



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

BOILERS AND PRESSURE VESSELS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 28, 2019. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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

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



BOILERS AND PRESSURE VESSELS ACT

Table of Contents

Section	Page
1. Definitions.....	5
PART I — GENERAL	6
2. Application of Act.....	6
3. Staff.....	7
4. Calculations.....	7
PART II — DESIGN, CONSTRUCTION AND SALE	7
DESIGN	7
5. Approval and registration of designs	7
6. Approval and registration of designs brought into the province	8
7. Changes in design	8
8. Responsibility of owner and manufacturer	8
9. Unsafe and obsolete designs	8
FITTINGS	9
10. Registration of fittings, application	9
11. Registration of fittings brought into the province	9
12. Registration of changes to fittings, application	9
13. Unsafe or obsolete fittings	9
BOILER AND PRESSURE VESSEL IDENTIFICATION	10
14. Identification of boilers and pressure vessels	10
CONSTRUCTION, INSTALLATION AND SALE OF BOILERS, PRESSURE VESSELS AND FITTINGS	10
15. Construction of boilers and pressure vessels.....	10
16. Construction of fittings	11
17. Notice of disposal.....	11
18. Offences <i>re</i> installation and use, piping system	11
19. Payment of fees.....	12
PART III — INSPECTIONS AND INVESTIGATIONS	12
20. Inspections and inquiries.....	12
21. Powers of inspector	13
22. Right of entry	13
23. Inspector not to be hindered	13
24. Provision of assistance and safety equipment to inspector	14
25. Certificate of inspection	14
26. Display of certificate of inspection	15
27. Notification of unsafe conditions	15
28. Accident reports	15

29.	Investigations.....	15
PART IV — MISCELLANEOUS		16
30.	Advisory Board	16
31.	Jurisdiction of Advisory Board.....	16
32.	Meetings	17
33.	Regulations	17
34.	Offence and penalty.....	18





BOILERS AND PRESSURE VESSELS ACT

CHAPTER B-5

1. Definitions

In this Act

- (a) “**accident**” means an accident that results in damage to property or injury to or the death of a person;
- (b) “**approved and registered**” means approved and registered in accordance with the regulations;
- (c) “**boiler**” means a vessel in which steam or other vapour can be generated under pressure or in which a liquid can be put under pressure by the direct application of a heat source;
- (d) “**boiler rating**” means the rating for measuring the capacity of a boiler in kilowatts as determined in the regulations;
- (e) “**certificate of inspection**” means a certificate of inspection issued by an inspector or other person authorized to do so under subsection 3(2), and includes a certificate of compliance issued under subsection 25(1.1);
- (f) “**chief inspector**” means the person appointed as chief inspector for the purposes of this Act and the regulations;
- (g) “**expansible fluid**” means
 - (i) any vapour or gaseous substance, or
 - (ii) any liquid under a pressure and at a temperature that is such that the liquid will change to a gas or vapour when the pressure is reduced to atmospheric pressure;
- (h) “**fitting**” means any valve, gauge, regulating and controlling device, flange, pipe fitting or any other appurtenance which is attached to or forms part of a boiler, pressure vessel or pressure piping system in a power plant, heating plant or pressure plant;
- (i) “**heating plant**” means
 - (i) any one or more boilers in which steam or other vapour may be generated at a pressure not exceeding 103 kilopascals and a temperature not exceeding 121 degrees Celsius,
 - (ii) any one or more boilers in which water or other liquid may be heated to a pressure not exceeding 1100 kilopascals and a temperature not exceeding 121 degrees Celsius at or near the outlet of the boiler, or
 - (iii) any system or arrangement of boilers referred to in subclause (i) or (ii), and the engines, turbines, pressure vessels, pressure piping system, machinery and ancillary equipment of any kind used in connection therewith;
- (j) “**inspector**” means

- (i) a person appointed as an inspector for the purposes of this Act and the regulations, and
- (ii) the chief inspector;
- (k) “**Minister**” means the Minister of Agriculture and Land;
- (l) “**power plant**” means
 - (i) any one or more boilers in which steam or vapour is generated at more than 103 kilopascals,
 - (ii) any one or more boilers containing liquid and having a working pressure exceeding 1100 kilopascals and a temperature exceeding 121 degrees Celsius or either one of them, or
 - (iii) any system or arrangement of boilers referred to in subclause (i) or (ii), and the engines, turbines, pressure vessels, pressure piping system, machinery and ancillary equipment of any kind used in connection therewith;
- (m) “**pressure piping system**” means pipe, tubes, conduits, fittings, gaskets, bolting and other components making up a system the sole purpose of which is the conveyance of an expansible fluid under pressure and the control of the flow of an expansible fluid under pressure between two or more points;
- (n) “**pressure plant**” means any one or more pressure vessels or any system or arrangement of pressure vessels and the engines, turbines, pressure piping system, machinery and ancillary equipment of any kind used in connection therewith;
- (o) “**pressure vessel**” means any receptacle that contains or is intended to contain an expansible fluid under pressure;
- (p) “**private residence**” means a private residence or private dwelling of a person and includes an apartment building that contains not more than four apartments. *1981,c.4,s.1; 1986,c.8,s.1; 1993,c.29,s.4; 1994,c.4,s.1 {eff.} July 14/94; 1997,c.20,s.3; 2000,c.5,s.3; 2009,c.73,s.2; 2010,c.31,s.3; 2012,c.17,s.2; 2012(2nd),c.2,s.1; 2015,c.28,s.3; 2015,c.36,s.10(2); 2019,c.1,s.3.*

PART I — GENERAL

2. Application of Act

- (1) Except as provided in subsection (2) this Act and the regulations apply to all boilers, pressure vessels, power plants, heating plants and pressure plants and fuel-burning equipment.

Idem

- (2) This Act and the regulations do not apply to
 - (a) a boiler having a boiler rating of 10 kilowatts or less in capacity which forms the whole or part of a power plant;
 - (b) a boiler having a boiler rating of 20 kilowatts or less in capacity, installed in a heating plant;
 - (c) a boiler that is intended to be used in connection with a hot water heating system and that has no valves or other obstructions to prevent circulation between the boiler and the expansion tank, but only if the expansion tank is fully vented to the atmosphere;
 - (d) a pressure vessel of 152 millimetres or less in internal diameter;
 - (e) a pressure vessel which is used for the storage of hot water and has an internal diameter of 610 millimetres or less;



- (f) a pressure vessel operating at and with relief valves set at 103 kilopascals or less;
- (g) a pressure vessel intended to be installed in a closed hot water heating system having a working pressure of 207 kilopascals or less and having an internal diameter of 610 millimetres or less; or
- (h) any pressure piping system and machinery and equipment ancillary thereto by which refrigerants are vapourized, compressed and liquefied in the refrigerating cycle and that has a capacity of 10.5 kilowatts or less. 1981, c.4, s.2; 1986, c.8, s.2; 1988, c.13, s.1; 2015, c.36, s.10(3).

3. Staff

- (1) In accordance with the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, there shall be appointed a chief inspector and such other inspectors as may be required for the purposes of this Act and the regulations.

Delegation of powers

- (2) Where the chief inspector is given any power or duty under this Act or the regulations, the chief inspector may authorize an inspector or other person to exercise or perform that power or duty upon such conditions or in such circumstances as the chief inspector prescribes and thereupon that power or duty may be exercised or performed by the inspector or other person so authorized in addition to the chief inspector. 1981, c.4, s.3; 1994, c.4, s.2 {eff.} July 14/94; 2012(2nd), c.2, s.2.

4. Calculations

Where any calculation is made with respect to the application of this Act or the regulations, the calculation shall be made and determined in accordance with the regulations. 1981, c.4, s.4.

PART II — DESIGN, CONSTRUCTION AND SALE

DESIGN

5. Approval and registration of designs

- (1) Where a person intends to construct in the province
 - (a) a boiler or pressure vessel; or
 - (b) a pressure piping system,the design of which has not been approved and registered, the person shall apply to the chief inspector for approval and registration of the design.

Specifications and other information

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

Design

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

Offence

- (4) No person shall commence the construction of any boiler, pressure vessel or pressure piping system in the province unless the design of the boiler, pressure vessel or pressure piping system has been approved and registered. *1981, c.4, s.5; 2012(2nd), c.2, s.3.*

6. Approval and registration of designs brought into the province

Any person who brings into the province a new or used boiler, pressure vessel or pressure piping system the design of which has not been approved and registered, shall apply to the chief inspector for approval and registration of the design. 1981, c.4, s.6.

7. Changes in design

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

Approval and registration

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

Construction prohibited until design approved

- (3) Where the design of a boiler or pressure vessel or pressure piping system is changed, no person shall commence construction in accordance with the change in design until the change is approved and registered. *1981, c.4, s.7; 2012(2nd), c.2, s.4.*

8. Responsibility of owner and manufacturer

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

- (a) the owner of the design, from the responsibility for ensuring that the design complies with the regulations; or
- (b) any person constructing to the design, from the responsibility for ensuring that the construction complies with the regulations. 1981, c.4, s.8.

9. Unsafe and obsolete designs

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

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

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

Notice

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



Offence

- (3) No person shall construct a boiler, pressure vessel or pressure piping system in the province contrary to a notice referred to in subsection (1).

Idem

- (4) No person shall use, sell or otherwise dispose of any boiler, pressure vessel or pressure piping system in the province
- (a) where the design is the subject of a notice referred to in subsection (1); and
 - (b) that was constructed after the date prohibiting construction specified in the notice referred to in subsection (1). 1981, c.4, s.9.

FITTINGS**10. Registration of fittings, application**

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

Registration

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

Offence

- (3) No person shall commence construction of any fitting in the province unless the fitting has been registered in accordance with the regulations. 1981, c.4, s.10.

11. Registration of fittings brought into the province

Any person who brings into the province a new or used fitting that has not been registered in accordance with the regulations shall apply for registration of the fitting. 1981, c.4, s.11.

12. Registration of changes to fittings, application

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

Registration

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

Offence

- (3) Where the design of a fitting is changed, no person shall commence construction in accordance with the change unless the change is registered in accordance with the regulations. 1981, c.4, s.12; 2012(2nd), c.2, s.5.

13. Unsafe or obsolete fittings

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

- (a) is not safe; or
- (b) does not meet or no longer meets the requirements of the regulations,

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

Notice

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

Offence

- (3) No person shall construct a fitting in the province contrary to a notice referred to in subsection (1).

Idem

- (4) No person shall use, sell or otherwise dispose of any fitting in the province that is intended for use in connection with a boiler, pressure vessel or pressure piping system that is the subject of a notice referred to in subsection (1). *1981,c.4,s.13.*

BOILER AND PRESSURE VESSEL IDENTIFICATION

14. Identification of boilers and pressure vessels

Before an inspector issues the first certificate of inspection with respect to any boiler or pressure vessel the inspector shall ensure that the boiler or pressure vessel is stamped with an identification number. *1981,c.4,s.14; 2012(2nd),c.2,s.6.*

CONSTRUCTION, INSTALLATION AND SALE OF BOILERS, PRESSURE VESSELS AND FITTINGS

15. Construction of boilers and pressure vessels

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

Sale, etc. of boilers and pressure vessels

- (2) No person shall sell, rent, exchange or otherwise dispose of a new boiler or pressure vessel for use or operation in the province
 - (a) unless the design of the boiler or pressure vessel has been approved and registered in the province; and
 - (b) unless otherwise exempted by the regulations, a certificate of inspection has been issued therefor or in respect thereof. *1981,c.4,s.15.*



16. Construction of fittings

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

Sale, etc. of fittings

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

Installation

- (3) No person shall install or cause or permit to be installed any fitting unless it has been registered in accordance with the regulations. *1981,c.4,s.16.*

17. Notice of disposal

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

- (a) the names and addresses of all parties to the transaction;
- (b) the effective date of the transaction;
- (c) the proposed new location of the boiler or pressure vessel, if any; and
- (d) the identification number thereon. *1981,c.4,s.17; 2012(2nd),c.2,s.7; 2015,c.36,s.10(4).*

18. Offences re installation and use, piping system

- (1) No person shall
- (a) install any pressure piping system unless its design has been approved and registered in the province; or
 - (b) use, operate or place under pressure or cause or permit any pressure piping system to be used, operated or placed under pressure unless it has been inspected and tested in accordance with the regulations.

Idem, boilers and pressure vessels

- (2) No person shall install or cause or permit any boiler or pressure vessel to be installed unless the design of the boiler or pressure vessel has been approved and registered in the province.

Idem

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

Idem

- (4) Subsection (3) does not apply
- (a) where no certificate of inspection is required in respect of the boiler or pressure vessel; or
 - (b) with respect to any boiler, hot water tank, cushion tank or heating plant installed, used, operated or placed under pressure in a private residence.

Saving for inspection of fuel-burning equipment

- (5) Nothing in this section shall be construed to derogate from the powers of an inspector to examine fuel-burning equipment installed in a private residence. *1981,c.4,s.18; 2012(2nd),c.2,s.8; 2015,c.36,s.10(5).*

19. Payment of fees

Unless the regulations otherwise require, the owner of every boiler or pressure vessel which is to be used or operated in any year, shall pay to the Crown a fee in respect of that boiler or pressure vessel of such amount, at such times and in such manner, as may be prescribed in the regulations. *1981,c.4,s.19.*

PART III — INSPECTIONS AND INVESTIGATIONS

20. Inspections and inquiries

- (1) An inspector may inspect or investigate the construction, installation, testing, inspection, condition, operation or use of a boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment.

Orders for inspection

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

Orders

- (3) Where the inspector is not satisfied with respect to the construction, installation, testing, inspection, condition, operation or use of any thing inspected or investigated, the inspector shall
- (a) issue an order stating the changes required to be made for the purpose of making the thing inspected or investigated comply with this Act and the regulations; or
 - (b) where the boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment is unsafe and immediate action is necessary to prevent an accident, issue an order in writing, forbidding the installation, operation or use thereof or any part used in connection therewith until the requirements of the order are complied with.

Compliance

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

Idem

- (5) Where an inspector issues an order under clause 3(b), no person shall install, operate or use the boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment, until the person has
- (a) complied with the order of the inspector; and
 - (b) notified the inspector in writing that the order has been complied with. *1981,c.4,s.20; 2012(2nd),c.2,s.9.*



21. Powers of inspector

An inspector may, for the purpose of any inspection or investigation concerning any boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment,

- (a) inspect and examine all books and records that in any way relate to its construction, testing, installation, condition, inspection, maintenance, repair, operation or use;
- (b) take extracts from or make copies of any entry in the books and records mentioned in clause (a) and for that purpose may temporarily remove them after notifying the person in charge thereof;
- (c) require any person to make full disclosure either orally or in writing of any matter concerning its construction, testing, installation, condition, inspection, maintenance, repair, operation or use and to produce and deliver to the inspector all records or documents or copies thereof that in any way relate to the boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment; or
- (d) take or remove or order the removal of samples of any material, substance or thing and shall notify either the owner, manufacturer or contractor of the sample, substance or thing taken or removed. *1981,c.4,s.21; 2012(2nd),c.2,s.10; 2015,c.36,s.10(3).*

22. Right of entry

- (1) Subject to subsection (2), for the purpose of this Act and the regulations, an inspector may at any reasonable time and upon giving notice to the owner or person in charge or apparently in charge, enter upon any property, place or thing, other than a private dwelling, used in connection with the construction, installation, condition, testing, inspection, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment to inspect the same.

Emergency situations

- (2) For the purpose of this Act and the regulations, where in the opinion of an inspector an emergency situation exists, the inspector may enter upon any property, place or thing, other than a private dwelling, used in connection with the construction, installation, condition, testing, inspection, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment to inspect the same.

Production of authority

- (3) An inspector shall be furnished by the Minister with a certificate of appointment and on entering any place used in connection with the construction, installation, condition, testing, inspection, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant, or pressure plant or fuel-burning equipment, shall, if so required, produce the certificate to the person in charge thereof. *1981,c.4,s.22; 2012(2nd),c.2,s.11.*

23. Inspector not to be hindered

- (1) No person shall
 - (a) refuse admission to an inspector; or
 - (b) obstruct or hinder an inspector,

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

False statements

- (2) No person shall make a false or misleading statement either orally or in writing to an inspector engaged in carrying out any inspection or investigation under this Act or the regulations. 1981, c.4, s.23.

24. Provision of assistance and safety equipment to inspector

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

Idem

- (2) The owner or person in charge of a boiler, pressure vessel, power plant, heating plant, pressure plant or fuel-burning equipment shall ensure, during any inspection or investigation by an inspector, that
- (a) there is a person in attendance who is capable of taking all the necessary precautions to ensure the safety of the inspector; and
 - (b) any safety equipment that the inspector considers necessary is available for the inspector's use. 1981, c.4, s.24; 2012(2nd), c.2, s.12.

25. Certificate of inspection

- (1) Where a certificate of inspection is required by this Act or the regulations, an inspector shall issue the certificate of inspection
- (a) where, after an inspection, the inspector is satisfied that the boiler or pressure vessel complies with this Act and the regulations; or
 - (b) in accordance with the regulations.

Certificate of compliance

- (1.1) Notwithstanding subsection (1), a person other than an inspector who is authorized to do so by the chief inspector under subsection 3(2) may, after conducting an inspection and being satisfied that the boiler or pressure vessel complies with this Act and the regulations, issue a certificate of compliance, and a certificate of compliance shall have the same effect as a certificate of inspection.

Contents of certificate

- (2) A certificate of inspection for a boiler or pressure vessel shall show
- (a) the identification number of the boiler or pressure vessel;
 - (b) the maximum allowable pressure and temperature at which the boiler or pressure vessel is permitted to be operated or used;
 - (c) any other condition under which the boiler or pressure vessel is to be operated or used; and
 - (d) such other information as the chief inspector may require.

Report of inspection

- (3) For the purposes of this section an inspector may accept a report from a person having the qualifications specified in the regulations and authorized to conduct inspections on behalf of any boiler insurance company licensed under the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4 and



may issue a certificate of inspection on the basis of that report without personally inspecting the boiler or pressure vessel.

Offences

- (4) No person shall operate or use or permit to be operated or used any boiler or pressure vessel
- (a) in excess of the maximum allowable pressure and temperature specified on the certificate of inspection; or
 - (b) contrary to any other condition specified on the certificate of inspection. *1981,c.4,s.25; 1994,c.4,s.3 {eff.} July 14/94; 2012(2nd),c.2,s.13.*

26. Display of certificate of inspection

- (1) Every owner of and every person in charge of a boiler or pressure vessel shall ensure that a certificate of inspection
- (a) is conspicuously placed adjacent to the boiler or pressure vessel to which it relates and where it can be easily read; or
 - (b) is retained and safeguarded in a manner approved by the inspector.

Production of certificate

- (2) The owner or person in charge of a boiler or pressure vessel shall produce the certificate of inspection applicable thereto on demand of an inspector or a peace officer. *1981,c.4,s.26.*

27. Notification of unsafe conditions

The owner or person in charge of the operation of a boiler, pressure vessel or pressure piping system shall notify the chief inspector immediately upon discovery of anything that renders it or may render it unsafe to operate or use. *1981,c.4,s.27.*

28. Accident reports

- (1) Where any accident concerning a boiler, pressure vessel, power plant, heating plant or pressure plant occurs, the owner or person in charge shall send a full report in writing by registered mail to the chief inspector as soon as possible after the accident and shall specify in the report
- (a) the exact place of the accident;
 - (b) the name of any person killed or injured as a result of the accident;
 - (c) a description of any damage to property; and
 - (d) the cause and particulars of the accident, as far as can be ascertained.

Interference with scene of accident

- (2) After an accident referred to in subsection (1), nothing shall be removed or interfered with in, on or about the place where the accident occurred until an inspector has made an inspection thereof, except in so far as may be necessary for the purpose of preventing death or injury or protecting property. *1981,c.4,s.28.*

29. Investigations

- (1) Where in the opinion of the chief inspector it is necessary to investigate any matter relating to the construction, installation, condition, maintenance, repair, operation or use of a boiler, pressure vessel, power plant, heating plant or pressure plant or any accident in connection

therewith, the chief inspector may investigate the matter or may direct any other person to do so.

Notice

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

Powers

- (3) Where the person making the investigation is not an inspector, that person has all the powers of an inspector for the purpose of making the investigation. *1981, c.4, s.29.*

PART IV — MISCELLANEOUS

30. Advisory Board

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

Composition

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

Idem

- (3) At least one of the persons appointed as a member of the Advisory Board shall be the holder of a certificate of competency issued under the *Power Engineers Act R.S.P.E.I. 1988, Cap. P-15.*

Idem

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

Idem

- (5) Not more than one member of the Advisory Board shall be a full time employee of the Department of Agriculture and Land. *1981, c.4, s.30; 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.17, s.2; 2015, c.28, s.3; 2019, c.1, s.3.*

31. Jurisdiction of Advisory Board

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

- (a) the application of this Act and the regulations and any code or body of rules related thereto;
- (b) review of any technical evidence with respect to accidents concerning any boiler, pressure vessel or pressure piping system;
- (c) any other matter assigned to the Advisory Board by the Minister or the chief inspector with respect to any matter pertaining to this Act and the regulations and the administration thereof. *1981, c.4, s.31.*



32. Meetings

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

Expenses

- (2) The members of the Advisory Board hold office for a term of three years and shall be paid such allowance and remuneration for their services, and for the expenses necessarily incurred in the performance of their duties, as may be prescribed by the Minister. 1981, c.4, s.32.

33. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) concerning the survey, approval and registration of designs and changes thereto of boilers, pressure vessels, power plants, heating plants, pressure plants and concerning the registration of fittings;
 - (b) concerning the construction, testing, installation, condition, inspection, repair, maintenance, operation and use of boilers, pressure vessels, pressure plants, power plants, heating plants and fittings and fuel-burning equipment;
 - (c) adopting, with or without changes, any code or body of rules relating to the design, construction, testing, installation, condition, inspection, repair, maintenance, operation or use of boilers, pressure vessels, power plants, heating plants, pressure plants or fittings and fuel-burning equipment;
 - (d) authorizing the chief inspector to accept or provide for methods of evaluating designs submitted to the chief inspector for approval and registration if they are of an equivalent standard of safety as those codes or bodies of rules adopted by the regulations;
 - (e) governing applications for approval and registration of designs and changes to a design and the classification of boilers and pressure vessels for the purpose of inspection, operation and use;
 - (f) governing the allocation of identification numbers to boilers and pressure vessels;
 - (g) governing the method of preparing boilers and pressure vessels for inspection and the times at which an inspection is to be made and types of inspection that are to be made;
 - (h) concerning the making of any inquiry or investigation and any matter required in connection therewith;
 - (i) concerning the amount of fees payable and the method of payment for any matter or thing under this Act and the regulations;
 - (j) concerning any calculation to be made under this Act or the regulations;
 - (k) requiring data and reports of service inspections from any person and the matters to be contained in the report and the times at which it is to be submitted;
 - (l) concerning the issue of a permit authorizing the installation of a heating plant and prohibiting any person from installing a heating plant unless the person holds a permit to do so;
 - (m) governing welding procedures relating to the construction of boilers, pressure vessels, fittings and pressure piping systems;
 - (n) providing for a system of survey, approval and registration of welding procedures and matters relating thereto and providing for tests, the issue of performance qualification cards and governing the persons who may issue the cards and the conditions attached to them;

- (o) concerning the promotion of energy conservation in the operation of fuel-burning equipment;
- (p) providing for any other matter required for the administration of this Act and the regulations.

Conflicting provisions

- (2) Where any code or body of rules relating to the design, construction, testing, installation, inspection, repair, maintenance, operation or use of a power plant, heating plant, pressure plant or fittings is adopted by the regulations and any conflict arises between the code or body of rules and other regulations made under this section, the provisions of the other regulations prevail. *1981,c.4,s.33; 1986,c.8,s.3; 2012(2nd),c.2,s.14.*

34. Offence and penalty

Any person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$15,000. *1981,c.4,s.34; 1994,c.58,s.6; 2012(2nd),c.2,s.15.*

