
ELECTRICAL SAFETY ACT

CHAPTER 109

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Definitions

1 In this Act:

“**advisory committee**” means the Electrical Safety Advisory Committee continued by section 16;

“**alter**” includes repair;

Section 2

“appeal board” means the Electrical Safety Appeal Board continued by section 18 and, except in sections 18, 20, 21 and 22, includes a panel established under section 20;

“electrical contractor” includes

- (a) a person, not being the worker of the contractor, who does electrical work for another person, and
- (b) a utility corporation that does electrical work for another person;

“electrical equipment” includes any machinery, plant, works, wires, pipes, poles, conduits, apparatus, appliance and equipment used or designed or intended for use for or in connection with the generation, transmission, supply, distribution or use of electrical energy for any purpose;

“electrical work” means the installation, alteration, repair or maintenance of electrical equipment;

“inspector” means a person who is appointed

- (a) as chief inspector or electrical inspector under section 2,
- (b) by a municipal council to inspect electrical equipment within the municipality, or
- (c) by a regional district board to inspect electrical equipment within the regional district;

“plans and specifications” includes all books, papers, plans, specifications, drawings and documents that

- (a) relate to the construction, installation, erection or use of electrical equipment, or
- (b) are material for the purpose of inspection or examination under this Act;

“premises” includes a place, building or structure on or in which any electrical equipment is kept, installed or used.

Appointment of inspectors

- 2 A chief inspector and electrical inspectors as required for this Act may be appointed under the *Public Service Act*, and hold office during pleasure.

General duties of inspectors

- 3 (1) Inspectors may inspect plans and specifications, electrical equipment and electrical work.
- (2) The chief inspector, under the direction of the minister, has general supervision over the other inspectors, as well as over all matters and things within the scope of this Act.

Persons doing electrical work

- 4 (1) A person must not
- (a) do electrical work, or
 - (b) act as an electrical contractor

unless the person complies with the requirements and conditions established by the regulations.

- (2) The Lieutenant Governor in Council may, by regulation, exempt persons from the application of subsection (1), in respect of the installation, alteration, repair or maintenance of any type of electrical equipment, in circumstances specified in the regulations.
- (3) A person must not advertise the person's services to do electrical work, or in any way hold out that the person is available to do electrical work on behalf of others, except in accordance with the regulations.

Permits required for electrical work

- 5 (1) A person must not do electrical work unless a valid permit for the work is obtained and held in accordance with the regulations.
- (2) The Lieutenant Governor in Council may, by regulation, exempt the installation, alteration, repair or maintenance of any type of electrical equipment from the application of subsection (1) in circumstances specified in the regulations.

Electrical work requirements

- 6 A person must not do electrical work except in accordance with
 - (a) the regulations, and
 - (b) any directives that may be made by the chief inspector.

Authorization before use

- 7 After electrical work has been done on electrical equipment, a person must not use or permit the use of the electrical equipment unless
 - (a) an inspector
 - (i) has been given written notification of the work by either the person doing the work or the holder of the permit, and
 - (ii) has authorized the use of the electrical equipment, or
 - (b) the use of the electrical equipment is permitted by the regulations without notification or authorization of an inspector.

Annual report

- 8 Each year the chief inspector must submit to the minister a report on the administration of this Act for the fiscal year ending March 31.

Section 9

Inspectors subject to regulations

- 9 In administering this Act and in making any order or decision that an inspector is authorized to make under it, an inspector must be governed by the regulations relating to the matter under consideration.

Examination of plans and specifications of electrical equipment

- 10 (1) The chief inspector may, and an inspector if directed by the chief inspector must, receive and examine all plans and specifications submitted to him or her of electrical equipment proposed to be constructed, installed or erected for use, or used, or sold in British Columbia.
- (2) If the examination under subsection (1) discloses that any equipment or method of construction, installation or erection under consideration does not comply with the prescribed requirements, or is, in the opinion of the person who examines the plans and specifications, dangerous to person or property, he or she must at once notify the person who submitted them, pointing out the defects.
- (3) If the circumstances warrant, the person who examined the plans and specifications may
- (a) approve them,
 - (b) approve them in part, or
 - (c) approve them after amendment in compliance with his or her directions.

Powers of inspectors

- 11 An inspector may do any or all of the following:
- (a) enter any premises at any reasonable time for the purpose of inspecting the electrical equipment kept or used there;
 - (b) inspect and examine all electrical equipment found by the inspector on any premises;
 - (c) require any electrical equipment that is being inspected to be put in motion or operation, or stopped, for the purpose of its examination by the inspector;
 - (d) require the production before the inspector of all plans and specifications, or further plans and specifications, as the inspector considers necessary for the inspection or examination of electrical equipment or plans and specifications that are being inspected or examined by him or her;
 - (e) require the attendance before the inspector of all persons he or she thinks fit to summon and examine, and require answers or returns to be made to all inquiries he or she thinks fit to make of any person for any inspection or examination under this Act.

Duties of owners and others

- 12** A person whose plans and specifications or electrical equipment are being inspected or examined by an inspector under this Act, and every officer, employee or agent of the person, must do the following:
- (a) supply to the inspector all information and full and true explanations, so far as is within their power or knowledge, on all matters inquired into by the inspector;
 - (b) produce and submit to the inspector all plans and specifications necessary for the inspection or examination;
 - (c) supply the means required by the inspector for his or her entry, inspection and examination and for the exercise of any power vested in the inspector under this Act in respect of electrical equipment that is being inspected or examined;
 - (d) produce for the inspector identification necessary to satisfy the inspector that the qualification, certification and registration conditions and requirements established by this Act and the regulations are met.

Obstruction of inspector

- 13** A person is deemed to obstruct an inspector in the execution of the inspector's duties under this Act if the person
- (a) wilfully delays the inspector in the execution of his or her duties or in the exercise of his or her powers under this Act,
 - (b) fails to comply with any requirement, request or summons of an inspector under this Act,
 - (c) fails to submit himself or herself to examination by the inspector on a summons, or
 - (d) fails to make an answer or return or produce plans or specifications that the person is required to make or produce to an inspector under this Act.

Dangerous electrical equipment

- 14** (1) An inspector who is of the opinion that electrical equipment is dangerous to a person or property, may, in writing, order the owner of or person in charge of the electrical equipment and, if the electrical equipment is located in a premises, the owner of or person in charge of the premises, within the time stated in the order,
- (a) to discontinue using the electrical equipment and doing anything that could make the electrical equipment unsafe,
 - (b) to alter the electrical equipment,
 - (c) to adopt practices in respect to the electrical equipment that will make the property or electrical equipment safe to use, and
 - (d) to require that all persons stop doing anything on or in proximity to the electrical equipment while it is carrying a current of electricity.

Section 15

- (2) If a person does not comply with an order made under subsection (1), an inspector may, in writing, order the person who supplies the electricity to the electrical equipment to disconnect that electrical supply.

Orders prohibiting sale of dangerous equipment

- 15 If the chief inspector, or any other inspector with the concurrence of the chief inspector, is of the opinion that electrical equipment of a specific manufacture or trade name or of a certain type or class is for any reason so dangerous to person or property that its use ought not to be permitted in British Columbia, he or she may, by notice given to any person who keeps that electrical equipment, or by notice published in the Gazette, order that a person must not within British Columbia sell any electrical equipment of that manufacture, trade name, type or class.

Advisory committee

- 16 (1) The Electrical Safety Advisory Committee is continued to advise the minister about all matters relating to electrical safety and electrical equipment.
- (2) The advisory committee is to be composed of members appointed by the minister.
- (3) The members hold office for a term, of up to 3 years, set by the minister.
- (4) A member who is not a public service employee within the meaning of the *Public Service Act* must be reimbursed for reasonable out of pocket travelling and other expenses incurred in the discharge of duties.
- (5) The members must each year elect from among their members a chair, vice chair and secretary.

Appeals to chief inspector

- 17 (1) A person who is served with written notice of a decision, order or ruling of an inspector, other than
- (a) an order made under section 15, or
 - (b) a decision, order or ruling of the chief inspector,
- may appeal the decision, order or ruling to the chief inspector within 30 days after the date he or she is served.
- (2) Any other person may, with leave of the chief inspector, appeal a decision, order or ruling of an inspector other than
- (a) an order made under section 15, or
 - (b) a decision, order or ruling of the chief inspector,
- to the chief inspector within 30 days after the date the decision, order or ruling was made.
- (3) Written notice under this section or section 19 is conclusively deemed to be served if sent by registered mail to the last known address of the person.

- (4) If service of written notice is by registered mail under this section or section 19, the notice is conclusively deemed to be served on the 14th day after deposit of the notice in a Canada Post Office at any place in Canada.
- (5) On an appeal under this section, the chief inspector must review and must, by order, confirm, vary or reverse the inspector's decision, order or ruling under appeal.

Appeal board established

- 18 (1) The Electrical Safety Appeal Board is continued.
- (2) The appeal board is to be composed of members appointed by the minister, and the minister may designate from among the members a chair and one or more vice chairs.
- (3) The members hold office for a term, of up to 3 years, set by the minister.
- (4) A member who is not a public service employee within the meaning of the *Public Service Act* may be paid remuneration set by the Lieutenant Governor in Council and must be reimbursed for reasonable out of pocket travelling and other expenses incurred in the discharge of duties.

Appeal from decision of chief inspector

- 19 (1) In this section:
 - “**building**” means building as defined in the *Building Safety Standards Act*;
 - “**Building Safety Standards Appeal Board**” means the Building Safety Standards Appeal Board established by the *Building Safety Standards Act*.
- (2) A person who is served with written notice of a decision, order or ruling of the chief inspector or an order made under section 15 may
 - (a) in all cases, other than the case referred to in paragraph (b), appeal to the appeal board, and
 - (b) if the decision, order or ruling is in respect of the structural design, the materials used in construction, the methods of construction, the alteration, the occupation or the use of a building, appeal to the Building Safety Standards Appeal Boardwithin 30 days after the date he or she is served with the written notice or a longer period permitted by the appeal board or the Building Safety Standards Appeal Board.
- (3) Any other person may, with leave of the appeal board or the Building Safety Standards Appeal Board appeal a decision, order or ruling of the chief inspector or an order made under section 15
 - (a) in all cases, other than the case referred to in paragraph (b), to the appeal board, and

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- (b) if the decision, order or ruling is in respect of the structural design, the materials used in construction, the methods of construction, the alteration, the occupation or the use of a building, to the Building Safety Standards Appeal Board

within 30 days after the date the decision, order or ruling was made or a longer period permitted by the appeal board or the Building Safety Standards Appeal Board.

Panels

- 20** (1) The chair of the appeal board may establish one or more panels of the appeal board.
- (2) In respect of matters referred to a panel by the chair, or coming before it under the rules of the appeal board, a panel has the power and authority of the appeal board, and 2 or more panels may proceed with separate matters at the same time.
- (3) The chair of the appeal board may refer a matter that is before the appeal board to a panel or may refer a matter that is before a panel to the appeal board or another panel.
- (4) A panel of the appeal board consists of the chair or a vice chair of the appeal board and 2 or more other members of the appeal board.
- (5) The chair of the appeal board may terminate an appointment to a panel and may fill any vacancy on a panel.

Quorums

- 21** A quorum
- (a) of the appeal board is 1/2 of the members of the appeal board, of whom one must be the chair or a vice chair of the appeal board, and
- (b) of a panel is the chair or a vice chair of the appeal board and 2 other members of the panel.

Meetings

- 22** (1) The chair of the appeal board must preside at meetings of the appeal board and of all panels of which he or she is a member, and a vice chair must preside over all other panels.
- (2) If there is no majority decision of the appeal board or a panel, the decision of the presiding chair is the decision of the appeal board or panel.

Method of hearing appeal

- 23** (1) In this section, “**parties**” means the appellant and the chief inspector.
- (2) Unless the parties to an appeal agree otherwise, the appeal board must hear an appeal by holding a hearing at which both parties are entitled to be heard.

- (3) If the parties to an appeal agree to hear an appeal in a manner other than under subsection (1), the appeal board may hear the appeal in the manner agreed.

Inquiry Act

- 24 For the purposes of this Act, the appeal board and each of its members has the protection, privileges and powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.

Power of appeal board

- 25 On hearing an appeal, the appeal board
- (a) must confirm, vary or reverse the decision, order or ruling of the chief inspector, and
 - (b) may order the appellant or any other person to comply with its decision.

Offence

- 26 (1) A person who does any of the following commits an offence:
- (a) disposes of, offers for sale, uses or permits the use of, manufactures, installs, alters or erects electrical equipment contrary to this Act or the regulations;
 - (b) obstructs an inspector in the execution of his or her duties under this Act;
 - (c) fails to comply with an order made by an inspector under this Act;
 - (d) fails to comply with an order of the appeal board.
- (2) If electrical work is done without a valid permit, in contravention of section 5 (1), the person allowed by the regulations to apply for the required permit commits an offence.

Limitation on prosecution

- 27 An information must not be laid for an offence under section 26 or the regulations, more than one year after the commission of the offence.

Power to make regulations

- 28 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing the duties, qualifications and certification of the inspectors and regulating their conduct while discharging their duties;
 - (b) providing for the issuing of certificates or permits for anything approved, done or permitted to be done under this Act or the regulations;
 - (c) prescribing rates or levels, or both, of fees and charges payable for

Section 28

- (i) inspections and examinations, and
 - (ii) certificates and permits
- under this Act or the regulations;
- (d) prescribing circumstances in which a specified penalty charge may be added to a permit fee for failure to comply with this Act or the regulations;
 - (e) providing for the charging, in special cases, of the costs and expenses of an inspection, including a daily charge for the services of the inspector, against the owner of the plans and specifications, premises, or electrical equipment inspected, or against the person at whose request the inspection was made;
 - (f) prescribing the manner of giving and serving notices, orders and summonses given or issued under this Act;
 - (g) providing that plans and specifications for the installation or erection of electrical equipment for use for or in connection with the generation, transmission or supply of electrical energy must be submitted for approval, and approved, before the work of installation or erection is begun; and providing for similar submission and approval of plans and specifications for the installation or erection of electrical equipment in all other cases when their submission is required by notice of an inspector;
 - (h) regulating, controlling or prohibiting the installation, erection, use or sale of electrical equipment within British Columbia;
 - (i) regulating, controlling or prohibiting the placing, construction, alteration, insulation and equipment of wires or cables carrying currents of electricity, and the installation, alteration or arrangement of electrical equipment or safety devices to
 - (i) prevent or mitigate inductive interference between the wires or cables owned or operated by one person and those owned or operated by another person,
 - (ii) prevent the impairment of service, and
 - (iii) ensure the safety of persons operating or using electrical equipment connected with the wires, cables, equipment or devices;
 - (j) prescribing penalties, recoverable on conviction, for the enforcement of any regulation;
 - (k) empowering an electrical inspector or other officer appointed by the council of a municipality to exercise, in the municipality, similar powers, in whole or in part, to those conferred under this Act on an inspector;
 - (l) prescribing a requirement that each electrical contractor have a representative for the purposes specified in the regulations;
 - (m) prescribing requirements and conditions for persons advertising their services to do electrical work;

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- (n) prescribing requirements and conditions, including different requirements and conditions for different classes of persons and different circumstances, respecting
 - (i) qualification and certification of persons doing electrical work,
 - (ii) qualification and registration of electrical contractors, and
 - (iii) qualification and registration of representatives of electrical contractors;
 - (o) prescribing circumstances in which the registration of an electrical contractor may be suspended or revoked, including circumstances in which a suspension of no more than 30 days may be imposed by the chief inspector pending a hearing;
 - (p) respecting the reporting and investigation of accidents or fires of electrical origin that cause death, injury or property damage;
 - (q) permitting a class of persons designated by the chief inspector to determine the form of any document referred to in this Act or the regulations;
 - (r) respecting the installation and alteration of electrical equipment, including the conditions on which electrical equipment may be installed or altered;
 - (s) prescribing circumstances in which permits, certificates or registrations become invalid;
 - (t) providing for the establishment of a board to advise the chief inspector regarding qualification and registration of electrical contractors;
 - (u) prescribing information required to be provided to the chief inspector by local governments in relation to their duties and powers under section 30.
- (3) A regulation under this section may prescribe different types of certificates and permits with different requirements and conditions for different classes of persons and different circumstances.
- (4) Regulations made under this section may
- (a) adopt, in whole or in part, codes or standards published by a national or international standards association, including adoption of amendments to the codes or standards published before or after the making of the regulations,
 - (b) in adopting the codes or standards under paragraph (a), grant powers to and establish functions and duties of inspectors that the Lieutenant Governor in Council deems necessary in order for the inspectors to administer the codes or standards adopted, including delegating to inspectors
 - (i) any discretionary power granted to, or duty required to be exercised by
-

Section 29

- (A) inspectors,
 - (B) the authority having jurisdiction, or
 - (C) other persons
- referred to in the codes or standards adopted, and
- (ii) the power to vary the codes or standards adopted, and
- (c) exempt persons or classes of persons from all or part of the codes or standards adopted.
- (5) If wires or cables are being constructed by a person in a locality in which wires or cables have already been constructed by another person, all costs, charges and expenses incurred in complying with the requirements of the regulations made under subsection (2) (i) are to be at the expense of the person whose wires or cables are being constructed.
- (6) If a code of electrical rules promulgated by an association or body of persons and available in printed form is adopted in whole or in part, or with variations, by regulations made under this section, publication in the Gazette of a notice of adoption referring to the printed code, stating the extent of its adoption and setting out the variations subject to which it is adopted, is deemed sufficient publication of the regulations without publishing in the Gazette the text of the code or part adopted.

Accounting for fees collected

- 29 All money collected by the inspectors for fees, costs, charges and expenses under this Act must be paid into and be accounted for as part of the consolidated revenue fund.

Municipalities and regional districts

- 30 (1) In this section, “local government” means,
- (a) in the case of a municipality, the council, and
 - (b) in the case of a regional district, the board.
- (2) A local government bylaw that regulates electrical work or the use of electrical equipment is effective only to the extent that it is consistent with this Act or the regulations.
- (3) If a local government maintains an electrical inspection service, the fees and charges payable for inspections and examinations are those imposed by the local government rather than those payable under the regulations.
- (4) The chief inspector may, with the consent of the local government, maintain an electrical inspection service within the municipality or regional district.

Act not applicable to metallurgical works or mines

- 31 This Act does not apply to a mine within the meaning of the *Mines Act*.

ELECTRICAL SAFETY — HISTORICAL TABLE

Amendments Not in Force

ELECTRICAL SAFETY ACT

RSBC 1996, chapter 109

Section	Citation
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19	RS1996 (Supp) -109-1; 1981-13-14 [en.14.3 (3),(4)].
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Legislative History

ELECTRICAL SAFETY ACT

RSBC 1996, chapter 109

Section	History
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1	RS1979-104-1; 1981-13-2; 1990-5-1.
2	RS1979-104-3; 1981-13-4.
3	RS1979-104-5; 1981-13-5; 1990-5-2.
4	RS1979-104-5.1; 1990-5-3.
5	RS1979-104-5.11; 1990-5-3.
6	RS1979-104-5.12; 1990-5-3.
7	RS1979-104-5.2; 1990-5-4.
8	RS1979-104-6; 1981-13-7; 1984-25-10.
9	RS1979-104-7.
10	RS1979-104-8; 1981-13-8.
11	RS1979-104-9; 1981-13-9.
12	RS1979-104-10; 1981-13-10; 1990-5-5.
13	RS1979-104-11; 1981-13-11.
14	RS1979-104-12; 1981-13-12.
15	RS1979-104-13; 1981-13-13.
16	RS1979-104-14; 1981-13-14.
17	RS1979-104-14.1; 1981-13-14.
18	RS1979-104-14.2; 1981-13-14.
19	RS1979-104-14.3; 1981-13-14 (1),(2) and (5).
20	RS1979-104-14.4; 1981-13-14.
21	RS1979-104-14.5; 1981-13-14.
22	RS1979-104-14.6; 1981-13-14.
23	RS1979-104-14.7; 1981-13-14.
24	RS1979-104-14.8; 1981-13-14.
25	RS1979-104-14.9; 1981-13-14.
26	RS1979-104-15; 1981-13-15; 1990-5-6.
27	RS1979-104-15.1; 1981-13-15.
28	RS1979-104-16; 1981-13-16,17; 1987-44-10; 1990-5-7.
29	RS1979-104-17.
30	RS1979-104-18; 1990-5-8; 1992-45-1.
31	RS1979-104-19; 1980-28-42.

ELECTRICAL SAFETY — HISTORICAL TABLE

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The “Section” column identifies the affected provisions of the Act. The “Citation” column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The “Section” column identifies all sections of the Act in force on December 31, 1996. The “History” column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of “year-chapter-section”.

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