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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

AN ACT TO AMEND THE BOILERS
AND PRESSURE VESSELS ACT

Statement of Purpose

The purpose of this Bill is to amend the Boilers and Pressure Vessels Act to change the imperial measurements to metric; to replace the Director with the Minister in respect of certain powers; to replace the Director with the chief inspector in respect of certain powers; to amend certain provisions in the Act respecting certificates of qualification and welding operators; to amend the offence provision to specify that the maximum penalty under this Act is \$5,000 or imprisonment of one year or both; and to amend the regulation-making provisions with respect to certificates of qualification, welding operators and plants.

IMPORTANT

This Bill is tabled for public review. This proposed Act does not represent the final policy of the Government of the Northwest Territories and is subject to change after public review and comments. Furthermore, changes of a technical nature can be expected to prepare the Bill for introduction in the Legislative Assembly.

AN ACT TO AMEND THE BOILERS
AND PRESSURE VESSELS ACT

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The Commissioner of the Northwest Territories,
by and with the advice and consent of the
Legislative Assembly enacts as follows:

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1. The Boilers and Pressure Vessels Act is amended
by this Act.

2. Section 2 is amended

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(a) by repealing paragraph (9);

(b) by striking out in paragraph (10), "fifteen
pounds to the square inch" wherever it
occurs and substituting "103 kPa"; and

(c) by repealing paragraph (19) and
substituting:

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"pressure"

(19) "pressure" means pressure in kilopascals
above normal atmospheric pressure;".

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3. In the following provisions, "Director" is
struck out and "chief inspector" is substituted:

(a) paragraph 2(25);

(b) subsection 12(1);

(c) subsection 13(1);

(d) subsection 21(2);

(e) subsection 21(3);

(f) section 25;

(g) subsection 26(3);

(h) subsection 26(4);

(i) subsection 26(5);

(j) subsection 27(1);

(k) subsection 27(2);

(l) subsection 27(3);

(m) subsection 27(4);

(n) subsection 29(1);

(o) subsection 29(2);

(p) subsection 30(1);

(q) section 31;

(r) section 32;

(s) subsection 33(1);

(t) paragraph 33(2)(a);

(u) subsection 33(3);

(v) section 34;

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- (w) paragraph 35(1)(a);
- (x) subsection 37(1);
- (y) subsection 52(1); and
- (z) paragraph 55(1)(m).

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4. Section 3 is amended

- (a) in subparagraph (1)(a)(i), by striking out "three horsepower" and substituting "3 m² of heating surface";
- (b) in subparagraph (1)(b)(i), by striking out "one and one-half cubic feet" and substituting ".043 m³"; 10
- (c) in subparagraph (1)(b)(ii), by striking out "fifty pounds to the square inch" and substituting "103 kPa"; 15
- (d) in paragraph (1)(d) by striking out "three tons" and substituting "11 kw";
- (e) in paragraph (2)(a), by striking out "ten square feet" and substituting ".9 m²";
- (f) by adding "and" after "ten;" in paragraph (2)(b); 20
- (g) in paragraph (2)(c), by striking out "fifty thousand; and" and substituting "thirty-three thousand.";
- (h) by repealing paragraph (2)(d); and 25
- (i) by adding the following after paragraph (2)(c):

"Interpretation

- (3) For the purpose of this section one nominal horsepower is equal to 10 kw." 30

5. Section 12 is amended

- (a) in subsection (2), by striking out "the Director shall" and substituting "the chief inspector shall" and by striking out "the Director may, on the recommendation of the chief inspector," and substituting "the chief inspector may"; and 35
- (b) in subsection (3), by striking out "Director for approval and registration on the recommendation of the chief inspector" and substituting "chief inspector for approval and registration". 40

- 6. Subsection 13(2) is amended by striking out "Director who, on the recommendation of the chief inspector," and substituting "chief inspector who". 45

7. Section 14 is amended by striking out "Director may, on the recommendation of the chief inspector," and substituting "chief inspector may".
8. Section 15 is amended by striking out "Director may, on the recommendation of the chief inspector," and substituting "chief inspector may". 5
9. Subsection 21(1) is amended by striking out "the Director on" and substituting "the chief inspector on" and by striking out "Director shall, on the recommendation of the chief inspector," and substituting "chief inspector shall". 10
10. Section 24 is amended 15
- (a) in subsection (1), by striking out "Director, on the recommendation of the chief inspector," and substituting "chief inspector"; and
 - (b) in subsection (2), by striking out "Director thereon who, on the recommendation of the chief inspector," and substituting "chief inspector who". 20
11. Subsection 26(2) is amended by striking out "Director, on the recommendation of the chief inspector," and substituting "chief inspector". 25
12. Subsection 27(5) is amended by striking out "Director, on the recommendation of the chief inspector," and substituting "chief inspector". 30
13. Section 28 is amended by striking out "Director, who may, on the recommendation of the chief inspector," and substituting "chief inspector, who may". 35
14. Paragraph 33(2)(c) is amended by striking out "Director, on the recommendation of the chief inspector," and substituting "chief inspector". 40
15. Subsection 35(2) is amended by striking out "or other person designated by the Director" and by striking out "the Director becomes" and substituting "the chief inspector becomes". 45

16. Section 39 is repealed and the following substituted:

"Operator must be qualified

39.(1) No person shall perform the duties of a chief operating engineer, an operating engineer, a shift engineer or an operator in respect of a plant unless that person holds a temporary certificate of qualification or a certificate of qualification of a class prescribed by regulation that qualifies him to perform those duties in respect of that plant. 5
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Plant must be operated by qualified persons

(2) No owner of a plant prescribed by regulation shall operate the plant or permit the plant to be operated except under the supervision and attendance of persons who hold temporary certificates of qualification or certificates of qualification of the classes prescribed by regulation in respect of that plant. 15
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Plant may be unattended

(3) The owner of a plant prescribed by regulation, with the approval of the chief inspector, may leave the plant unattended provided that the plant is otherwise operated in compliance with the Act, the regulations and any terms or conditions stipulated by the chief inspector." 25

17. The subheading immediately preceding section 40 and section 40 are repealed. 30

18. Section 41 is amended

- (a) by striking out "Director" and substituting "Minister, on the recommendation of the chief inspector,"; 35
- (b) by renumbering section 41 as subsection 41(1); and

(c) by adding the following after subsection (1):

"Temporary certificate of qualification (2) The chief inspector may issue a temporary certificate of qualification to a person who pays the fees prescribed by regulation, who meets the requirements set out in the regulations and who, in the opinion of the chief inspector, has sufficient experience to operate a plant of the capacity, type or class specified in the certificate. 5 10

Terms and conditions (3) A certificate of qualification or a temporary certificate of qualification is subject to the terms and conditions set out in the certificate and in the regulations." 15

19. Sections 42 and 43 are repealed.

20. Subsection 44(1) is amended 20
(a) by striking out "The Director may" and substituting, "The Minister, upon the recommendation of the chief inspector, may"; and
(b) by repealing paragraph (h) and substituting the following: 25

"(h) knowingly provides the Minister or the chief inspector with false information in respect of an applicant for a certificate of qualification; or". 30

21. In the following provisions "Director" is struck out and "Minister" is substituted: 35
(a) subsection 44(2); and
(b) subsection 45(1).

22. Sections 47 to 49 are repealed.

23. Section 51 is repealed and the following substituted: 40

"Issue of welding performance qualification card 51.(1) An inspector shall issue a welding performance qualification card to any person who meets the qualifications required by regulation, passes any examinations or tests required by regulation and pays the fees prescribed by regulation. 45

Recognition of extra- territorial certificates	(2) An inspector may issue a welding performance qualification card to a person without requiring the person to pass an examination or test where the person holds a certificate satisfactory to the chief inspector issued by a province or other jurisdiction that qualifies the person to be a welding operator.	5
Provisional welding performance qualification card	(3) An inspector may issue a provisional welding performance qualification card to a person who passes any examinations or tests required by regulation and pays the fees prescribed by regulation.	10
Terms and conditions	(4) A welding performance qualification card or a provisional welding performance qualification card is subject to the terms and conditions set out on the card and in the regulations.	15
Cancellation or suspension	(5) An inspector may cancel or suspend a provisional welding performance qualification card or a welding performance qualification card if the holder of the card	20
	(a) is incompetent or negligent in the discharge of his duties as a welding operator;	25
	(b) has obtained his certificate through misrepresentation or fraud;	
	(c) allows another person to operate under his certificate;	30
	(d) fails any test required by the Act or the regulations; or	
	(e) contravenes any other provision of the Act or the regulations.	35
Appeal	(6) A person whose welding performance qualification card has been cancelled or suspended under subsection (5) may appeal to the Commissioner in accordance with section 45.	40
Welding operator must be qualified	(7) Except where exempted by regulation, no person shall weld a boiler, pressure vessel or plant unless the person holds a welding performance qualification card issued under the regulations authorizing him to do that type of welding.	45

Prohibition

(8) Except where exempted by regulation, no owner shall require, cause or permit any person to weld a boiler, pressure vessel or plant unless the welding operator holds a welding performance qualification card issued under the regulations authorizing him to do that type of welding." 5

24. Section 52 is amended
(a) by renumbering subsection (1) as section 52; 10
(b) by repealing paragraph (1)(f) and substituting the following:

"(f) all welding performance qualification cards."; and 15

(c) by repealing subsection (2).

25. Section 54 is repealed and the following substituted: 20

"Offence and penalty

54. Every person who violates this Act or the regulations is guilty of an offence punishable on summary conviction and is liable, for each day or part of a day on which the offence occurs or continues, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or both." 25

26. Subsection 55(1) is amended
(a) by adding the following after paragraph (o): 30

"(o.1) prescribing types of certificates of qualification and temporary certificates of qualification and classes within each type, and the type, class and maximum capacity of plant that the certificate qualifies the holder to operate;" 35 40

(b) in paragraph (p), by striking out "prescribing the qualifications of applicants" and substituting "respecting the qualifications, tests and examinations required to be met by applicants"; 45

(c) by repealing paragraphs (t), (u) and (v) and substituting the following:

- "(t) providing for the issue, renewal, reinstatement and terms and conditions of certificates of qualification, temporary certificates of qualification and duplicate certificates of qualification; 5
- (u) prescribing types of plants and classes within each type of plant; 10
- (u.1) specifying the class of certificate of qualification required to operate, supervise, or be in attendance at a plant, a type of plant or a class within a type of plant; 15
- (v) respecting the operation of plants or types of plants or classes within each type of plant;
- (v.1) respecting the terms and conditions on which plants, types of plants or classes within types of plants may be left unattended." 20

(d) by striking out the "and" at the end of paragraph (1)(y), striking out the period at the end of paragraph (z) and substituting a semi-colon, and adding the following after paragraph (z): 25

- "(z.1) establishing classes of welding operators; 30
- (z.2) respecting the qualifications, experience, examinations and tests required to be met by applicants for a welding performance qualification card or a provisional welding performance qualification card and the evidence required to be furnished by such applicants as to previous experience and training; 35 40
- (z.3) providing for the issuance, reinstatement, renewal and terms and conditions of welding performance qualification cards, duplicate welding performance qualification cards and provisional welding performance qualification cards; 45
- (z.4) requiring the requalification or re-examination of welding operators and respecting the examinations and tests to be passed;

- (z.5) prescribing the powers and duties of each class of welding operators; 5
- (z.6) governing welding procedures relating to the fabrication or repair of any boiler, pressure vessel or plant;
- (z.7) respecting the exemption of welding operators from the requirement to hold a welding performance qualification card; 10
- (z.8) respecting the supervision and attendance by holders of certificates of qualification of plants, types of plants or classes within types of plants; and 15
- (z.9) establishing classes of boilers and pressure vessels." 20

27. Subsection 55(2) is amended by adding ", or such code as amended from time to time" after "such code".