

**CONSOLIDATION**  
**OF THE**  
**ELECTRICITY AND GAS INSPECTION ACT**

**LMB-EG-01**  
**(mois) 1995**

**Issued by**

**Industry Canada**  
**Legal Metrology Branch**  
**Ottawa, Ontario**  
**K1A 0C9**

**WARNING**

**Users of the consolidation are reminded that it is prepared for convenience of reference only and that, as such, it has no official sanction.**

**This document is available in French.**

**Copies may be obtained at the following address:**

**Industry Canada  
Legal Metrology  
Electricity and Gas  
Standards building  
Tunney's Pasture, Unit #4  
Holland Avenue  
Ottawa, Ontario  
K1A 0C9**

**Ce document est disponible en français.**

**Des copies peuvent être obtenues à l'adresse suivante:**

**Industrie Canada  
Direction de la métrologie légale Électricité et gaz  
Immeuble des normes  
Parc Tunney, Édifice no 4  
Avenue Holland  
Ottawa (Ontario)  
K1A 0C9**

## Consolidation of the Electricity and Gas Inspection Act

(month) 1995

The official source of the *Electricity and Gas Inspection Act*<sup>1</sup> is Chapter (c.) E-4 of the Revised Statutes of Canada (R.S.), 1985. This consolidation of the *Electricity and Gas Inspection Act* includes the following amendments:

1. R.S., 1985, c. 31 (1st Supplement)

Amendment to section 26: warrant required to enter dwelling house.

2. R.S., 1985, c. 31 (1st Supplement), Schedule

Section 43 of the *Electricity and Gas Inspection Act*, S.C., 1980-81-82-83, c. 87 repealed.

3. S.C., 1995, c.1

Amendment to the definition of "Minister" in section 2: revision of the name of the department.

For reference purposes, annotations have been placed at the end of each section to indicate where the same provision can be found in the original version of this statute, and the source of any amendments to the official version of this statute.

---

<sup>1</sup>The original version of this statute was published in Chapter 87 of the Statutes of Canada, 1980-81-82-83.

*This page left blank intentionally.*

## Contents

	Page
Preface .....	i
Contents .....	iii

  

	Section(s)	Page
Short Title .....	1	1
Interpretation (definitions) .....	2	1
Units and Standards .....	3 - 5	2
Registration .....	6	3
Contractor's Access and Reports .....	7 - 8	3
Meters .....	9 - 22	4
Disputes .....	23 - 24	7
Voltage Test .....	25	8
Administration .....	26 - 29	9
Offences and Punishment .....	30 - 36	12
Legal Proceedings .....	36 - 38	15
Adaptation .....	39 - 43	17
Her Majesty .....	44	19
Repeal and Transitional .....	45 - 46	19
Coming into Force .....	47	20

*This page left blank intentionally.*

**CHAPTER E-4**  
(Revised Statutes of Canada, 1985)

An Act relating to the inspection of electric and gas meters and supplies

SHORT TITLE

- Short Title
1. This Act may be cited as the *Electricity and Gas Inspection Act*. 1980-81-82-83, c. 87, s. 1.

INTERPRETATION

- Definitions
2. (1) In this Act,

"accredited  
meter verifier"  
*\*vérificateur...\**

"accredited meter verifier" means any person accredited under section 10;

"apparatus"  
*\*appareil\**

"apparatus" includes any machine, instrument or device;

"contractor"  
*\*fournisseur\**

"contractor" means any person or body that has undertaken to supply electricity or gas to any purchaser;

"director"  
*\*directeur\**

"director" means the director appointed under subsection 26(1);

"functions"  
*\*fonctions\**

"functions" includes powers conferred and duties imposed by or under this Act;

"gas"  
*\*gaz\**

"gas" includes natural gas and manufactured gas;

"inspector"  
*\*inspecteur\**

"inspector" means any officer appointed under the authority of this Act and, in relation to any functions that may be executed by such an officer, includes any person designated under subsection 26(3) for the purpose of executing those functions;

"meter"  
*\*compteur\**

"meter" means an electric or gas meter and includes any apparatus used for the purpose of making measurements of, or obtaining the basis of a charge for, electricity or gas supplied to a purchaser;

"Minister"  
*\*ministre\**

"Minister" means the Minister of Industry;

"prescribed"  
*Version anglaise  
seulement*

"prescribed" means prescribed by regulation;

"purchaser"  
\*consom-  
mateur\*

"purchaser" means any person to whom electricity or gas is sold;

"verified meter"  
\*compteur  
vérifié\*

"verified meter" means a meter that has been verified in accordance with this Act and the regulations.

Rendering seal  
ineffective is  
breaking it

(2) The rendering ineffective of a seal pertaining to any meter shall, for the purposes of this Act, be deemed to constitute breaking the seal.

Construction

(3) Any reference in this Act, except in subsection 23(2), to the owner of a meter shall, in the case of a meter used by a contractor for any purpose mentioned in subsection 9(1), be construed as a reference to the contractor. 1980-81-82-83, c. 87, s. 2; S.C., 1995, c.1, s. 62.

#### UNITS AND STANDARDS

Units of  
electricity and  
gas

3. (1) Subject to subsection (2) and the regulations,

(a) the unit of measurement for the sale of electricity shall be

- (i) the watt hour,
- (ii) the volt-ampere hour,
- (iii) the var hour, or
- (iv) the joule; and

(b) the unit of measurement for the sale of gas shall be

- (i) in the case of sale by volume, the cubic metre or the cubic foot,
- (ii) in the case of sale by energy units, the joule or the British Thermal Unit, and
- (iii) in the case of sale by mass, the kilogram.

Multiples and  
submultiples of  
units

(2) Any requirement of this section that a unit of measurement be a unit specified in subsection (1) is sufficiently complied with if the unit of measurement

(a) is any multiple or submultiple of the unit so specified; and

(b) is capable of being expressed by way of a prefix specified in Part V of Schedule I to the *Weights and Measures Act*,

but nothing in this subsection applies to a cubic foot specified in subparagraph (1)(b)(i) or a British Thermal Unit specified in subparagraph (1)(b)(ii). 1980-81-82-83, c. 87, s. 3.

Custody of  
standard  
apparatus

4. All standard apparatus necessary to establish the units of measurement for sales referred to in section 3 shall remain in the custody of the Minister and form part of the system of reference standards referred to in the *Weights and Measures Act*. 1980-81-82-83, c. 87, s. 4.

- Calibration of measuring apparatus
5. No measuring apparatus, other than a standard designated under section 13 of the *Weights and Measures Act*, that is required for measurement or examination of electricity, gas or meters shall be used by an accredited meter verifier unless
- (a) the apparatus is calibrated, and
  - (b) such calibration is certified,
- in prescribed manner. 1980-81-82-83, c. 87, s. 5.

REGISTRATION

- Register of contractors
6. (1) The director shall maintain, in accordance with the regulations, a register for the registration of contractors.
- Certificate of registration
- (2) No contractor shall sell electricity or gas on the basis of measurement unless he holds a certificate of registration issued under the authority of this subsection in respect of the supply of electricity or gas, as the case may be.
- Contractor ceasing to be seller
- (3) Where a contractor ceases to sell electricity or gas on the basis of measurement, the contractor shall forthwith give notice, in prescribed manner, to the director to that effect and return to the director the certificate of registration referred to in subsection (2). 1980-81-82-83, c. 87, s. 6.

CONTRACTOR'S ACCESS AND REPORTS

- Right of access by contractor
7. (1) A contractor may, at all reasonable times, for the purpose of
- (a) inspecting, testing, installing, repairing, removing or changing, when it is lawful for him to do so, any meters, wiring, piping, fittings or other apparatus of the contractor for the measurement or conveyance of electricity or gas supplied by him, or
  - (b) ascertaining the quantity or making other measurements of the electricity or gas consumed or supplied,
- enter any premises belonging to or occupied by the purchaser to whom the contractor has undertaken to supply the electricity or gas.
- Liability of contractor
- (2) A contractor that has exercised any right of entry pursuant to subsection (1) is responsible for, and shall forthwith repair and make good, all damage caused by the entry or by any inspection, testing, installation, repair, removal or change for the purpose of which the contractor has exercised that right. 1980-81-82-83, c. 87, s. 7.
- Service pressure reports
8. A contractor shall, if the regulations so require, report at prescribed intervals to the director, in respect of any gas supplied by the contractor, such particulars of the service pressures as are prescribed. 1980-81-82-83, c. 87, s. 8.

METERS

- Verification      **9.** (1) Subject to subsections (2) and (3), where a contractor or purchaser intends to use or cause to be used a meter for the purpose of obtaining the basis of a charge for electricity or gas supplied by or to him, the meter shall not, until it has been verified and sealed in accordance with this Act and the regulations, be put into service.
- Temporary dispensation      (2) The director may grant permission for the putting into service, without verification and sealing or without sealing, of any meter or any class, type or design of meter on a temporary basis under such terms and conditions and for such period as the director stipulates.
- Permanent dispensation      (3) The director may grant approval for the putting into service, without verification and sealing or without sealing, of any meter or any class, type or design of meter.
- Director's approval required for verification      (4) No meter shall be verified pursuant to this Act until it or the class, type or design of meter to which it belongs has received the approval of the director. 1980-81-82-83, c. 87, s. 9.
- Accredited meter verifiers      **10.** Subject to the regulations, any person
- (a) may, on making application in prescribed manner, be accredited by the director for purposes of the verification, sealing, reverification and resealing of any meter or any class, type or design of meter and the execution of prescribed functions incidental thereto by that person or his servant acting on his behalf and under his authority; and
- (b) shall, in the event of the granting of his application pursuant to paragraph (a), be issued with a certificate of accreditation in prescribed form by the director. 1980-81-82-83, c. 87, s. 10.
- Revocation of permission      **11.** (1) A permission granted under subsection 9(2) may, by notice given in prescribed manner, be revoked by the director for failure to comply with any of the terms or conditions on which the permission was granted.
- Revocation of approval or accreditation      (2) Any approval granted under subsection 9(3) or (4) or accreditation granted under section 10 may, by notice given in prescribed manner, be revoked by the Minister for failure to comply with any conditions to which that approval or accreditation has been made subject in accordance with the regulations.
- Requirement on revocation      (3) Where a permission under subsection 9(2) or an approval under subsection 9(3) is revoked, any meter that is in service pursuant to the permission or approval at the time of the revocation shall thereupon be taken out of service unless, in the case of revocation of an approval, the notice of revocation otherwise provides.

Right to make representations

(4) No permission under subsection 9(2), approval under subsection 9(3) or (4) or accreditation under section 10 shall be revoked unless

- (a) notice of the proposal to revoke it has been given in prescribed manner;
- (b) any interested person objecting to the proposal has been afforded reasonable opportunity to make representations with respect to his objection; and
- (c) the representations, if any, so made have been taken into account in deciding whether to implement such proposal. 1980-81-82-83, c. 87, s. 11.

Reverification

**12. (1) Within**

- (a) the period of eight years from verification, and the period of eight years from each reverification, of a meter used for the purpose of obtaining the basis of a charge for electricity,
- (b) the period of seven years from verification, and the period of seven years from each reverification, of a meter used for the purpose of obtaining the basis of a charge for gas, or
- (c) such other period from any or each verification or reverification of a meter as may be determined in any case or class of cases by the director,

the meter shall be submitted to reverification, together with resealing or marking, or to cancellation of the seal or mark, as the case may require, under this Act and the regulations.

Where shorter period determined

(2) No period determined under paragraph (1)(c) for any reverification shall be shorter than the period specified therefor in paragraph (1)(a) or (b) unless the director so determines the period under paragraph (1)(c) with the approval of the Minister, in which event the director shall cause to be given, in prescribed manner and before a prescribed time prior to expiry of the period determined under paragraph (1)(c), notice that the reverification within the period so determined, instead of within the period so specified, is required. 1980-81-82-83, c. 87, s. 12.

Exercise of powers by inspector

**13.** The power to deal with a meter in any manner provided or referred to in section 12 or specified or authorized pursuant to paragraph 28(1)(c) or (d) may be exercised by an inspector, on the general or special instructions of the director, whether or not the meter may be or has been so dealt with by an accredited meter verifier. 1980-81-82-83, c. 87, s. 13.

Certificates

**14.** On verification or reverification of a meter by an inspector or an accredited meter verifier who is not the owner of the meter, the inspector or accredited meter verifier shall, in prescribed manner, issue to the owner a certificate containing prescribed particulars respecting the verification or reverification. 1980-81-82-83, c. 87, s. 14.

Persons authorized to deal with meters

**15.** (1) No meter shall be verified, sealed, reverified or resealed by any person, other than an inspector or an accredited meter verifier, and no person,

(a) other than an inspector, shall break the seal of any verified meter the correctness of which is in dispute; or

(b) other than an inspector, an accredited meter verifier or the owner, shall, except as prescribed, break the seal of any verified meter.

Meters with broken seal

(2) Except as otherwise provided by or pursuant to this Act, no meter on which the seal has been broken shall be put into service or continued in use until it has been reverified and resealed. 1980-81-82-83, c. 87, s. 15.

Owner's liability

**16.** (1) The owner of each verified meter that is in use shall keep it in good repair and is responsible for causing it to be dealt with from time to time in accordance with the requirements of this Act and the regulations and, subject to those requirements, the owner is liable to pay any fees chargeable for so dealing with the meter.

Owner's records

(2) An owner referred to in subsection (1) shall keep records containing such information related to the administration of this Act, in such form, at such place and for such period as may be prescribed. 1980-81-82-83, c. 87, s. 16.

Records of accredited meter verifiers

**17.** Every accredited meter verifier shall keep records containing such information related to the administration of this Act, in such form, at such place and for such period as may be prescribed. 1980-81-82-83, c. 87, s. 17.

Examination of records

**18.** All records kept pursuant to sections 16 and 17 shall be open for examination by an inspector during normal business hours and the inspector may make such copies thereof or extracts therefrom as he may require. 1980-81-82-83, c. 87, s. 18.

Contractor to provide facilities for testing

**19.** Every contractor shall provide free of charge,

(a) where the supply of electricity is undertaken by him, electricity, equipment and all reasonable facilities, and

(b) where the supply of gas is undertaken by him, gas, equipment and all reasonable facilities,

at such place or places as the director may designate for the purpose of making such tests of the electricity or gas and of any of the meters and other apparatus relating to that supply as the director deems necessary for the purposes of this Act. 1980-81-82-83, c. 87, s. 19.

Entry by accredited meter verifier or inspector exercising powers

**20.** Any premises may, at all reasonable times, be entered

(a) by any inspector, where on reasonable grounds he believes the entry to be required, for the purpose of exercising any power conferred on him by section 13 or 18; or

(b) by any accredited meter verifier, where on reasonable grounds he believes the entry to be required, for the purpose of executing, in respect of a meter on or in those premises, any functions relating or incidental to its verification or reverification. 1980-81-82-83, c. 87, s. 20.

Assistance to  
inspector or  
accredited meter  
verifier

**21.** The owner or person in charge of, and every person employed in, premises entered by an inspector or an accredited meter verifier pursuant to section 20 or subsection 26(6) shall give the inspector or accredited meter verifier all reasonable assistance in his power to enable the inspector or accredited meter verifier to execute his functions pursuant to this Act and shall furnish him with such information with respect to the administration of this Act and the regulations as he may reasonably require. 1980-81-82-83, c. 87, s. 21.

Direction to take  
meter out of  
service

**22.** (1) The director may, by notice in writing given in prescribed manner to the owner of any meter, require the withdrawal of the meter from service if the director, having regard to the requirements of this Act and the regulations with respect to that meter or to meters of its class, type or design, believes on reasonable grounds that the withdrawal is necessary.

Compliance with  
direction

(2) An owner to whom notice is given under subsection (1) shall forthwith take all reasonable steps to comply therewith. 1980-81-82-83, c. 87, s. 22.

DISPUTES

Dispute  
procedure

**23.** (1) At the request of a contractor or purchaser who is dissatisfied with the condition or registration of any meter used in respect of electricity or gas supplied by or to him, an inspector shall proceed in prescribed manner and he shall collect such payments, from such persons, at or within such times and for the provision of such services and facilities incidental to proceeding in that manner as are prescribed.

Duties of  
inspector

(2) Where an inspector proceeds in the matter of any request pursuant to subsection (1), he shall issue to each person directly concerned with the matter, including the owner of any meter tested by the inspector in the course of so proceeding, a certificate setting forth the inspector's findings with respect to that matter and findings so set forth shall include the result of the test, if any.

Reference to  
director for  
consideration

(3) Where a person who is provided with a certificate of findings by an inspector pursuant to subsection (2) gives notice to the inspector within a prescribed time that he is dissatisfied with the findings, the inspector shall refer the matter to the director for reconsideration in prescribed manner.

Director's  
decision final

(4) The decision of the director on a matter referred to him pursuant to subsection (3) is final and conclusive. 1980-81-82-83, c. 87, s. 23.

- Loss by error      **24.** (1) Subject to subsections (2) to (4), where, on a proceeding in the matter of any request pursuant to section 23, a meter is found to register with an error not permitted by the regulations, the error shall be deemed to have existed from the commencement of the period of three months before the date of the receipt of the request, or from the date on which the meter was last sealed if the sealing took place within that period.
- Idem                      (2) Subject to subsections (3) and (4), where, on a proceeding in the matter of any request pursuant to section 23, a meter is found to register with an error not permitted by the regulations and the meter was, at the date of the receipt of the request, more than three months past due for reverification, the error shall be deemed to have existed from the date on which the meter was last required to be reverified.
- Incorrect connection, etc.      (3) Subject to subsection (4), where, on a proceeding in the matter of any request pursuant to section 23, it is found that
- (a) a meter has been incorrectly connected,
- (b) there has been an incorrect use of any prescribed apparatus respecting the registration of a meter, or
- (c) an incorrect multiplier has been used,
- any error resulting therefrom and not permitted by the regulations shall be deemed to have existed from the time of installation of the meter so connected or for the period that the apparatus or multiplier has been in use, as the case may be.
- Where error's duration determined      (4) Where the duration of the existence of an error referred to in subsection (1), (2) or (3) is, on a proceeding mentioned therein, determined from past readings of a meter or other information, nothing in subsection (1), (2) or (3) applies to that error.
- Liability                      (5) A contractor or purchaser, as the case may be, is liable for the amount of the charge for electricity or gas determined on the basis of the full error and the time for which the error is, as provided in subsection (1), (2) or (3) or contemplated in subsection (4), deemed or determined to have existed.
- Recovery of larger sum not precluded      (6) No person who may recover an amount from any other person by virtue of subsection (1), (2) or (3) and pursuant to subsection (5) is precluded thereby from having, proving or enforcing any right he may otherwise have to recover from the other person a sum in excess of that amount. 1980-81-82-83, c. 87, s. 24.

VOLTAGE TEST

- Test of voltage      **25.** A contractor or purchaser may at any time, on payment of the prescribed fee, require an inspector to test the voltage of the supply of electricity and to furnish a certificate thereof. 1980-81-82-83, c. 87, s. 25.

ADMINISTRATION

- Staff                    **26.** (1) There shall be appointed, in accordance with the *Public Service Employment Act*, a director and such other officers and employees as are necessary for the administration of this Act.
- Director's functions                    (2) The director has, under the Minister, the direction and general supervision of the administration and enforcement of this Act.
- Designation to perform functions of inspector                    (3) Notwithstanding anything in this Act, except as provided in subsection (5), any functions that may appertain to the office of an inspector may be executed by any person who is designated as an inspector by the Minister for the purpose of the execution of those functions.
- Privileges, etc., of designated inspector                    (4) A person who has been designated under subsection (3) has, in relation to the execution of any functions pursuant thereto, the privileges and immunities of a holder of the office of inspector in so far as they may relate to the execution of such functions.
- Restrictions                    (5) No person who is an accredited meter verifier or a seller of electricity, gas or meters or who is employed as a servant or agent by an accredited meter verifier or a seller of electricity may be appointed or designated pursuant to this section or act as a person so appointed or designated.
- Inspector's right of access to premises                    (6) Subject to subsection (7), an inspector may, at all reasonable times, for the purpose of performing any function pursuant to this Act, enter any premises where electricity or gas is being generated, produced, stored, distributed or used.
- Warrant required to enter dwelling-house                    (7) Where any premises referred to in subsection (6) is a dwelling-house, an inspector may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant issued under subsection (8).
- Authority to issue warrant                    (8) Where on *ex parte* application a justice of the peace is satisfied by information on oath
- (a) that entry to a dwelling-house is necessary for the purpose of performing any function pursuant to this Act, and
- (b) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry thereto will be refused,
- the justice of the peace may issue a warrant under his hand authorizing an inspector to enter that dwelling-house subject to such conditions as may be specified in the warrant.
- Use of force                    (9) In executing a warrant issued under subsection (8), the inspector named therein shall not use force unless he is accompanied by a peace officer and the use of force has been specifically authorized in the warrant. 1980-81-82-83, c. 87, s. 26; R.S., 1985, c. 31 (1st Supp.), s. 7.

Inspector's fees  
and charges

**27.** (1) All prescribed fees and charges determined by virtue of any regulation that are received in respect of the execution of the functions of inspectors form part of the Consolidated Revenue Fund and shall be accounted for and paid to the Receiver General at such times and in such manner as the Receiver General directs.

Fees recover-  
able

(2) All prescribed fees and charges determined by virtue of any regulation that are payable pursuant to this Act shall be recoverable as a debt due to the Crown. 1980-81-82-83, c. 87, s. 27.

Regulations

**28.** (1) The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and, without limiting the generality of the foregoing, may make regulations

(a) establishing or providing for the establishment of

(i) specifications relating to design, composition, construction and performance to which any meter or class, type or design of meter shall conform before permission or approval as regards that meter or class, type or design of meter may be given pursuant to section 9, and

(ii) specifications relating to the installation and use of any meter or any class, type or design of meter;

(b) prescribing, notwithstanding anything in the *Weights and Measures Act*, any units of measurement in lieu of, or as alternatives or in addition to, units specified, whether as alternatives or otherwise, in section 3;

(c) specifying or providing for specification of the manner in which meters of any class, type or design, or in any circumstances, are to be tested, verified, sealed, reverified or resealed and the manner and circumstances in which those meters are to be stamped, restamped, labelled, relabelled, tagged, retagged or otherwise marked;

(d) authorizing the director to establish plans for the verification and reverification of meters of any class, type or design, or in any circumstances, by statistical means on the basis of sampling;

(e) prescribing the fees payable by any person for any certificate, inspection or service provided by an inspector pursuant to this Act;

(f) determining the nature of any charges that a person may be required to pay in relation to any inspection or service provided by an inspector pursuant to this Act and the manner in which those charges shall be determined;

(g) prescribing the time when, or period of time within which, and the manner in which any of the fees and charges referred to in paragraphs (e) and (f) shall be paid;

(h) specifying the variations in the conditions of supply within which the readings of any verified meter or of verified meters of any class, type or design shall be lawful;

(i) prescribing

(i) records and documents to be kept, made, issued or used for the purposes of this Act, the form thereof and the information to be contained therein, and

(ii) the time when, or period of time for or within which, and the manner in which any of the records and documents referred to in subparagraph (i) are to be kept, made, issued or used for the purposes of this Act;

(j) prescribing

(i) requirements to be satisfied before the director may grant any permission, approval or accreditation pursuant to this Act, and

(ii) the procedure for making application for the grant of any permission, approval or accreditation or for registration under section 6,

and specifying or providing for specification of conditions to which any grant shall be or may be made subject;

(k) prescribing functions of inspectors and governing the execution of their functions;

(l) prescribing the conditions and manner of determination of units of measurement referred to in this Act;

(m) governing the pressure under which gas is to be supplied;

(n) providing for determination of the quantity or calorific power of gas and establishing standards therefor;

(o) specifying or providing for specification of the manner of making such tests, other than those in regard to meters, as are required under this Act;

(p) authorizing the director to delegate his functions under any provision of this Act, other than subsection 11(1) or section 22;

(q) exempting, conditionally or unconditionally, any meter or any class, type or design of meter or any class or type of transaction from any or all of the provisions of this Act;

(r) prohibiting, absolutely or to any extent, the presence of anything in gas supplied to a purchaser; and

(s) prescribing any matter required or authorized by this Act to be prescribed.

(2) Subject to subsection (3), a copy of each regulation that the Governor in Council proposes to make pursuant to this Act shall be published in the *Canada Gazette* and a

reasonable opportunity shall be afforded to interested persons to make representations with respect thereto.

Exceptions

(3) Subsection (2) does not apply in respect of a proposed regulation that

(a) has been published pursuant to that subsection, whether or not it has been amended as a result of representations made pursuant to that subsection; or

(b) makes no material substantive change in an existing regulation. 1980-81-82-83, c. 87, s. 28.

Report on  
administration of  
Act

**29.** As soon as practicable after the expiry of a period of five years beginning on the earliest day on which this Act or a provision thereof is in force, whether as regards electricity or gas or both, the Minister shall prepare a report with respect to the administration of this Act during that period and shall lay a copy of the report before Parliament on any of the first fifteen days that either House of Parliament is sitting after he completes it. 1980-81-82-83, c. 87, s. 29.

#### OFFENCES AND PUNISHMENT

Falsification and  
meter frauds

**30.** Every person who

(a) except as authorized by or under this Act, makes, causes or procures to be made, or assists in making any certificate required under this Act or purporting to be a certificate so required or any stamp, seal, label, tag or mark prescribed for the purposes of this Act or purporting to be a stamp, seal, label, tag or mark so prescribed,

(b) knowingly sells, utters or disposes of, lets, uses, lends or exposes for sale any meter with any stamp, seal, label, tag or mark thereon made or obtained by means of the commission of an offence under paragraph (a) or section 32 or made or affixed by way of the use of anything so obtained,

(c) in relation to the administration of this Act, knowingly

(i) makes any false representation,

(ii) makes or causes to be made any false entry in any register or record,

(iii) makes or causes to be made any false document or makes any alteration, false in a material respect, to the form of a copy of any document, or

(iv) produces or tenders any document containing false information,

(d) for a fraudulent purpose,

(i) repairs or alters, or causes to be repaired or altered, or tampers with or does

any other act in relation to a meter, or any wires or pipes leading to a meter, so as to cause the meter to register with an error, or

(ii) replaces any meter with a meter calculated to mislead, or

(e) with intent to defraud, obtains, consumes, uses, supplies or sells electricity or gas in relation to which any meter

(i) registers with an error caused by an offence under paragraph (d), or

(ii) in the case of commission therewith of an offence under subparagraph (d)(ii), is calculated to mislead,

is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years. 1980-81-82-83, c. 87, s. 30.

Forfeiture

**31.** (1) Subject to subsections (2) to (5), where any person is convicted of an offence under paragraph 30(b), any meter to which the offence relates is, in addition to any punishment imposed for the offence, forfeited to Her Majesty if that forfeiture is ordered by the court, in which event the meter shall be destroyed or otherwise disposed of as the Minister may direct.

Application by person claiming interest

(2) Where any meter is ordered to be forfeited under subsection (1), any person, other than a party to the proceedings that resulted in the order, who claims an interest in the meter as owner, mortgagee, lien holder or holder of any like interest may, within thirty days after the making of the order of forfeiture, apply to any superior court of competent jurisdiction for an order under subsection (5) whereupon the court shall fix a day for the hearing of the application.

Notice

(3) An applicant for an order under subsection (5) shall, at least thirty days prior to the day fixed for the hearing of the application, serve a notice of the application and of the hearing on the Minister and on all other persons claiming an interest in the meter that is the subject-matter of the application as owner, mortgagee, lien holder or holder of any like interest of whom he has knowledge.

Notice of intervention

(4) Each person, other than the Minister, who is served with a notice under subsection (3) and who intends to appear at the hearing of the application to which the notice relates shall, at least ten days prior to the day fixed for the hearing, file an appropriate notice of intervention in the record of the court and serve a copy thereof on the Minister and on the applicant.

Order declaring nature and extent of interests

(5) Where, on the hearing of an application under this section, the court is satisfied that the applicant or any intervenor

(a) is innocent of any complicity in any conduct that caused the meter to be subject to forfeiture and of any collusion in relation to any such conduct, and

(b) exercised all reasonable care in respect of the persons permitted to obtain possession and use of the meter to satisfy himself that it was not likely to be used in the commission of an offence under paragraph 30(b) or, in the case of a mortgagee or

lien holder, that he exercised such care with respect to the mortgagor or the lien giver,

the applicant, intervenor or both are entitled to an order declaring that their interests are not affected by the forfeiture and declaring the nature and extent of each of their interests and the priorities among them, and the court may, in addition, order that the meter to which the interests relate be delivered to one or more of the persons found to have an interest therein or that an amount equal to the value of each of the interests so declared be paid to the persons found to have those interests. 1980-81-82-83, c. 87, s. 30.

Stealing stamp  
or seal

**32.** Every person who steals any stamp, seal, label, tag or marker issued for the stamping, sealing, labelling, tagging or marking of a meter pursuant to this Act

(a) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both; or

(b) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding two years. 1980-81-82-83, c. 87, s. 31.

Other offences

**33.** Every person who

(a) prevents or refuses lawful access to any meter in his possession or control,

(b) obstructs or hinders any examination or testing authorized by or under this Act,

(c) puts into service or causes to be put into service any meter contrary to subsection 9(1),

(d) refuses or neglects to cause any meter, being in a purchaser's service, to be dealt with in any manner required under subsection 11(3) or section 12,

(e) being a contractor, contravenes subsection 6(2) or (3) or permits any meter, in default of compliance with section 12, to continue in service beyond the period within which it is required by that section to be dealt with in the manner provided thereby,

(f) contrary to subsection 15(1) verifies, seals, re verifies or reseals any meter or breaks or causes to be broken the seal of any meter,

(g) being an owner, contravenes subsection 16(2) or 22(2),

(h) being an accredited meter verifier, contravenes section 17,

(i) obstructs or hinders an inspector in executing his functions under this Act,

(j) not being an inspector or an accredited meter verifier, marks pursuant to regulations made under paragraph 28(1)(c), or issues a certificate as to the accuracy or condition of, any meter after it has been installed for use, or

(k) for the purposes of any sale by him of electricity or gas by unit of measurement, supplies electricity or gas that is, subject to prescribed limits of error, less in quantity or otherwise than the electricity or gas that he

(i) purports to supply, or

(ii) should supply on the basis of the total price charged therefor and the stated price per unit of measurement used to determine the total price,

is guilty of an offence and liable

(l) on summary conviction, to a fine not exceeding one thousand dollars, or

(m) on indictment, to a fine not exceeding five thousand dollars. 1980-81-82-83, c. 87, s. 32.

General offence    **34.** Every person who contravenes any provision of this Act or the regulations, for the contravention of which no punishment is otherwise provided by this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars. 1980-81-82-83, c. 87, s. 33.

Extension of liability for offences    **35.** (1) In sections 30 to 34, "person" includes an unincorporated body that is a contractor.

Officers, etc., of corporations    (2) Where a contractor or corporation commits an offence under this Act, any officer, director or agent of the contractor or corporation who directed, authorized, assented to, acquiesced in, or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the contractor or corporation has been prosecuted or convicted. 1980-81-82-83, c. 87, s. 34.

LEGAL PROCEEDINGS

Offence of employee or agent    **36.** (1) In any prosecution for an offence under this Act it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

Limitation period	(2) Any proceedings by way of summary conviction pursuant to this Act may be instituted at any time within but no later than twelve months after the time when the subject-matter of the proceedings arose.
Trial of offences	(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by a court if the accused is resident or carrying on business within the territorial jurisdiction of that court although the matter of the complaint or information did not arise in that territorial jurisdiction.
Prosecution of unincorporated body	(4) A prosecution for an offence under this Act may be brought against and in the name of an unincorporated body that is a contractor and, for the purposes of that prosecution, the body shall be deemed to be a person and any act or thing done or omitted by any officer or agent of the body within the scope of his authority to act on behalf of the body shall be deemed to be an act or thing done or omitted by the body.
Idem	(5) For the purposes of subsection (4), a prosecution against a body may be brought against it in the name by which the body is commonly known or in which any undertaking to supply electricity or gas to a purchaser is given by the body. 1980-81-82-83, c. 87, s. 35.
Certificates of inspectors	<b>37.</b> (1) In any prosecution for an offence under this Act or any other proceeding to which the legislative jurisdiction of the Parliament of Canada extends, a certificate purporting to have been given by an inspector pursuant to this Act and to have been signed by the inspector who made the examination, investigation or test is evidence of the matters stated therein relating to the examination, investigation or test without proof of the signature or the official character or the capacity of the person appearing to have signed the certificate.
Attendance of inspector	(2) The party against whom a certificate of an inspector is produced pursuant to subsection (1) may, with leave of the court, require the attendance of the inspector for the purposes of cross-examination.
No admissibility without notice	(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of that intention together with a copy of the certificate. 1980-81-82-83, c. 87, s. 36.
Evidence of registration certificate	<b>38.</b> (1) Subject to subsection (2), on the trial of an offence consisting of a contravention of subsection 6(2) or (3), any document purporting to be a certificate of registration issued under authority referred to in subsection 6(2) shall, in the absence of evidence to the contrary, be deemed to be such a certificate.
Notice required	(2) Subsection (1) does not apply to any document unless the party intending to produce it at the trial referred to in that subsection has given to the party against whom the document is intended to be produced reasonable notice of that intention together with a copy of the document. 1980-81-82-83, c. 87, s. 37.

ADAPTATION

Order of the  
Governor in  
Council

**39.** (1) Subject to subsection (2) and sections 40 to 43, the Governor in Council may, by order, provide for the application of any provisions of this Act, with any necessary adaptations specified in the order, in relation to

(a) any apparatus or class, type or design of apparatus by means of which

(i) a meter registers, a reading therefrom is obtained or the basis of a charge for electricity or gas is established from that reading,

(ii) measurements respecting the extraction of natural gas are made to obtain the basis of any royalty or charge therefor, or

(iii) a supply of electricity or gas is metered in any case not referred to in subsection 9(1), or

(b) any supply or class or type of supply of any energy whatever or source thereof in such a form that the use of a meter in respect thereof was not contemplated by approval granted under subsection 9(4) before the making of the order.

Provincial  
government's  
request needed

(2) An order made under subsection (1) with respect to apparatus used to obtain the basis of any royalty or charge referred to in subparagraph(1)(a)(ii) that is due to Her Majesty in right of any province or to any other person shall not have effect with respect to any such apparatus in a province unless, at the request of the government thereof, the order is, by its terms, expressed to have that effect.

Application of  
subsections  
28(2) and (3)

(3) Subsections 28(2) and (3) shall, with any necessary adaptations, apply in respect of a proposed order under subsection (1) as they apply in respect of a proposed regulation. 1980-81-82-83, c. 87, s. 38.

Tabling order

**40.** (1) An order made pursuant to paragraph 39(1)(b) shall be laid before Parliament not later than the fifteenth sitting day of Parliament after it is issued.

Coming into  
force of order

(2) An order referred to in subsection (1) shall come into force on the thirtieth sitting day of Parliament after it has been laid before Parliament pursuant to that subsection unless before the twentieth sitting day of Parliament after the order has been laid before Parliament a motion for the consideration of either House, to the effect that the order be revoked, signed by not less than fifty members of the House of Commons in the case of a motion for the consideration of that House and by not less than twenty members of the Senate in the case of a motion for the consideration of the Senate, is filed with the Speaker of the appropriate House.

Consideration of  
motion

(3) Where a motion for the consideration of the House of Commons or Senate is filed as provided in subsection (2) with respect to a particular order referred to in subsection (1), that House shall, not later than the sixth sitting day of that House following the filing of the motion, take up and consider the motion unless a motion to the like effect has earlier been taken up and considered in the other House.

Definition of "sitting day of Parliament"	(4) For the purposes of subsections (1) and (2), "sitting day of Parliament" means a day on which either House of Parliament sits. 1980-81-82-83, c. 87, s. 39.
Time for disposition of motion	<b>41.</b> (1) A motion taken up and considered in accordance with subsection 40(3) shall be debated without interruption for not more than five hours and, on the conclusion of the debate or at the expiration of the fifth hour, the Speaker of the House of Commons or the Senate, as the case may be, shall forthwith, without further debate or amendment, put every question necessary for the disposition of the motion.
Procedure on adoption of motion	(2) If a motion taken up and considered in accordance with subsection 40(3) is adopted, with or without amendments, a message shall be sent from the House of Parliament adopting the motion informing the other House that the motion has been so adopted and requesting that the motion be concurred in by that other House.
Procedure in other House	(3) Within the first fifteen days next after receipt by it of a request pursuant to subsection (2) that the House of Parliament receiving the request is sitting, that House shall take up and consider the motion that is the subject of the request and all questions in connection therewith shall be debated without interruption for not more than five hours and, on the conclusion of the debate or at the expiration of the fifth hour, the Speaker of that House shall forthwith, without further debate or amendment, put every question necessary to determine whether or not the motion in question is concurred in. 1980-81-82-83, c. 87, s. 39.
Where motion adopted and concurred in	<b>42.</b> (1) Where a motion taken up and considered in accordance with sections 40 and 41 is adopted by the House of Parliament in which it was introduced and is concurred in by the other House, the particular order to which the motion relates shall stand revoked but without prejudice to the making of a further order of a like nature pursuant to paragraph 39(1)(b).
Where motion not adopted or concurred in	(2) Where a motion taken up and considered in accordance with sections 40 and 41 is not adopted by the House of Parliament in which it was introduced or is adopted, with or without amendments, by that House but is not concurred in by the other House, the particular order to which the motion relates comes into force immediately on the failure to adopt the motion or concur therein, as the case may be. 1980-81-82-83, c. 87, s. 39.
Negative resolution of Parliament	<b>43.</b> When each House of Parliament enacts rules whereby any regulation made subject to negative resolution of Parliament within the meaning of section 39 of the <i>Interpretation Act</i> may be made the subject of a resolution of both Houses of Parliament introduced and passed in accordance with the rules of those Houses, sections 40 to 42 of this Act is thereupon repealed and an order made thereafter pursuant to paragraph 39(1)(b) is an order made subject to negative resolution of Parliament within the meaning of section 39 of the <i>Interpretation Act</i> . 1980-81-82-83, c. 87, s. 40.

HER MAJESTY

- Binding on Her Majesty    **44.** This Act is binding on Her Majesty in right of Canada or a province. 1980-81-82-83, c. 87, s.2.

REPEAL AND TRANSITIONAL

- Repeals    **45.** The *Electricity Inspection Act*, chapter E-4 of the Revised Statutes of Canada, 1970, and the *Gas Inspection Act*, chapter G-2 of the Revised Statutes of Canada, 1970, are repealed. 1980-81-82-83, c. 87, s. 41.

- Transitional    **46.** (1) Reference in this Act to a verified meter includes a meter that has, before the commencement of this Act, been verified in accordance with the *Electricity Inspection Act*, chapter E-4 of the Revised Statutes of Canada, 1970, or the *Gas Inspection Act*, chapter G-2 of the Revised Statutes of Canada, 1970, and with the regulations made thereunder.

- Idem    (2) Any permission or approval granted by the Minister or director pursuant to section 8 or 9 of the *Electricity Inspection Act*, chapter E-4 of the Revised Statutes of Canada, 1970, or subsection 9(4) of the *Gas Inspection Act*, chapter G-2 of the Revised Statutes of Canada, 1970, and subsisting immediately before the commencement of this Act shall have effect as if granted under section 9 of this Act but, subject to subsection 11(4), the Minister may, if he deems it proper to do so, revoke any such permission or approval and thereupon subsection 11(3) shall apply accordingly.

- Idem    (3) Where a contractor
- (a) sells electricity on the basis of measurement and holds a certificate of registration obtained under section 7 of the *Electricity Inspection Act*, chapter E-4 of the Revised Statutes of Canada, 1970, or
  - (b) sells gas on the basis of measurement and holds a certificate of registration obtained under section 5 of the *Gas Inspection Act*, chapter G-2 of the Revised Statutes of Canada, 1970,

the certificate shall, if it was valid immediately before the commencement of this Act, be deemed to have been issued under the authority of subsection 6(2) in respect of the supply of electricity or gas, as the case may be, and, on a trial referred to in section 38, any document purporting to be a certificate referred to in paragraph (a) or (b) shall, in the absence of evidence to the contrary, be deemed to be such a certificate but this subsection, in so far as it requires any such document to be deemed such a certificate, does not apply unless the party intending to produce the document at the trial has given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the document. 1980-81-82-83, c. 87, s. 42.

COMING INTO FORCE

Commencement **47.** This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation and different days may be so fixed for any such provision to come into force as regards electricity and gas, respectively. 1980-81-82-83, c. 87, s. 44.