

# *The Passenger and Freight Elevator Act*

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Chapter P-4 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan*, 1983, c.66; 1988-89, c.42; [1998, c.P-42.1](#); and [2010, c.T-9.2](#).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER P-4

### An Act respecting Passenger and Freight Elevators and other Hoisting Appliances

#### Short title

1 This Act may be cited as *The Passenger and Freight Elevator Act*.

#### Interpretation

2 In this Act:

- (a) “**chief inspector**” means the chief inspector appointed under section 5;
- (b) “**contractor**” means a person, firm or corporation constructing, installing, altering, repairing, maintaining, servicing or testing elevators or parts thereof;
- (c) “**department**” means the department over which the minister presides;
- (d) “**elevator**” means any apparatus, appliance or device used for lifting or lowering persons or material from one permanent level, floor or landing to another;
- (e) “**inspector**” means an inspector appointed under section 5 and includes the chief inspector;
- (f) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (g) “**operator**” means a person whose regular employment is the operation of an elevator or who operates an elevator as part of his regular employment and includes an owner who at any time or for any reason has occasion to operate an elevator;
- (h) “**owner**” means a person, firm or corporation operating or in charge of an elevator as owner, tenant, sub-tenant or agent and includes the manager or other head officer of the business of such firm or corporation.

R.S.S. 1978, c.P-4, s.2; 1988-89, c.42, s.72.

#### Interpretation and administration of Act – safety standards agreement

2.1(1) In this section, “**safety standards agreement**” means a safety standards agreement entered into pursuant to *The Technical Safety Authority of Saskatchewan Act* respecting this Act.

(2) Notwithstanding any other provision of this Act or the regulations or of any other Act or law, this Act and the regulations are to be interpreted subject to the provisions of *The Technical Safety Authority of Saskatchewan Act* and the safety standards agreement.

2010, c.T-9.2, s.33.

**c. P-4****PASSENGER AND FREIGHT ELEVATOR****Application of Act**

3(1) This Act applies to all elevators that are within, or subject to, the legislative authority of the province except such elevators as are excluded by the regulations.

(2) The chief inspector may give notice in writing to the owner of any apparatus in the nature of an elevator or of any elevator excluded by the regulations from the application of this Act, and which is within, or subject to, the legislative authority of the province, that the provisions of this Act or the regulations specified in the notice shall apply to such apparatus or elevator, and thereupon such provisions shall so apply unless withdrawn by subsequent notice in writing.

R.S.S. 1978, c.P-4, s.3.

**Licences**

4(1) No owner by himself or by an agent or employee shall operate an elevator or cause or permit it to be operated by any person unless the owner holds a valid and subsisting elevator licence in respect thereof issued pursuant to this Act and the regulations.

(2) An elevator licence shall set forth the maximum carrying capacity of the elevator as rated pursuant to section 7, and no person shall operate an elevator or cause or permit it to be operated with a load in excess of such maximum carrying capacity.

(3) No person, firm or corporation shall construct, install, alter or repair an elevator, or any part thereof that may affect the safety of the elevator, unless he holds a valid and subsisting contractor's licence issued pursuant to this Act and the regulations.

(4) Every licence shall be issued by the department on the recommendation of the chief inspector, and an application for a licence shall be in a form prescribed by the chief inspector and accompanied by the fee prescribed by the regulations.

(5) The non-production of a licence on demand shall be *prima facie* evidence that the person concerned has no licence.

R.S.S. 1978, c.P-4, s.4.

**Inspectors**

5(1) There may be appointed a chief inspector and such other inspectors as may be necessary from time to time for the purposes of this Act.

(2) No person shall be appointed to the office of chief inspector or inspector who is interested either directly or indirectly in the sale of elevators or elevator equipment.

R.S.S. 1978, c.P-4, s.5; 1998, c.P-42.1, s.42;  
2010, c.T-9.2, s.33.

**Duties of inspectors**

6(1) It shall be the duty of an inspector, subject to the instructions of the chief inspector, to inspect periodically every elevator within his district and to inspect forthwith any such elevator that he has reason to believe is unsafe.

(2) An inspector when making an inspection shall satisfy himself:

(a) by thorough examination that all provisions of this Act respecting the elevator and its design, construction, installation, operation and maintenance have been and are being complied with, that the maximum carrying capacity of the elevator as rated pursuant to section 7 is not being exceeded and that the elevator may be and is being safely operated;

(b) that the overspeed governor, car safeties, hoistway limit switches and similar or related appliances that operate only in case of emergency are in good condition and free to operate, that all hoistway doors, car gates, interlocks and other related safety devices are in good working order and are being used in a proper manner and that these and all other devices, apparatus and equipment affecting the safe operation of the elevator are in good condition;

(c) that all repairs, alterations and replacements previously ordered have been made or arranged for and that all directions or instructions previously given regarding the operation of the elevator are being complied with;

(d) that all persons having occasion to operate the elevator are competent;

(e) that the owner has a valid and subsisting elevator licence and that the licence is posted as required by the regulations.

R.S.S. 1978, c.P-4, s.6.

**Rating maximum carrying capacity**

7 An inspector shall rate the maximum carrying capacity of every elevator in respect of weight or number of passengers carried at its original design capacity with due reduction for poor construction, age, deterioration and like considerations.

R.S.S. 1978, c.P-4, s.7.

**Powers of inspectors**

8 For the purposes of this Act an inspector may:

(a) at any reasonable time by day or night enter any building or upon any property in or upon which he has reason to believe an elevator has been or is being installed or is being operated, for the purpose of inspecting the elevator and the operation thereof and of determining whether this Act and the regulations have been and are being complied with;

(b) by notice in writing signed by him, require the attendance of any person before him at a time and place to be named in the notice and examine that person on oath or otherwise regarding any matter pertaining to the inspection, construction, installation, testing, operation, maintenance or repair of any elevator or any accident arising out of the use or operation thereof;

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- (c) require the owner or any person in charge of an elevator or any contractor installing, altering, repairing, maintaining, servicing or testing an elevator to furnish within a specified time a written statement giving such information as the inspector may deem necessary respecting the elevator, the operation or repair thereof and the operators or other persons employed in connection therewith;
- (d) require any person designated in clause (c), either forthwith or within such time as the inspector may prescribe, to make the elevator available for inspection, for testing or for any other purpose that the inspector deems necessary;
- (e) require any person designated in clause (c) to place a man or men at his disposal to assist in making an inspection or for any other purpose that the inspector deems necessary;
- (f) give instructions orally or in writing to any person designated in clause (c) respecting the construction, installation, testing, operation, maintenance or repair of the elevator and require that those instructions shall be carried out either forthwith or within a specified time;
- (g) instruct any person designated in clause (c) to cease forthwith the operation, installation, alteration or repair of an elevator that the inspector has reason to believe is being operated, installed, altered or repaired in an unsafe or improper manner or in a manner which is not in accordance with this Act and the regulations, and the inspector's instructions shall forthwith be carried out and further operation, installation, alteration or repair of the elevator shall not proceed without permission in writing from the inspector;
- (h) condemn any elevator that in his opinion may no longer be operated safely or is obsolete;
- (i) require the owner or a person in charge of an elevator, either forthwith or within such time as the inspector may prescribe, to replace any person engaged in the operation thereof who in the opinion of the inspector is negligent or incapable of operating the elevator in a safe and proper manner.

R.S.S. 1978, c.P-4, s.8.

**Defects in elevator to be made known**

**9** When an elevator is being inspected, the owner or person in charge thereof or a contractor installing, altering, repairing, maintaining, servicing or testing the elevator shall point out to the inspector any defect of which he has knowledge or that he believes to exist in the elevator, and if at any other time such person learns of a defect that might render the elevator unsafe to operate he shall forthwith notify the department.

R.S.S. 1978, c.P-4, s.9.

**Inspection reports**

**10(1)** Upon completion of an inspection, the inspector shall furnish to the owner or his representative an inspection report setting forth the condition of the elevator, and the inspector may in his report require that such repairs, alterations or replacements as he deems necessary be made and may prescribe a time for the completion thereof.

(2) The owner shall cause any repairs, alterations or replacements set forth in an inspection report to be made within the prescribed time or, where no time has been prescribed, within a reasonable time, and shall within thirty days after receipt of the report notify the department in writing of the arrangements that have been made to comply with the requirements set forth in the report.

R.S.S. 1978, c.P-4, s.10.

**Unsafe elevator may be sealed or licence cancelled**

**11(1)** Where, in the opinion of an inspector, an elevator is in an unsafe condition or is being operated in a dangerous manner or where instructions given by an inspector under clause (f) of section 8 are not being complied with, or where repairs, alterations or replacements set forth in an inspection report are not made within the prescribed time or; where no time has been prescribed, within a reasonable time:

(a) the minister may suspend or cancel the licence issued in respect of the elevator; or

(b) the inspector may, on the instructions of the chief inspector, seal the elevator and prohibit its use.

(2) Where, pursuant to subsection (1), an elevator licence has been suspended or cancelled or an elevator has been sealed and its use prohibited, no person shall operate the elevator or cause or permit it to be operated or destroy, remove or tamper with the inspector's seal unless permission in writing has first been obtained from the chief inspector and, where the elevator licence has been cancelled, unless a new licence has been issued after payment of the fee prescribed by the regulations.

R.S.S. 1978, c.P-4, s.11.

**Condemned elevators**

**12** No person shall, without the written permission of the chief inspector, repair an elevator that has been condemned by an inspector or operate it or cause or permit it to be operated.

R.S.S. 1978, c.P-4, s.12.

**c. P-4****PASSENGER AND FREIGHT ELEVATOR****Sale, etc., of used elevators**

**13** No person shall, without the written permission of the chief inspector, sell, exchange or reinstall in a new location an elevator that has been previously used whether or not the elevator has been condemned by an inspector, but this section does not apply in respect of an elevator that is sold along with the building or premises in which it is located.

R.S.S. 1978, c.P-4, s.13.

**Elevators brought into the province**

**14** No person shall install or cause to be installed an elevator that has previously been used outside the province unless the design and construction thereof conform in every respect with this Act and the regulations and unless permission in writing has been obtained from the chief inspector.

R.S.S. 1978, c.P-4, s.14.

**Operation of elevators after being out of service**

**15** Where an elevator has been out of service for one year or more, whether or not the use thereof was discontinued voluntarily by the owner, no person shall operate that elevator or cause or permit it to be operated without first applying to the department for a special inspection of the elevator and receiving written permission for its operation from an inspector.

R.S.S. 1978, c.P-4, s.15.

**Reports of accidents**

**16(1)** On the occurrence of an accident involving an elevator and causing death or serious injury to a person, notice of the accident shall be sent forthwith by telephone or telegraph to the chief inspector by the owner or by a person acting on his behalf, stating the precise locality, the nature and extent of the accident, the time at which it occurred and the number of persons killed or injured.

(2) On receipt of such report, the chief inspector shall cause such investigation as he deems necessary to be made as to cause and circumstances of the accident.

(3) After the occurrence of any such accident no person shall operate the elevator involved or cause or permit it to be operated without permission in writing from an inspector.

R.S.S. 1978, c.P-4, s.16.

**Inspections by persons other than an inspector**

**17** No person making inspections on behalf of an insurance company or an owner shall classify any elevator or part thereof as being in a safe or good condition that has been otherwise classified by an inspector, without first obtaining permission in writing from the chief inspector.

R.S.S. 1978, c.P-4, s.17.

**Regulations**

18(1) The Lieutenant Governor in Council may make regulations:

- (a) prescribing conditions respecting the design, registration of designs, construction, installation, testing, operation, maintenance, repair and inspection of elevators, and governing the classification of elevators and all equipment used in connection therewith;
- (b) prescribing the conditions under which elevator and contractors' licences may be issued;
- (c) fixing the minimum age of operators;
- (d) governing the duration, transfer, suspension, cancellation, withdrawal and posting of licences;
- (e) prescribing the fees to be paid for licences and for the examination or registration of designs and the fees or other charges or both to be paid for inspections of elevators at the time of installation, reconstruction, alteration or repair, for special inspections and for copies of inspection reports furnished to persons other than owners;
- (f) excluding any elevator or class of elevators from the application of this Act;
- (g) adopting and constituting as regulations with respect to any of the matters mentioned in clauses (a), (b), (c), (d) and (e):
  - (i) any relevant codes, rules or standards; or
  - (ii) such codes, rules or standards with the exception of any specified provisions thereof; or
  - (iii) any specified provisions of such codes, rules or standards; and
  - (iv) any amendments to such codes, rules or standards, with or without modification;

either in place of or in addition to any regulations made under clauses (a), (b), (c), (d) and (e) or any of them.

(2) All regulations shall, upon their publication in *The Saskatchewan Gazette* or upon such later date as may be named therein for the purpose, have the same force and effect as if incorporated herein, but where exceptional circumstances exist rendering strict compliance with a regulation impracticable the chief inspector may, subject to such conditions as he may prescribe, grant special exemptions in individual cases if satisfied that the exemptions are not inconsistent with safe practice.

**Penalties**

**19** A person who:

- (a) fails to comply with or violates any provision of this Act or the regulations for which failure or violation no penalty is otherwise provided; or
- (b) makes a false or misleading statement in a communication, whether in writing or otherwise, to the minister, the department or an inspector; or
- (c) interferes with or obstructs an inspector in the exercise of a power or the performance of a duty conferred or imposed upon him by this Act; or
- (d) fails to comply with any notice, requirement or instructions given or made by the minister or an inspector pursuant to this Act; or
- (e) operates an elevator of which he is owner or causes or permits it to be operated without having in his possession a valid and subsisting elevator licence in respect of the elevator; or
- (f) constructs, installs, alters or repairs an elevator without having in his possession a valid and subsisting contractor's licence; or
- (g) fails to pay a fee or other charge prescribed by the regulations;

is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$300 for each offence.

R.S.S. 1978, c.P-4, s.19.