

HOUSE USE ONLY

CHAIR:

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3rd SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
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(Bill No. 48)

Technical Safety Omnibus Act

Hon. Darlene Compton
Minister of Land and Environment

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
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For House Use Only

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Legislative Assembly

AMENDMENTS

ASSEMBLY / SESSION / YEAR
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BILL NUMBER: **48**

TITLE: **Technical Safety Omnibus Act**

#	SECTION	AMENDMENT	DATE

NOTED:

_____
COMMITTEE CLERK

CERTIFIED CORRECT:

_____
CHAIR, IN COMMITTEE

TECHNICAL SAFETY OMNIBUS ACT

BILL NO. 48 **2026**

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

Amusement Devices Act

1. (1) The *Amusement Devices Act* R.S.P.E.I. 1988, Cap. A-10.1, is amended as provided by this section.

(2) Section 1 of the Act is amended

(a) in clause (b), by the deletion of the word "designated**" and the substitution of the word "**appointed**";**

(b) by the addition of the following after clause (b):

(b.1) "**conservation officer**" means a conservation officer appointed pursuant to subsection 3.1(1) of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;

(c) in clause (e), by the deletion of the period and the substitution of a semicolon; and

(d) by the addition of the following after clause (e):

(f) "**police officer**" means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1.

(3) Section 2 of the Act is repealed and the following substituted:

2. Administration and enforcement

(1) The Minister is responsible for the administration and enforcement of this Act.

Designation or delegation by Minister

(2) The Minister may, in writing,

(a) designate persons to act on the Minister's behalf; and

(b) delegate to any person any of the functions of the Minister under this Act.

Designation or delegation in effect until revoked

(3) A written designation or delegation issued by the Minister under subsection (2) remains in effect until revoked by the Minister.

Appointment of inspectors

(4) The Minister may appoint persons as inspectors for the purposes of this Act and the regulations.

Appointment of chief inspector

(5) The Minister may appoint a chief inspector who, for the purposes of carrying out the provisions of this Act and the regulations, shall perform the duties and may exercise the powers of an inspector set out in this Act and the regulations.

Chief inspector – delegation

(6) The chief inspector may delegate, in writing, to an inspector or other person, any of the duties or powers of the chief inspector set out in this Act and the regulations.

(4) The Act is amended by the addition of the following after section 2:

2.1 Identification card

(1) The chief inspector shall ensure that a Government-issued identification card is provided to every inspector before the commencement of the inspector's duties under this Act and the regulations.

Carry and produce identification card

(2) Every inspector shall, in respect of the identification card referred to in subsection (1),

(a) carry the identification card at all times while engaged in any duty or function under this Act or the regulations; and

(b) produce the identification card to any person, on request.

2.2 Inspection

(1) An inspector may, at any reasonable time, enter on real property where there is an amusement device or where the inspector has reasonable grounds to believe there is an amusement device, and carry out an inspection for the purpose of ensuring compliance with the requirements of this Act and the regulations.

Powers of inspectors

(2) An inspector may, for the purpose of carrying out an inspection,

(a) require the owner or operator of an amusement device to prepare the amusement device, or any part of it, for inspection;

(b) inspect an amusement device by removing parts of the device and doing any other thing necessary to ensure the amusement device is safe and complies with the prescribed standards;

(c) search for or demand the production for inspection of a document, in a readable format, or other thing, that is relevant to the inspection;

(d) question a person on matters relevant to the inspection; and

(e) perform any other duties relating to inspections prescribed by the regulations.

Accompanying person

(3) An inspector may be accompanied by any person who has special or expert knowledge of any matter for the purpose of assisting the inspector to carry out an inspection under this Act.

Assistance of police officer

(4) An inspector may request the assistance of, and may be assisted by, a police officer for the purpose of conducting an inspection under this Act.

2.3 Removal of documents

(1) For the purpose of conducting an inspection, an inspector may remove any documents or other things relevant to the inspection and may make copies or extracts from them or any part of them.

Receipt

(2) An inspector shall provide a receipt for any documents or other things removed under subsection (1) to the person who provided them.

Return of documents

(3) Any documents or other things removed by an inspector under subsection (1) shall be returned within 14 business days from the time they were removed.

Copy admissible in evidence

(4) A copy or extract of any document or other thing removed for the purpose of inspection and certified by an inspector is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original, without proof of the appointment, authority or signature of the person purporting to have certified the copy or extract.

2.4 Notice in writing

(1) An inspector may, by notice in writing,

(a) require an owner of an amusement device to do or refrain from doing anything that the inspector considers necessary for compliance with this Act or the regulations; and

(b) require the attendance before the chief inspector, or any other person designated by the Minister, of any person the inspector considers necessary to examine under oath or affirmation respecting an inspection.

Obstruction

(2) No person shall obstruct, hinder or interfere with or attempt to obstruct, hinder or interfere with an inspector carrying out an inspection or refuse to answer questions on matters relevant to the inspection.

False information

(3) No person shall provide an inspector with information that the person knows to be false or misleading or conceal or destroy anything that is relevant to an inspection.

(5) Section 10 of the Act is amended

(a) in clause (a), by the deletion of the words "; or**" and the substitution of a semicolon;**

(b) in clause (b), by the deletion of the period and the substitution of a semicolon; and

(c) by the addition of the following after clause (b):

(c) the permit was issued in error; or

(d) the holder of the permit requests, in writing, that the permit be revoked.

(6) Section 16 of the Act is repealed and the following substituted:

16. Offence, penalty - individual

(1) An individual who

(a) contravenes or fails to comply with any provision of this Act or the regulations;

(b) obstructs, hinders or interferes with or attempts to obstruct, hinder or interfere with an inspector in the exercise of the inspector's duties;

(c) obstructs, hinders or interferes with or attempts to obstruct, hinder or interfere with an inspector carrying out an inspection contrary to subsection 2.4(2);

(d) provides false or misleading information to an inspector or conceals or destroys anything that is relevant to an inspection contrary to subsection 2.4(3); or

(e) fails to comply with a direction of an inspector,

is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction, to a fine of not less than $500 and not more than $10,000, or to imprisonment for a term not exceeding 12 months, or to both a fine and imprisonment.

Continuing offence - individual

(2) Where an offence by an individual continues after a conviction under subsection (1), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $500 multiplied by the number of days during which the offence continues.

Corporate penalty

(3) A corporation that contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction, to a fine of not less than $1,000 and not more than $50,000.

Continuing offence – corporation

(4) Where an offence by a corporation continues after a conviction under subsection (3), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $1,000 multiplied by the number of days during which the offence continues.

(7) The Act is amended by the addition of the following after section 16:

16.1 Order of inspector

(1) Where an inspector believes on reasonable grounds that any provision of this Act or the regulations is being contravened, the inspector may issue to the owner of an amusement device, an order, in writing, requiring compliance with the contravened provision of this Act or the regulations, as the case may be.

Compliance

(2) Where an inspector issues an order under subsection (1), the person to whom the order is issued shall comply with the order within the time specified in the order.

Prohibition

(3) Where an inspector issues an order under subsection (1), no person shall operate or use an amusement device 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.

Contents of order

(4) Where an inspector issues an order under this section, the order shall

(a) be in writing;

(b) be signed by the inspector;

(c) state the location of the amusement device or real property in respect of which the order is issued;

(d) state the action to be taken and the reasons for the required action; and

(e) state the time period within which the required action shall be completed.

Costs of carrying out order

(5) The costs of carrying out the work specified in an order issued by an inspector under this section are the sole responsibility of the owner of the amusement device or real property in respect of which the order was issued.

16.2 Service of order

(1) No person to whom an order is directed pursuant to this Act or the regulations is required to comply with the order until the order has been served on the person.

Manner of service

(2) Any order issued pursuant to this Act or the regulations is deemed to be sufficiently served

(a) when a copy of the order is personally served on the person to whom the order is directed;

(b) if a copy is sent by facsimile or by other electronic means to the person to whom the order is directed, when an acknowledgement of receipt is received;

(c) five days after a copy is sent by mail addressed to the person to whom the order is directed at the last known address for that person;

(d) in the case of a registered owner of real property, five days after a copy of the order is sent by mail to the address for the registered owner shown on the last revised assessment roll; or

(e) where the address of the person to whom the order is directed is unknown, by posting the order in a conspicuous place on the property.

Service on corporation

(3) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (2) is deemed to be service on the corporation for the purposes of this Act.

Order is proof of its legality

(4) Any order issued pursuant to this Act or the regulations shall be proof in the absence of evidence to the contrary in proceedings in any court not only that the order was legally made, but also that every administrative prerequisite necessary to enable the making of the order was done and satisfied, and no further proof than the mere production of the original order or a copy of it certified by the authority having jurisdiction is necessary.

16.3 Assist inspector in enforcement

(1) An inspector may request the assistance of, and may be assisted by, a conservation officer or another person for the purpose of enforcing this Act, the regulations or an order of an inspector.

Summary offence tickets

(2) An inspector or a conservation officer, as the case may be, may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

(8) The Act is amended by the addition of the following after section 17:

17.1 Conflict

Where a conflict or inconsistency exists between a provision of this Act or the regulations and a provision of any other enactment, code or standard, the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

(9) Section 20 of the Act is amended

(a) in clause (i), by the deletion of the words "all applications for permit**" and the substitution of the words "**an application for a permit to operate an amusement device**";**

(b) in clause (j), by the deletion of the words "inspections or for the transfer of permits by an inspector**" and the substitution of the words "**inspections, permits and the transfer of permits by the chief inspector or an inspector, as the case may be**"; and**

(c) by the addition of the following after clause (j):

(j.1) respecting the circumstances and manner in which the fee paid for a permit may be refunded;

Boilers and Pressure Vessels Act

2. (1) The *Boilers and Pressure Vessels Act* R.S.P.E.I. 1988, Cap. B-5, is amended as provided by this section.

(2) Section 1 of the Act is amended

(a) in clause (e), by the deletion of the words "authorized to do so under subsection 3(2)**" and the substitution of the words "**delegated by the chief inspector under subsection 3(6)**";**

(b) by the addition of the following after clause (f):

(f.1) **"conservation officer"** means a conservation officer appointed under subsection 3.1(1) of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;

(f.2) **"Department"** means the Department of Land and Environment;

(c) by the addition of the following after clause (k):

(k.1) **"police officer"** means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1.

(3) Section 3 of the Act is repealed and the following substituted:

3. Administration and enforcement

(1) The Minister is responsible for the administration and enforcement of this Act.

Designation or delegation by Minister

(2) The Minister may, in writing,

(a) designate persons to act on the Minister's behalf; and

(b) delegate to any person any of the functions of the Minister under this Act.

Designation or delegation in effect until revoked

(3) A written designation or delegation issued by the Minister under subsection (2) remains in effect until revoked by the Minister.

Appointment of inspectors

(4) The Minister may appoint persons as inspectors for the purposes of this Act and the regulations.

Appointment of chief inspector

(5) The Minister may appoint a chief inspector who, for the purposes of carrying out the provisions of this Act and the regulations, shall perform the duties and may exercise the powers of an inspector set out in this Act and the regulations.

Chief inspector – delegation

(6) The chief inspector may delegate, in writing, to an inspector or other person, any of the duties or powers of the chief inspector set out in this Act and the regulations.

(4) The Act is amended by the addition of the following after section 3:

3.1 Identification card

(1) The chief inspector shall ensure that a Government-issued identification card is provided to every inspector before the commencement of the inspector's duties under this Act and the regulations.

Carry and produce identification card

(2) Every inspector shall, in respect of the identification card referred to in subsection (1),

(a) carry the identification card at all times while engaged in any duty or function under this Act or the regulations; and

(b) produce the identification card to any person, on request.

(5) Section 20 of the Act is amended by the addition of the following after subsection (5):

Contents of order

(6) Where an inspector issues an order under this section, the order shall

(a) be in writing;

(b) be signed by the inspector;

(c) state the location of the building or real property or part of the building or real property in respect of which the order is issued;

(d) state the action to be taken and the reasons for the required action; and

(e) state the time period within which the required action shall be completed.

Costs of carrying out order

(7) The costs of carrying out the work specified in an order issued by an inspector under this section are the sole responsibility of the owner of the building or real property in respect of which the order was issued.

(6) The Act is amended by the addition of the following after section 20:

20.1 Service of order

(1) No person to whom an order is directed pursuant to this Act or the regulations is required to comply with the order until the order has been served on the person.

Manner of service

(2) Any order issued pursuant to this Act or the regulations is deemed to be sufficiently served

(a) when a copy of the order is personally served on the person to whom the order is directed;

(b) if a copy is sent by facsimile or by other electronic means to the person to whom the order is directed, when an acknowledgement of receipt is received;

(c) five days after a copy is sent by mail addressed to the person to whom the order is directed at the last known address for that person;

(d) in the case of a registered owner of real property, five days after a copy of the order is sent by mail to the address for the registered owner shown on the last revised assessment roll; or

(e) where the address of the person to whom the order is directed is unknown, by posting the order in a conspicuous place on the property.

Service on corporation

(3) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (2) is deemed to be service on the corporation for the purposes of this Act.

Order is proof of its legality

(4) Any order issued pursuant to this Act or the regulations shall be proof in the absence of evidence to the contrary in proceedings in any court not only that the order was legally made, but also that every administrative prerequisite necessary to enable the making of the order was

done and satisfied, and no further proof than the mere production of the original order or a copy of it certified by the authority having jurisdiction is necessary.

20.2 Compliance

(1) For the purpose of ensuring compliance with this Act and the regulations or an order issued by an inspector under section 20, an inspector may, at any reasonable time,

(a) enter and inspect any building in an area in which the inspector has authority to conduct an inspection or investigation;

(b) require documents or objects relevant to the inspection or investigation to be produced for inspection or for the purpose of obtaining copies or extracts of them;

(c) conduct tests, make inquiries and take samples, measurements, photographs or video recordings as the inspector considers necessary; and

(d) perform any other duties relating to inspections or investigations prescribed by the regulations.

Accompanying person

(2) An inspector may be accompanied by any person who has special or expert knowledge of any matter for the purpose of assisting the inspector to carry out an inspection or investigation under this Act.

Assistance of police officer

(3) An inspector may request the assistance of, and may be assisted by, a police officer for the purpose of conducting an inspection or investigation under this Act.

Removal of documents

(4) For the purpose of conducting an inspection or investigation, an inspector may remove any documents or other things relevant to the inspection or investigation for the purpose of making copies or extracts from them or any part of them.

Receipt

(5) An inspector shall provide a receipt for any documents or other things removed under subsection (4) to the person who provided them.

Return of documents

(6) Any documents or other things removed under subsection (4) shall be returned within 14 business days from the time they were removed.

Copy admissible in evidence

(7) A copy or extract of any document or other thing removed for the purposes of inspection and certified by an inspector is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original, without proof of the appointment, authority or signature of the person purporting to have certified the copy or extract.

(7) Subsection 22(3) of the Act is repealed.

(8) Subsection 23(1) of the Act is repealed and the following substituted:

23. Obstruction

(1) No person shall obstruct, hinder or interfere with or attempt to obstruct, hinder or interfere with an inspector or refuse admission to an inspector carrying out an inspection or investigation under this Act or the regulations.

(9) Subsection 25(1.1) of the Act is amended by the deletion of the words "subsection 3(2)**" and the substitution of the words "**subsection 3(6)**".**

(10) The Act is amended by the addition of the following after section 29:

29.1 Immunity

No action lies for damages or otherwise against any of the following persons or entities in relation to anything done or purported to be done in good faith, or in relation to anything omitted to be done in good faith, in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations by the person or entity:

(a) the Government;

(b) the Minister;

(c) an inspector;

(d) the chief inspector;

(e) any person who is acting under or has acted under the authority of this Act or the regulations or the instructions of a person or entity referred to in this section.

(11) Section 30 of the Act is amended

(a) in subsection (2), by the deletion of the word "chairman**" and the substitution of the words "**chair of the Board**"; and**

(b) in subsection (5), by the deletion of the words "of Land and Environment**".**

(12) Subsection 33(1) of the Act is amended

(a) by the addition of the following after clause (i):

(i.1) respecting the circumstances and manner in which the fee paid for a permit may be refunded;

(b) by the addition of the following after clause (l):

(l.1) authorizing the chief inspector or an inspector, as the case may be, to suspend or cancel a permit;

(l.2) prescribing the circumstances in which a permit may be suspended or cancelled by the chief inspector or an inspector, as the case may be;

(13) Subsection 33(2) of the Act is repealed and the following substituted:

Conflict

(2) Where a conflict or inconsistency exists between a provision of this Act or the regulations and a provision of any other enactment, code or standard, the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

(14) Section 34 of the Act is repealed and the following substituted:

34. Offence, penalty - individual

(1) An individual who contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction,

(a) to a fine of not less than $500 and not more than $10,000;

(b) to a term of imprisonment of not more than 12 months; or

(c) to both a fine and imprisonment.

Continuing offence - individual

(2) Where an offence by an individual continues after a conviction under subsection (1), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $500 multiplied by the number of days during which the offence continues.

Corporate penalty

(3) A corporation that contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction, to a fine of not less than $1,000 and not more than $50,000.

Continuing offence - corporation

(4) Where an offence by a corporation continues after a conviction under subsection (3), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $1,000 multiplied by the number of days during which the offence continues.

(15) The Act is amended by the addition of the following after section 34:

35. Assist inspector in enforcement

(1) An inspector may request the assistance of, and may be assisted by, a conservation officer or another person for the purpose of enforcing this Act, the regulations or an order of an inspector.

Summary offence tickets

(2) An inspector or a conservation officer, as the case may be, may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

Building Codes Act

3. (1) The *Building Codes Act* R.S.P.E.I. 1988, Cap. B-5.1, is amended as provided by this section.

(2) Section 1 of the Act is amended

(a) by the addition of the following after clause (g):

(g.1) **"conservation officer"** means a conservation officer appointed under subsection 3.1(1) of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;

(b) by the addition of the following after clause (s):

(s.1) **"police officer"** means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

(3) Section 3 of the Act is amended by the deletion of the words "and another enactment**" and the substitution of the words "**and a provision of any other enactment, code or standard**".**

(4) Section 8 of the Act is amended by the addition of the following after subsection (2):

Chief Building Official – delegation

(2.1) The Chief Building Official may delegate, in writing, to a building official or other person, any of the duties or powers of the Chief Building Official set out in this Act and the regulations.

(5) Section 12 of the Act is amended by the addition of the following after subsection (2):

Assistance of police officer

(2.1) A building official may request the assistance of, and may be assisted by, a police officer for the purpose of conducting an inspection under this Act.

(6) The Act is amended by the addition of the following after section 27:

27.1 Assist building official in enforcement

(1) A building official may request the assistance of, and may be assisted by, a conservation officer or another person for the purpose of enforcing this Act, the regulations or an order of a building official.

Summary offence tickets

(2) A building official or a conservation officer, as the case may be, may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

Electrical Inspection Act

4. (1) The *Electrical Inspection Act* R.S.P.E.I. 1988, Cap. E-3, is amended as provided by this section.

(2) Section 1 of the Act is repealed and the following substituted:

1. Definitions

In this Act,

(a) "**Chief Electrical Inspector**" means the Chief Electrical Inspector appointed under subsection 3(5);

(b) "**Code**" means the Canadian Electrical Code published by the Canadian Standards Association, as adopted and amended by the regulations;

(c) "**conservation officer**" means a conservation officer appointed under subsection 3.1(1) of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;

(d) "**consumer**" means any corporation, commission, company, person, association of persons, and their lessees, trustees, liquidators or receivers utilizing electrical power or energy directly for heat, light or power or for any other purposes either directly or indirectly;

(e) "**electrical inspector**" means an electrical inspector appointed under subsection 3(4);

(f) "**electrical installation**" means the wires, machinery, apparatus, devices, material and equipment used in, on or about a building, structure or premises by a supply authority or a consumer for the generation, receipt, distribution or use of electrical power or energy;

(g) **"owner"** when used in respect of electrical installations and electrical work, includes a lessee, occupant and person in charge of the building, structure or premises in or on which electrical installations and electrical work is found;

(h) "**police officer**" means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

(i) "**supply authority**" means any corporation, commission, company, person, association of persons, and their lessees, trustees, liquidators or receivers, that own or may own, operate, manage or control or may be incorporated for the purpose of owning, operating, managing or controlling any plant or equipment for the production, transmission, delivery or furnishing of electrical energy for heat, light or power or for any other purpose either directly or indirectly to or for the public.

(3) Section 3 of the Act is repealed and the following substituted:

3. Administration and enforcement

(1) The Minister is responsible for the administration and enforcement of this Act.

Designation or delegation by Minister

(2) The Minister may, in writing,

(a) designate persons to act on the Minister's behalf; and

(b) delegate to any person any of the functions of the Minister under this Act.

Designation or delegation in effect until revoked

(3) A written designation or delegation issued by the Minister under subsection (2) remains in effect until revoked by the Minister.

Appointment of electrical inspectors

(4) The Minister may appoint persons as electrical inspectors for the purposes of this Act and the regulations.

Appointment of Chief Electrical Inspector

(5) The Minister may appoint a Chief Electrical Inspector who, for the purposes of carrying out the provisions of this Act and the regulations, shall perform the duties and may exercise the powers of an electrical inspector set out in this Act and the regulations.

Chief Electrical Inspector – delegation

(6) The Chief Electrical Inspector may delegate, in writing, to an electrical inspector or other person, any of the duties or powers of the Chief Electrical Inspector set out in this Act and the regulations.

(4) The Act is amended by the addition of the following after section 3:

3.1 Identification card

(1) The Chief Electrical Inspector shall ensure that a Government-issued identification card is provided to every electrical inspector before the commencement of the electrical inspector's duties under this Act and the regulations.

Carry and produce identification card

(2) Every electrical inspector shall, in respect of the identification card referred to in subsection (1),

(a) carry the identification card at all times while engaged in any duty or function under this Act or the regulations; and

(b) produce the identification card to any person, on request.

3.2 Notice to inspect

(1) An owner, or an electrical contractor, shall notify an electrical inspector that construction work is ready for inspection at each stage of construction, in accordance with the regulations.

Inspection

(2) For the purpose of ensuring compliance with this Act and the regulations, a permit or an order, an electrical inspector may, at any reasonable time,

(a) enter and inspect any building in an area in which the electrical inspector has authority to conduct an inspection or investigation;

(b) require documents or objects relevant to the inspection or investigation to be produced for inspection or for the purpose of obtaining copies or extracts of them;

(c) conduct tests, make inquiries and take samples, measurements, photographs, or video recordings as the electrical inspector considers necessary; and

(d) perform any other duties relating to inspections or investigations prescribed by the regulations.

Accompanying person

(3) An electrical inspector may be accompanied by any person who has special or expert knowledge of any matter for the purpose of assisting the electrical inspector to carry out an inspection or investigation under this Act.

Assistance of police officer

(4) An electrical inspector may request the assistance of, and may be assisted by, a police officer for the purpose of conducting an inspection or investigation under this Act.

Removal of documents

(5) For the purpose of conducting an inspection or investigation, an electrical inspector may remove documents or other things relevant to the inspection or investigation for the purpose of making copies or extracts from them or any part of them.

Receipt

(6) An electrical inspector shall provide a receipt for any documents or other things removed under subsection (5) to the person who provided them.

Return of documents

(7) A document or other thing removed under subsection (5) shall be returned within 14 business days from the time when the documents or other things were removed.

Copy admissible in evidence

(8) A copy or extract of any document removed for the purposes of inspection and certified by an electrical inspector is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original, without proof of the appointment, authority or signature of the person purporting to have certified the copy or extract.

(5) Section 4 of the Act is repealed and the following substituted:

4. Access to premises

(1) Every electrical inspector shall, at any reasonable time, have full access to the building, premises or work site of a consumer or supply authority for the purpose of conducting an inspection of any electrical installation or any alterations or additions made to the electrical installation.

Prohibition

(2) No person shall impede, obstruct or interfere with, or attempt to impede, obstruct or interfere with, an electrical inspector who is carrying out or attempting to carry out an inspection under subsection (1) or section 3.2.

(6) The Act is amended by the addition of the following after section 4:

4.1 Order of electrical inspector

(1) Where an electrical inspector believes on reasonable grounds that any provision of this Act or the regulations is being contravened, the electrical inspector may issue to the owner or electrical contractor an order, in writing, requiring compliance with the contravened provision of this Act or regulations, as the case may be.

Expiry

(2) An order issued under subsection (1) shall specify that the order shall be carried out immediately or before the expiry of a specified period.

Effect of order

(3) Where an order issued under subsection (1) specifies

(a) that the order is to be carried out immediately, all work on the building or project or part of the work specified in the order, other than the work necessary to carry out the order, shall stop until the order is complied with to the satisfaction of an electrical inspector; and

(b) the period within which the order is to be carried out, and the order is not carried out before the expiry of that period, all work on the building or project or part of the work specified in the order, other than the work necessary to carry out the order, shall stop until the order is complied with to the satisfaction of an electrical inspector.

Order not to cover construction work

(4) An electrical inspector may issue an order to an owner or an electrical contractor prohibiting the covering or enclosing of construction work pending an inspection.

Order to uncover construction work

(5) An electrical inspector may, for the purposes of inspection, issue an order to the owner or electrical contractor that the construction work be uncovered if

(a) the construction work was covered or enclosed contrary to an order issued under subsection (4);

(b) a notice to inspect under section 3.2 was not received;

(c) a notice to inspect under section 3.2 was received, but the owner or electrical contractor ordered or allowed the construction work to be covered or enclosed before the prescribed period of time had elapsed;

(d) the construction work was carried out without a valid electrical permit issued under this Act; or

(e) the electrical inspector has reasonable grounds to believe that the construction work does not comply with this Act and the regulations.

Compliance order

(6) Where construction has been undertaken in contravention of this Act or the regulations, an electrical inspector may issue a compliance order to the owner or electrical contractor requiring

(a) the cessation of the construction;

(b) the alteration of the construction so as to remove or remedy the contravention; or

(c) the doing of anything to make the building or real property safe.

Requirements

(7) A compliance order issued under subsection (6) shall specify the work required and state the time within which the owner or electrical contractor is required to comply with the order.

4.2 Requirement to comply

(1) A person to whom an order is issued under section 4.1 shall comply with the order.

Service of order

(2) An order issued by an electrical inspector shall be served on the owner and on any other person named in the order.

4.3 Content of order

(1) An order of an electrical inspector shall

(a) be in writing;

(b) be signed by the electrical inspector;

(c) state the location of the building or real property or part of the building or real property in respect of which the order is issued;

(d) state the action required to be taken and the reasons for it; and

(e) state the time period within which the action shall be completed.

Effect of order

(2) While an order issued by an electrical inspector under this Act is in effect, no person shall perform any construction on the building or real property or part of the building or real property in respect of which the order was issued except

(a) the work that is necessary to carry out the requirements of the order; and

(b) the work that is related to or associated with the work referred to in clause (a) and that is also required to make the building or real property safe.

Costs of carrying out order

(3) The costs of carrying out the work specified in an order of an electrical inspector under this Act are the sole responsibility of the owner of the building or real property in respect of which the order was issued.

(7) Subsection 5(1) of the Act is amended

(a) in clause (a), by the deletion of the words "with a view to**" and the substitution of the word "**respecting**";**

(b) in clause (c), by the deletion of the words "by inspectors**" and the substitution of the words "**by electrical inspectors**";**

(c) in clause (d), by the deletion of the words "powers of the inspectors**" and the substitution of the words "**powers of electrical inspectors**";**

(d) by the addition of the following after clause (d):

(d.1) respecting the powers and duties of the Chief Electrical Inspector and electrical inspectors, as the case may be;

(e) by the addition of the following after clause (f):

(f.1) respecting the circumstances and manner in which the fee paid for a permit may be refunded;

(f) in clause (i), by the deletion of the period and substitution of a semicolon; and

(g) by the addition of the following after clause (i):

(j) respecting any matter or thing that the Lieutenant Governor in Council considers necessary for the administration of this Act.

(8) Section 5 of the Act is amended by the addition of the following after subsection (2):

Conflict

(3) Where a conflict or inconsistency exists between a provision of this Act or the regulations and a provision of any other enactment, Code or standard, the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

(9) Section 6 of the Act is repealed and the following substituted:

6. Offence, penalty - individual

(1) An individual who contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction,

(a) to a fine of not less than $500 and not more than $10,000;

(b) to a term of imprisonment of not more than 12 months; or

(c) to both a fine and imprisonment.

Continuing offence - individual

(2) Where an offence by an individual continues after a conviction under subsection (1), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $500 multiplied by the number of days during which the offence continues.

Corporate penalty

(3) A corporation that contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction, to a fine of not less than $1,000 and not more than $50,000.

Continuing offence - corporation

(4) Where an offence by a corporation continues after a conviction under subsection (3), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $1,000 multiplied by the number of days during which the offence continues.

(10) Section 7 of the Act is repealed and the following substituted:

7. Assist inspector in enforcement

(1) An electrical inspector may request the assistance of, and may be assisted by, a conservation officer or another person for the purpose of enforcing this Act, the regulations or an order of an electrical inspector.

Summary offence tickets

(2) An electrical inspector or a conservation officer, as the case may be, may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

8. Limitation period

A prosecution for an offence under this Act or the regulations shall be commenced within two years after

(a) the date on which the offence is alleged to have been committed; or

(b) the date on which the authority having jurisdiction becomes aware of the alleged offence,

whichever is later.

9. Compliance not required without service

(1) No person to whom an order is directed pursuant to this Act or the regulations is required to comply with the order until the order has been served on the person.

Service of orders

(2) Any order issued pursuant to this Act or the regulations is deemed to be sufficiently served

(a) when a copy of the order is personally served on the person to whom the order is directed;

(b) if a copy of the order is sent by facsimile or by other electronic means to the person to whom the order is directed, when an acknowledgement of receipt is received;

(c) five days after a copy of the order is sent by mail addressed to the person to whom the order is directed at the last known address for that person;

(d) in the case of a registered owner of real property, five days after a copy of the order is sent by mail to the address for the registered owner shown on the last revised assessment roll; or

(e) where the address of the person to whom the order is directed is unknown, by posting the order in a conspicuous place on the property.

Service on corporation

(3) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (2) is deemed to be service on the corporation for the purposes of this Act.

Order is proof of its legality

(4) Any order issued pursuant to this Act or the regulations shall be proof in the absence of evidence to the contrary in proceedings in any court not only that the order was legally made, but also that every administrative prerequisite necessary to enable the making of the order was done and satisfied, and no further proof than the mere production of the original order or a copy of it certified by the authority having jurisdiction is necessary.

10. Immunity

No action lies for damages or otherwise against any of the following persons or entities in relation to anything done or purported to be done in good faith, or in relation to anything

omitted to be done in good faith, in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations by the person or entity:

(a) the Government;

(b) the Minister;

(c) an electrical inspector;

(d) the Chief Electrical Inspector;

(e) any person who is acting under or has acted under the authority of this Act or the regulations or the instructions of a person or entity referred to in this section.

Elevators and Lifts Act

5. (1) The *Elevators and Lifts Act* R.S.P.E.I. 1988, Cap. E-5, is amended as provided by this section.

(2) The Act is amended by the addition of the following immediately before section 1:

Interpretation

(3) Section 1 of the Act is amended

(a) by the repeal of clause (b) and the substitution of the following:

(b) "**Chief Elevator Inspector**" means the Chief Elevator Inspector appointed under subsection 4(2);

(b.1) "**conservation officer**" means a conservation officer appointed under subsection 3.1(1) of the *Wildlife Conservation Act* R.S.P.E.I 1988, Cap. W-4.1;

(b) by the addition of the following after clause (f):

(f.1) "**elevator inspector**" means an elevator inspector appointed under subsection 4(1), and includes the Chief Elevator Inspector;

(c) by the repeal of clause (l);

(d) in clause (r), by the deletion of the words "as the whole or a part of his normal duties**" and the substitution of the words "**as part of the person's duties of employment**";**

(e) by the addition of the following after clause (r):

(r.1) "**police officer**" means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

(f) in clause (s), by the deletion of the words "Chief Inspector**" and the substitution of the words "**Chief Elevator Inspector**".**

(4) Section 3 of the Act is repealed and the following substituted:

3. Administration and enforcement

(1) The Minister is responsible for the administration and enforcement of this Act.

Designation or delegation by Minister

(2) The Minister may, in writing,

(a) designate persons to act on the Minister's behalf; and

(b) delegate to any person any of the functions of the Minister under this Act.

Designation or delegation in effect until revoked

(3) A written designation or delegation issued by the Minister under subsection (2) remains in effect until revoked by the Minister.

(5) Section 3.1 of the Act is amended by the deletion of the words "The Minister may**" and the substitution of the words "**The Chief Elevator Inspector may**".**

(6) Subsection 3.2(3) of the Act is repealed.

(7) Section 4 of the Act is repealed and the following substituted:

Elevator Inspectors

4. Appointment of elevator inspectors

(1) The Minister may appoint persons as elevator inspectors for the purposes of this Act and the regulations.

Appointment of Chief Elevator Inspector

(2) The Minister may appoint a Chief Elevator Inspector who, for the purposes of carrying out the provisions of this Act and the regulations, shall perform the duties and may exercise the powers of an elevator inspector set out in this Act and the regulations.

Chief Elevator Inspector – delegation

(3) The Chief Elevator Inspector may delegate, in writing, to an elevator inspector or other person, any of the duties and powers of the Chief Elevator Inspector set out in this Act and the regulations.

(8) The Act is amended by the addition of the following after section 4:

4.1 Identification card

(1) The Chief Elevator Inspector shall ensure that a Government-issued identification card is provided to every elevator inspector before the commencement of the elevator inspector's duties under this Act and the regulations.

Carry and produce identification card

(2) Every elevator inspector shall, in respect of the identification card referred to in subsection (1),

(a) carry the identification card at all times while engaged in any duty or function under this Act or the regulations; and

(b) produce the identification card to any person, on request.

(9) Section 5 of the Act is repealed and the following substituted:

Inspections

5. Notice to inspect

(1) An owner or a contractor on behalf of an owner shall notify an elevator inspector in accordance with the regulations that construction work respecting an elevating device, or a major alteration or a new installation of an elevating device, as the case may be, is ready for inspection at each stage of construction, alteration, or installation, in accordance with the regulations.

Inspection

(2) An elevator inspector may, at any reasonable time, enter a building or premises where there is an elevating device or where the elevator inspector has reasonable grounds to believe there is an elevating device, and carry out an inspection for the purpose of ensuring compliance with the requirements of this Act and the regulations.

Annual inspection

(3) An elevator inspector shall inspect every elevating device at least once annually and more often where the Chief Elevator Inspector is of the opinion that it is advisable to do so for reasons of safety.

Assistance of police officer

(4) An elevator inspector may request the assistance of, and may be assisted by, a police officer for the purpose of conducting an inspection under this Act.

(10) Section 6 of the Act is amended

(a) in subsection (1),

(i) in the words before clause (a), by the deletion of the words "An inspector may**" and the substitution of the words "**An elevator inspector may**",**

(ii) in clause (a), by the deletion of the words "where he has**" and the substitution of the words "**where the elevator inspector has**", and**

(iii) in clause (c), by the deletion of the words "the inspector considers**" and the substitution of the words "**the elevator inspector considers**";**

(b) in subsection 6(2), by the deletion of the words "found by an inspector to be in an unsafe condition, he**" and the substitution of the words "**found by an elevator inspector to be in an unsafe condition, the elevator inspector**";**

(c) in subsection (3), by the deletion of the word "inspector**" wherever it occurs and the substitution of the words "**elevator inspector**";**

(d) in subsection (4), by the deletion of the word "inspector**" and the substitution of the words "**elevator inspector**"; and**

(e) by the addition of the following after subsection (4):

Conflict of interest

(5) No elevator inspector shall have any direct or indirect interest in the manufacture, sale, installation or maintenance of any elevating device.

(11) The Act is amended by the addition of the following after section 6:

6.1 Accompanying person

(1) Where an elevator inspector carries out an inspection pursuant to section 5, the elevator inspector may be accompanied by any person who has special or expert knowledge of any matter for the purpose of assisting the elevator inspector to carry out an inspection under this Act.

Removal of documents

(2) For the purpose of conducting an inspection, an elevator inspector may remove any documents or other things relevant to the inspection for the purpose of making copies or extracts from them or any part of them.

Receipt

(3) An elevator inspector shall provide a receipt for any documents or other things removed under subsection (2) to the person who provided them.

Return of documents

(4) Any documents or other things removed under subsection (2) shall be returned within 14 business days from the time they were removed.

Copy admissible in evidence

(5) A copy or extract of any document or other thing removed for the purposes of inspection and certified by an elevator inspector is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original, without proof of the appointment, authority or signature of the person purporting to have certified the copy or extract.

Orders

6.2 Order of elevator inspector

(1) Where an elevator inspector believes on reasonable grounds that any provision of this Act or the regulations is being contravened, the elevator inspector may issue to the owner or contractor on behalf of the owner an order, in writing, requiring compliance with the contravened provision of this Act or the regulations, as the case may be.

Expiry

(2) An order issued under subsection (1) shall specify that the order shall be carried out immediately or before the expiry of a specified period.

Effect of order

(3) Where an order issued under subsection (1) specifies

(a) that the order is to be carried out immediately, all work in respect of the elevating device or part of the work specified in the order, other than the work necessary to carry

out the order, shall stop until the order is complied with to the satisfaction of the elevator inspector; and

(b) the period within which the order is to be carried out, and the order is not carried out before the expiry of that period, all work in respect of the elevating device or part of the work specified in the order, other than the work necessary to carry out the order, shall stop until the order is complied with to the satisfaction of an elevator inspector.

Order not to cover construction work

(4) An elevator inspector may issue an order to an owner or contractor on behalf of the owner prohibiting the covering or enclosing of construction work in respect of an elevating device pending an inspection.

Order to uncover construction work

(5) An elevator inspector may, for the purpose of an inspection, issue an order to an owner or contractor on behalf of the owner that construction work be uncovered where

(a) the construction work was covered or enclosed contrary to an order issued under subsection (4);

(b) the elevator inspector did not receive a notice to inspect under subsection 5(1);

(c) the elevator inspector received a notice to inspect under subsection 5(1), but the owner or contractor on behalf of the owner permitted the construction work to be covered or enclosed before the prescribed period of time had elapsed;

(d) the construction work was carried out without the required approval issued under this Act; or

(e) the elevator inspector has reasonable grounds to believe that the construction work fails to comply with the requirements of this Act or the regulations.

Compliance order

(6) Where construction work has been undertaken in contravention of this Act or the regulations, an elevator inspector may issue a compliance order to the owner or contractor on behalf of the owner requiring

(a) the cessation of the construction work;

(b) the alteration of the construction work so as to remove or remedy the contravention; or

(c) the doing of anything to make the elevating device or real property safe.

Requirements of compliance order

(7) A compliance order issued under subsection (6) shall specify the work to be done and state the time within which the owner or contractor on behalf of the owner is required to comply with the order.

6.3 Requirement to comply

(1) A person to whom an order issued by an elevator inspector under section 6.2 shall comply with the order.

Service of order

(2) An order issued by an elevator inspector under section 6.2 shall be served on an owner or a contractor on behalf of the owner and on any other person named in the order.

Content of order

(3) An order issued by an elevator inspector under section 6.2 shall

(a) be in writing;

(b) be signed by the elevator inspector;

(c) state the location of the building or real property or part of the building or real property in respect of which the order is issued;

(d) state the action required to be taken and the reasons for it; and

(e) state the time period within which the action shall be completed.

Effect of order

(4) While an order issued by an elevator inspector under this Act is in effect, no person shall perform any construction on the building or real property or part of the building or real property in respect of which the order was issued except

(a) the work that is necessary to carry out the requirements of the order; and

(b) the work that is related to or associated with the work referred to in clause (a) and that is also required to make the elevating device or real property safe.

Costs of carrying out order

(5) The costs of carrying out the work specified in an order of an elevator inspector under this Act are the sole responsibility of the owner of the building or real property in respect of which the order was issued.

(12) Section 7 of the Act is amended

(a) in the words before clause (1)(a), by the deletion of the words "Chief Inspector**" and the substitution of the words "**Chief Elevator Inspector**";**

(b) in clause (1)(a), by the deletion of the words "an inspector and, in the opinion of the Chief Inspector**" and the substitution of the words "**an elevator inspector and, in the opinion of the Chief Elevator Inspector**";**

(c) in clause (1)(b), by the deletion of the words "his opinion**" and the substitution of the words "**the Chief Elevator Inspector's opinion**";**

(d) in clause (1)(d), by the deletion of the words "and make recommendations to the Minister in respect of the approval for such applications**" and the substitution of the words "**and approve the applications where the application requirements have been met**"; and**

(e) in subsection (5), by the deletion of the words "may cause such things to be done as he considers necessary to ensure that it**" and the substitution of the words "**may require the doing of anything the Chief Elevator Inspector considers necessary to ensure the elevating device**".**

(13) Section 8 of the Act is amended

(a) in clause (1)(b), by the deletion of the words "Chief Inspector**" and the substitution of the words "**Chief Elevator Inspector**";**

(b) **in subsection (2), by the deletion of the words "**that he is**" and the substitution of the words "**that the person is**"; and**

(c) **in subsection (3), by the deletion of the words "**he is**" and the substitution of the words "**that the person is**".**

(14) **Section 9 of the Act is amended by the deletion of the words "**Chief Inspector**" and the substitution of the words "**Chief Elevator Inspector**".**

(15) **Section 11 of the Act is amended by the deletion of the words "**inspector in the performance of his**" and the substitution of the words "**elevator inspector in the performance of the elevator inspector's**".**

(16) **Section 12 of the Act is amended by the deletion of the words "**the inspector**" and the substitution of the words "**an elevator inspector**".**

(17) **Section 13 of the Act is amended by the deletion of the words "**an inspector may, by notice in writing, require the attendance before him**" and the substitution of the words "**an elevator inspector may, by notice in writing, require the attendance**".**

(18) **Section 14 of the Act is amended**

(a) **in subsection (1), by the deletion of the words "**thereof to the Chief Inspector within twenty-four hours thereafter**" and the substitution of the words "**of the malfunction or accident, as the case may be, to the Chief Elevator Inspector within 24 hours**"; and**

(b) **in subsection (2), by the deletion of the words "**thereof immediately after the accident by telephone or telegraph to the Chief Inspector and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by the Chief Inspector**" and the substitution of the words "**of the accident immediately after the accident by telephone or other electronic means to the Chief Elevator Inspector and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, remove or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by the Chief Elevator Inspector**"; and**

(c) **in subsection (3), by the deletion of the words "**the Chief Inspector shall cause such investigation to be made as he considers necessary**" and the substitution of the words "**the Chief Elevator Inspector shall require an investigation to be conducted**".**

(19) **Section 15 of the Act is repealed and the following substituted:**

Offences and Penalties

15. Offence, penalty - individual

(1) An individual who contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction,

(a) to a fine of not less than $500 and not more than $10,000;

(b) to a term of imprisonment of not more than 12 months; or

(c) to both a fine and imprisonment.

Continuing offence - individual

(2) Where an offence by an individual continues after a conviction under subsection (1), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $500 multiplied by the number of days during which the offence continues.

Corporate penalty

(3) A corporation that contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction to a fine of not less than $1,000 and not more than $50,000.

Continuing offence - corporation

(4) Where an offence by a corporation continues after a conviction under subsection (3), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $1,000 multiplied by the number of days during which the offence continues.

(20) The Act is amended by the addition of the following after section 15:

15.1 Assist inspector in enforcement

(1) An elevator inspector may request the assistance of, and may be assisted by, a conservation officer or another person for the purpose of enforcing this Act, the regulations or an order of an elevator inspector.

Summary offence tickets

(2) An elevator inspector or a conservation officer, as the case may be, may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

15.2 Limitation period

A prosecution for an offence under this Act or the regulations shall be commenced within two years after

(a) the date on which the offence is alleged to have been committed; or

(b) the date on which the authority having jurisdiction becomes aware of the alleged offence,

whichever is later.

15.3 Compliance not required without service

(1) No person to whom an order is directed pursuant to this Act or the regulations is required to comply with the order until the order has been served on the person.

Service of orders

(2) Any order issued pursuant to this Act or the regulations is deemed to be sufficiently served

(a) when a copy of the order is personally served on the person to whom the order is directed;

(b) if a copy of the order is sent by facsimile or by other electronic means to the person to whom the order is directed, when an acknowledgement of receipt is received;

(c) five days after a copy of the order is sent by mail addressed to the person to whom the order is directed at the last known address for that person;

(d) in the case of a registered owner of real property, five days after a copy of the order is sent by mail to the address for the registered owner shown on the last revised assessment roll; or

(e) where the address of the person to whom the order is directed is unknown, by posting the order in a conspicuous place on the property.

Service on corporation

(3) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (2) is deemed to be service on the corporation for the purposes of this Act.

Order is proof of its legality

(4) Any order issued pursuant to this Act or the regulations shall be proof in the absence of evidence to the contrary in proceedings in any court not only that the order was legally made, but also that every administrative prerequisite necessary to enable the making of the order was done and satisfied, and no further proof than the mere production of the original order or a copy of it certified by the authority having jurisdiction is necessary.

15.4 Immunity

No action lies for damages or otherwise against any of the following persons or entities in relation to anything done or purported to be done in good faith, or in relation to anything omitted to be done in good faith, in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations by the person or entity:

(a) the Government;

(b) the Minister;

(c) an elevator inspector;

(d) the Chief Elevator Inspector;

(e) any person who is acting or has acted under the authority of this Act or the regulations or the instructions of a person or entity referred to in this section.

(21) The Act is amended by the addition of the following after section 16:

16.1 Conflict

Where a conflict or inconsistency exists between a provision of this Act or the regulations and a provision of any other enactment, code or standard, the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

(22) Subsection 17(1) of the Act is amended

(a) in clause (h), by the deletion of the word "inspectors**" and the substitution of the words "**elevator inspectors**"; and**

(b) by the addition of the following after clause (i.1):

(i.2) respecting the circumstances and manner in which the fees paid pursuant to clauses (h), (i), and (i.1) may be refunded;

Power Engineers Act

6. (1) The *Power Engineers Act* R.S.P.E.I. 1988, Cap. P-15, is amended as provided by this section.

(2) Section 1 of the Act is amended

(a) in clause (c), by the deletion of the words "chief boiler inspector appointed under the *Boilers and Pressure Vessels Act* R.S.P.E.I 1988, Cap. B-5**" and the substitution of the words "**chief inspector appointed under subsection 3(5)**";**

(b) by the addition of the following after clause (c):

(c.1) "**conservation officer**" means a conservation officer appointed under subsection 3.1(1) of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;

(c) in clause (h), by the deletion of the words "under the *Boilers and Pressure Vessels Act*" **and the substitution of the words "**under subsection 3(4)**";**

(d) in clause (j), by the addition of the words "as the Minister responsible for the administration of this Act**" after the words "**Lieutenant Governor in Council**";**

(e) by the addition of the following after clause (m):

(m.1) "**police officer**" means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

(f) in clause (o.2), by the deletion of the words "R.S.P.E.I. 1988, Cap. B-5**".**

(3) Section 3 of the Act is repealed and the following substituted:

3. Administration and enforcement

(1) The Minister is responsible for the administration and enforcement of this Act.

Designation or delegation by Minister

(2) The Minister may, in writing,

(a) designate persons to act on the Minister's behalf; and

(b) delegate to any person any of the functions of the Minister under this Act.

Designation or delegation in effect until revoked

(3) A written designation or delegation issued by the Minister under subsection (2) remains in effect until revoked by the Minister.

Appointment of inspectors

(4) The Minister may appoint persons as inspectors for the purposes of this Act and the regulations.

Appointment of chief inspector

(5) The Minister may appoint a chief inspector who, for the purposes of carrying out the provisions of this Act and the regulations, shall perform the duties and may exercise the powers of an inspector set out in this Act and the regulations.

Chief inspector – delegation

(6) The chief inspector may delegate, in writing, to an inspector or other person, any of the duties and powers of the chief inspector set out in this Act and the regulations.

(4) The Act is amended by the addition of the following after section 3:

3.1 Identification card

(1) The chief inspector shall ensure that a Government-issued identification card is provided to every inspector before the commencement of the inspector's duties under this Act and the regulations.

Carry and produce identification card

(2) Every inspector shall, in respect of the identification card referred to in subsection (1),

(a) carry the identification card at all times while engaged in any duty or function under this Act or the regulations; and

(b) produce the identification card to any person, on request.

3.2 Inspection

(1) An inspector may, at any reasonable time, enter on real property where there is a plant or where the inspector has reasonable grounds to believe there is a plant, and carry out an inspection for the purpose of ensuring compliance with the requirements of this Act and the regulations.

Powers of inspectors

(2) An inspector may, for the purpose of carrying out an inspection,

(a) require an owner or operator of a plant, or the power engineers who have charge of the plant, to prepare the plant, or any part of it, for inspection;

(b) inspect a plant or any part of the plant and do any other thing necessary to ensure the plant is safe and complies with prescribed standards;

(c) search for or demand the production for inspection of a document, in a readable format, or other thing, that is relevant to the inspection;

(d) question a person on matters relevant to the inspection; and

(e) perform any other duties relating to inspections prescribed by the regulations.

Accompanying person

(3) An inspector may be accompanied by any person who has special or expert knowledge of any matter for the purpose of assisting the inspector to carry out an inspection under this Act.

Assistance of police officer

(4) An inspector may request the assistance of, and may be assisted by, a police officer for the purpose of conducting an inspection under this Act.

3.3 Removal of documents

(1) For the purpose of conducting an inspection, an inspector may remove any documents or other things relevant to the inspection and may make copies or extracts from them or any part of them.

Receipt

(2) An inspector shall provide a receipt for any documents or other things removed under subsection (1) to the person who provided them.

Return of documents

(3) Any documents or other things removed by an inspector under subsection (1) shall be returned within 14 business days from the time they were removed.

Copy admissible in evidence

(4) A copy or extract of any document or other thing removed for the purpose of inspection and certified by an inspector is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original, without proof of the appointment, authority or signature of the person purporting to have certified the copy or extract.

3.4 Notice in writing

(1) An inspector may, by notice in writing,

(a) require an owner or operator of a plant, or the power engineers who have charge of the plant, to do or refrain from doing anything that the inspector considers necessary for compliance with this Act or the regulations; or

(b) require the attendance before the chief inspector, or any other person designated by the Minister, of any person the inspector considers necessary to examine under oath or affirmation respecting an inspection.

Obstruction

(2) No person shall obstruct, hinder or interfere with or attempt to obstruct, hinder or interfere with an inspector carrying out an inspection or refuse to answer questions on matters relevant to the inspection.

False information

(3) No person shall provide an inspector with information the person knows to be false or misleading or conceal or destroy anything that is relevant to an inspection.

(5) Subsection 4(2) of the Act is amended by the deletion of the word "chairman**" and the substitution of the word "**chair**", wherever it occurs.**

(6) Subsection 8(1) of the Act is amended by the deletion of the word "him**" and the substitution of the words "**the person**".**

(7) Section 13 of the Act is amended by the deletion of the words "thirty days**" and the substitution of the words "**30 days**".**

(8) Section 15 of the Act is amended

(a) by renumbering the section as subsection 15(1); and

(b) by the addition of the following after subsection (1):

Assist inspector in enforcement

(2) An inspector may request the assistance of, and may be assisted by, a conservation officer or another person for the purpose of enforcing this Act, the regulations or an order of an inspector.

Summary offence tickets

(3) An inspector or a conservation officer, as the case may be, may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

(9) The Act is amended by the addition of the following after section 15:

15.1 Order of inspector

(1) Where an inspector believes on reasonable grounds that any provision of this Act or the regulations is being contravened, the inspector may issue to an employer or owner of any building or premises in which a boiler, pressure vessel or pressure piping system is being operated, an order, in writing, requiring compliance with the contravened provision of this Act or the regulations, as the case may be.

Compliance

(2) Where an inspector issues an order under subsection (1), the person to whom the order is issued shall comply with the order within the time specified in the order.

Prohibition

(3) Where an inspector issues an order under subsection (1), no person shall operate a boiler, pressure vessel or pressure piping system 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.

Contents of order

(4) Where an inspector issues an order under this section, the order shall

(a) be in writing;

(b) be signed by the inspector;

(c) state the location of the boiler, pressure vessel or pressure piping system or real property in respect of which the order is issued;

(d) state the action to be taken and the reasons for the required action; and

(e) state the time period within which the required action shall be completed.

Costs of carrying out order

(5) The costs of carrying out the work specified in an order issued by an inspector under this section are the sole responsibility of the owner of the boiler, pressure vessel or pressure piping system or real property in respect of which the order was issued.

15.2 Service of order

(1) No person to whom an order is directed pursuant to this Act or the regulations is required to comply with the order until the order has been served on the person.

Manner of service

(2) Any order issued pursuant to this Act or the regulations is deemed to be sufficiently served

(a) when a copy of the order is personally served on the person to whom the order is directed;

(b) if a copy is sent by facsimile or by other electronic means to the person to whom the order is directed, when an acknowledgement of receipt is received;

(c) five days after a copy is sent by mail addressed to the person to whom the order is directed at the last known address for that person;

(d) in the case of a registered owner of real property, five days after a copy of the order is sent by mail to the address for the registered owner shown on the last revised assessment roll; or

(e) where the address of the person to whom the order is directed is unknown, by posting the order in a conspicuous place on the property.

Service on corporation

(3) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (2) is deemed to be service on the corporation for the purposes of this Act.

Order is proof of its legality

(4) Any order issued pursuant to this Act or the regulations shall be proof in the absence of evidence to the contrary in proceedings in any court not only that the order was legally made, but also that every administrative prerequisite necessary to enable the making of the order was done and satisfied, and no further proof than the mere production of the original order or a copy of it certified by the authority having jurisdiction is necessary.

(10) Subsection 16(1) of the Act is amended by the deletion of the words "decision or action of an inspector or the board may, within thirty days thereof, appeal in writing**" and the substitution of the words "**decision, action or order of an inspector or the board may, within 30 days, appeal the decision, action or order, as the case may be, in writing**".**

(11) Section 17 of the Act is repealed and the following substituted:

17. Offence, penalty - individual

(1) An individual who contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction,

(a) to a fine of not less than $500 and not more than $10,000;

(b) to a term of imprisonment of not more than 12 months; or

(c) to both a fine and imprisonment.

Continuing offence - individual

(2) Where an offence by an individual continues after a conviction under subsection (1), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $500 multiplied by the number of days during which the offence continues.

Corporate penalty

(3) A corporation that contravenes or fails to comply with any provision of this Act or the regulations is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction, to a fine of not less than $1,000 and not more than $50,000.

Continuing offence - corporation

(4) Where an offence by a corporation continues after a conviction under subsection (3), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $1,000 multiplied by the number of days during which the offence continues.

(12) The Act is amended by the addition of the following after section 17:

17.1 Limitation period

A prosecution for an offence under this Act or the regulations shall be commenced within two years after

(a) the date on which the offence is alleged to have been committed; or

(b) the date on which the authority having jurisdiction becomes aware of the alleged offence,

whichever is later.

17.2 Immunity

No action lies for damages or otherwise against any of the following persons or entities in relation to anything done or purported to be done in good faith, or in relation to anything omitted to be done in good faith, in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations by the person or entity:

(a) the Government;

(b) the Minister;

(c) an inspector;

(d) the Chief Inspector;

(e) any person who is acting or has acted under the authority of this Act or the regulations or the instructions of a person or entity referred to in this section.

17.3 Conflict

Where a conflict or inconsistency exists between a provision of this Act or the regulations and a provision of any other enactment, code or standard, the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

(13) Section 18 of the Act is amended

(a) by the addition of the following after clause (e):

(e.1) respecting the circumstances and manner in which the fees paid for the issuance and renewal of licenses may be refunded;

(b) in clause (m), by the deletion of the period and the substitution of a semicolon; and

(c) by the addition of the following after clause (m):

(n) respecting any matter or thing that the Lieutenant Governor in Council considers necessary for the administration of this Act.

Unsightly Property Act

7. (1) The *Unsightly Property Act* R.S.P.E.I. 1988, Cap. U-5, is amended as provided by this section.

(2) Section 1 of the Act is amended by the addition of the following after clause (g.1):

(g.2) **"police officer"** means a police officer as defined in subsection 15(1) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

(3) The Act is amended by the addition of the following after section 1.1:

1.2 Conflict

Where a conflict or inconsistency exists between a provision of this Act or the regulations and a provision of any other enactment, code or standard, the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

(4) Subsection 2(1) of the Act is amended by the addition of the words "and the regulations**" after the words "**this Act**";**

(5) Section 6 of the Act is amended, by the deletion of the words "in force for period of twelve months**" and the substitution of the words "**in force for a period of 12 months**";**

(6) Subsection 7(1) of the Act is amended by the deletion of the words "within twenty-one days**" and the substitution of the words "**within 21 days**";**

(7) Section 12 of the Act is repealed and the following substituted:

12. Failure to comply with order, remedies open to inspector

(1) Where a person fails to comply with an order issued under this Act, or an order of the Commission issued under section 7, an inspector may carry out the directives contained in the order and charge the costs of the work carried out by the inspector to the person to whom the order was issued.

Protection from personal liability

(2) The Minister or an inspector is not personally liable for any action taken under this section or for the costs of any goods, materials or labour incurred by an inspector in exercising the powers vested in the inspector under this section.

(8) Subsection 13(2) of the Act is amended by the deletion of the words "thirty days after it is issued and, when so filed, the order is of the same force and effect as if it were a judgment**" and the substitution of the words "**30 days after the order is issued and, when filed, the order is of the same force and effect as if it were a judgment of the Court**";**

(9) Section 14 of the Act is amended

(a) in subsection (2), by the deletion of the words "and not more than $5,000**" and the substitution of the words "**and not more than $10,000, or to imprisonment for a term not exceeding 12 months, or to both a fine and imprisonment**"; and**

(b) by the addition of the following after subsection (2):

Assist inspector in enforcement

(3) An inspector may request the assistance of, and may be assisted by, a police officer for the purpose of enforcing this Act, the regulations, or an order of an inspector.

Summary offence tickets

(4) An inspector may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

(10) Section 17 of the Act is repealed and the following substituted:

17. Offence for non-compliance with order

(1) Every person who contravenes or fails to comply with an order issued under this Act is guilty of an offence and, if no penalty is otherwise specifically provided in this Act or the regulations, is liable, on summary conviction,

(a) to a fine of not less than $200 and not more than $2,000;

(b) to a term of imprisonment of not more than 12 months; or

(c) to both a fine and imprisonment.

Continuing offence

(2) Where an offence by a person continues after a conviction under subsection (1), each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is $200 multiplied by the number of days during which the offence continues.

8. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

EXPLANATORY NOTES

SECTION 1 amends the *Amusement Devices Act* R.S.P.E.I. 1988, Cap. A-10.1, to add necessary definitions to support the enforcement provisions in the Act. The section specifies the Minister is responsible for the administration and enforcement of the Act and authorizes the Minister to appoint inspectors and a chief inspector. The section provides that Government-issued identification is to be carried by each inspector and produced to a person, on request. The powers of inspectors are set out in the section and the offence and penalty provision is updated. A new section authorizes an inspector to issue an order to the owner of an amusement device where the inspector believes, on reasonable grounds, that a provision of the Act or the regulations is being contravened. Two new provisions authorize an inspector to request the assistance of a police officer for the purpose of conducting an inspection, and a conservation officer or another person for the purpose of enforcing the Act, the regulations or an order of the inspector. A new provision is added to the Act to specify in the case of a conflict or inconsistency between a provision of the Act or the regulations and any other enactment, code or standard, the provision of the Act or the regulations prevails to the extent of the conflict or inconsistency. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 2 amends the *Boilers and Pressure Vessels Act* R.S.P.E.I. 1988, Cap. B-5, to add necessary definitions to support the enforcement provisions in the Act. The section specifies the Minister is responsible for the administration and enforcement of the Act and authorizes the Minister to appoint inspectors and a chief inspector. The section provides that Government-issued identification is to be carried by each inspector and produced to a person, on request. The provision respecting the issuance of an order by an inspector is updated to specify the contents and manner of service of an order. A new immunity provision is added to the section and the offence and penalty provision is updated. A new provision is added to the Act to specify in the case of a conflict or inconsistency between a provision of the Act or the regulations and any other enactment, code or standard, the provision of the Act or the regulations prevails to the extent of the conflict or inconsistency. Two new provisions authorize an inspector to request the assistance of a police officer for the purpose of conducting an inspection or investigation, and conservation officer or another person for the purpose of enforcing the Act, the regulations or an order of the inspector. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 3 amends the *Building Codes Act* R.S.P.E.I. 1988, Cap. B-5.1, to add necessary definitions to support the enforcement provisions in the Act. A new provision authorizes the Chief Building Official to delegate, in writing, to a building official or other person, any of the duties or powers of the Chief Building Official set out in the Act and the regulations. Two new provisions authorize a building official to request the assistance of a police officer for the purpose of conducting an inspection, and a conservation officer or another person for the purpose of enforcing the Act, the regulations or an order of a building official. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 4 amends the *Electrical Inspection Ac*t R.S.P.E.I. 1988, Cap. E-3, to add necessary definitions to support the enforcement provisions in the Act. The section specifies the Minister is responsible for the administration and enforcement of the Act and authorizes the Minister to appoint

electrical inspectors and a Chief Electrical Inspector. The section provides that Government-issued identification is to be carried by each electrical inspector and produced to a person, on request. A new section authorizes an electrical inspector to issue an order to the owner or an electrical contractor where the inspector believes, on reasonable grounds, that a provision of the Act or the regulations is being contravened. A new immunity provision is added to the section and the offence and penalty provision is updated. A new provision is added to the Act to specify in the case of a conflict or inconsistency between a provision of the Act or the regulations and any other enactment, code or standard, the provision of the Act or the regulations prevails to the extent of the conflict or inconsistency. Two new provisions authorize an electrical inspector to request the assistance of a police officer for the purpose of conducting an inspection or investigation, and a conservation officer or another person for the purpose of enforcing the Act, the regulations or an order of an electrical inspector. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 5 amends the *Elevators and Lifts Act* R.S.P.E.I. 1988, Cap. E-5, to add necessary definitions to support the enforcement provisions in the Act. The section specifies the Minister is responsible for the administration and enforcement of the Act and authorizes the Minister to appoint elevator inspectors and a Chief Elevator Inspector. The section provides that Government-issued identification is to be carried by each elevator inspector and produced to a person, on request. The inspection provisions are updated. New provisions provide for an elevator inspector to issue an order to the owner or a contractor where the elevator inspector believes, on reasonable grounds, that a provision of the Act or the regulations is being contravened. Two new provisions authorize an elevator inspector to request the assistance of a police officer for the purpose of conducting an inspection, and a conservation officer or another person for the purpose of enforcing the Act, the regulations or an order of an elevator inspector. The offence and penalty provision at section 15 of the Act is repealed and replaced to increase fine amounts and update wording. A new provision is added to the Act to specify in the case of a conflict or inconsistency between a provision of the Act or the regulations and any other enactment, code or standard, the provision of the Act or the regulations prevails to the extent of the conflict or inconsistency. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 6 amends the *Power Engineers Act* R.S.P.E.I. 1988, Cap. P-15, to add necessary definitions to support enforcement provisions in the Act and update wording in existing definitions. The section specifies the Minister is responsible for the administration and enforcement of the Act and authorizes the Minister to appoint inspectors and a chief inspector. The section provides that Government-issued identification is to be carried by each inspector and produced to a person, on request. The powers of inspectors are set out in the section and a new section authorizes an inspector to issue an order to an employer or owner of any building or premises in which a boiler, pressure vessel or pressure piping system is being operated where the inspector believes, on reasonable grounds, that a provision of the Act or the regulations is being contravened. Two new provisions authorize an inspector to request the assistance of a police officer for the purpose of conducting an inspection, and a conservation officer or another person for the purpose of enforcing the Act, the regulations or an order of an inspector. A new provision is added to the Act to specify in the case of a conflict or inconsistency between a provision of the Act or the regulations and any other enactment, code or standard, the provision of the Act or the regulations prevails to the extent of the conflict or inconsistency. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 7 amends the *Unsightly Property Act* R.S.P.E.I. 1988, Cap. U-5, to add a definition for "police officer" to support the enforcement provisions in the Act. A new provision is added to the Act to specify in the case of a conflict or inconsistency between a provision of the Act or the regulations and any other enactment, code or standard, the provision of the Act or the regulations prevails to the extent of the conflict or inconsistency. A new section is added to clarify an inspector may request the assistance of a police officer for the purpose of enforcing the Act, the regulations or an order of an inspector. The section repeals and replaces section 12 of the Act to authorize an inspector to carry out directives contained in an order issued under the Act and charge the costs of the work carried out by the inspector to the person to whom the order was issued. The offence and penalty provision respecting obstruction of an inspector at section 14 of the Act is updated to reflect higher fine amounts. The offence provision for non-compliance with orders at section 17 of the Act is repealed and replaced to update formatting and wording. Other minor editorial adjustments are made for consistency in wording. The amendments contained in the section are intended to align compliance and enforcement provisions across technical safety legislation in existence in the province.

SECTION 8 provides for the commencement of the Act.

(Bill No. 48)

Technical Safety Omnibus Act

STAGE:	***DATE:***
1st Reading:	November 3, 2026
2nd Reading:	
To Committee:	
Reported:	
3rd Reading and Pass:	
Assent:	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Brad Trivers, Speaker

Joseph Jeffrey, Clerk

Hon. Darlene Compton
Minister of Land and Environment

GOVERNMENT BILL

2026
3rd SESSION, 67th GENERAL ASSEMBLY