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## RATIONALE RELATED TO CHANGES

### Regulations Amending the Electricity and Gas Inspection Regulations (SOR/2009-76)

**Came into force on February 26, 2009**

**Note:**

The text of the changes to the *Regulations Amending the Electricity and Gas Inspection Regulations*, enclosed, has been prepared for convenience of reference only and does not have official sanction. Some typing errors may have occurred. The official text of the Order, published on March 18, 2009, in Part II of the *Canada Gazette*, is available from page <http://www.gazette.gc.ca/index-eng.html>. The latter document should be consulted for all purposes of interpreting and applying the law.

March 2009

Canada

**1.(1) Subsection 3(1) of the French version of the *Electricity and Gas Inspection Regulations* is replaced by the following:**

**3. (1)** Les transformateurs de mesures dont les paramètres d'exactitude sont conçus et construits pour être fixes et non ajustables sont exemptés de l'application du paragraphe 9(1) de la Loi.

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**Old Subsection 3(1) :**

**3. (1)** Les transformateurs de mesure dont les paramètres d'exactitude sont conçus et construits pour être fixes ou non ajustables sont exemptés de l'application du paragraphe 9(1) de la Loi.

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**Rationale for change:**

The editorial change aligns the French version with the English version.

**(2). The portion of subsection 3(2) of the Regulations before paragraph (b) is replaced by the following:**

(2) A gas meter with a broken seal is exempt from the requirement that it not be continued in use until it has been reverified under subsection 15(2) of the Act if all of the following conditions are satisfied:

(a) the seal was deliberately broken by an inspector or accredited meter verifier for the purpose of installing or removing a device that transmits the reading of the meter to a remote location;

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**Old Subsections 3(2) & paragraph 3(2)(a):**

3. (2) A diaphragm gas meter with a broken seal is exempt from the requirement of subsection 15(2) of the Act that it not be continued in use until it has been reverified if all of the following conditions are satisfied:

(a) the seal was deliberately broken by an inspector or accredited meter verifier for the purpose of installing a device that transmits the reading of the meter to a remote location;

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**Rationale for change:**

Extends scope of application of conditional exemption from “diaphragm gas meter” to gas meter in general.

Amends condition (a) to recognize the breaking of a seal to “remove” an automatic meter reading (AMR) device.

**2. The table to section 8 of the Regulations is replaced by the following:**

**TABLE**

	Column I	Column II
Item	Description of Measuring Apparatus	Period of Validity of Certificate
1.	Any electricity measuring apparatus	1 year
2.	Any gas measuring apparatus	5 years

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**Old Section 8 Table:**

Item	Column I	Column II
	Description of Measuring Apparatus	Period of Validity of certificate
	<i>Electricity Measuring Apparatus</i>	
1.	Volt measuring	5 years
2.	Ampere measuring	5 years
3.	Watt hour measuring, induction type	6 months
4.	Any electricity measuring apparatus not specified in items 1 to 3	1 year
	<i>Gas Measuring Apparatus</i>	
5.	Linear static measuring	10 years
6.	Temperature measuring, mercury thermometer	10 years
7.	Any gas measuring apparatus not specified in items 5 and 6	5 years

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**Rationale for change:**

The amendment to the table of section 8 of the *Electricity and Gas Inspection Regulations* improves the clarity of requirements related to the certification periods of local standards (e.g. a standard of electricity measuring watt hours) and those required to certify measuring apparatus (e.g. a meter calibration console). Removal of the apparent duplication between the *Weights and Measures Regulations* and the *Electricity and Gas Inspection Regulations* will reduce any misunderstanding between certification periods applicable to standards and certification periods applicable to measuring apparatus.

The main difference between local standards and measuring apparatus is the following:

- a local standard must be calibrated and certified in relation to a reference standard (as defined in section 2 of the *Weights and Measures Act*) and ultimately traceable to the National Research Council of Canada (NRC); calibration certification periods for local standards are established in section 56 of the *Weights and Measures Regulations*.
- a measuring apparatus must be calibrated and certified traceable to the NRC and the certification is to include assessment of appropriate installation and use; calibration validity periods for measuring apparatus are established in section 8 of the *Electricity and Gas Inspection Regulations*.

Local standards can be used for the purpose of assessing the accuracy of measuring apparatus or for the purpose of verifying meters. Measuring apparatus are only used for the purpose of verifying meters.

Requirements for local standards are elaborated in the *Weights and Measures Act* and its Regulations and apply to all trade measurement in the country. Requirements for measuring apparatus are elaborated in the *Electricity and Gas Inspection Regulations* and apply to the extent of electricity and gas.

**Excerpt of the *Weights and Measures Regulations*  
related to local standards certification periods**

**56. (1)** Every local standard described in column I of the table to this subsection shall be calibrated and certified at least once within the period set out in column II.

Item	Column I	Column II
	Local Standard	Period
1.	<i>A weight, other than a weight referred to in items 2 to 4, that is used by an inspector in inspecting devices for use in trade</i>	<i>1 year</i>
2.	<i>A weight that is retained in one location and that is used exclusively in inspecting discontinuous totalizing weighing systems at that location</i>	<i>5 years</i>
3.	<i>A weight, other than a troy weight, that is retained at a Measurement Canada office</i>	<i>5 years</i>
4.	<i>A troy weight that is retained at a Measurement Canada office</i>	<i>10 years</i>
5.	<i>A static volumetric measure other than a measure described in item 6</i>	<i>1 year</i>
6.	<i>A static volumetric measure that is made of glass</i>	<i>10 years</i>
7.	<i>A stoppered pycnometer standard</i>	<i>10 years</i>
8.	<i>A volumetric liquid measuring machine, other than a volumetric liquid meter, that has a valve or any other moving or movable part that has or can have an effect on the accuracy of the machine</i>	<i>4 years</i>
9.	<i>A volumetric standard not otherwise provided for in this table</i>	<i>2 years</i>
10.	<i>A static linear measure</i>	<i>10 years</i>
11.	<i>A standard of temperature</i>	
	<i>(a) of the glass capillary type</i>	<i>10 years</i>
	<i>(b) of any other type</i>	<i>2 years</i>
12.	<i>A standard of density of the pressure hydrometer type</i>	<i>10 years</i>
13.	<i>A standard of electricity measuring watt hours</i>	<i>1 year</i>
14.	<i>14. A standard of electricity measuring volt ampere hours</i>	<i>1 year</i>
15.	<i>A standard of electricity measuring var hours</i>	<i>1 year</i>
16.	<i>A standard of electricity measuring amperes rms</i>	<i>5 years</i>
17.	<i>A standard of electricity measuring volts rms</i>	<i>5 years</i>

**56. (2)** Where the tolerance for a local standard is that referred to in subsection 54(4), every local standard described in column I of the table to this subsection shall be calibrated and certified at least once within the period set out in column II.

Item	Column I	Column II
	Local Standard	Period
1.	<i>Any electricity measuring standard not specified in subsection (1)</i>	<i>1 year</i>
2.	<i>Any gas measuring standard not specified in subsection (1)</i>	<i>2 years</i>

**3.(1) The portion of subsection 11(2) of the Regulations before paragraph (a) is replaced by the following:**

(2) An owner's records shall contain the following information and documentation if applicable for each verified or reverified meter in that owner's use, namely,

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**Old portion of subsection 11(2) :**

11. (2) An owner's records shall contain the following information and documentation where applicable for each verified meter in that owner's use, namely,

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**Rationale for change:**

Clarifies scope of application of the term "verified meter", as meters are verified upon initial presentation and maybe reverified during subsequent assessments (i.e. Reverifications).

The intent of clarifying the expression "verified meter" is to ensure that the word "verified", used in the generic sense in subsection 11(2), was not misinterpreted to exclude reverified meters.

**(2) The portion of subsection 11(2) of the Regulations after paragraph (m) and before paragraph (o) is replaced by the following:**

and, in the case of a verified or reverified meter used in respect of gas, shall also contain the following information, namely,

(n) an indication whether the verified or reverified meter corrects for temperature or pressure, or both,

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**Old portion of subsection 11(2):**

**11. (2)**

and, in the case of a verified meter used in respect of gas, shall, in addition to the information referred to in paragraphs (a) to (m), contain the following information, namely,

(n) whether the verified meter corrects for temperature or pressure, or both,

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**Rationale for change:**

Clarifies scope of application of the term "verified meter", as meters are verified upon initial presentation and maybe reverified during subsequent assessments (i.e. Reverifications).

The intent of clarifying the expression "verified meter" is to ensure that the word "verified", used in the generic sense in subsection 11(2), was not misinterpreted to exclude reverified meters.

**(3) The portion of the English version of subsection 11(3) of the Regulations before paragraph (a) is replaced by the following:**

(3) An owner's records shall contain, in addition to the information referred to in subsection (2), the following information on a calendar year basis with respect to the verified or reverified meters in use by that owner:

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**Old portion of the English version of subsection 11(3) :**

11. (3) An owner's records shall contain, in addition to the information referred to in subsection (2), the following information on a calendar year basis with respect to the verified meters in use by that owner:

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**Rationale for change:**

Clarifies scope of application of the term "verified meter", as meters are verified upon initial presentation and maybe reverified during subsequent assessments (i.e. Reverifications).

The intent of clarifying the expression "verified meter" is to ensure that the word "verified", used in the generic sense in subsection 11(3), was not misinterpreted to exclude reverified meters.

**(4) Paragraphs 11(3)(a) and (b) of the Regulations are replaced by the following:**

- (a) the total number of verified or reverified meters used to measure electricity or gas supplied
  - (i) to residential locations, and
  - (ii) to industrial or commercial locations; and
- (b) a listing of the inspection numbers and types of verified or reverified meters due or overdue for reverification.

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**Old paragraphs 11(3)(a) and (b) :**

- (a) the total number of verified meters used to measure electricity or gas supplied
  - (i) to residential locations, and
  - (ii) to industrial or commercial locations; and
- (b) a listing of the inspection numbers and types of verified meters due or overdue for reverification.

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**Rationale for change:**

Clarifies scope of application of the term "verified meter", as meters are verified upon initial presentation and maybe reverified during subsequent assessments (i.e. Reverifications).

The intent of clarifying the expression "verified meter" is to ensure that the word "verified", used in the generic sense in these paragraphs, was not misinterpreted to exclude reverified meters.

**4. Subparagraph 24(a)(v) of the French version of the Regulations is replaced by the following:**

(v) s'assurer que seuls les compteurs convenablement vérifiés ou vérifiés de nouveau sont scellés;

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**Old subparagraph 24(a)(v) :**

24. (a) (v) s'assurer que seuls les compteurs convenablement vérifiés sont scellés; et

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**Rationale for change:**

The editorial change aligns the French version with the English version and considers potential misinterpretation to exclude reverified meters.

**5. Subsection 29(3) of the English version of the Regulations is replaced by the following:**

(3) A notice referred to in subsection 23(3) of the Act shall state in writing the reasons for dissatisfaction with the inspector's findings.

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**Old subsection 29 (3):**

**29. (3)** (3) A notice referred to in subsection 23(3) of the Act shall state in writing the reason or reasons for dissatisfaction with the findings.

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**Rationale for change:**

Amend English version to align with that of the French, and to clarify the intent.

**6. Paragraph 31(1)(a) of the Regulations is replaced by the following:**

(a) 3% of the amount of electricity or gas supplied through the meter, and

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**Old Paragraph 31 (1) (a):**

31.(1) (a) three per cent of the amount of electricity or gas registered by the meter, and

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**Rationale for change:**

Changing the term “registered” to “supplied” clarifies that the accuracy tolerances (limits of error) for a meter should be calculated relative to the actual amount of electricity or natural gas supplied, and not to the quantity recorded by the meter (as may be interpreted with the Regulations, before the amendment was made). This clarification will prevent any misunderstanding when a purchaser's energy consumption is determined in relation to inaccuracies identified on a meter which are outside of the limits of error.

The change reflects the current Measurement Canada practice of calculating the meter's conventional “true error” during dispute tests versus using the "registration" error implied by the regulation, before the amendment.

**7. Section 46 of the Regulations is replaced by the following:**

**46.** The limits of error referred to in paragraph 33(*k*) of the Act are 3% of the amount of electricity or gas supplied.

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**Old section 46:**

**46.** The limits of error referred to in paragraph 33(*k*) of the Act shall be

- (*a*), three per cent of the true amount of electricity or gas supplied; and
- (*b*), three per cent of the true calorific power of gas supplied.

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**Rationale for change:**

Removes the reference to the term “calorific power”. This reference is not required as the statement “true amount of electricity or gas” includes gas sold on the basis of energy units.

The expression “true amount” was removed since it did not improve the legal understanding of the section. The accuracy tolerances (limits of error) for a meter are calculated relative to the actual amount of electricity or natural gas supplied, and not to the quantity recorded by the meter.

**8. Paragraphs 47(12)(a) to (c) of the Regulations are replaced by the following:**

(a) for each meter inspected or for each meter verified or reverified under inspection level 1 as set out in the quality monitoring meter verification program manual, the fee set out for that type of meter in column III of

(i) Part I of the schedule, for electricity meters, and

(ii) Part IV of the schedule, for gas meters;

(b) for each meter verified or reverified under inspection level 2 as set out in the quality monitoring meter verification program manual, two thirds of the fee set out for that type of meter in column III of

(i) Part I of the schedule, for electricity meters, and

(ii) Part IV of the schedule, for gas meters; and

(c) for each meter verified or reverified under inspection level 3 as set out in the quality monitoring meter verification program manual, one third of the fee set out for that type of meter in column III of

(i) Part I of the schedule, for electricity meters, and

(ii) Part IV of the schedule, for gas meters.

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**Old paragraphs 47(12) (a) to (c) :**

47. (12) Notwithstanding subsections (1.1) and (5), where a quality monitoring meter verification program has been implemented at an organization's service facilities and the organization has complied with the criteria set out in the quality monitoring meter verification program manual, the owner shall pay

(a) for each meter inspected or for each meter verified under inspection level 1, as set out in the quality monitoring meter verification program manual, the fee set out for that type of meter in column III of

(i) Part I of the schedule, for electricity meters, and

(ii) Part IV of the schedule, for gas meters;

(b) for each meter verified under inspection level 2 as set out in the quality monitoring meter verification program manual, two thirds of the fee set out for that type of meter in column III of

(i) Part I of the schedule, for electricity meters, and

(ii) Part IV of the schedule, for gas meters; and

(c) for each meter verified under inspection level 3 as set out in the quality monitoring meter verification program manual, one third of the fee set out for that type of meter in column III of

(i) Part I of the schedule, for electricity meters, and

(ii) Part IV of the schedule, for gas meters.

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**Rationale for change:**

Clarifies scope of application of the term "verified meter", as meters are verified upon initial presentation and maybe reverified during subsequent assessments (i.e. Reverifications).

The intent of clarifying the expression "verified meter" is to ensure that the word "verified", used in the generic sense in subsection 47 (12), was not misinterpreted to exclude reverified meters.

**COMING INTO FORCE**

**9. These Regulations came into force on the day on which they were registered:  
February 26, 2009.**

Legislative and Regulatory Affairs Division  
Program Development Directorate  
Measurement Canada