



Canadian Standards Association
Mississauga, Ontario
To the Part I Committee

Subject No. 3234

Chair: A.Z. Tsisserev

Date: March 22, 2005

Title: Changing “shall be permitted” to “may”, C12.1 and C12.2

Submitted by: Editorial & Production Services of Canadian Standards Association on February 11, 2005.

Proposal: The mandatory language clauses need to be revised to be consistent with CSA’s terminology policy. The revised Clauses shall read:

C12.1– Because the Canadian Electrical Code, Part I can be adopted as a regulatory document, all Rules must be stated in a mandatory manner. In this respect, the verb form “shall” must be used rather than “is to be”, “are to be”, “will be”, “should be”, etc., or as “shall not” if the negative is required. The term “may” shall be used in a permissive sense only. Terms such as “shall be permitted” shall not be used to express permission.

C12.2 – Requirements shall be stated in positive rather than negative terms.

Reasons for Request: The change would make the publication consistent with CSA’s mandatory language requirements and provide conformity with Part II Standards. It would also bring the document into harmonization with ISO style.

Supporting Information:

CSA’s current and future guidelines
ISO Directives

Chair’s Comments:

I appreciate the logic behind this proposal.

However, this issue had been a subject of a considerable discussion by the Part I Committee in the past. As the result of this discussion it was agreed by the members to use the language “shall be permitted” in order to reflect a permissible type or method of installation under specific conditions.

This Part I decision had been reflected in revisions to Appendix C which were incorporated in the 1986 edition (15th edition) of the CEC.

The entire industry felt comfortable with this approach, and Part I members have not heard any negative comments from the Code users.

Although I appreciate a need to harmonize the mandatory language clauses of the Part I with the CSA guidelines and directives, a uniqueness of the installation Code and its correlation aspects with the NEC should be also taken into account (NEC uses “shall not be permitted” terminology).

However, I'd like to hear opinion of the S/C (Executive committee) members.

Subcommittee Deliberations: One member stated:

"I don't agree with this proposal. Years ago, "may" was used in the Code to express permission, and we were told (I forget by who) that to conform to standard code language, "may" had to be changed to "shall be permitted". So we did it because we thought it was a good idea. A number of Subjects were created, and with those, we changed all the instances of "may" to "shall be permitted." The reason was that "may" was considered ambiguous. It could be construed to mean that the Code left it to the inspection authority to decide when something would be allowed to be done ("may"), as opposed to being instructed by the Code to allow something to be done ("shall be permitted"). The term "shall be permitted" was considered unambiguous in that when it is used in the Code, it instructs the reader that something "shall be permitted" to be done. It shall be allowed to happen. There is no discretion on the part of anyone to say otherwise. That is why "may" was deliberately replaced by "shall be permitted".

To agree with this proposal would be retrogressive and inconsistent with what was done previously. There has been no feedback to my knowledge that the use of "shall be permitted" has been troublesome in any way, and I could see that the reintroduction of "may" could reintroduce the problems it brought with it in the first instance.

In addition, no substantiation has been provided in this proposal to justify it, other than to conform to a standard style of expression used by CSA. I believe there needs to be more substantiation in this case, because Part I made a deliberate choice not to have "may" in the Code for specific reasons. There has to be a more persuasive argument than simply reasons of conformity to standard style."

Four other members responded either with similar comments or agreeing with the above.

Subcommittee Recommendation: Reject the proposal and close the Subject.