

Boilers Regulation.

2

Definitions.

3. In this Act, if not inconsistent with the context,— General definitions.
- “Boiler” means boiler or vessel in which steam is generated under pressure, used for manufacturing or for any other purpose, or for working any engine or machinery.
- “District” means district notified in pursuance of this Act.
- “Inspector” means inspector appointed under this Act.
- “Owner of a boiler” means person in possession of a boiler.
- “Prescribed” means prescribed by this Act or by any regulations made in pursuance of this Act.
- “Ship” means vessel used in navigation not propelled by oars.

Application of Act.

4. This Act (unless the context otherwise indicates) applies Boilers to which this Act applies. only to and in respect of boilers used within districts, but in no case (except where otherwise expressly stated) applies to or in respect of—
- (a) boilers used in any ship of war or any boat forming part of the equipment of a ship of war; or
 - (b) boilers subject to survey by an engineer surveyor in pursuance of the Navigation Act of 1871 or any Act amending that Act; or
 - (c) boilers the property of the Crown and used on a Government railway, tramway, or other public work; or
 - (d) boilers exempted or coming within a class of boilers exempted by the Governor from the operation of this Act.
5. The Governor may exempt any boilers or any class of Exemption of boilers. boilers from the operation of this Act, and may revoke or alter any such exemption.

Districts and inspectors.

6. The Governor, by notification in the Gazette, may appoint Proclamation of districts. districts for the purposes of this Act, and may vary or rescind any such notification and alter the boundaries of any districts.

7. There shall be so many inspectors as the Governor thinks Appointment, qualification, and jurisdiction of inspectors. fit to appoint.

Every inspector, before his appointment, shall furnish proof that he possesses the qualifications necessary for the discharge of the duties of his office, or shall pass such examination as may be prescribed.

Each inspector shall be appointed for and shall administer this Act within the district or districts mentioned in his appointment, and shall be furnished with a certificate of his appointment, signed by the Minister, to be produced in pursuance of this Act.

PART

Boilers Regulation.

3

PART II.

CERTIFICATION AND USE OF BOILERS.

Notice by owner.

8. (1) Where a boiler is used within a district the owner of the boiler shall send to the inspector for the district a notice in writing, stating his name and address, and the place where the boiler is used, and giving a short description of the boiler and a statement of its grate surface, principal dimensions, and the pressure at which it is worked, and (if known) its age and the maker's name, and also stating the name, age, and qualification of the person in charge of the boiler.

Notice of use of boiler to be sent to inspector.

(2) Where the boiler is so used at the commencement of this Act, such notice shall be sent within sixty days after such commencement.

In every other case the notice shall be sent within sixty days from the day when the boiler was first so used by the owner after the commencement of this Act, whether the boiler had or had not been previously used.

(3) If such owner fails so to send such notice he shall be liable to a penalty not exceeding *ten* pounds nor less than *five* pounds.

9. Where any person has effected any repairs to a boiler (not being repairs effected in accordance with a notice given by an inspector), or has added to or taken away from a boiler any fittings, mountings, or machinery used for maintaining the efficiency of the boiler, or in any manner altered the construction of a boiler, he shall forthwith give notice thereof in writing to the inspector for the district in which the boiler is used. And if any such person fails so to give such notice he shall be liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds.

Owner effecting repairs to give notice to inspector.

10. If the owner of a boiler used within a district sells or lets on hire the boiler he shall, within one month after the sale or contract of hiring has been made, send to the inspector for the district a notice in writing stating the name, occupation, and address of the person to whom the boiler has been sold or let. And if he fails so to send such notice he shall be liable to a penalty not exceeding *ten* pounds.

Where boiler is sold or let notice to be sent to inspector.

Inspection.

11. An inspector shall, once every twelve months, inspect all boilers used within his district, and may at such time as he thinks fit, inspect any such boilers, and all fittings, mountings, and machinery used for maintaining the efficiency of such boilers, but shall arrange the times and mode of the inspection so as to cause as little inconvenience as possible to the owners, and as little hindrance as possible to the using of the boilers.

Periodical inspection of boilers.

The

Boilers Regulation.

4

The owner of every such boiler shall in respect of such inspection pay the fee prescribed, not exceeding that set forth in the scale of fees mentioned in the Schedule to this Act.

12. (1) An inspector, before inspecting a boiler, shall give to the owner of the boiler the prescribed notice of the day of the proposed inspection. Notice of inspection and preparation of the boiler for inspection.

(2) On receipt of such notice and before the day notified for the inspection such owner shall—

- (a) cause the boiler to be emptied and made cool, and all furnaces, flues, backs, and uptakes connected with the boiler swept clean; and
- (b) cause the safety-valves to be taken to pieces; and
- (c) when so directed by the inspector in his notice, cause the brickwork and other material in which the boiler is set to be taken down, so as to permit the inspection of any part of the boiler which the inspector states in his notice he has reason to believe is defective.

And if the said owner fails to comply with any of the above requirements the inspector making the inspection may cause such requirements to be carried out at the risk of such owner, and may recover from such owner in any court of competent jurisdiction any expenses so incurred.

(3) The said owner shall also, during the inspection, and during the time that any person is within the boiler by direction of the inspector or with the consent of the owner for any purpose, keep the boiler effectively disconnected from any steam or hot water communication with any other boiler; and if he fails to carry out any of the requirements of this subsection, he shall be liable to a penalty not exceeding pounds.

13. An inspector making an inspection of a boiler, in addition to any other test, may, where any parts of the boiler are difficult of access or where he thinks necessary, test the boiler by hydraulic pressure. Testing by hydraulic pressure.

The owner of the boiler shall, for the purpose of such testing, furnish such appliances as are required by the inspector, and if he does not furnish such appliances the inspector may procure them and may recover from such owner in any court of competent jurisdiction any expenses so incurred.

Certification.

14. (1) Certificates in respect of boilers may be issued and renewed by inspectors after inspection by them of the boilers in pursuance of this Act. Issue of certificates and renewals.

(2) When an inspector is satisfied that a boiler is in good repair and may be safely used for the purpose and at the authorised working pressure to be stated in the certificate or renewal, and

Boilers Regulation.

5.

and that it is fitted with the appropriate fittings, he shall on payment of the prescribed fee issue to the owner of the boiler a certificate or a renewal of a certificate in the form prescribed; but if he is not so satisfied he may issue to the owner a notice in the form prescribed, refusing a certificate or renewal and forbidding the owner to use the boiler until a certificate or renewal is duly issued for it.

If such owner uses the boiler in contravention of the notice he shall be liable, on the prosecution of the inspector, or any person authorised by the Minister, to a penalty not exceeding *one hundred* pounds.

(3) Each such certificate or renewal shall, subject to the provisions of this Act, be in force until the expiration of such period from its issue, not exceeding one year, as is therein stated. Period of certificate or renewal.

15. In determining the working pressure of any boiler which has been in use for not more than _____ years, and in determining what fittings are appropriate to any such boiler, an inspector shall, subject to the provisions of this Act, follow the Board of Trade Rules and Lloyd's Rules. Rules for determining working pressure.

But where the owner of any such boiler produces to the inspector a certificate in respect of the boiler from the Board of Trade or from Lloyd's, or from the Manchester Steam Users' Association, the working pressure authorised by such certificate shall for the purposes of this section be taken to be the working pressure of the boiler, unless the inspector is of opinion that, from the manner in which the boiler has been used, or from other circumstances, the boiler ought not to be used at the working pressure authorised by such certificate.

16. (1) The owner of a boiler shall cause the certificate and the last renewal (if any) issued in pursuance of this Act in respect of the boiler to be exhibited in some conspicuous place, to be determined by the inspector for the district in which the boiler is used, where they can be seen by all persons working at or with the boiler. And any such owner who neglects so to exhibit such certificate and renewal shall be liable to a penalty not exceeding *twenty* pounds. Certificate to be exhibited.

(2) After the issue of such certificate, the owner shall affix and keep affixed on a conspicuous part of the boiler, or any fitting, or seating of the same to be approved by such inspector, a metal plate bearing in legible characters the words "Certified under the Boilers Regulation Act, 1901, pressure _____ lbs." (stating the authorised working pressure). Boiler to have metal plate affixed.

If the owner neglects to affix such plate or neglects to keep such plate so affixed so long as such certificate remains in force, or keeps the plate so affixed when such certificate has ceased to be in force, or if any person causes any such plate to be affixed to a boiler or to any fitting or seating of a boiler in respect of which no such certificate is in force, such owner or person shall be liable to a penalty not exceeding *fifty* pounds.

17.

Boilers Regulation.

6

17. Any person who knowingly does anything which increases or tends to increase the pressure on any boiler beyond the working pressure stated in the certificate or renewal then in force in respect of that boiler, or causes the pressure on the boiler to be increased beyond the working pressure aforesaid shall be guilty of a misdemeanour.

Penalty for increasing pressure on boiler beyond that stated in certificate.

Where in any prosecution against any person for an offence against this section it is proved that the said person was, at the time when such increased pressure was on the boiler, in charge of the boiler, or that he, knowing that such increased pressure was on the boiler, allowed such increased pressure on the boiler to continue, such facts shall be prima facie evidence that the said person was guilty of the said offence.

Mountings for boilers.

18. (1) The owner of a boiler shall cause the boiler to be fitted with the following mountings:—

Mountings for boilers.

One steam-gauge.

One glass water-gauge, complete.

Two test-cocks.

One feed check-valve, flange-jointed or screwed into boiler.

One stop-valve, flange-jointed or screwed into boiler.

One blow-off cock, jointed or screwed into boiler.

In the case of new boilers, two safety-valves of a design approved by the inspector of the district in which the boiler is used and of sufficient area to relieve the boiler without increasing the loaded pressure more than ten per centum, the combined areas of the safety-valves to be in proportion to the authorised working pressure per square inch, and one of the valves to be so arranged as to be beyond the control of the person in charge. In other cases, one safety-valve of a design approved as aforesaid and of sufficient area as aforesaid and proportioned to the said working pressure, and a signal-valve so arranged as to be beyond the control of the person in charge.

A suitable connection to enable a force-pump or feed-pump to be applied in testing the boiler by hydraulic pressure.

A suitable pump or injector for feeding the boiler.

(2) The above requirements shall be carried out within six months from the date of the first inspection of the boiler under this Act; but if, in the opinion of the inspector making such inspection, it is necessary for the safety of the boiler that those requirements should be carried out at an earlier date, they shall be carried out within such period as the inspector directs by notice in writing given by him to the owner of the boiler.

Period within which requirements must be carried out.

(3)

Boilers Regulation.

7

(3) If any such owner fails to cause such requirements to be so carried out he shall be liable to a penalty not exceeding pounds.

Unsafe boilers.

19. If the inspector for the district in which a boiler is used (whether a certificate or a renewal has or has not issued in respect of the boiler) considers that the using of such boiler is unsafe or dangerous to life or property, he may give to the owner of the boiler a notice in writing directing him, until the repairs or alterations stated in the notice have been effected, to desist from using the boiler at a pressure greater than the pressure stated in the notice, or to desist altogether from using the boiler.

Inspector may require owner to desist from using boiler.

If the said owner fails to comply with any of the above directions he shall be liable to a penalty not exceeding *one hundred* pounds nor less than *fifty* pounds. And if an accident by explosion or otherwise occurs to a boiler in respect of which any directions given under this section have not been complied with, and by the said accident the life of any person or any property other than the property of the said owner has been endangered, the said owner shall be liable on indictment to be imprisoned for any term not exceeding years.

Certificates of competency and service, and who are to have charge of boilers.

20. (1) The Governor may appoint competent examiners to conduct the examination of persons desiring to obtain certificates of competency under this Act. The examiners so appointed shall report to the Minister the result of any examinations held by them, and may recommend to him that certificates of competency be issued to such persons as have shown their fitness to have charge of boilers, and the Minister, upon payment of the prescribed fee, shall issue such certificates accordingly.

Issue and duration of certificates of competency.

(2) Any person, on satisfying the Minister that he is the holder of an engineer's certificate of competency granted and in force under the Navigation Act of 1871, or any Act amending that Act, shall be entitled, without the payment of any fee, to a certificate of competency under this Act.

(3) Certificates of competency under this Act shall be in force until suspended or cancelled in pursuance of this Act.

21. (1) If any person produces to an inspector a writing or writings under the hand or hands of his former employer or employers showing that he has been actually in charge of a boiler used in any place (whether such place was within or outside a district, and whether such boiler was within or not within the exceptions mentioned in section four) for a period of twelve months during the two years next preceding the commencement of this Act, such inspector may recommend to the Minister that a certificate of service be issued to that person. On the receipt of such recommendation the Minister, upon payment of the prescribed fee, may issue the certificate accordingly.

Certificates of service.

(2)

Boilers Regulation.

8

(2) Any person, on satisfying the Minister that he is the holder of an engineer's certificate of service granted and in force under the Navigation Act of 1871, or any Act amending that Act, shall be entitled, without the payment of any fee, to a certificate of service under this Act.

(3) Certificates of service under this Act shall be in force until suspended or cancelled in pursuance of this Act.

22. If the holder of a certificate of competency or service issued in pursuance of this Act is convicted of an offence against this Act, the Minister may suspend for any period or may cancel such certificate.

Cancellation of certificates of competency or service.

23. Every boiler shall be in charge of a person of the age of eighteen years or upwards and holding a certificate of competency or service issued to him and in force in pursuance of this Act. And if the owner of any boiler used in a place which is within a district, and which for months or upwards before such using has been included in a district, knowingly employs any person under the age of eighteen years or not being the holder of any such certificate so issued and in force, and allows him to have charge of such boiler so used, the said owner shall be liable to a penalty not exceeding *fifty* pounds nor less than *twenty* pounds.

Penalty where boiler is in charge of person not being of the age of 18 years or not the holder of a certificate.

PART III.

BOILER EXPLOSIONS.

24. Whenever there occurs any explosion of a boiler used within or outside a district causing personal injury or loss of life, the owner of such boiler within twenty-four hours after the explosion shall, where the boiler is used in a district, send to the inspector for such district, and shall in any other case send to the Minister a notice in writing of the explosion and of the personal injury or loss of life.

Notice of explosion of boiler to be given by owner.

Every such owner who fails so to send such notice shall be liable to a penalty not exceeding *twenty* pounds nor less than *ten* pounds.

25. (1) Where it appears to the Minister that an investigation of any explosion of a boiler used within or outside a district, and of its causes and circumstances is expedient, he may direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

Investigation when directed by the Minister.

- (a) The Minister may appoint a competent person from within the Public Service to hold the investigation, and may appoint any person or persons possessing special knowledge in the construction and use of boilers to act as assessor or assessors in holding the investigation.

(b)

Boilers Regulation.

9

- (b) The person or persons so appointed (hereinafter called the court) shall hold the investigation in open court, in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the explosion, and enabling the court to make the report in this section mentioned.
- (c) The court shall have for the purpose of the investigation all the powers of a court of petty sessions when acting as a court in hearing informations for offences punishable on summary conviction, and all the powers which an inspector may exercise within his district under this Act, and in addition the following powers, namely—
- (i) Power to enter and inspect any place or building, the entry or inspection whereof appears to the court requisite for the said purpose :
 - (ii) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make :
 - (iii) Power to require the production of all books, papers, plans, and documents which it considers important for the said purpose ; and
 - (iv) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.
- (d) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before the Supreme Court ; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the prothonotary, who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.
- (e) The court holding an investigation under this section shall make a report to the Minister, stating the causes of the explosion and its circumstances, and adding any observations which the court thinks right to make.
- (f) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall, for every such offence, be liable to a penalty not exceeding *ten* pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a penalty not exceeding *ten* pounds for every day that such failure continues.

(2)

(2) The Minister may cause any report of a court under this section to be made public at such time and in such manner as he may think fit. Report may be made public.

PART IV.

GENERAL AND SUPPLEMENTAL.

Appeal from inspectors.

26. The owner of any boiler may appeal to the Minister from any refusal by an inspector to issue or renew a certificate, or from any direction of an inspector purporting to have been notified or given in pursuance of this Act. Such appeal shall be in writing, and in the case of an appeal in respect of any such direction as aforesaid shall state the particulars in which such owner alleges that the direction should be amended or rescinded. Appeal to Minister.

The Minister may determine the appeal or may refer it to two arbitrators appointed respectively by the Minister and the owner and an umpire appointed by those arbitrators, who may determine the appeal. But the Minister may make such orders and give such directions as he deems just or necessary in respect of the subject-matter of the appeal to have effect while the appeal is pending.

The provisions of the Arbitration Act, 1892, shall apply to and in respect of any arbitration under this section, as if the appeal were a submission to arbitration within the meaning of the said Act.

27. The owner of any boiler may apply in writing to the Minister, asking that the working pressure per square inch authorised by any certificate or renewal issued in respect of such boiler be increased. Application to Minister to increase working pressure stated in certificate.

On receipt of such application the Minister shall make inquiry, and may direct the certificate or renewal to be amended by increasing the working pressure stated therein, or may refuse the application; and in either case his decision shall be final.

Powers and duties of inspectors.

28. For the purposes of this Act, or in order to satisfy himself that the provisions of this Act have been complied with, an inspector may within any district for which he has been appointed enter any land, building, place, or any ship, punt, or raft in or on which any boiler is used; but shall, if required, produce for the inspection of the owner, or any foreman or manager of the owner, or any person in charge or control of the boiler, the certificate of his appointment as inspector. Entry by inspector.

Boilers Regulation.

11

29. An inspector making any inspection of a boiler shall keep a book recording the condition of, and any alterations or additions to the boiler or to any fittings, mountings, or machinery used for maintaining the efficiency of the boiler, giving such particulars as may be prescribed.

Record to be kept of inspections.

Such book shall without fee be open to the inspection of any person at any place appointed by the Minister and situate within the district of such inspector; and the owner of the boiler on payment of the prescribed fee shall be entitled to obtain from the inspector a copy of any entry in the said book relating to his boiler.

30. Any person who wilfully impedes an inspector in the execution of his duty under this Act, and any owner of a boiler who refuses to give such information to an inspector as the inspector requires for the purposes of this Act, shall be respectively liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds.

Penalty for obstructing inspector.

Service of notices.

31. A notice under this Act may be served personally or by post, or in the case of a notice to be given to the owner of a boiler may be served personally on any foreman, or manager of the owner acting for the owner in the trade or business in which the boiler is used.

Notices—how given.

Recovery of penalties.

32. Penalties for breaches of this Act or the regulations may be imposed by and recovered in a summary way before a court of petty sessions.

Recovery of penalties.

33. Where any act or default constituting an offence for which the owner of any boiler is by this Act or the regulations alone liable to a pecuniary penalty has in fact been done or committed by some other person, such other person shall be liable to a penalty not exceeding *twenty* pounds.

Exemption of owner from penalty upon proof of another being the real offender.

Where such owner is charged with any such act or default so done or committed by some other person, the owner shall be exempt from any penalty upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act and the regulations, and that the said act or default was actually done or committed by some other person without his connivance.

Where an inspector is satisfied before instituting a proceeding for any such offence against the owner of any boiler that such owner if such proceedings were instituted against him would, under the foregoing provisions of this section, be exempt from any penalty, and the owner gives all facilities in his power for proceeding against and convicting

Boilers Regulation.

12

convicting the person whom the inspector believes actually to have been guilty of the act or default constituting the offence, the inspector shall proceed against that person in the first instance without first proceeding against the owner.

34. Where a penalty is imposed under this Act for neglecting to send notice of any explosion, or for any offence against this Act which has occasioned loss of life or personal injury, the court imposing the penalty may direct a part not exceeding one half of the penalty to be paid to or distributed among the persons injured, and the relatives of any persons whose deaths have been occasioned by the explosion or offence, or among some of them: Provided that—

- (a) such persons did not in the opinion of the said court occasion or contribute to occasion the explosion, and did not commit and were not parties to committing the offence; and
- (b) the fact of the payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on the explosion or offence.

Payment of fees, expenses, and penalties.

35. All fees and expenses payable in pursuance of this Act, and, except where otherwise directed in pursuance of the last preceding section, all penalties imposed in pursuance of this Act or the regulations shall be paid into the Treasury, and carried to the Consolidated Revenue Fund.

Regulations.

- 36.** The Governor may make regulations—
- (a) for the examination of inspectors and persons desiring to obtain certificates of competency;
 - (b) regulating the issuing of certificates of competency and service and prescribing the fees to be paid for the same;
 - (c) regulating the keeping by inspectors of the books relating to the inspection of boilers;
 - (d) prescribing the fees to be paid under this Act and specifying the persons to whom those fees shall be paid;
 - (e) prescribing the forms to be used in carrying out the provisions of this Act and the regulations;
 - (f) generally for carrying out the provisions of this Act;
 - (g) imposing any penalty not exceeding *fifty* pounds for any breach of those regulations.

All such regulations shall be published in the Gazette and shall thereupon, but not sooner or otherwise, have the force of law. Copies of all such regulations shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is then sitting, but if not, then within fourteen days after the next meeting of Parliament.

Savings.

Boilers Regulation.

13

Savings.

37. Nothing in this Act shall prejudice or affect any powers ^{Savings.} which may be exercised under any Act dealing with steam navigation or under any Act regulating mining.

SCHEDULE.

<i>Fees for inspection shall not exceed</i>	£	s.	d.
For every single boiler of 8 horse-power or under	1	0	0
For every single boiler over 8 horse-power and under 15 horse-power ...	2	0	0
For every single boiler of 15 horse-power or over	3	0	0
For two or more boilers (in the same factory) of 8 horse-power or under— full charge for the first, viz.	1	0	0
and for every additional boiler	0	15	0
For two or more boilers (in the same factory) over 8 horse-power and under 15 horse-power—full charge for the first, viz.	2	0	0
and for every additional boiler	1	0	0
For two or more boilers (in the same factory) of 15 horse-power or over— full charge for the first, viz.	3	0	0
and for every additional boiler	1	10	0

The above charges for boilers shall only be made once every year, provided that in exceptional cases where it has been found necessary to issue certificates for a shorter period a charge may be made when any certificate is renewed.

The horse-power of a boiler shall, for the purposes of this Schedule, be calculated from the grate surface, and every square foot of grate surface shall denote one horse-power.