



CHAPTER 63

An Act to amend the Revised Statutes, 1925, respecting the sale and installation of lightning rods

[Assented to, the 15th of March, 1928]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended, by inserting therein, after chapter 178 thereof, the following: R. S., c. 178A, added.

“CHAPTER 178A

“AN ACT RESPECTING THE SALE AND INSTALLATION OF LIGHTNING RODS

“**1.** This act may be cited as the *Lightning Rod Act*. Short title.

“DIVISION I

“DECLARATORY AND INTERPRETATIVE PROVISIONS

“**2.** In the interpretation of this act, unless the context conveys a different meaning: Interpretation:

1. The words “lightning rod” mean any material or apparatus intended to protect a building or other construction from damage by lightning; “Lightning rod”;

2. The word “Minister” means the Minister of Public Works and Labour; “Minister”;

3. The words “board of examining electricians” mean the board constituted under the Public Fire Protection Act (Chap. 178); “Board of examining electricians”;

4. The word “person” includes firm and corporation. “Person”.

" DIVISION II

"LICENSES AND DUTIES

- License. "3. Every person who sells or offers for sale, installs or offers to install lightning rods, in this Province, must previously obtain a license under the provisions of this act.
- Issue thereof. "4. Such license is issued by the board of examining electricians, in the manner and according to the formalities hereinafter established and upon payment of the duties hereinafter mentioned.
- Validity and duration. "5. The license issued under this act is valid only for the person therein designated and remains in force from the first day of July until the thirtieth day of June of the following year and may be renewed for another year if the security furnished under section 16 is still in force for another year.
- Renewal.
- Suspension or cancellation. "6. The board of examining electricians may, at any time, with the authorization of the Minister, suspend or cancel any license, for infringement of this act.
- Refusal to issue. It may also refuse to issue a license for reasons which it deems sufficient.
- Approval prior to issue of license. "7. Such license shall not be issued to any person until the board of examining electricians has approved of the material and apparatus intended for the protection of buildings and their contents from damage by lightning, and of the manner and system of installing, employed by such person.
- Duty payable. "8. Every person applying for a license shall previously pay to the Minister a duty of fifty dollars per license.
- Detailed statement to be furnished. "9. The person to whom a license has so been issued shall furnish, at the expiration of the license year, a detailed statement under oath of the sums charged for the sale or installation of lightning rods.
- Idem. "10. If a firm or corporation be concerned, such declaration shall be made by one of its officers, duly authorized.
- Fee, in addition to duty. "11. The licensee, upon receipt of a notice to that effect from the board of examining electricians, shall pay to the Minister, in addition to the duty mentioned in section

8, a fee of eighty cents on every hundred dollars exacted by him for the sale or installation of lightning rods.

“**12.** The licensee may use employees who are not holders of a license to install lightning rods, but, in such case, without prejudice to his responsibility for any damage to the persons with whom he contracted to install such lightning rods. Non-licensed employees.

“**13.** If the licensee employs one or more agents in this Province, a supplementary license shall be obtained for each agent upon payment of a duty of three dollars to the Minister, provided that such agent be domiciled in the Province of Quebec. Supplementary license for agents.

“**14.** Any agent holding a license as such may sell or offer for sale, install or offer to install, only the kind of lightning rod which the person employing him is himself authorized to sell or install. Agent holding a license.

“**15.** The holder of any license under this act shall, upon demand, exhibit it to any officer authorized by the Minister; to the inspectors of industrial establishments and public buildings; to the electrician-inspectors and examining electricians; to any mayor or secretary-treasurer of a municipality; to the fire commissioner; to any coroner, police officer or constable, and to any person to whom lightning rods are sold or offered for sale. Exhibition of license.

“DIVISION III

“GUARANTEES

“**16.** Every person applying for a license other than that of agent shall previously furnish security for an amount of five thousand dollars as guarantee for the payment of the hereinafter mentioned damages and of every sum that such person may owe under this act, save that which may be imposed as penalty for infringements thereof. Such security shall be deposited in the office of the Provincial Treasurer. Security.

“**17.** The provisions of sections 20, 21, 22, 23, 24 and 28 of the Public Officers' Act (Chap. 9) shall apply, *mutatis mutandis*, to this act. Provisions applicable.

“**18.** The person who has deposited a guarantee policy as security shall, in the month preceding the expiration Renewal.

of the said policy, transmit to the Provincial Treasurer a renewal receipt or a new guarantee policy.

“DIVISION IV

“DEFECTIVE INSTALLATIONS AND DAMAGES

Notice of defect.

“19. If an inspector or any person duly authorized under a regulation discovers that a lightning rod installation is defective, he may send notice in writing addressed, by mail, to the person who made the installation, to remove or alter or make over same within the delay fixed in the notice.

Failure to comply with notice.

If such person fails to comply with such notice within the delay fixed, the board of examining electricians may cause the installation to be removed, altered, or made over at the expense of the person in default and at his risk, without any liability to any person whatsoever.

Judgment carries forfeiture of security.

“20. When a final judgment upon a claim for damages has been rendered in favour of the owner of a building or other construction, it shall *ipso facto* carry forfeiture of the security in favour of the plaintiff in the suit, and the latter may, within the ordinary delays for executing judgments, execute the said judgment against the surety for capital, interest and costs.

Execution.

“DIVISION V

“OFFENCES AND PENALTIES

Offences and penalties.

“21. Any person infringing any provision of this act or any of the regulations made under its authority by the Lieutenant-Governor in Council shall be guilty of an offence against this act, and, if found guilty, shall be sentenced, in addition to the payment of the costs and of the duties which he should have paid, to a fine of at least fifty dollars but not exceeding two hundred dollars, for each offence, and, in default of payment of the fine and costs, to an imprisonment for six months in the common gaol.

Idem.

“22. When an offence has been committed against the provisions of this act by a firm or corporation holding a license or not under this act, and judgment has been rendered under this act against such firm or corporation, such judgment may, in default of payment of the fine and costs by such firm or corporation, be executed: in the case of a firm, against each member thereof; in the case of a corporation, against its president, if he is within the Province,

and if not, against its manager or representative in the Province, and the sentence of imprisonment may be enforced against such member or officer, as the case may be.

“DIVISION VI

“PROSECUTIONS

“**23.** 1. Prosecutions under this act, save those resulting from section 20, shall be taken in the name of the Minister, before a Justice of the Peace, Judge of the Sessions, Police Magistrate or District Magistrate, and shall be governed by Part I of the Quebec Summary Convictions Act (Chap. 165). Prosecutions.

2. It is not necessary for the Minister to sign or swear to the complaint, nor to appear, nor to prove his appointment and exercise of his office, and he shall be represented for all purposes by the advocate whom he has authorized to take out such prosecutions. Signature, etc. of Minister not necessary.

“DIVISION VII

“SALARIES AND EXPENSES

“**24.** The salaries of employees and the expenses of the carrying out of this act shall be paid out of the consolidated revenue fund. Salaries and expenses.

“DIVISION VIII

“SPECIAL PROVISIONS

“**25.** 1. The Lieutenant-Governor in Council may make regulations: Regulations by Lt.-Gov. in C.

a. To establish standards and prescribe the kind of materials or apparatus to be used for the protection of buildings or other constructions and their contents from damages by lightning;

b. To prescribe the mode and system of installing lightning rods;

c. For the carrying out of this act.

2. All regulations made by the Lieutenant-Governor in Council under the authority of this act shall, after their publication in the *Quebec Official Gazette*, have the same force as if incorporated herein. Effect thereof, after publication.

“**26.** The proceeds of the duties and fees received under Proceeds of

duties and fees. this act shall be paid over by the Minister to the Provincial Treasurer to form part of the consolidated revenue fund of the Province.”

Coming into force. **2.** This act shall come into force on the first day of July, 1928.