

chapter M-6

STATIONARY ENGINEMEN ACT

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DIVISION I

DEFINITIONS

1. This Act shall not apply to mines contemplated by the Mining Act (chapter M-13.1).

R. S. 1964, c. 157, s. 1; 1987, c. 64, s. 344.

1.1. This Act is binding on the Government, and on its departments and agencies.

1978, c. 56, s. 1.

2. In this Act:

(1) the words “stationary engine” include the following apparatus when used in a public building contemplated in the Public Buildings Safety Act (chapter S-3) or in an establishment or on a construction site contemplated in the Act respecting occupational health and safety (chapter S-2.1):

- (a) boilers or generators operated by steam, hot water or any other fluid substance;
- (b) steam engines or turbines;
- (c) refrigerating plants;
- (d) internal combustion engines;
- (e) any other apparatus determined by regulation of the Government;
- (f) the piping and accessories used for operating the apparatus contemplated in subparagraphs *a* to *e*;

(2) the words “stationary engineman” mean any person who directs or supervises the operation of a stationary engine or attends to the maintenance or inspection thereof;

(3) the word “Minister” means the Minister of Labour;

(4) the word “regulations” means the regulations made under this Act.

R. S. 1964, c. 157, s. 2; 1968, c. 43, s. 17; 1977, c. 60, s. 33; 1978, c. 56, s. 2; 1979, c. 63, s. 291; 1981, c. 9, s. 34; 1982, c. 53, s. 58; 1994, c. 12, s. 68; 1996, c. 29, s. 43.

DIVISION II

EXAMINERS

3. The Government may appoint not more than three examiners, of whom one shall be chief examiner, as well as a secretary and the employees necessary for the carrying out of this Act, and may fix their salaries in accordance with the Public Administration Act (chapter A-6.01).

R. S. 1964, c. 157, s. 3; 1965 (1st sess.), c. 14, s. 81; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 157.

4. The examiners so appointed shall constitute the board of examiners. Such board shall be under the control of the Minister.

R. S. 1964, c. 157, s. 4.

5. The chief examiner shall make an annual report to the Minister.

R. S. 1964, c. 157, s. 5.

6. The examiners shall hold the examinations and issue the certificates.

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

R. S. 1964, c. 157, s. 6; 1978, c. 56, s. 3.

7. The examiners shall keep registers in which shall be entered the names of enginemen who have passed the examinations, and also of the candidates and the amount of the fees collected. They shall preserve in their archives the written answers of each candidate to the examination questions.

R. S. 1964, c. 157, s. 7.

8. Any examiner or any inspector appointed for the carrying out of this Act may, at any hour, enter and pass over any property where there is a stationary engine, for the purpose of ascertaining whether this Act and the regulations are being observed.

R. S. 1964, c. 157, s. 8.

DIVISION III

CERTIFICATES

9. No person shall work as a stationary engineman unless he holds a certificate of the class established for his work by the regulations.

R. S. 1964, c. 157, s. 9.

9.1. A certificate may be suspended or cancelled for reasons considered sufficient by the examiners.

Before making such a decision, the examiners shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

1978, c. 56, s. 4; 1997, c. 43, s. 346.

9.2. A stationary engineman whose certificate has been suspended or cancelled may ask the board of examiners to reconsider a decision it has rendered under section 9.1 which has not been contested before the Administrative Labour Tribunal

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

(b) where the rules prescribed in section 9.1 have not been complied with;

(c) to have any clerical error corrected.

An application to that effect must be sent to the board of examiners, by registered mail, within 30 days after receipt of a copy of the decision by registered mail.

1978, c. 56, s. 4; 1997, c. 43, s. 347; 2001, c. 26, s. 132; 2007, c. 3, s. 72; 2006, c. 58, s. 64; 2015, c. 15, s. 237.

9.3. A stationary engineman whose certificate has been suspended or cancelled may contest before the Administrative Labour Tribunal the decision rendered by the board of examiners under section 9.1 or section 9.2.

The proceeding must be brought within 30 days after the date on which the decision has been rendered, by means of a notice stating

- (a) the name and domicile of the applicant;
- (b) the date and nature of the decision of the board of examiners;
- (c) the relevant facts;
- (d) the conclusions sought.

1978, c. 56, s. 4; 1997, c. 43, s. 348; 2001, c. 26, s. 133; 2006, c. 58, s. 65; 2015, c. 15, s. 237.

9.4. (*Repealed*).

1978, c. 56, s. 4; 1997, c. 43, s. 349; 2001, c. 26, s. 134.

10. Every person having, as owner, lessee or user or otherwise, charge of a stationary engine must:

- (a) entrust stationary enginemen's work only to persons having the required certificate;
- (b) ensure the supervision of a stationary engine in operation where required by regulation;
- (c) facilitate the inspector's work.

R. S. 1964, c. 157, s. 10; 1978, c. 56, s. 5.

11. No stationary engineman who holds the certificate required by this Act and the regulations shall be obliged to undergo any other examination or to obtain a licence or a certificate of qualification from any municipal authority.

R. S. 1964, c. 157, s. 11.

DIVISION IV

REGULATIONS

12. The Government may make such regulations as it may deem necessary for the proper carrying out of this Act and particularly for the following purposes:

- (a) to define the different classes of certificates contemplated in section 9;
- (b) to define the conditions for the issuing of certificates;
- (c) to define the nature of the examinations and the subjects which they may cover;
- (d) to fix the period for which the certificates shall be valid, and the conditions of their renewal;
- (e) to establish fees for the issuing and renewal of certificates and for admission to the examinations;
- (f) to determine the manner of establishing the capacity of stationary engines;
- (g) to enact any other provisions to facilitate the work of the examiners and increase the efficiency of the service;
- (h) to determine the mode of supervision of a stationary engine in operation, according to the type, power and location of such stationary engine;
- (i) to determine any apparatus contemplated in subparagraph *e* of paragraph 1 of section 2;

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

R. S. 1964, c. 157, s. 12; 1978, c. 56, s. 6.

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

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

1978, c. 56, s. 7.

12.2. After the time limit has expired, or after the examination or inquiry mentioned in section 12.1 has been held, as the case may be, the draft of the regulation is submitted to the Government for adoption. A notice of the adoption of the regulation is published, with the text of the amendments, if any, in the *Gazette officielle du Québec*.

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

1978, c. 56, s. 7; 1999, c. 40, s. 175.

DIVISION V

PENAL PROVISIONS

1992, c. 61, s. 395.

13. In addition to the penal prosecutions hereinafter prescribed, suit may be brought to recover from any stationary engineman the fee payable on the renewal of his certificate, if he acts in that capacity without having discharged such obligation.

R. S. 1964, c. 157, s. 13.

14. Every person is guilty of an offence who

- (a) hinders or molests an inspector or any other functionary in the discharge of his duties;
- (b) makes a false declaration so as to obtain a certificate or regarding any information given under the Act or regulations;
- (c) acts as a stationary engineman without holding the required certificate;
- (d) infringes a prescription of this Act or of a regulation hereunder.

R. S. 1964, c. 157, s. 14; 1978, c. 56, s. 8.

14.1. Every person who is guilty of an offence contemplated in section 14 is liable, if no other penalty is provided for for such offence

- (a) in the case of a natural person, to a fine of not less than \$325 nor more than \$700;
- (b) in the case of a legal person, to a fine of not less than \$700 nor more than \$1,400;
- (c) for a second conviction, to a fine the amount of which must not be less nor more than twice the fines provided for in paragraph *a* or *b*, as the case may be;

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

1978, c. 56, s. 8; 1986, c. 58, s. 61; 1990, c. 4, s. 569; 1991, c. 33, s. 76; 1999, c. 40, s. 175.

15. Penal proceedings for an offence under a provision of this Act or the regulations thereunder shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.

R. S. 1964, c. 157, s. 15; 1978, c. 56, s. 9; 1990, c. 4, s. 570; 1992, c. 61, s. 396.

16. No evidence shall be admitted to establish that prosecution was brought as the result of a complaint or to discover the identity of the informer.

R. S. 1964, c. 157, s. 16.

17. *(Repealed).*

1978, c. 56, s. 10; 1990, c. 4, s. 571; 1992, c. 61, s. 397.

DIVISION VI



This Division ceased to have effect on 17 April 1987.

18. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 157 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter M-6 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 1*a*, the second paragraph of section 6, sections 9*a*, 9*b*, 9*c*, 9*d*, subparagraphs *h*, *i* and *j* of the first paragraph of section 12, and sections 12*a*, 12*b* and 17 of chapter 157 of the Revised Statutes, 1964, in force on 31 December 1981 are repealed effective from the coming into force of the updating to 31 December 1981 of chapter M-6 of the Revised Statutes.

