

CHAPTER 148

Fire Marshal Act

Title.

1. This Act may be cited as the *Fire Marshal Act*. R.S. 1948, c. 124, s. 1:

Interpretation.

- 2. (1) In this Act, unless the context otherwise requires,
 - “district” means a fire district constituted under this Act;
 - “hotel” includes apartment-house, boarding-house, lodging-house, club, and any building where lodging is provided, other than a private dwelling-house;
 - “insurance company” means an insurer within the meaning of the *Insurance Act* and includes a reciprocal exchange as defined by that Act;
 - “Local Assistant” means a Local Assistant to the Fire Marshal under this Act;
 - “municipality” means, in accordance with the context, either any area incorporated as a city, town, district, township, or village municipality under any Act, or the corporation into which the residents of the area have been incorporated as a municipality;
 - “occupier” includes tenant, lessee, agent, and any other person who has the right of access to and control of any building or premises to which this Act applies;
 - “public building” includes warehouse, store, mill, school, hospital, theatre, public hall, office building, and any building other than a private dwelling-house, and also includes a factory within the meaning of the *Factories Act*;
 - “story” means a division of a building, comprising the space between a floor, which is not below the grade-level of the ground surrounding the building, and the floor or roof next above;
 - “Superintendent” means the Superintendent of Insurance for the Province.

(2) In applying the provisions of this Act in the case of a village municipality the word “Chairman” shall be substituted for the word “Mayor” or “Reeve.” R.S. 1948, c. 124, s. 2 (*altered*); 1959, c. 33, s. 2; 1960, c. 15, s. 2.

Division of Act into parts.

3. This Act is divided into four parts, as follows:—

PART	SECTION
I.—Investigation and Prevention of Fires	4-22
II.—Escape from Fire	23-30
III.—Moving-picture Theatres, Kinematographs, and Projectionists	31-41
IV.—General Provisions	42-50

R.S. 1948, c. 124, s. 3; 1959, c. 33, s. 3.

PART I

INVESTIGATION AND PREVENTION OF FIRES

Administration

Fire Marshal
and staff.

4. A Fire Marshal and such officers and clerks as may be necessary to enable him to perform the duties assigned to him shall be appointed in accordance with the provisions of the *Civil Service Act*, all of whom shall hold office during pleasure. R.S. 1948, c. 124, s. 4.

Duties of Fire
Marshal.

5. (1) The Fire Marshal shall perform the duties imposed upon him by this Act and such other duties as may be assigned to him by the Attorney-General.

Fire Marshal
attached to
Department
of Attorney-
General.

(2) The Fire Marshal and his staff shall be attached to the Department of the Attorney-General. R.S. 1948, c. 124, s. 5.

Local Assis-
tants to Fire
Marshal.

6. (1) The persons in this subsection mentioned shall be Local Assistants to the Fire Marshal, and shall comply with and be subject to such provisions of this Act as respectively apply to them; that is to say,

(a) in a municipality which maintains a fire department, the chief of the fire department and any person or persons authorized in writing by the chief of the fire department to exercise all the powers of a Local Assistant under this Act;

(b) in a municipality which does not maintain a fire department, the Mayor or Reeve of the municipality; provided that the Fire Marshal may appoint some fit and proper person to act as the Local Assistant instead of the Mayor or Reeve;

(c) in any other part of the Province not included in a municipality, such fit and proper person as may from time to time be appointed a Local Assistant by the Fire Marshal.

(2) Where no Local Assistant has been appointed under clause (c) of subsection (1) by the Fire Marshal, or the Local Assistant appointed under that clause has ceased to act, the officer or constable of the Royal Canadian Mounted Police stationed in the district shall be Local Assistant until a Local Assistant is so appointed. R.S. 1948, c. 124, s. 6; 1954, c. 9, s. 2 (*altered*).

Ex officio
police
constables.

7. The Fire Marshal, his deputy, his Investigators, Inspectors, and the Local Assistants to the Fire Marshal are *ex officio* police constables having all the powers of a police constable of the Provincial police force. R.S. 1948, c. 124, s. 7; 1954, c. 9, s. 3.

Fire districts.

8. The Fire Marshal may by notice in the Gazette constitute any part of the Province not included within a municipality into a fire district, and from time to time extend, reduce, or annul any such fire district. R.S. 1948, c. 124, s. 8.

Duties of Fire
Marshal.

- 9. (1)** The Fire Marshal shall
- (a) collect and disseminate information in regard to fires in the Province;
 - (b) investigate and hold inquiries into such fires as he may deem advisable;
 - (c) investigate conditions under which fires are likely to occur;
 - (d) study methods of fire prevention; and
 - (e) render such advice and make such recommendations as he may deem advisable in regard to
 - (i) the establishment and administration of fire brigades and departments;
 - (ii) the provision of adequate water-supply;
 - (iii) the installation and maintenance of automatic or other fire-alarm systems and fire-extinguishing equipment;
 - (iv) the enactment and enforcement by municipalities of by-laws for the prevention of fire or the protection of life and property against fire;
 - (v) the planning of municipal and town areas with a view to protection against fire;
 - (vi) lightning-rods;
 - (vii) the prevention of fires generally.

Duty of Fire
Marshal to aid
in enforce-
ment of cer-
tain laws.

- (2)** The Fire Marshal shall aid in the enforcement of all laws and regulations relating to
- (a) combustibles, explosives, and other inflammable matter;
 - (b) fire-escapes;
 - (c) alarms and exits from any building in case of fire. R.S. 1948, c. 124, s. 9; 1950, c. 20, s. 2.

Investigation of Fires

Duty of Local
Assistant to
investigate
fires.

- 10. (1)** Every Local Assistant shall, within three days (not including holidays) after the occurrence of the fire, investigate or cause to be investigated in a general way the cause, origin, and circumstances of each fire occurring in the municipality, district, or part of the Province for which he is Local Assistant, and by which property has been destroyed or damaged, or as a result of which death has occurred, so as to ascertain whether the fire was due to accident, negligence, or design.

Report of
fires.

- (2)** The Local Assistant shall, immediately after his investigation, send to the Fire Marshal, on a form to be supplied by him, a written statement of all facts ascertained in regard to the cause, origin, and circumstances of the fire, and any further information called for by the form.

Authority to
enter premises.

- (3)** The Local Assistant, the Fire Marshal, his investigators and inspectors have authority at all times, by day or night, to enter into and upon and to examine any building or premises where the fire has occurred, and, if necessary for the purposes of his investigation, any building or premises adjoining or near the same, and during the investigation

to exclude any person from the building or premises where the fire has occurred.

Duty of persons to furnish information.

(4) It is the duty of the occupier or, if there is no occupier, of the owner of any building or premises where a fire occurs to report the fire forthwith to the Local Assistant, or to any Royal Canadian Mounted or municipal police officer or constable within whose district the fire occurs; and it is the duty of every owner and occupier of, and every person residing or employed in or about, any building or premises where a fire occurs to furnish, at the request of the Local Assistant, or at the request of the Fire Marshal, his Investigators or Inspectors, such information as he has relating to the fire or the property destroyed or damaged thereby.

Remuneration of Local Assistant.

(5) There shall be paid out of the Consolidated Revenue Fund to every Local Assistant for each fire investigated and reported by him to the satisfaction of the Fire Marshal the sum of one dollar, and in addition the necessary expense of obtaining any requisite information. R.S. 1948, c. 124, s. 10; 1954, c. 9, s. 4; 1959, c. 33, s. 4.

Preliminary report of suspicious fire.

11. Where the fire appears to be of suspicious origin, the Local Assistant and every insurance company interested in the property destroyed or damaged thereby shall forthwith make a preliminary report to the Fire Marshal, stating the name of the owner and occupier of the premises, their location, use, and occupancy, the date of the fire, and such facts as tend to establish the cause or origin of the fire. A preliminary report shall be in addition to the report under section 10 or 15. R.S. 1948, c. 124, s. 11.

Inquiry by Fire Marshal or other person.

12. (1) Upon receipt of a preliminary report, or in any case where he deems it advisable, the Fire Marshal may hold an inquiry into the cause, origin, and circumstances of the fire, or may direct any Police or Stipendiary Magistrate or Justice of the Peace having jurisdiction in the place where the fire occurred or any competent person to hold such inquiry.

Report of inquiry to Fire Marshal.

(2) Every person so directed by the Fire Marshal to hold an inquiry shall without delay, upon completion of the inquiry, send to him a report of the inquiry, stating in particular the opinion of such person as to the cause and origin of the fire and whether it appears to be of incendiary origin, and shall transmit therewith the evidence taken by him at the inquiry.

Retention of insurance-moneys.

(3) Pending an inquiry under this section, the Fire Marshal may permit payment under a policy of insurance on any property destroyed or damaged by the fire to be withheld for any period not exceeding ninety days after the date of the completion of the proofs of loss, notwithstanding any statutory provision or condition in the policy to the contrary, and shall by registered letter notify the insurer and the insured accordingly. R.S. 1948, c. 124, s. 12.

Powers at inquiry.

13. (1) Where the Fire Marshal or any person directed by him holds an inquiry under this Part, the provisions of sections 29 to 39, 41, subsections (3) and (4) of section 45, and subsection (1) of section 46 of the *Summary Convictions Act* apply, mutatis mutandis, except that in applying the provisions of subsection (1) of section 45 the limitation contained therein as to adjournment shall be extended to thirty days, and the Fire Marshal and such persons have power

- (a) at all times by day or night to enter into and upon and examine any building or premises where the fire has occurred or adjoining or near the building or premises;
- (b) to hold the inquiry in private and to exclude therefrom persons not required or permitted by this Act to be present, and to keep witnesses separate and apart from each other so that they shall not communicate with each other until they have been examined;
- (c) to employ such technical, scientific, clerical, or other assistance as he may deem necessary;
- (d) to command the services of Provincial and municipal police officers and constables.

Right of interested person to be present.

(2) Any person interested may appear and be heard in person or by counsel at an inquiry.

Municipality to provide place for holding inquiry.

(3) When an inquiry is held in a municipality, other than the Cities of Vancouver and Victoria, if no suitable place in a Provincial Government building is available, the municipality shall at the request of the Fire Marshal provide a suitable place for holding the inquiry, and if such place is not so provided he may procure one at the cost of the municipality.

Costs of inquiry.

(4) The tariff of fees payable to Justices of the Peace and to witnesses under the provisions of the *Summary Convictions Act* applies, mutatis mutandis, to every inquiry under this Part, except that where the person holding the inquiry is a Police or Stipendiary Magistrate in receipt of a salary or other remuneration from the Province or from a municipality no fees are payable to him. All fees and necessary expenses incurred in respect of the inquiry shall be paid out of the Consolidated Revenue Fund. R.S. 1948, c. 124, s. 13; 1959, c. 33, s. 5.

Report to Attorney-General of evidence of arson.

14. If in any case there is evidence sufficient to charge any person with the crime of arson, or an attempt to commit arson, the Fire Marshal shall at once report that fact to the Attorney-General, and shall furnish him with such evidence as he possesses, together with the names of witnesses and all information obtained. R.S. 1948, c. 124, s. 14.

Record of Fires

Reports by insurance companies.

15. (1) Every insurance company shall furnish to the Fire Marshal at the end of each calendar month a report in the form provided by him

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of every fire occurring in the Province during that month in which it is interested as insurer.

Where company not licensed.

(2) Where the insurance company is not licensed under the *Insurance Act*, the report shall be made by its adjuster and by the person insured. R.S. 1948, c. 124, s. 15.

Fire Marshal to keep statistical record.

16. (1) The Fire Marshal shall keep in his office a statistical record of all fires reported to him under this Part, and the record shall be open to public inspection.

Inspection and copies of documents.

(2) The Fire Marshal may allow any person to inspect any document in his office relating to any fire reported to him under this Part, and may supply any person with a copy of any such document on payment therefor at the rate of fifteen cents for each folio of one hundred words. The Fire Marshal shall transmit to the Provincial Treasury all sums so paid to him. R.S. 1948, c. 124, s. 16.

Inspection of Fire-hazards

Inspection by Fire Marshal.

17. (1) Upon complaint of any person interested or, if deemed advisable, without any complaint, the Fire Marshal, his deputy, his Investigators, Inspectors, or Instructors, may at all reasonable hours enter into and upon any building or premises anywhere in the Province for the purpose of inspecting the same and ascertaining whether or not

- (a) in case the building or premises are in a state of disrepair, fire starting therein might spread so rapidly as to endanger life or other buildings or property;
- (b) the building or premises are so used or occupied that fire would endanger life or property;
- (c) combustible or explosive material is so kept or such other inflammable conditions exist in or about the building or premises as to endanger life or property;
- (d) any special fire-hazard exists in or about the building or premises.

Orders by Fire Marshal to remedy conditions.

(2) After an inspection the Fire Marshal or, with the authority of the Fire Marshal, his investigator, inspector, or instructor may in writing order that within a reasonable time, to be fixed by the order,

- (a) in cases under clause (a) of subsection (1) the owner shall remove or destroy the building or premises, or the owner or occupier shall repair the building or premises;
- (b) in cases under clause (b) of subsection (1) the owner or occupier shall alter the use or occupancy of the building or premises;
- (c) in cases under clause (c) of subsection (1) the occupier shall remove or keep securely the combustible or explosive material or remedy the inflammable conditions;

- (d) in cases under clause (d) of subsection (1) the owner or occupier shall remove or take proper precautions against the special fire-hazard;
- (e) in the case of any public or private school, orphanage, nursing home, children's home, or other institution for the education or care of children, the person in charge thereof shall adopt and practise a system of fire drills or exercises, to be approved in each case by the Fire Marshal or his Local Assistant, and designed to aid in the preservation of the lives of the inmates of the institution in the event of fire occurring therein, and shall put the system into effect and compel the inmates and all persons employed in the institution to practise and observe the same;

and the owner or occupier or person in charge, as the case may be, shall after the receipt of the order comply therewith.

Liability of owner for cost.

(3) The cost of complying with any order shall, in the absence of any agreement to the contrary, be borne by the owner, and where by reason of the default of the owner the occupier pays the cost he has a right of action or set-off against the owner for all costs actually and necessarily incurred or paid by him in complying with the order.

Case of owner absent from Province or whereabouts unknown.

(4) (a) Where there is no occupier of any building or premises in respect of which an order is made, and the owner is absent from the Province or his whereabouts within the Province is unknown, the Fire Marshal may himself carry out an order involving an expenditure of not more than one hundred dollars and, with the approval of the Attorney-General, any other order.

(b) Where the land on which the building or premises are situate is in a municipality, the Fire Marshal shall certify the costs actually and necessarily incurred in carrying out the order to its treasurer, who shall forthwith pay the amount to the Fire Marshal from the ordinary revenue of the municipality, and such amount shall thereupon form a special lien, within the meaning of section 379 of the *Municipal Act*, on the land and the improvements thereon in favour of the municipality, and shall for all purposes be deemed to be taxes imposed and assessed thereon under the *Municipal Act* and delinquent thereunder as from the date of the payment, and the *Municipal Act* applies to the collection and recovery thereof.

(c) Where the land on which the building or premises are situate is in unorganized territory, the Fire Marshal shall certify the costs to the Provincial Collector of the assessment district in which the land is situate, and the same shall thereupon form a lien and charge in favour of the Crown on the land, and shall for all purposes be deemed to be taxes imposed and assessed thereon under the *Taxation Act* and delinquent thereunder as from the date of the certificate of the Fire Marshal, and all the provisions of that Act apply to the collection and recovery

thereof, and all moneys so recovered shall be accounted for as part of the Consolidated Revenue Fund.

(d) The Fire Marshal shall transmit to the Provincial Treasury all amounts so paid to him by the treasurer of a municipality, and the same shall be accounted for as part of the Consolidated Revenue Fund. R.S. 1948, c. 124, s. 17; 1954, c. 9, s. 5; 1959, c. 33, s. 6.

Power of Local Assistants to make inspections and orders.

18. Every Local Assistant may, within the municipality or part of the Province for which he is Local Assistant, exercise like powers to those conferred by section 17 upon the Fire Marshal, except that he shall not exercise the powers conferred by subsection (4) of that section without the written approval of the Fire Marshal. R.S. 1948, c. 124, s. 18.

Emergencies.

19. If any emergency arising from a fire-hazard or from a risk of explosion causes the Fire Marshal to be apprehensive of imminent and serious danger to life or property, or of a panic, he may forthwith take such steps as he thinks advisable to remove the hazard or risk, and he may cause the evacuation of any building or area, and he may call upon the police and fire-prevention authorities having jurisdiction to assist him. 1950, c. 20, s. 3.

Duty of municipalities to provide for inspection.

20. (1) Every Municipal Council shall provide for a regular system of inspection of buildings and premises situate within the boundaries of the municipality, and the Council may authorize other persons to exercise within the municipality, in addition to the Local Assistant, some or all of the powers conferred by section 17 upon the Fire Marshal.

(2) The system of inspection shall provide for the inspection at least once in every two months of all hotels, schools, theatres, skating-rinks, dance-halls, and every other building used as a place of public resort or amusement. R.S. 1948, c. 124, s. 19.

Appeal to Fire Marshal.

21. (1) Where an order is made by a Local Assistant under sections 17 and 18 to remove or to keep securely combustible or explosive material or to remedy an inflammable condition, the occupier may, by registered letter mailed within forty-eight hours after receipt of the order, appeal therefrom to the Fire Marshal.

(2) Where an order is made by a Local Assistant under sections 17 and 18 to repair, remove, or destroy any building or premises, or to alter the use and occupancy of any building or premises, or to remove or to take proper precautions against any special fire-hazard, the owner or occupier (as the case may be) may, by registered letter mailed within ten days after receipt of the order, appeal therefrom to the Fire Marshal.

(3) The Fire Marshal shall promptly investigate or cause to be investigated every appeal under this section, and affirm, modify, or revoke the order appealed from, and in writing communicate his decision and the reasons therefor to the owner or occupier and the person who made the order. R.S. 1948, c. 124, s. 20.

Appeal from
Fire Marshal.

22. (1) Where an order under section 17 or section 18 involves the loss or expenditure of a sum exceeding one hundred dollars, the owner or occupier (as the case may be), if dissatisfied with the order of the Fire Marshal under section 17, or the decision of the Fire Marshal under section 21, as the case may be, may, within five days of the receipt by him of the order or decision, apply by petition to the Judge of the County Court within the territorial limits of which the property lies to review the same.

Procedure.

(2) The owner or occupier shall file the petition with the Registrar of the Court and give notice thereof in writing to the Fire Marshal.

Powers of
Court.

(3) The Judge shall hear and determine the matter of the appeal and shall make such order as seems meet to him, and his decision is final and conclusive, except that on a point of law an appeal lies to the Court of Appeal. R.S. 1948, c. 124, s. 21.

PART II

ESCAPE FROM FIRE

Duty of owner
or occupier to
provide and
maintain
fire-escapes.

23. (1) Every owner or occupier of a hotel or public building over two stories in height shall provide and keep in good repair and condition a sufficient fire-escape or fire-escapes from the hotel or public building.

Power of Fire
Marshal to
order provi-
sion of fire-
escape.

(2) Where the Fire Marshal thinks it advisable that a hotel or public building over one story in height should be provided with a sufficient fire-escape, he may in writing order the owner or occupier of the hotel or public building to provide and keep in good repair and condition such fire-escape. R.S. 1948, c. 124, s. 22.

Construction
of fire-escapes.

24. (1) Every fire-escape shall be constructed of material of a type similar in fire-resistive rating to that used in the construction of the hotel or public building.

Existing
fire-escapes.

(2) Where an existing hotel or public building was on the first day of January, 1922, provided with a fire-escape or fire-escapes which, in the opinion of the officer authorized by this Part to inspect the hotel or public building, sufficiently complied with the law applicable to the case immediately prior to that date, and furnish a reasonably safe and convenient means of egress from the hotel or public building in case of fire, every such fire-escape shall be deemed to have been provided in accordance with this Part; but the officer authorized by this Part to inspect the hotel or public building may from time to time order that such alterations or improvements be made to any such fire-escape, or that any new or additional fire-escape be constructed as he considers necessary. R.S. 1948, c. 124, s. 23; 1954, c. 9, s. 6.

Duty of owners to post notices of fire-escapes, and to maintain red lights and alarm-gongs.

25. Every owner or occupier of a hotel or public building which is required under this Part to have a fire-escape or fire-escapes shall

- (a) provide and keep posted in all main halls and at the intersections of all cross-halls of the hotel or public building conspicuous signs indicating the position of the fire-escapes; and
- (b) provide and keep posted in every apartment or room a conspicuous notice describing the position of the fire-escapes and containing full directions for their use; and
- (c) have all public halls, stairways, and passage-ways in a hotel or public building which is occupied at night properly lighted, and during the period from one-half hour after sunset to one-half hour before sunrise keep a red light burning therein at each point of egress for the fire-escapes; and
- (d) where the building is a hotel or public building, provide such alarm-gong or other similar equipment as is required by the regulations; and
- (e) where the Fire Marshal deems it advisable and so orders, provide and keep in good repair a sprinkler system of type and kind approved by the Fire Marshal. R.S. 1948, c. 124, s. 24; 1954, c. 9, s. 7.

Emergency exits.

26. Every owner or occupier of a church, school, theatre, hall, skating-rink, or other building used as a place of public resort or amusement shall provide and keep in good repair and condition one or more sufficient means of egress therefrom in addition to the principal entrance and to any fire-escape. R.S. 1948, c. 124, s. 25.

Doors required to open outward.

27. The outside doors and the main inside doors of every building that is used as a church, school, theatre, hall, or place of public resort or amusement shall be so hung as to open freely outwards, and, during the time when the building is so used, shall not be bolted, barred, or locked in any manner other than with standard panic or exit bolts. The gates in any fence enclosing a building which is so used shall, if not hung to open outwards, be kept open by proper fastenings at all times when the building is so used. R.S. 1948, c. 124, s. 26; 1954, c. 9, s. 8.

Orders to comply with this Part.

28. (1) Where the owner or occupier of a hotel or public building fails to provide or keep in good repair or condition or alter or improve any fire-escape, alarm-gong, or other similar equipment as required by this Part, the Local Assistant authorized by this Part to inspect the hotel or public building may in writing order the owner or occupier to comply within a reasonable time, to be stated in the order, with such requirement, and shall serve the order upon the owner or occupier, who shall after receipt thereof comply therewith.

Appeal.

(2) The owner or occupier (as the case may be) may, by registered letter, mailed within ten days after the receipt of the order, appeal there-

from to the Fire Marshal, and thereupon subsection (3) of section 21 applies; and if the order involves the expenditure of a sum exceeding two hundred and fifty dollars, section 22 applies, mutatis mutandis, also. R.S. 1948, c. 124, s. 27.

Cost of complying with this Part.

29. The cost of providing, keeping in good repair and condition, altering and improving any fire-escape, alarm-gong, or other similar equipment shall, in the absence of any agreement to the contrary, be borne by the owner of the hotel or public building, and where by reason of the default of the owner the occupier of the hotel or public building pays the cost, he has a right of action or set-off against the owner for all such costs actually and necessarily incurred or paid by him in complying with this Part. R.S. 1948, c. 124, s. 28.

"Building" and "officer" defined.

30. (1) In this section, "building" includes hotel, public building, church, theatre, hall, and other building used as a place of public resort or amusement; and "officer" means,

- (a) where the building is situate within the boundaries of a municipality which maintains a fire department, the chief of the fire department, and includes such other persons as the Municipal Council may authorize to exercise some or all of his powers under this Part; and
- (b) where the building is situate within the boundaries of a municipality which does not maintain a fire department, the chief police officer and such other persons as the Municipal Council may authorize to exercise some or all of his powers under this Part; and
- (c) where the building is situate in any part of the Province not included within a municipality, the officer or constable of the Royal Canadian Mounted Police stationed in that part.

Inspection of buildings.

(2) Every officer has power at any time to enter into and upon any building for the purpose of inspecting the same and ascertaining whether the provisions of this Part are being complied with.

Duty of municipality.

(3) Every Municipal Council shall provide for a regular system of inspection of buildings situate within the boundaries of the municipality by an officer.

Powers of Fire Marshal.

(4) The Fire Marshal, his deputy, and his Investigators or Inspectors may exercise anywhere in the Province the like powers as an officer.

Powers of Factory Inspectors.

(5) Where the building is a factory within the meaning of the *Factories Act*, every Inspector under that Act has, within the locality for which he is appointed, the like powers as an officer. R.S. 1948, c. 124, s. 29; 1954, c. 9, ss. 9, 10.

PART III

MOVING-PICTURE THEATRES, KINEMATOGRAPHS, AND
PROJECTIONISTS

Interpretation.

- 31.** In this Part, unless the context otherwise requires,
- “kinematograph” includes any moving-picture machine or other similar apparatus;
- “moving-picture theatre” includes any theatre, hall, building, land, or premises erected or used for or in connection with any place of public resort, gathering, entertainment, or amusement, in or upon which any kinematograph is operated;
- “projectionist” means any person, whether as employee or otherwise, who operates or manipulates a kinematograph in any moving-picture theatre; and “apprentice projectionist” means any person who serves as an apprentice under a projectionist.
- R.S. 1948, c. 124, s. 30; 1959, c. 33, s. 7.

Regulations governing moving-picture theatres, kinematographs, and projectionists.

- 32.** The Lieutenant-Governor in Council may make regulations, similar or different in different localities or with reference to different classes of buildings or to different conditions, which have the same force and effect as if incorporated herein

- (a) for regulating the location, construction, ventilation, lighting, and safety of moving-picture theatres, and licensing or prohibiting their operation;
- (b) for licensing, regulating, or prohibiting the use and operation of kinematographs;
- (c) for examining, licensing, regulating, or prohibiting projectionists and apprentice projectionists;
- (d) for appointing a Board of Examiners, whose duty it shall be to examine and certify to the competency of applicants for licences as projectionists or apprentice projectionists;
- (e) for prescribing the licence fees to be payable in respect of licences issued under this Part;
- (f) for prescribing forms to be used for the purposes of this Part;
- (g) for prescribing grounds for the suspension or cancellation of any licence issued under this Part;
- (h) for inspecting any moving-picture theatre or kinematograph.
- R.S. 1948, c. 124, s. 31 (*altered*).

Limitation as to municipal licences.

- 33.** (1) No municipality shall issue a licence in respect of any moving-picture theatre unless the applicant for the licence has first obtained a licence therefor under this Part, and no municipality shall impose any licence on or issue any licence to any projectionist or apprentice projectionist.

Violation an offence.

- (2) Every member of the Council or other official of a municipality who issues or causes to be issued any licence in violation of the provi-

sions of this section is guilty of an offence against this Part. R.S. 1948, c. 124, s. 32 (*altered*).

Licensed projectionist required to be in projection-room of moving-picture theatre.

34. In every moving-picture theatre there shall be in the projection-room at all times when the theatre is open to the public not less than one licensed projectionist holding a certificate of competency of the class prescribed in the regulations in force at the time of coming into operation of this section. 1951, c. 28, s. 2.

Age of projectionists.

35. No person shall act as a projectionist unless he is of the full age of twenty-one years, or as an apprentice projectionist unless he is of the full age of eighteen years. R.S. 1948, c. 124, s. 34.

Issuance of licences by Fire Marshal.

36. (1) All licences under this Part shall be issued by the Fire Marshal in such form as he may approve, and, except licences as to which a different date of expiry is fixed under the regulations made under this Part, every licence expires at midnight on the thirty-first day of December in the year in respect of which the licence is issued.

Power to refuse or cancel licences.

(2) The Fire Marshal may in his discretion refuse to grant a licence applied for under this Part, and may suspend or cancel any licence issued under this Part; but the refusal, suspension, or cancellation of a licence by the Fire Marshal under this section is subject to an appeal to the Lieutenant-Governor in Council by any person interested. R.S. 1948, c. 124, s. 35.

Accounting for fees and fines.

37. All licence fees paid by projectionists and apprentice projectionists under this Part or the regulations made thereunder and all other fees collected and all fines recovered under this Part or the regulations made thereunder shall be paid to the Minister of Finance and be accounted for as part of the Consolidated Revenue Fund. R.S. 1948, c. 124, s. 36.

Offences and penalties.

38. Every person who contravenes any provision of this Part or the regulations made thereunder is guilty of an offence against this Part, whether otherwise so declared or not; and every person guilty of an offence against this Part is liable, on summary conviction, to a fine of not less than five dollars and not more than three hundred dollars. R.S. 1948, c. 124, s. 37.

Licensee answerable for offences committed by employees.

39. Every offence against this Part, committed by the manager, employée, or agent of a person holding a licence in respect of a moving-picture theatre or cinematograph under this Part, shall be deemed to be the offence of the person holding the licence, and he is personally liable to the penalty imposed for the offence as a principal offender; but nothing in this section shall relieve the person who actually committed the offence from the liability therefor. R.S. 1948, c. 124, s. 38.

Powers of inspection.

40. The Fire Marshal, his Investigators or Inspectors, and every Local Assistant, and all officers and constables of the Royal Canadian

Mounted Police or any municipal police force, may enter at any time any moving-picture theatre and inspect the same, and any kinematograph and any films found therein, and for the purpose of such inspection may take with him or them such other persons as are necessary to assist in the inspection. R.S. 1948, c. 124, s. 39; 1954, c. 9, s. 11.

Seizure of films.

41. (1) The Fire Marshal, his Investigators or Inspectors, or any Local Assistant, or any officer or constable of the Royal Canadian Mounted Police or any municipal police force, may at any time seize and remove from any moving-picture theatre any film or reel containing any section of film which because of its poor physical condition may in his opinion be dangerous in causing fire.

Disposition of seized film.

(2) The film or reel of film so seized shall be retained by or placed in the control of the Fire Marshal, and the Fire Marshal, after considering the facts, and after hearing any person interested who requests to be heard, may return the film or reel of film to the person entitled thereto, or may declare the same to be forfeited to the Crown and direct what disposition shall be made of the same. R.S. 1948, c. 124, s. 40; 1954, c. 9, s. 12.

PART IV

GENERAL PROVISIONS

Offences and penalties.

42. A person who

- (a) obstructs the Fire Marshal or a Local Assistant or other person in the execution of his duties under this Act; or
- (b) refuses or neglects to admit to any building or premises for any purpose of this Act the Fire Marshal or a Local Assistant or other person who by or under the authority of this Act is entitled to enter into or upon the same; or
- (c) violates any provision of this Act or the regulations for which violation no other penalty is provided

is guilty of an offence and liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars. R.S. 1948, c. 124, s. 41.

Offence to disobey order made under the Act.

43. An owner or occupier of a building or premises who fails to comply with an order duly made in pursuance of this Act is guilty of an offence and liable, on summary conviction, to a penalty of not less than ten dollars and not more than three hundred dollars, and in the case of a continuing offence to a further penalty not exceeding fifty dollars for each day during which the offence continues. R.S. 1948, c. 124, s. 42.

Default by Local Assistant an offence.

44. Every Local Assistant who refuses or neglects to comply with any requirement of this Act or of any regulation is guilty of an offence

and liable, on summary conviction, to a penalty not exceeding twenty dollars. R.S. 1948, c. 124, s. 43.

Contributions
from insurance
companies.

45. (1) For the purpose of defraying the expenses of administration under this Act, including the salaries of the Fire Marshal and his staff, each insurance company transacting the business of fire insurance or automobile insurance in the Province, and each person whose property situate within the Province is insured in respect of fire-hazard in an insurance company which is not licensed under the *Insurance Act*, shall contribute each year, in addition to all other fees or taxes payable under any other Act, a sum to be fixed by the Lieutenant-Governor in Council according to such rate as in his opinion will be sufficient with the moneys available under section 37 to meet the actual expenses of administration.

Amount of
contributions
by insurance
companies.

(2) The sum so fixed in the case of an insurance company shall not exceed in any year one per centum of the aggregate of the premiums or assessments, or the portions thereof, which are paid or payable to the insurance company in respect of fire-hazard on property situate within the Province (less return premiums or assessments and reinsurance premiums in respect of fire-hazard), calculated on the business of the preceding calendar year as reported to the Superintendent.

Amount of
contributions
by others.

(3) The sum so fixed in the case of a person whose property is insured in an unlicensed insurance company shall not exceed in any year one-third of one per centum of every premium or assessment paid or payable by him or premium note given or mutual or other liability assumed by him in respect of fire-hazard under every insurance contract with any unlicensed insurance company during the current calendar year (less return premiums or assessments and other rebates in the nature of return premiums) as shown by his returns thereof to the Superintendent.

Time of
payment of
contributions.

(4) Every insurance company shall pay to the Commissioner of Income Tax at Victoria the amount so due from it at the same time and in the same manner as the tax imposed on it by the *Insurance Premiums Tax Act*, and every insured shall pay to the Superintendent the amount so due from him in the same manner and at the same time as the tax imposed on him by the *Insurance Act*.

Disposition
of moneys.

(5) All moneys collected pursuant to this Act shall be paid into the Consolidated Revenue Fund. All salaries and expenses necessarily incurred in the administration of this Act shall, in the absence of a vote of the Legislature for that purpose, be paid out of the Consolidated Revenue Fund; and if the moneys collected under this Act are in any year less than the amount of such salaries and expenses, the Lieutenant-Governor in Council may fix a further sum, subject to the limitation contained in subsection (1), to be contributed by the persons and in the manner set forth in subsections (1) and (2), to meet the deficiency.

Statement
of receipts.

(6) The Superintendent shall keep an account of the amounts received by him under subsection (2), and upon request shall furnish the Fire Marshal with a statement thereof.

Accounting by Fire Marshal. (7) The Fire Marshal shall keep an account of the moneys expended in the administration of this Act, and it is his duty to furnish the Lieutenant-Governor in Council with such information as he may require for the purpose of fixing the rate of contribution under subsection (1). R.S. 1948, c. 124, s. 44; 1959, c. 33, ss. 8, 9.

Issue of badges to Local Assistants. **46.** (1) For the purposes of Part I, the Fire Marshal shall issue a metal badge, bearing a serial number, to every Local Assistant and to every person authorized by a Municipal Council under section 20, and the person to whom it is issued shall wear and on request exhibit his badge whenever engaged in the performance of his duties under this Act.

Return of badge. (2) The badge shall be returned to the Fire Marshal as soon as the authority of the holder under this Act has ceased. R.S. 1948, c. 124, s. 45.

Annual report. **47.** The Fire Marshal shall submit to the Attorney-General, on or before the first day of April in each year, a detailed report of his administration made up to the preceding thirty-first day of December. R.S. 1948, c. 124, s. 46.

Fiat of Attorney-General for actions against Fire Marshal. **48.** No action or proceeding shall, without the leave of the Attorney-General, be brought or taken against the Fire Marshal, or any Local Assistant to the Fire Marshal, or any officer appointed to or acting on the staff of the Fire Marshal for anything done or omitted to be done in the performance or intended or supposed performance of his respective duties under this Act. R.S. 1948, c. 124, s. 47.

Regulations. **49.** (1) The Lieutenant-Governor in Council may from time to time make regulations for carrying out the purposes of this Act, including matters in respect whereof no express or only partial or imperfect provision has been made.

Specific matters for regulation. (2) Without thereby limiting the generality of subsection (1), it is declared that the power of the Lieutenant-Governor in Council to make regulations extends to

- (a) regulating the carrying-on of manufactures or trades dangerous in causing or promoting fire;
- (b) regulating the manufacture, sale, storage, carriage, and disposal of any combustible, explosive, or inflammable matter;
- (c) regulating or prohibiting the dealing in, keeping for sale, selling, disposing, or giving of any fireball, firecracker, squib, cannon-cracker, basket-bomb, giant cracker, sky-rocket, Roman candle, mine, torpedo, or other fireworks;
- (d) licensing, regulating, or prohibiting the dealing in, keeping for sale, selling, disposing, or giving of nitro-cellulose films or motion-picture machines;

- (e) making regulations, similar or different in different localities or with reference to different classes of buildings, or to different conditions, and governing the location, construction, occupancy, ventilation, and safety of community halls, hospitals, nurses' homes, orphanages, nursing homes, children's homes, apartment-houses, public garages, churches, theatres other than moving-picture theatres, office buildings, public halls, and such other public buildings and places of a public or semi-public nature as the Lieutenant-Governor in Council may designate for the purposes of this clause;
- (f) regulating or prohibiting the maintenance, installation, or use in any building or premises, or the sale of any appliance, fixture, or thing likely to cause or promote fire;
- (g) the making of regulations respecting the standardization of hose couplings and connections.

Publication of regulations.

(3) All regulations made under this section shall be published in the Gazette and have the same force and effect as if incorporated in this Act.

Municipal by-laws.

(4) Nothing in this Act shall prevent any municipality from making by-laws relating to any matter within the scope of this Act, but every by-law so made has effect as long and as far only as it is not repugnant to any provision of this Act or the regulations. R.S. 1948, c. 124, s. 48 (*altered*); 1959, c. 33, s. 10.

Duty of municipality under other law not affected.

50. Nothing in this Act absolves a municipality from its duty to enforce any law or regulation relating to any matter within the provisions of this Act. R.S. 1948, c. 124, s. 49.