# PLEASE NOTE

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For more information concerning the history of this Act, please see the ***Table of Public Acts*.**

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
E-mail: legislation@gov.pe.ca

# CHAPTER P-15

## POWER ENGINEERS ACT

**1.** In this Act — Definitions

(a) "board" means the board of examiners constituted under section 4; — board

(b) "boiler" means any vessel in which steam or vapor may be generated, or hot water or liquid may be produced or put under pressure, by the direct application of a heat source, and includes any pipe or fitting, prime mover, machinery or other equipment attached thereto or used in connection therewith; — boiler

(c) "chief inspector" means the chief boiler inspector appointed under the *Boilers and Pressure Vessels Act* R.S.P.E.I. 1988, Cap. B-5; — chief inspector

(d) "employer" means an employer of power engineers; — employer

(e) "have charge of" means, in relation to a plant, to have at all times while the plant is in operation general supervision of the operation and maintenance of the plant and of the power engineers operating the plant; — have charge of

(f) "heating plant" means one or more boilers connected to a plant system having an overall capacity greater than — heating plant

(i) 1,465 kilowatts (50 therm hours) and a safety valve setting not exceeding 103 kilopascals (15 pounds per square inch) when the boiler is used for producing steam, or

(ii) a safety relief valve setting not exceeding 1,104 kilopascals (160 pounds per square inch) when the boiler is used for producing hot water, where the temperature of the water produced does not exceed 121 degrees Celsius (250 degrees Fahrenheit),

and includes the plant system;

(g) "heat source" means the flame or gases produced during the combustion process of any liquid, solid or gaseous fuel, but does not include the heat source of an electric boiler, which is the electrical energy consumed by the heating elements; — heat source

(h) "inspector" means an inspector appointed under the *Boilers and Pressure Vessels Act*; — inspector

(i) "license" means a license issued under this Act; — license

Minister

(j) "Minister" means the Minister designated by the Lieutenant Governor in Council;

operate

(k) "operate" means to operate, manipulate, observe and check manual, automatic and remote controls and equipment in connection with a plant, but does not include to "have charge of" a plant;

plant

(l) "plant" means a heating plant, power plant or refrigeration plant, and includes the plant system;

plant system

(m) "plant system" means the series of pipes and fittings, prime movers, machinery and other equipment for the transfer or conversion of heat energy produced by a boiler;

power engineer

(n) "power engineer" means a person who is the holder of a license;

power plant

(o) "power plant" means one or more boilers connected to a plant system having an overall capacity greater than

(i) 439.5 kilowatts (15 therm hours) and a safety valve setting exceeding 103 kilopascals (15 pounds per square inch) when the boiler is used for producing steam, or

(ii) a relief valve setting exceeding 1,104 kilopascals (160 pounds per square inch) when the boiler is used for producing hot water where the temperature of the water produced exceeds 121 degrees Celsius (250 degrees Fahrenheit),

and includes the plant system;

pressure vessel

(o.1) "pressure vessel" means a pressure vessel as defined in the *Boilers and Pressure Vessels Act* R.S.P.E.I. 1988, Cap. B-5;

pressure piping system

(o.2) "pressure piping system" means a pressure piping system as defined in the *Boilers and Pressure Vessels Act* R.S.P.E.I. 1988, Cap. B-5;

refrigeration plant

(p) "refrigeration plant" means a plant having a capacity exceeding 74.5 kilowatts (2.544 therm hours) in which refrigerants are vaporized, compressed and liquefied in their refrigeration cycle, and includes the complete installation and machinery connected with it;

regulations

(q) "regulations" means regulations made under this Act;

therm hour

(r) "therm hour" means one hundred thousand British Thermal Units per hour. 1977, c.29, s.1; 2012,c.30,s.1.

Interpretation

**1.1** Where in this Act and the regulations a measurement is stated in parentheses following a measurement in metric units, the measurement in parentheses is the measurement in English units that is the equivalent of the metric measurement. 2012,c.30,s.2.

**2.** This Act applies to all heating plants, refrigeration plants and power plants in the province. 1977, c.29, s.2. Application

**3.** The Minister is responsible for the administration of this Act. 1977, c.29, s.3. Administration

**4.** (1) There shall continue to be constituted a board of examiners consisting of not more than five members appointed by the Lieutenant Governor in Council. Board of examiners

(2) The chairman of the board shall be an employee of the Department of Communities, Land and Environment named by the Lieutenant Governor in Council. Chairman

(3) At least two of the members of the board shall hold first class licenses and the remaining members shall hold second class licenses. Licenses

(4) The term of office of members of the board is five years. Term of office

(5) When a member of the board dies or resigns, the Lieutenant Governor in Council shall appoint a new member to complete the remainder of the term of the member whose death or resignation has caused the vacancy and, upon completion thereof, the new member is eligible for appointment for a full term of office. Member, death, resignation of

(6) Each member of the board shall be paid fees for the member's services while engaged in the performance of duties pursuant to this Act and the regulations at such rates as the Lieutenant Governor in Council may determine, together with necessary travelling expenses. 1977,c.29, s.4; 1984,c.1,s.2; 1986,c.5,s.2; 1993,c.29,s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2009,c.73,s.2; 2010,c.31,s.3; 2012,c.30,s.3; 2015,c.28,s.3. Remuneration

**5.** (1) The Lieutenant Governor in Council may appoint a person who holds a first class license as an examiner to examine qualified candidates for any class of license. Examiner, appointment of

(2) The board shall, subject to the regulations, determine the examination to be given to a candidate for any class of license and the degree of competency required to pass the examination. 1977, c.29, s.5. Examination

**6.** Subject to the regulations, the board, on payment of the prescribed fee, may issue a license of the appropriate class to an applicant who License, issue of

(a) is of the required age;

(b) completes the application form and files it with the board; and

(c) passes the examination, or holds a license issued by the proper authority in any other jurisdiction which the board deems equivalent to a license issued under this Act. 1977, c.29, s.6.

License, suspension or cancellation of

**7.** (1) The board may cancel or suspend the license of a power engineer who

(a) obtains the license through misrepresentation or fraud;

(b) becomes physically or mentally incapacitated;

(c) is incompetent or negligent in the discharge of the power engineer's duties under this Act and the regulations;

(d) allows some other person to have use of the power engineer's license;

(e) during working hours while the power engineer's plant is in operation, engages in any labour or pursuit not connected with the operation of the plant;

(f) operates or has charge of a plant other than a plant of such description or class as the power engineer is authorized by the license to operate or have charge of;

(g) is convicted of an offence under this Act or the regulations;

(h) leaves the plant unattended at any time it is in operation without first ensuring that a qualified replacement is on shift; or

(i) fails to make any entry in the log book which the power engineer is required to make under the regulations.

Temporary suspension of license

(2) The chief inspector may suspend the license of a power engineer with immediate effect, for a period not to exceed 10 working days, on any of the grounds referred to in subsection (1).

Referral to board

(3) Where the chief inspector has temporarily suspended a power engineer's license under subsection (2), the chief inspector shall immediately refer the matter, together with the chief inspector's reasons for the suspension, to the board for a review and determination in accordance with subsection (1).

Review within 10 days

(4) The board shall conduct its review of a suspension made under subsection (2) within 10 days of the date the suspension was imposed. 1977, c.29, s.7; 2012,c.30,s.4.

License, requirement for

**8.** (1) No person shall operate a plant unless that person holds a valid license authorizing him to do so.

License, scope of

(2) No person who is the holder of a license shall operate a plant

(a) of larger rating than the person is authorized to operate by the license;

(b) after the license has expired or been cancelled; or

(c) while the license is suspended. 1977, c.29, s.8; 2012,c.30,s.5.

Attendance while plant in operation

**9.** Except in so far as the regulations may otherwise provide, at all times when a plant is in operation a power engineer who holds a valid license

of a class appropriate for the operation of the plant shall be in attendance. 1977, c.29, s.9.

Employment of non-licensed operator

**10.** No employer shall employ any person for the purpose of operating or having charge of a plant unless that person is the holder of a license authorizing the person to operate or have charge of the plant. 1977, c.29, s.10; 2012,c.30,s.6.

Designation of person having charge of plant

**11.** Where two or more power engineers are employed in the operation of a plant, the employer shall designate one of them as having charge of the plant. 1977, c.29, s.11.

Activities not connected with operation

**12.** No employer shall permit a power engineer employed by that employer to engage during working hours while the plant is in operation in any labour or pursuit not connected with the operation of the plant. 1977, c.29, s.12; 2012,c.30,s.7.

Interim operator, authorization of

**13.** When a power engineer is temporarily absent from a plant, the chief inspector may, in writing, authorize a power engineer who holds a license not more than one class lower than that of the absent engineer to act in the absent engineer's stead for a period not exceeding thirty days. 1977, c.29, s.13; 2012,c.30,s.8.

License, display of

**14.** Each employer shall cause the licenses of all power engineers employed in the plant to be displayed in a conspicuous place at the plant. 1977, c.29, s.14.

Enforcement

**15.** An inspector may for the purpose of enforcing this Act and the regulations

(a) at all reasonable times enter and examine any building or premises if the inspector has reason to believe that any boiler, pressure vessel or pressure piping system is being installed or operated therein;

(b) make such examination and inquiries as the inspector may consider necessary to determine whether there is or has been any contravention of this Act or the regulations;

(c) make a decision or issue an instruction requiring an employer or a power engineer to comply with this Act or the regulations. 1977, c.29, s.15; 2012,c.30,s.9.

Appeal

**16.** (1) Any person aggrieved by a decision or action of an inspector or the board may, within thirty days thereof, appeal in writing to the Minister and the Minister, after giving notice of the hearing to all parties who in the opinion of the Minister have an interest in the matter, shall hear the appeal and may approve, disapprove or vary the decision or action appealed against.

Decision final

(2) The decision of the Minister pursuant to subsection (1) is final and no appeal lies therefrom. 1977, c.29, s.16; 2012,c.30,s.10.

Offences

**17.** (1) Every person who contravenes any of the provisions of this Act or the regulations or hinders or obstructs an inspector in the performance of the inspector's duties is guilty of an offence and on summary conviction is liable to a fine of not less than $500 and not more than $5,000.

Continuing offence

(2) Where the circumstances constituting an offence continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to be repeated on each day the circumstances continue. 1977, c.29, s.17; 2012,c.30,s.11.

Regulations

**18.** The Lieutenant Governor in Council may make regulations for the better administration and enforcement of this Act and without limiting the generality thereof

(a) concerning the duties of employers;

(b) concerning the duties of power engineers;

(c) specifying the classes of licenses and their form, duration and content;

(d) prescribing the qualifications required of applicants for licenses and the evidence to be furnished by applicants in respect of previous training and experience;

(e) prescribing the fees for the issue and renewal of licenses;

(f) providing for the reciprocal recognition of power engineers licenses issued in other provinces;

(g) prescribing forms and providing for their use;

(h) prescribing procedures and bylaws in respect of the board;

(i) concerning the registration of plants and the class of license required to be held by a power engineer to operate a plant of a particular description;

(j) providing for the measurement of the capacity of boilers;

(j.1) providing for the adoption, in whole or in part and as amended from time to time, of a standardized system of ratings for boilers and plants;

(k) governing the isolation of boilers and the interconnection of boilers and plant systems;

(l) regulating the operating of a plant in the absence of power engineers;

(m) requiring the keeping of log books of plant operations. 1977, c.29, s.18; 2012,c.30,s.12.

Payment of fees, etc.

**19.** All fees and fines collected under this Act and the regulations shall be paid into the Operating Fund. 1977, c.29, s.19; 1997,c.20,s.3.