



CHAPTER 56

An Act to amend the Stationary Enginemen Act

[Assented to 13 June 1978]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

R.S.,
c. 157,
s. 1a,
added.

1. The Stationary Enginemen Act (Revised statutes, 1964, chapter 157) is amended by adding, after section 1, the following section:

Applicabil-
ity.

“1a. This act is binding on the Government, and on its departments and agencies.”

R.S.,
c. 157,
s. 2, am.

2. Section 2 of the said act, amended by section 33 of chapter 60 of the statutes of 1977, is again amended by replacing paragraph 1 by the following:

“stationary
engine”;

“(1) The words “stationary engine” include the following apparatus when used in the public buildings or establishments contemplated by the Public Buildings Safety Act (Chap. 149) or by the Industrial and Commercial Establishments Act (Chap. 150):

(a) boilers or generators operated by steam, hot water or any other fluid substance;

(b) steam engines or turbines;

(c) refrigerating plants;

(d) internal combustion engines;

(e) any other apparatus determined by regulation of the Lieutenant-Governor in Council;

(f) the piping and accessories used for operating the apparatus contemplated in subparagraphs a to e.”

R.S.,
c. 157,
s. 6, am.

3. Section 6 of the said act is amended by adding, at the end, the following paragraph:

Equivalent
certificate.

"The examiners may, in accordance with the criteria determined by regulation of the Lieutenant-Governor in Council, issue the certificate contemplated in section 9 to a person holding an equivalent certificate issued by another province, a foreign country or an agency they acknowledge for that purpose."

R.S.,
c. 157,
ss. 9a-9d,
added.

4. The said act is amended by adding, after section 9, the following sections:

Certificate
suspended
or
cancelled.
Reconsid-
eration.

"**9a.** A certificate may be suspended or cancelled for reasons considered sufficient by the examiners.

"**9b.** A stationary engineman whose certificate has been suspended or cancelled may ask the board of examiners to reconsider a decision it has rendered under section 9a which has not been appealed from to the court contemplated in section 9c,

(a) to bring forward new facts which, had they been known in due time, could have been grounds for a different decision;

(b) where, for reasons deemed adequate, he had been unable to have a hearing;

(c) to have any clerical error corrected.

Applica-
tion.

An application to that effect must be sent to the board of examiners, by registered mail, within thirty days after receipt of a copy of the decision by registered mail.

Appeal.

"**9c.** A stationary engineman whose certificate has been suspended or cancelled may appeal to the Labour Court established by the Labour Code from any decision rendered by the board of examiners under section 9a or section 9b.

Notice.

The appeal must be brought within thirty days after the date on which the decision has been rendered, by means of a notice stating

(a) the name and domicile of the applicant;

(b) the date and nature of the decision of the board of examiners;

(c) the relevant facts;

(d) the conclusions sought.

Decision.

"**9d.** The Labour Court sitting in appeal may confirm, amend or quash any decision submitted to it and render the decision that, in its opinion, should have been rendered in the first instance.

No appeal.

The decision rendered by the Labour Court is final."

R.S.,
c. 157,
s. 10, am.

5. Section 10 of the said act is amended by replacing paragraph b by the following:

“(b) Ensure the supervision of a stationary engine in operation where required by regulation;”.

R.S.,
c. 157,
s. 12, am.

6. Section 12 of the said act is amended:

(a) by adding, after subparagraph *g* of the first paragraph, the following subparagraphs:

“(h) To determine the mode of supervision of a stationary engine in operation, according to the type, power and location of such stationary engine;

“(i) To determine any apparatus contemplated in subparagraph *e* of paragraph 1 of section 2;

“(j) To determine the criteria according to which the examiners may issue a certificate to a person holding an equivalent certificate issued in accordance with section 6.”;

(b) by repealing the second paragraph.

R.S.,
c. 157,
ss. 12a,
12b,
added.

7. The said act is amended by adding, after section 12, the following sections:

Publication
of draft
regulation.

“**12a.** A regulation made under this act must be preceded by a draft which must be published in the *Gazette officielle du Québec* with a notice specifying that any objection to the adoption of the regulation must be made within forty-five days.

Inquiry.

The Minister may order any examination or inquiry into the merits of any objection filed pursuant to this notice.

Adoption.

“**12b.** After the delay has expired, or after the examination or inquiry mentioned in section 12 has been held, as the case may be, the draft of the regulation is submitted to the Lieutenant-Governor in Council for adoption. A notice of the adoption of the regulation is published, with the text of the amendments, if any, in the *Gazette officielle du Québec*.

Coming
into force.

This regulation comes into force on the day of its publication or on any later date fixed therein.”

R.S.,
c. 157,
s. 14,
replaced.

8. Section 14 of the said act is replaced by the following sections:

Offences.

“**14.** Every person is guilty of an offence who

(a) hinders or molests an inspector or any other functionary in the discharge of his duties;

(b) makes a false declaration so as to obtain a certificate or regarding any information given under the act or regulations;

(c) acts as a stationary engineman without holding the required certificate;

(d) infringes a prescription of this act or of a regulation hereunder.

Penalties.

“14a. Every person who is guilty of an offence contemplated in section 14 is liable, if no other penalty is provided for for such offence, in addition to payment of the costs,

(a) in the case of an individual, to a fine of not less than two hundred dollars nor more than five hundred dollars;

(b) in the case of a corporation, to a fine of not less than five hundred dollars nor more than one thousand dollars;

(c) for the first subsequent offence within two years, to a fine the amount of which must not be less nor more than twice the fines provided for in paragraph *a* or *b*, as the case may be;

(d) for any other subsequent offence within two years, to a fine the amount of which must not be less nor more than three times the fines provided for in paragraph *a* or *b*, as the case may be.”

R.S.,
c. 157,
s. 15,
replaced.
Proceed-
ings.

9. Section 15 of the said act is replaced by the following:

“15. All proceedings under this act are instituted by the inspector or by a person designated by the Minister for such purpose.

Idem.

The proceedings under this act are instituted in accordance with the Summary Convictions Act (Chap. 35).

Proceed-
ings.

No proceeding may be instituted for an offence against this act and the regulations hereunder, after the expiration of one year from the date on which the inspector became aware of the offence.

Fines.

The fines provided for by this act are paid into the consolidated revenue fund.”

R.S.,
c. 157,
s. 17,
added.

10. The said act is amended by adding, after section 16, the following section:

Prior
notice.

“17. Except in the case of a subsequent offence within two years, no penal proceeding may be instituted under this act or the regulations hereunder unless the person authorized to institute it has sent to the offender prior notice by mail describing the offence and specifying the minimum fine, the amount of the costs and the place where the payment must be made within ten days following the notice.

Payment. The payment of the sum required within the delay fixed by the notice precludes the penal proceeding.

Presumption. After this payment, the accused must be considered to have been found guilty of the offence.

Civil liability. However, this payment cannot be put forward as an admission of civil liability.

Failure to receive notice. Failure to receive the notice required by this section cannot be put forward against a proceeding for an offence and it is not necessary to allege that it has been sent nor to prove it. But if the accused, at his appearance, admits he is guilty and then proves that he did not receive this notice, he cannot be condemned to pay a higher sum than that he would have been required to pay by virtue of this notice.

Determination of amount of costs. The amount of the costs provided for in the first paragraph is determined by regulation of the Lieutenant-Governor in Council. Sections 12a and 12b do not apply to this regulation.

Coming into force of the regulation. Such regulation comes into force on the day of its publication in the *Gazette officielle du Québec*, or on any later date fixed therein."

1969, c. 51, s. 96, repealed. **11.** Section 96 of chapter 51 of the statutes of 1969 is repealed.

Coming into force. **12.** This act will come into force on the day to be fixed by proclamation of the Government.