stay of the order, suspension or cancellation appealed from unless a person who may chair the Council, on receipt of a written application, so directs.

(2) An appeal taken under section 53 does not operate as a stay of the order of the Council unless a judge of the Court of King's Bench so directs.

(3) A stay directed under this section may include terms and conditions and shall be in writing.

RSA 2000 cS-1 s54;AR 217/2022

Enforcement of order

55(1) An Administrator or a safety codes officer appointed under section 33(1) or referred to in section 33(2) or (3), together with a police officer, a peace officer or any other person as the safety

codes officer considers appropriate, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

(a) if a person to whom the order is issued under section 49, 52 or 53 with respect to any thing, process or activity under the administration of an accredited municipality or accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, and

(b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the settlement member registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land has been given written notice of the intention of the accredited municipality, the accredited regional services commission or the Authority to carry out the order.

(2) When an order is carried out under subsection (1) in respect of land that is not Metis patented land, the local authority may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount

(a) forms a lien on the land in favour of the municipality, and

(b) is, for all purposes, deemed to be taxes imposed and assessed on the land and in arrears under the *Municipal Government Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(3) When an order is carried out under subsection (1) in respect of Metis patented land, the settlement council may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount is, for all purposes, deemed to be taxes imposed and assessed on the land and in arrears under the *Metis Settlements Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(4) In addition to the power granted under subsection (3), when an order is carried out under subsection (1) in respect of Metis patented land, the settlement council may record a notification of the amount of the expenses incurred in carrying out the order in the

Metis Settlements Land Registry against the Metis title, provisional Metis title or an allotment in the land, and

(a) the expenses are a debt due to the Metis settlement by the settlement member who is registered as owner of the Metis title, provisional Metis title or allotment, and

(b) no dealings in respect of the land by the settlement member may be recorded in the Registry without the consent of the settlement council until the recording of the notification is cancelled.

(5) A Metis settlement may, in addition to the rights under this section, exercise any rights granted under a General Council Policy to collect the expenses incurred in carrying out an order under subsection (1) that are payable by a settlement member.

RSA 2000 cS-1 s55;2015 c10 s28

Enforcement of order

56(1) An Administrator or a safety codes officer appointed under section 33(1) or referred to in section 33(6) and designated by the Administrator, together with a police officer, a peace officer or any other person as the safety codes officer considers appropriate, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

(a) if a person to whom an order is issued under section 49, 52 or 53 with respect to a subject-matter that is not under the administration of an accredited municipality or an accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, and

(b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land and the persons named by the Minister under subsection (2) have been given written notice of the intention to carry out the order.

(2) When an order is carried out under subsection (1), the amount of the expenses incurred in carrying out the order is a debt due to the Crown jointly and severally by the persons named by the Minister prior to the carrying out of the order, but those persons may only include

(a) the owner of the land concerned as registered under the *Land Titles Act*,

(b) in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land, and

(c) the persons to whom the order was issued.

(3) The Minister may delegate any or all of the Minister's powers under this section to the Council.

RSA 2000 cS-1 s56;2015 c10 s29

Order of the Court

57(1) If a person refuses to allow an Administrator or a safety codes officer or a person lawfully accompanying either of them to carry out an order under section 55 or 56 or interferes with or attempts to interfere with the carrying out of that order, the Administrator, the accredited municipality, the accredited regional services commission or the Authority, as the case may be, may, whether or not that person has been prosecuted under section 67(1) or 67(4)(c) or (d), make an application to the Court of King's Bench for an order

(a) requiring that person to comply with the order issued under this Act, or

(b) restraining that person from interfering in any manner with the carrying out of an order in accordance with section 55 or 56.

(2) A copy of the application and each affidavit in support shall be served not less than 3 days before the day named in the application for the hearing or within any shorter time that the Court may direct.

RSA 2000 cS-1 s57;2009 c53 s167;2015 c10 s30;AR 217/2022

Part 5.1
Administrative Penalties

Administrative penalties

57.1(1) An Administrator may impose an administrative penalty in accordance with this section and the regulations if the Administrator is of the opinion that a person has failed to comply with or contravened

(a) section 5, 6, 7, 8, 9, 10(1), 11, 35, 39(2) or (3), 40, 41, 43, 44(4), 45(1), 59 or 67(1), (2) or (3),

(b) an order made under this Act, or

(c) a condition in a permit, certificate or variance issued under this Act.

(2) An administrative penalty may be

(a) a single amount, or

(b) an amount for each day or part of a day on which the contravention or failure to comply continues.

(3) The total amount of an administrative penalty must not exceed

(a) in the case of a penalty referred to in subsection (2)(b), the maximum daily amount of $10 000, and

(b) the maximum cumulative amount of $100 000.

(4) A notice of administrative penalty must be in writing and contain the following information:

(a) the name of the person required to pay the administrative penalty;

(b) the particulars of the contravention or failure to comply;

(c) the amount of the administrative penalty and whether it is imposed as a single amount or as an amount applicable to each day that the contravention or failure to comply has continued or will continue;

(d) the date on which the notice is issued;

(e) the date by which the administrative penalty must be paid;

(f) a statement that the person otherwise liable to pay the administrative penalty may, under section 57.3, appeal the imposition of or the amount of the administrative penalty, or both;

(g) any other information required by the regulations.

(5) A notice of administrative penalty may be served within 3 years from the date on which the contravention or failure to comply is alleged to have occurred, but not afterward.

(6) A notice of administrative penalty must be served on the person alleged to have contravened or failed to comply.

(7) Except as otherwise provided in this Part, a person who has been served with a notice of administrative penalty shall pay the

amount of the penalty on or before the date specified in the notice of administrative penalty, which must be at least 30 days after the day on which the notice of administrative penalty is served.

(8) A person who pays an administrative penalty in respect of a contravention or failure to comply shall not be charged with an offence under this Act in respect of the contravention or failure to comply described in the notice of administrative penalty.

2015 c10 s31;2020 c25 s16

Discretion to suspend, reduce or withdraw

57.2 After imposing an administrative penalty under section 57.1, if the person served with a notice of administrative penalty has not submitted a notice of appeal and the Administrator is of the opinion that the person is taking reasonable measures to remedy the contravention or failure to comply, the Administrator may, in writing, as the Administrator considers appropriate, and in accordance with the regulations,

(a) suspend, reduce or withdraw the administrative penalty, and

(b) impose terms and conditions concerning a suspension.

2015 c10 s31

Appeal of administrative penalty

57.3(1) A person served with a notice of administrative penalty may appeal the imposition of or the amount of the administrative penalty, or both, by submitting a notice of appeal of administrative penalty in accordance with the regulations to the appeal body established or designated by the regulations.

(2) Subject to the regulations, the appeal body referred to in subsection (1) may make rules governing its own procedure and business.

(3) The *Regulations Act* does not apply to rules made under subsection (2).

(4) The appeal referred to in subsection (1) shall be dealt with in accordance with the regulations and the rules made under subsection (2).

(5) Any subsequent actions before a court following a notice of administrative penalty shall be dealt with in accordance with the regulations.

2015 c10 s31

Enforcement of administrative penalty

57.4 Subject to the right to appeal, where a person fails to pay an administrative penalty in accordance with a notice of

administrative penalty and any suspension or reduction of an administrative penalty referred to in section 57.2, the Administrator may file a copy of the notice of administrative penalty together with the written suspension or reduction of an administrative penalty, if any, with the clerk of the Court of King's Bench, and on being filed, they have the same force and effect and may be enforced as a judgment of the Court.

2015 c10 s31;AR 217/2022

Part 6
Information

Information systems

58 An Administrator or the Council may, in accordance with the regulations, maintain one or more information systems with respect to

(a) the administration of and exercise of powers and performance of duties under this Act, and

(b) any matter to which this Act applies.

RSA 2000 cS-1 s58;2015 c10 s32

Accident notification

59 If there is an unsafe condition, accident or fire that involves a thing, process or activity to which this Act applies, the owner or person designated in the regulations shall, if required by the regulations, forthwith report it to an Administrator, or to the accredited municipality, the accredited regional services commission or the Authority, as the case may be, if the thing, process or activity is under the administration of the accredited municipality, the accredited regional services commission or the Authority.

RSA 2000 cS-1 s59;2015 c10 s33

Information compilation

60 If any information is required to be prepared, submitted or retained under this Act, the regulations and the terms and conditions of a permit may state the qualifications required to be held by the person who prepares, submits or retains it and may provide for how the information is to be prepared, submitted and retained.

1991 cS-0.5 s56

Outstanding orders

61 If a person to whom an order is issued under this Act

(a) does not commence an appeal of the order within the time set out in this Act for commencement of an appeal, and

(b) does not carry out the order within the time set out in the order,

an Administrator may place an entry on the relevant information system that briefly indicates the subject-matter of the outstanding order, the name of the owner and the location of the thing, process or activity that is the subject-matter of the outstanding order.

RSA 2000 cS-1 s61;2015 c10 s34

Variance register

62 An Administrator may place an entry on the relevant information system that briefly indicates the subject-matter of a variance and the location of the thing, process or activity to which the variance applies.

RSA 2000 cS-1 s62;2015 c10 s35

Release of information

63(1) Any person employed or assisting in the administration of this Act shall preserve confidentiality with respect to personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, that comes to the person's attention under this Act and shall not disclose or communicate that information except as follows:

(a) an accredited municipality, an accredited regional services commission, an accredited agency and the Authority must, on request by a municipality, release information, including personal information, to the municipality with respect to the administration of this Act within the municipality;

(b) a person may disclose personal information in accordance with the *Freedom of Information and Protection of Privacy Act*.

(2) An accredited municipality, an accredited regional services commission, an accredited corporation and an accredited agency must, on the request of the Council, release information to the Council with respect to any matter related to this Act.

(3) Subsection (2) does not authorize the release of personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

(4) Subject to the regulations, a person may request a search of a relevant information system for variances, orders and records related to the issuance of variances and orders, and the search request may be granted in accordance with the regulations and the *Freedom of Information and Protection of Privacy Act*.

RSA 2000 cS-1 s63;2015 c10 s36

Part 7
General

Fees

64(1) The Government may charge fees, in accordance with an order of the Minister,

(a) for anything issued or for any material, information, education program, publication or service provided by the Minister under this Act,

(b) for any research that is carried out by the Minister that relates to any thing, process or activity to which this Act applies, and

(c) for the filing of a notice of appeal of an administrative penalty referred to in section 57.3(1).

(2) The Minister may make orders respecting the payment of fees to witnesses and interpreters and for reporting fires.

RSA 2000 cS-1 s64;2015 c10 s37

Service

64.1 If a document is required to be served on a person under this Act, the service must be effected in accordance with the regulations.

2015 c10 s38

Regulations

65(1) The Lieutenant Governor in Council may make regulations

(a) governing fire protection and the safe design, manufacture, construction, sale, installation, use, operation, occupancy and maintenance of

(i) buildings,

(ii) electrical systems,

(iii) elevating devices,

(iv) fire protection systems and equipment,

(v) gas systems,

(vi) plumbing systems,

(vii) pressure equipment, and

(viii) private sewage disposal systems;

(b) respecting the requirements for designs to be signed or have stamps or seals affixed by persons licensed or registered under the *Architects Act* or the *Engineering and Geoscience Professions Act* or any other enactment governing a profession or occupation;

(c) respecting exclusions from the definitions of

(i) building,

(ii) electrical system,

(iii) gas,

(iv) gas system,

(v) plumbing system, and

(vi) private sewage disposal system,

for the purposes of this Act;

(d) respecting the designation of any thing as an elevating device;

(e) defining for the purposes of this Act

(i) a passenger elevator, freight elevator, dumbwaiter, emergency elevator, escalator, inclined passenger lift, manlift, passenger ropeway, material lift, moving walk, personnel hoist, lift for persons with disabilities or amusement ride, and

(ii) boilers, pressure vessels, pressure piping systems and fittings, fired-heater pressure coils and thermal liquid heating systems;

(e.1) governing barrier-free design and access;

(e.2) defining for the purposes of this Act principles of barrier-free design and access;

(f) governing the qualifications and the evaluation of the qualifications of safety codes officers and applicants for and holders of permits and certificates of competency;

(g) designating things, processes or activities with respect to which a certificate of competency or permit is required and establishing the classifications of certificates of competency and permits;

(h) governing the issuance, display, making available, suspension, renewal and cancellation of permits and certificates of competency;

(i) governing the provision of identification of safety codes officers and the use of the identification;

(i.1) respecting the investment of money for the purpose of section 21(3);

(i.2) respecting the request of the Minister and recommendations regarding a question or matter relating to an accreditation overlap referred to in section 29(3);

(i.3) respecting the administrative penalties referred to in section 57.1, including regulations

(i) respecting notices of administrative penalty, their form and contents;

(ii) respecting the amount of an administrative penalty;

(iii) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of the system of administrative penalties;

(i.4) respecting the suspension, reduction and withdrawal of administrative penalties under section 57.2;

(i.5) respecting the form and contents of a notice of appeal of administrative penalty referred to in section 57.3(1);

(i.6) designating a body as the appeal body for the hearing of appeals from notices of administrative penalty referred to in section 57.3(1) or respecting the establishment of an appeal body for the hearing of appeals from notices of administrative penalty referred to in section 57.3(1);

(i.7) respecting the conduct of appeals before the appeal body referred to in section 57.3, including

(i) adjournments of matters before the appeal body;

(ii) the attendance of witnesses before the appeal body;

(iii) the applicability of the rules of evidence in judicial proceedings to hearings before the appeal body;

(iv) the receiving and recording of evidence;

(v) empowering the appeal body to proceed when a party to the appeal fails to appear at or attend a hearing;

(vi) empowering the appeal body to require the production of any record, object or thing;

(vii) the reconsideration of decisions made by the appeal body;

(viii) costs;

(i.8) respecting the subsequent actions before a court following a notice of administrative penalty referred to in section 57.3(5);

(i.9) respecting the enforcement of administrative penalties under section 57.4;

(j) respecting forms for the purposes of this Act;

(k) governing the information systems referred to in section 58, including

(i) the information, including personal information, to be included in an information system,

(ii) the release of information, including personal information, from an information system under section 63, and

(iii) the portion of the information in an information system, including personal information, that may be made available to the public in response to a search request referred to in section 63(4);

(k.1) governing

(i) the content of a municipal bylaw referred to in section 66(2)(b.1) respecting private sewage disposal systems, and

(ii) the manner in which a municipality may make a municipal bylaw referred to in section 66(2)(b.1) respecting private sewage disposal systems;

(l) governing orders and the service of orders, notices and other documents;

(m) governing the preparation, submission and retention of reports and information and the reporting of unsafe conditions, accidents and fires;

(n) governing designs;

(o) governing quality management systems;

(p) governing accredited municipalities, accredited regional services commissions, accredited corporations, accredited agencies and the Authority.

(2) The Lieutenant Governor in Council may, by regulation,

(a) declare in force a code, standard or body of rules relating to the matters set out in subsection (1) and require compliance;

(b) amend or repeal a code, standard or body of rules declared in force before or after the coming into force of this subsection.

(3) A code, standard or body of rules may be declared in force under subsection (2)

(a) in whole or in part and with variations or disclaimers, and

(b) as it read on a specified day or as amended or replaced from time to time.

(4) If a code, standard or body of rules is declared in force as amended or replaced from time to time, any amendments to the code, standard or body of rules or replacement of the code, standard or body of rules comes into force on the first day of the month following the expiry of 12 months after the date on which the amendment or replacement is published, unless the Minister publishes an order in Part I of The Alberta Gazette declaring

(a) that the amendment or replacement will not be in force on the expiry of 12 months following the date on which the amendment was published, or

(b) that the coming into force of the amendment or replacement is to occur on an earlier or later date.

(5) Regulations under this section may apply generally or specifically and may provide for which provision of which regulation prevails in the case of a conflict between the regulations.

(6) Before making a regulation under this section, the Lieutenant Governor in Council shall ensure that the Council has the

opportunity to review the proposed regulation for a period of 90 days prior to the regulation's being made unless the Council has waived or reduced that period.

(7) Before making a regulation referred to in subsection (2), the Lieutenant Governor in Council shall ensure that the code, standard, body of rules, amendment or replacement is published, whether by the Council or another association or person, and available to the public.

(8) The Lieutenant Governor in Council may make regulations respecting

(a) the determination of the date on which an amendment or replacement of a code, standard or body of rules was published;

(b) the timely review, amendment, repeal and replacement of codes, standards and bodies of rules;

(c) the timely commencement of codes, standards and bodies of rules, amendments, repeals and replacements.

RSA 2000 cS-1 s65;2001 c28 s19;2004 c19 s6; 2011 c3 s33;2015 c10 s39

Implementation amendments to regulations

65.01(1) The Lieutenant Governor in Council may, by regulation, amend other regulations made under this Act

(a) for consistency with this Act as amended from time to time;

(b) to declare more than one code, standard or body of rules in force as amended or replaced from time to time under section 65(3), (4) and (5).

(2) An amendment under subsection (1) may be made notwithstanding that the regulation being amended was made by a member of the Executive Council or some other person or body.

2015 c10 s40

65.1 Repealed 2019 c22 s12.

Bylaws

66(1) Except as provided in this section, a bylaw of a municipality that purports to regulate a matter that is regulated by this Act is inoperative.

(2) Notwithstanding subsection (1), a municipality may make bylaws

(a) to carry out its powers and duties under the *Forest and Prairie Protection Act*;

(b) respecting minimum maintenance standards for buildings and structures;

(b.1) in the manner and to the extent authorized by the regulations, respecting private sewage disposal systems;

(c) respecting unsightly or derelict buildings or structures.

(3) Notwithstanding subsection (1), an accredited municipality may make bylaws

(a) respecting fees for anything issued or any material or service provided pursuant to this Act, and

(b) respecting the carrying out of its powers and duties as an accredited municipality.

RSA 2000 cS-1 s66;2015 c10 s41

Prohibitions

Offences

67(1) A person who interferes with or in any manner hinders an Administrator or a safety codes officer in the exercise of the Administrator's or officer's powers and performance of the Administrator's or officer's duties under this Act is guilty of an offence.

(2) A person who knowingly makes a false or misleading statement under section 34(4)(c) either orally or in writing is guilty of an offence.

(3) A person who fails to prepare, submit or retain any information that the person is required by this Act to prepare, submit or retain is guilty of an offence.

(4) A person who

(a) contravenes this Act,

(b) contravenes a condition in a permit, certificate or variance,

(c) contravenes an order, or

(d) fails to carry out any action required in an order to be taken within the time specified in it,

is guilty of an offence.

(5) A person who is guilty of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues.

RSA 2000 cS-1 s67;2015 c10 s42

Penalty

68(1) A person who is guilty of an offence is liable

(a) for a first offence,

(i) to a fine of not more than $100 000 and, in the case of a continuing offence, to a further fine of not more than $1000 for each day during which the offence continues after the first day or part of a day, or

(ii) to imprisonment for a term not exceeding 6 months,

or to both fines and imprisonment, and

(b) for a 2nd or subsequent offence,

(i) to a fine of not more than $500 000 and, in the case of a continuing offence, to a further fine of not more than $2000 for each day or part of a day during which the offence continues after the first day, or

(ii) to imprisonment for a term not exceeding 12 months,

or to both fines and imprisonment.

(2) If a person is guilty of an offence under this Act, the court may, in addition to any other penalty imposed or order made, order the person to comply with this Act or any order, permit, certificate or variance, or all or any one or more of them, as the case requires.

RSA 2000 cS-1 s68;2012 c7 s3

Prosecution time limit

68.1(1) A prosecution of an offence under this Act may not be commenced more than 3 years after the day on which evidence of the offence first came to the attention of a safety codes officer.

(2) This section applies only in respect of offences that are committed on or after the day on which this section comes into force.

2012 c7 s3

Proof by certificate

69 For the purpose of a prosecution for a contravention of any provision of this Act requiring a person to hold a certificate of competency, permit or variance, a certificate purporting to be signed by an Administrator stating that a person was or was not on a named day the holder of a certificate of competency, permit or variance is proof, in the absence of evidence to the contrary, of the facts stated in it, without proof of the signature or official character of the person signing the certificate.

1991 cS-0.5 s65

Penalty proceeds

70 If a fine results from an offence under this Act with respect to a matter that an accredited municipality is authorized to administer, the fine may, on the application of the accredited municipality when the fine is assessed, accrue to the benefit of the municipality.

1991 cS-0.5 s66

Transitional Provisions

Permits, etc., continue

71(1) On March 31, 1994, a permit, licence, certificate, approval, registration or order under the

(a) *Fire Prevention Act*, SA 1982 cF-10.1, or

(b) *Uniform Building Standards Act*, RSA 1980 cU-4,

continues as a permit, certificate, registration or order under this Act until it would have expired under the Act under which it was issued or it is suspended or cancelled.

(2) On October 1, 1994, a permit, licence, certificate, approval, registration or order under the

(a) *Electrical Protection Act*, RSA 1980 cE-6,

(b) *Elevator and Fixed Conveyances Act*, RSA 1980 cE-7,

(c) *Gas Protection Act*, RSA 1980 cG-2,

(d) *Plumbing and Drainage Act*, RSA 1980 cP-10, or

(e) *Boilers and Pressure Vessels Act*, RSA 1980 cB-8,

continues as a permit, certificate, registration or order under this Act until it would have expired under the Act under which it was issued or it is suspended or cancelled.

(3) In accordance with section 36(1)(e) of the *Interpretation Act*, all or any part of a code, standard or body of rules and the revisions, variations and modifications to it that have been adopted or declared in force by a regulation under an Act referred to in subsection (1) or (2) is deemed to be a regulation that has been made under this Act.

1991 cS-0.5 s67

Inspectors, local assistants

72(1) On March 31, 1994, a person who is appointed as an inspector under the

(a) *Fire Prevention Act*, SA 1982 cF-10.1, or

(b) *Uniform Building Standards Act*, RSA 1980 cU-4,

is deemed, in accordance with the regulations, to be appointed as a safety codes officer for the period of time set out in the regulations with the powers and duties of an inspector that the person had under the previous Act.

(2) On October 1, 1994, a person who is appointed as an inspector under the

(a) *Electrical Protection Act*, RSA 1980 cE-6,

(b) *Elevator and Fixed Conveyances Act*, RSA 1980 cE-7,

(c) *Gas Protection Act*, RSA 1980 cG-2,

(d) *Plumbing and Drainage Act*, RSA 1980 cP-10,

(e) *Boilers and Pressure Vessels Act*, RSA 1980 cB-8, or

(f) bylaws passed pursuant to section 159(i) of the *Municipal Government Act*, RSA 1980 cM-26,

is deemed, in accordance with the regulations, to be appointed as a safety codes officer for the period of time set out in the regulations with the powers and duties of an inspector that the person had under the previous Act.

(3) On March 31, 1994, a person who is designated or appointed as a local assistant under the *Fire Prevention Act*, SA 1982 cF-10.1, is deemed, in accordance with the regulations, to be designated or appointed as a safety codes officer under this Act for the period of time set out in the regulations with the powers and duties that the person had under the *Fire Prevention Act*.

1991 cS-0.5 s68;1994 c44 s5

Municipal duties

73(1) A local authority, as defined in the *Uniform Building Standards Act*, RSA 1980 cU-4, that is authorized to enforce that Act is deemed to be an accredited municipality under this Act with all the powers and duties it had under the *Uniform Building Standards Act*.

(2) On March 31, 1994, a municipality with any powers or duties under the *Fire Prevention Act*, SA 1982 cF-10.1, relating to matters regulated under this Act is deemed to be an accredited municipality with those powers and duties.

(3) On October 1, 1994, a municipality with any powers or duties under the

(a) *Electrical Protection Act*, RSA 1980 cE-6,

(b) *Elevator and Fixed Conveyances Act*, RSA 1980 cE-7,

(c) *Gas Protection Act*, RSA 1980 cG-2,

(d) *Plumbing and Drainage Act*, RSA 1980 cP-10,

(e) *Boilers and Pressure Vessels Act*, RSA 1980 cB-8, or

(f) bylaws passed pursuant to section 159(i) of the *Municipal Government Act*, RSA 1980 cM-26,

relating to matters related under this Act is deemed to be an accredited municipality with those powers and duties.

1991 cS-0.5 s69;1994 c23 s42;1994 c44 s6

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