



## **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 P-15

### POWER ENGINEERS ACT

1. In this Act	Definitions
(a) “board” means the board of examiners constituted under section 4;	board
(b) “boiler” means any vessel in which steam or vapor may be generated, or hot water or liquid may be produced or put under pressure, by the direct application of a heat source, and includes any pipe or fitting, prime mover, machinery or other equipment attached thereto or used in connection therewith;	boiler
(c) “chief inspector” means the chief boiler inspector appointed under the <i>Boilers and Pressure Vessels Act</i> R.S.P.E.I. 1988, Cap. B-5;	chief inspector
(d) “employer” means an employer of power engineers;	employer
(e) “have charge of” means, in relation to a plant, to have at all times while the plant is in operation general supervision of the operation and maintenance of the plant and of the power engineers operating the plant;	have charge of
(f) “heating plant” means one or more boilers interconnected to a plant system having an overall capacity greater than fifty therm hours and a safety valve setting not exceeding fifteen pounds per square inch when the boiler is used for producing steam or a safety relief valve setting not exceeding one hundred and sixty pounds per square inch when the boiler is used for producing hot water and the temperature of the water does not exceed two hundred and fifty degrees Fahrenheit, and includes the plant system;	heating plant
(g) “heat source” means the flame or gases produced during the combustion process of any liquid, solid or gaseous fuel, but does not include the heat source of an electric boiler, which is the electrical energy consumed by the heating elements;	heat source
(h) “inspector” means an inspector appointed under the <i>Boilers and Pressure Vessels Act</i> ;	inspector
(i) “license” means a license issued under this Act;	license
(j) “Minister” means the Minister designated by the Lieutenant Governor in Council;	Minister

operate	(k) “operate” means to operate, manipulate, observe and check manual, automatic and remote controls and equipment in connection with a plant, but does not include to “have charge of” a plant;
plant	(l) “plant” means a heating plant, power plant or refrigeration plant, and includes the plant system;
plant system	(m) “plant system” means the series of pipes and fittings, prime movers, machinery and other equipment for the transfer or conversion of heat energy produced by a boiler;
power engineer	(n) “power engineer” means a person who is the holder of a license;
power plant	(o) “power plant” means one or more boilers interconnected to a plant system having an overall capacity exceeding fifteen therm hours and a safety valve setting exceeding fifteen pounds per square inch when the boiler is used for producing steam or a relief valve setting greater than one hundred and sixty pounds per square inch when the boiler is used for producing hot water or when the temperature of the water produced exceeds two hundred and fifty degrees Fahrenheit, and includes the plant system;
refrigeration plant	(p) “refrigeration plant” means a plant having a capacity exceeding two point five four four therm hours in which refrigerants are vaporized, compressed and liquefied in their refrigeration cycle, and includes the complete installation and machinery connected therewith;
regulations	(q) “regulations” means regulations made under this Act;
therm hour	(r) “therm hour” means one hundred thousand British Thermal Units per hour. 1977, c.29, s.1.
Application	<b>2.</b> This Act applies to all heating plants, refrigeration plants and power plants in the province. 1977, c.29, s.2.
Administration	<b>3.</b> The Minister is responsible for the administration of this Act. 1977, c.29, s.3.
Board of examiners	<b>4.</b> (1) There shall continue to be constituted a board of examiners consisting of not more than five members appointed by the Lieutenant Governor in Council.
Chairman	(2) The chairman of the board shall be an employee of the Department of Community and Cultural Affairs named by the Lieutenant Governor in Council.
Licenses	(3) At least two of the members of the board shall hold first class licenses and the remaining members shall hold second class licenses.

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

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

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

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

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

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

- (a) is of the required age;
- (b) completes the application form and files it with the board; and
- (c) passes the examination, or holds a license issued by the proper authority in any other jurisdiction which the board deems equivalent to a license issued under this Act. 1977, c.29, s.6.

**7.** The board may cancel or suspend the license of a power engineer who License, suspension or cancellation of

- (a) obtains his license through misrepresentation or fraud;
- (b) becomes physically or mentally incapacitated;
- (c) is incompetent or negligent in the discharge of his duties;
- (d) allows some other person to have use of his license;
- (e) during working hours while his plant is in operation, engages in any labour or pursuit not connected with the operation of the plant;
- (f) operates or has charge of a plant other than a plant of such description or class as he is authorized by his license to operate or have charge of;
- (g) is convicted of an offence under this Act or the regulations;
- (h) leaves his plant unattended at any time it is in operation without first ensuring that his replacement is on shift; or
- (i) fails to make any entry in the log book which he is required to make under the regulations. 1977, c.29, s.7.

License, requirement for	<b>8.</b> (1) No person shall operate a plant unless he holds a valid license authorizing him to do so.
License, scope of	(2) No person who is the holder of a license shall operate a plant <ul style="list-style-type: none"> <li>(a) of larger therm hour rating than he is authorized to operate by his license;</li> <li>(b) after his license has expired or been cancelled; or</li> <li>(c) while his license is suspended. 1977, c.29, s.8.</li> </ul>
Attendance while plant in operation	<b>9.</b> Except in so far as the regulations may otherwise provide, at all times when a plant is in operation a power engineer who holds a valid license of a class appropriate for the operation of the plant shall be in attendance. 1977, c.29, s.9.
Employment of non-licensed operator	<b>10.</b> No employer shall employ any person for the purpose of operating or having charge of a plant unless that person is the holder of a license authorizing him to operate or have charge of the plant. 1977, c.29, s.10.
Designation of person having charge of plant	<b>11.</b> Where two or more power engineers are employed in the operation of a plant, the employer shall designate one of them as having charge of the plant. 1977, c.29, s.11.
Activities not connected with operation	<b>12.</b> No employer shall permit a power engineer employed by him to engage during working hours while the plant is in operation in any labour or pursuit not connected with the operation of the plant. 1977, c.29, s.12.
Interim operator, authorization of	<b>13.</b> When a power engineer is temporarily absent from a plant, the chief inspector may, in writing, authorize a power engineer who holds a license not more than one class lower than that of the absent engineer to act in his stead for a period not exceeding thirty days. 1977, c.29, s.13.
License, display of	<b>14.</b> Each employer shall cause the licenses of all power engineers employed in the plant to be displayed in a conspicuous place at the plant. 1977, c.29, s.14.
Enforcement	<b>15.</b> An inspector may for the purpose of enforcing this Act and the regulations <ul style="list-style-type: none"> <li>(a) at all reasonable times enter and examine any building or premises if he has reason to believe that any boiler is being installed or operated therein;</li> <li>(b) make such examination and inquiries as he may consider necessary to determine whether there is or has been any contravention of this Act or the regulations;</li> <li>(c) make a decision or issue an instruction requiring an employer or a power engineer to comply with this Act or the regulations. 1977, c.29, s.15.</li> </ul>

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

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

**17.** (1) Every person who contravenes any of the provisions of this Act or the regulations or hinders or obstructs an inspector in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. Offences

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

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

- (a) concerning the duties of employers;
- (b) concerning the duties of power engineers;
- (c) specifying the classes of licenses and their form, duration and content;
- (d) prescribing the qualifications required of applicants for licenses and the evidence to be furnished by applicants in respect of previous training and experience;
- (e) prescribing the fees for the issue and renewal of licenses;
- (f) providing for the reciprocal recognition of power engineers licenses issued in other provinces;
- (g) prescribing forms and providing for their use;
- (h) prescribing procedures and bylaws in respect of the board;
- (i) concerning the registration of plants and the class of license required to be held by a power engineer to operate a plant of a particular description;
- (j) providing for the measurement of the capacity of boilers by reference to their therm hour rating;
- (k) governing the isolation of boilers and the interconnection of boilers and plant systems;
- (l) regulating the operating of a plant in the absence of power engineers;
- (m) requiring the keeping of log books of plant operations. 1977, c.29, s.18.

Payment of fees,  
etc.

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