



PLEASE NOTE

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

This document is *not* the official version of the statute printed pursuant to the authority of the [Queen's Printer Act](#) R.S.P.E.I. 1988, Cap. Q-1.

This Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted when determining the authoritative statement of the law.

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CHAPTER L-12
LIGHTNING ROD ACT

1. In this Act

Definitions

- (a) “Chief Electrical Inspector” means the Chief Electrical Inspector appointed pursuant to the *Electrical Inspection Act* R.S.P.E.I. 1988, Cap. E-3, and includes assistant inspectors appointed pursuant to section 3 of the *Electrical Inspection Act* and authorized by the Minister to act in the enforcement of this Act; Chief Electrical Inspector
- (b) “firm” means any person, corporation, firm or syndicate carrying on the business of selling, installing or repairing lightning rod systems, but does not include a supply firm; firm
- (c) “lightning rod system” means all materials, apparatus and equipment installed or designed to be installed on a building or structure to act as a conductor to divert lightning from a building or structure to the ground; lightning rod system
- (d) “Minister” means the Minister designated by the Lieutenant Governor in Council to have the administration of this Act; Minister
- (e) “province” means the Province of Prince Edward Island; province
- (f) “regulations” means regulations approved by the Lieutenant Governor in Council pursuant to this Act; regulations
- (g) “supply firm” means any person, corporation, firm or syndicate carrying on the business of selling lightning rod systems to a firm or firms in the province. R.S.P.E.I. 1974, Cap. L-16, s.1. supply firm

2. The Minister shall administer this Act. R.S.P.E.I. 1974, Cap. L-16, s.2. Administration

3. (1) Every firm that sells, offers to sell, installs or offers to install, repairs or offers to repair, a lightning rod system, and every supply firm that supplies a lightning rod system to a firm for purposes of sale by the firm, shall apply in every year to the Chief Electrical Inspector for a license. License, application for

(2) Every firm and every supply firm shall apply to the Chief Electrical Inspector for a license pursuant to subsection (1) before December 31 in every year, or in the event a firm or supply firm commences business in the province after January 1 in any year, such firm or supply firm shall apply to the Chief Electrical Inspector for a license before the date on which such firm or supply firm proposes to commence business in the province. Commencing business mid-year

Contents of application	<p>(3) Every firm or supply firm making application to the Chief Electrical Inspector pursuant to subsection (1) shall in the application</p> <ul style="list-style-type: none"> (a) identify the name and location of the head office of the firm or supply firm; (b) provide a detailed description and specifications of the materials and apparatus constituting the lightning rod system, and the method and procedure of installing the lightning rod system; (c) identify the firms in the province and the supply firms with which the firm or supply firm making application is associated; (d) provide such other information as may be required by regulation. <p>R.S.P.E.I. 1974, Cap. L-16, s.3.</p>
Sample of materials	<p>4. (1) Every firm or supply firm making application pursuant to section 3 shall deposit with the Chief Electrical Inspector a sample of the materials and apparatus constituting the lightning rod system.</p>
Approval of materials	<p>(2) The Chief Electrical Inspector may approve or reject the materials or apparatus referred to in subsection (1) if in his opinion the materials or apparatus do not meet acceptable standards.</p>
Rejection of materials	<p>(3) Where the Chief Electrical Inspector rejects materials or apparatus pursuant to subsection (2), the Chief Electrical Inspector may refuse to grant a license pursuant to this Act until the firm or supply firm deposits with the Chief Electrical Inspector materials or apparatus that meet standards acceptable to the Chief Electrical Inspector. R.S.P.E.I. 1974, Cap. L-16, s.4.</p>
License, issuance of	<p>5. (1) The Chief Electrical Inspector shall issue a license to a firm or supply firm where he is satisfied such firm or supply firm has complied with the requirements of this Act and the regulations.</p>
License fee	<p>(2) A firm or supply firm making application pursuant to section 3 shall before a license may be issued pursuant to this Act, pay to the Provincial Treasurer a license fee in the amount that shall be prescribed by regulations. R.S.P.E.I. 1974, Cap. L-16, s.5; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4.</p>
Period license valid	<p>6. A license issued by the Chief Electrical Inspector shall be valid from the date of issue and up to and including December 31 next ensuing. R.S.P.E.I. 1974, Cap. L-16, s.6.</p>
Offence	<p>7. Any firm that sells, offers to sell, installs or offers to install, repairs or offers to repair a lightning rod system not having a valid license issued pursuant to this Act is guilty of an offence. R.S.P.E.I. 1974, Cap. L-16, s.7.</p>

8 (1) Where a building or structure on which a lightning rod system has been installed is damaged by lightning, the firm which sold the lightning rod system shall

Where building
damaged by fire

(a) where the lightning rod system has been destroyed and is beyond repair, replace at the cost and expense of such firm such lightning rod system or reimburse the purchaser thereof, his heirs, executors, administrators, successors or assigns for the cost including materials, apparatus, labour and installation of such system; or

(b) where the lightning rod system has not been destroyed, and where it is capable of being repaired, repair the lightning rod system at the cost and expense of the firm.

(2) Every firm that installs a lightning rod system shall give a guarantee agreement to the purchaser of the lightning rod system, and the guarantee agreement shall be in a form prescribed by the regulations and shall contain such further terms and conditions as may be prescribed by regulation.

Guarantee
agreement

(3) Every firm shall file, on or before a date to be fixed by regulation, a bond with the Provincial Treasurer of the province, for the purpose of securing the payment of any indebtedness of a firm to the Minister pursuant to this Act, and for the purpose of securing the payment of all final judgments relating to a guarantee agreement entered into by a firm pursuant to this Act or entered into pursuant to the *Lightning Rod Act* 1951, c. 86, and entered against a firm in any court in the province, and the bond shall, while a firm is licensed pursuant to this Act, be in the sum of \$5,000 with surety or sureties satisfactory to the Provincial Treasurer.

Bond

(4) Every firm that fails to file a bond with the Provincial Treasurer pursuant to subsection (3) is guilty of an offence.

Failure to file bond

(5) Where judgment is entered against any firm upon a guarantee agreement and the judgment remains unsatisfied for sixty days after the entering thereof, the Chief Electrical Inspector may bring action upon the bond for the payment of the judgment and the costs payable thereunder, and may pay the amount of the judgment out of any sum recovered upon the bond.

Action upon the
bond

(6) In an action on a guarantee agreement or on a bond, a certified copy of all legal documents relating to such action shall be served on the Chief Electrical Inspector, and in the event service is not effected against the firm, service on the Chief Electrical Inspector shall have the same effect as if personally served upon the firm and such service shall be good and valid and binding on the firm. R.S.P.E.I. 1974, Cap. L-16, s.8; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4.

Idem

Where building damaged by fire, purchaser to notify	9. The purchaser or his heirs, executors, administrators, successors, or assigns shall within thirty days of the date on which damage occurred to a building or structure on which a lightning rod system was installed pursuant to this Act, notify the firm from whom the lightning rod system was purchased and such notification shall state the cause and amount of damage and such other information which may be relevant to the cause of the damage. R.S.P.E.I. 1974, Cap. L-16, s.9.
List of salesmen and mechanics	10. (1) Every firm licensed pursuant to this Act shall provide, upon the request of the Chief Electrical Inspector, a list of all salesmen and mechanics employed by the firm in the province.
Salesmen's and mechanics' license	(2) All salesmen and mechanics acting as servants or agents of a firm in the province shall annually make application to the Chief Electrical Inspector for a license.
Qualifications for salesmen's and mechanics' license	(3) The Chief Electrical Inspector shall issue a license to the salesmen and mechanics where the salesmen and mechanics meet the qualifications prescribed by regulations for salesmen and mechanics, and upon the payment of a license fee in an amount prescribed by regulation to the Provincial Treasurer.
Qualification to sell	(4) A salesman or mechanic licensed pursuant to this section shall sell, install and repair only those brands or classes of lightning rod systems specified on the license.
Prohibition against sale of brands not approved	(5) No salesman or mechanic licensed pursuant to this section shall install or repair brands or classes of lightning rod systems not approved by the Chief Electrical Inspector and stated on his license, and a salesman or mechanic who sells, installs or repairs brands or classes of lightning rod systems not approved by the Chief Electrical Inspector and not stated on his license is guilty of an offence. R.S.P.E.I. 1974, Cap. L-16, s.10; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4.
Exhibition of license	11. (1) Every person who holds a license issued pursuant to this Act shall upon demand by the Chief Electrical Inspector or a peace officer exhibit the license to the Chief Electrical Inspector or to the peace officer, and failure to exhibit the license is an offence under this Act.
Certificate of compliance	(2) Upon completion of the installation of a lightning rod system by a firm, the firm shall give the purchaser a certificate signed by a signing officer of the firm stating that the requirements of the Act and the regulations have been complied with and failure to provide such certificate is an offence under this Act.

(3) Every person who violates this Act or commits an offence under this Act is liable on summary conviction to a fine not exceeding \$500. R.S.P.E.I. 1974, Cap. L-16, s.11; 1994, c.58, s.6.

Offences and penalties

12. The Chief Electrical Inspector when he considers it expedient may inspect any installation of a lightning rod system and for that purpose may at all reasonable hours enter into and upon without warrant, any building, structure or premises equipped with a lightning rod system. R.S.P.E.I. 1974, Cap. L-16, s.12.

Inspection

13. (1) Where the Chief Electrical Inspector finds that an installation does not comply with the Act or the regulations, he may order the firm selling or installing the lightning rod system to make alterations to the lightning rod system or installation so that the lightning rod system or the installation complies with the Act and the regulations, and failure to comply with the order within thirty days from the date of the order is an offence under this Act.

Non-compliance of installation remedies

(2) Where an order referred to in subsection (1) has not been complied with, in addition to a prosecution pursuant to subsection (1) the Chief Electrical Inspector may order the removal of the lightning rod system and the costs of the removal are at the cost and expense of the firm.

Removal of lightning rod system

(3) An order made pursuant to subsection (2) does not limit the liability of the firm to the purchaser, his heirs, executors, administrators, successors or assigns pursuant to this Act and the regulations. R.S.P.E.I. 1974, Cap. L-16, s.13.

Statutory remedies no bar to liability

14. (1) A license issued pursuant to this Act may be suspended or revoked at any time by the Chief Electrical Inspector for non-compliance with this Act or the regulations, or for such other reason as may be considered sufficient by the Chief Electrical Inspector.

Suspension and termination of licenses

(2) A license issued pursuant to this Act is valid only for the firm or person in whose name it is issued, and is not transferable. R.S.P.E.I. 1974, Cap. L-16, s.14.

Validity of license restricted

15. The Lieutenant Governor in Council may make regulations

- (a) prescribing the kinds, types or brands of lightning rod systems that may be sold in the province;
- (b) prescribing standards for lightning rod systems;
- (c) prescribing standards for the sale, installation and repair of lightning rod systems;
- (d) prescribing the form and terms and conditions for a guarantee agreement required by this Act;
- (e) prescribing the form and content of a bond required by this Act;

Regulations

- (f) prescribing the form and content of licenses issued pursuant to this Act;
- (g) prescribing the amount of license fees and the dates on which the license fees shall be payable;
- (h) prescribing qualifications for salesmen and mechanics;
- (i) requiring the inspection of a lightning rod system by the Chief Electrical Inspector upon completion of the installation of a lightning rod system and prescribing the time within which notification shall be given to the Chief Electrical Inspector by the firm which installed the lightning rod system after completion of the installation of the lightning rod system, and prescribing the form and content of the notice from the firm to the Chief Electrical Inspector;
- (j) requiring the payment of fees for inspections conducted by the Chief Electrical Inspector and prescribing the amount and time of payment of the fees;
- (k) generally for the better carrying out of the intent and purpose of this Act. R.S.P.E.I. 1974, Cap. L-16, s.15.