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THE BOILERS ACT.

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THE BOILERS ACT.

[INDIA ACT V, 1923.] (1st January, 1924.)

1. * * * *

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) " accident " means an explosion of a boiler or steam-pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode ;

(*b*) " boiler " means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure, and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off ;

(*c*) " Chief Inspector " and " Inspector " mean, respectively, a person appointed to be a Chief Inspector and an Inspector under this Act ;

(*d*) " owner " includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof ;

(*e*) " prescribed " means prescribed by regulations or rules made under this Act ;

(*f*) " steam-pipe " means any main pipe through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe ;

(*g*) " feed-pipe " means any pipe through which feed water passes from the feed pump or injector to the check valve on the boiler and includes any connected fitting of a feed-pipe ;

(*h*) " structural alteration, addition or renewal " shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

3. (*1*) Nothing in this Act shall apply in the case of any boiler or steam-pipe— Limitation of application.

(*a*) in any steamship as defined in section 2 of the Burma Merchant Shipping Act or in any steam vessel within the Inland Steam Vessels Act ;

(*b*) belonging to or under the control of [the Burma Navy.][1]

(*2*) The President of the Union may, by notification in the Gazette, declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or of any specified class of boilers or steam-pipes, belonging to or under the control of any railway administered by the [Railway Administration][1] or by any railway company as defined in clause (*5*) of section 3 of the Railways Act.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Power to limit extent.

4. The President of the Union may, by notification in the Gazette, exclude any specified area from the operation of all or any specified provisions of this Act.

Appointment of Chief Inspector and Inspectors.

5. (*1*) The President of the Union may appoint such persons as he thinks fit to be Inspectors for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and mposed on Inspectors by or under this Act.

(*2*) The President of the Union shall likewise appoint a person to be Chief Inspector, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

(*3*) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Penal Code.

Prohibition of use of unregistered or uncertificated boiler.

6. Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used—

(*a*) unless it has been registered in accordance with the provisions of this Act ;

(*b*) * * * *

(*c*) unless a certificate or provisional order authorizing the use of the boiler is for the time being in force under this Act ;

(*d*) at a pressure higher than the maximum pressure recorded in such certificate or provisional order ;

(*e*) where the President of the Union has made rules requiring that boilers shall be in charge of persons holding certificates of competency, unless the boiler is in charge of a person holding the certificate required by such rules.

Registration.

7. (*1*) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(*2*) On receipt of an application under sub-section (*1*), the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(*3*) On the said date the Inspector shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the prescribed form.

(*4*) The Chief Inspector, on receipt of the report, may—

(*a*) register the boiler and assign a register number thereto, either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has

been made in or to the boiler or any steam-pipe or feed-pipe attached thereto, or

(*b*) refuse to register the boiler :

Provided that where the Chief Inspector refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons therefor.

(*5*) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorizing the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act.

(*6*) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

Renewal of certificate.

8. (*1*) A certificate authorizing the use of a boiler shall cease to be in force—

(*a*) on the expiry of the period for which it was granted ; or

(*b*) when any accident occurs to the boiler ; or

(*c*) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than two hundred square feet, or a portable or vehicular boiler ; or

(*d*) when any structural alteration, addition or renewal is made in or to the boiler ; or

(*e*) if the Chief Inspector in any particular case so directs, when any structural alteration, addition, or renewal is made in or to any steam-pipe or feed-pipe attached to the boiler ; or

(*f*) on the communication to the owner of the boiler of an order of the Chief Inspector or Inspector prohibiting its use on the ground that it or any steam-pipe or feed-pipe attached thereto is in a dangerous condition.

(*2*) Where an order is made under clause (*f*) of sub-section (*1*), the grounds on which the order is made shall be communicated to the owner with the order.

(*3*) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application.

(*4*) An application under sub-section (*3*) shall be accompanied by the prescribed fee and, on receipt thereof, the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed :

Provided that, where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment of any fee.

(*5*) On the said date the Inspector shall examine the boiler in the prescribed manner and, if he is satisfied that the boiler and the steam-pipe and feed-pipe attached thereto are in good condition, shall issue a renewed certificate authorizing the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act:

Provided that if the Inspector—

(*a*) proposes to issue any certificate—

(i) having validity for a less period than the period entered in the application, or

(ii) increasing or reducing the maximum pressure at which the boiler may be used, or

(*b*) proposes to order any structural alteration, addition or renewal to be made in or to the boiler or any steam-pipe or feed-pipe attached thereto, or

(*c*) is of opinion that the boiler is not fit for use,

the Inspector shall, within forty-eight hours of making the examination inform the owner of the boiler in writing of his opinion and the reasons therefor, and shall forthwith report the case for orders to the Chief Inspector.

(*6*) The Chief Inspector, on receipt of a report under sub-section (*5*), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it:

Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefor.

(*7*) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of a certificate.

Provisional orders.

9. Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (*3*) of section 7 or sub-section (*5*) of section 8, he may, if the boiler is not a boiler the use of which has been prohibited under clause (*f*) of sub-section (*1*) of section 8, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act, pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force—

(*a*) on the expiry of six months from the date on which it is granted, or

(*b*) on receipt of the orders of the Chief Inspector, or

(*c*) in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (*1*) of section 8,

and on so ceasing to be in force shall be surrendered to the Inspector.

10. (*1*) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application. Use of boiler pending grant of certificate.

(*2*) Nothing in sub-section (*1*) shall be deemed to authorize the use of a boiler in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (*1*) of section 8 occurring after the expiry of the period of the certificate.

11. The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise— Revocation of certificate or provisional order.

(*a*) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination ; or

(*b*) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition ; or

(*c*) where the President of the Union has made rules requiring that boilers shall be in charge of persons holding certificates of competency, if the boiler is in charge of a person not holding the certificate required by such rules ; or

(*d*) where no such rules have been made, if the boiler is in charge of a person who is not, having regard to the condition of the boiler, in the opinion of the Chief Inspector competent to have charge thereof :

Provided that where the Chief Inspector withdraws or revokes a certificate or provisional order on the ground specified in clause (*d*), he shall communicate to the owner of the boiler his reasons in writing for the withdrawal or revocation, and the order shall not take effect until the expiry of thirty days from the receipt of such communication.

12. No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector. Alterations and renewals to boilers.

13. Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any steam-pipe or feed-pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention, and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed : Alterations and renewals to steam-pipes or feed-pipes.

Provided that no pipe of three inches or less in internal diameter shall be held to be a steam-pipe for the purposes of this section.

14. (*1*) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound— Duty of owner at examination.

(*a*) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him ;

(*b*) to have the boiler properly prepared and ready for examination in the prescribed manner; and

(*c*) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(*2*) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (*1*), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application under section 7 or section 8, as the case may be, and may forbid him to use the boiler notwithstanding anything contained in section 10.

Production of certificates, etc.

15. The owner of any boiler who holds a certificate or provisional order relating thereto shall, at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate, Commissioner of Police or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector or by any Inspector appointed under the Factories Act, or by any person specially authorized in writing by a District Magistrate or Commissioner of Police.

Transfer of certificates, etc.

16. If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

Powers of entry.

17. An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe or feed-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed, at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

Report of accidents.

18. (*1*) If any accident occurs to a boiler or steam-pipe or feed-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or feed-pipe, or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(*2*) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector as to the cause, nature or extent of the accident.

Appeals to Chief Inspector.

19. Any person considering himself aggrieved by—

(*a*) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or

(*b*) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue,

may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order or refusal to the Chief Inspector.

Appeals to appellate authority.

20. Any person considering himself aggrieved by an original or appellate order of the Chief Inspector—

(*a*) refusing to register a boiler or to grant or renew a certificate in respect of a boiler ; or

(*b*) refusing to grant a certificate having validity for the full period applied for ; or

(*c*) refusing to grant a certificate authorizing the use of a boiler at the maximum pressure desired ; or

(*d*) withdrawing or revoking a certificate or provisional order ; or

(*e*) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted ; or

(*f*) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe or feed-pipe, or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler ;

may, within thirty days of the communication to him of such order, lodge with the Chief Inspector an appeal to an appellate authority to be constituted by the President of the Union under this Act.

Finality of orders.

21. An order of an appellate authority under section 20 and, save as otherwise provided in sections 19 and 20, an order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any Court.

Minor penalties.

22. Any owner of a boiler who refuses or without reasonable excuse neglects—

(i) to surrender a provisional order as required by section 9, or

(ii) to produce a certificate or provisional order when duly called upon to do so under section 15, or

(iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16,

shall be punishable with fine which may extend to one hundred rupees.

Penalties for illegal use of boiler.

23. Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force, or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

Other penalties.

24. Any person who—

(*a*) * * * *

(*b*) being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (*6*) of section **7**, or

(*c*) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector, when so required by section 12, or to a steam-pipe or feed-pipe, without first informing the Chief Inspector, when so required by section 13, or

(*d*) fails to report an accident to a boiler or steam-pipe or feed-pipe when so required by section 18, or

(*e*) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorized under this Act,

shall be punishable with fine which may extend to five hundred rupees.

Penalty for tampering with register mark.

25. (*1*) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act, or Burma Act II of 1910[1] or the Indian Boilers Act, 1923, shall be punishable with fine which may extend to five hundred rupees. India 1923.

(*2*) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act, or Burma Act II of 1910,[1] or the Indian Boilers Act, 1923, shall be punishable with imprisonment which may extend to two years, or with fine, or with both. India 1923.

Limitation and previous sanction for prosecutions.

26. No prosecution for an offence made punishable by or under this Act shall be instituted except within six months from the date of the commission of the offence, and no such prosecution shall be instituted without the previous sanction of the Chief Inspector.

Trial of offences.

27. No offence made punishable by or under this Act shall be tried by a Court inferior to that of a Magistrate of the first class.

Power to make regulations.

28. The President of the Union may, by notification in the Gazette, make regulations consistent with this Act for all or any of the following purposes, namely—

(*a*) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act ;

(*b*) for prescribing the method of determining the maximum pressure at which a boiler may be used ;

(*c*) for regulating the registration of boilers, prescribing the fees payable therefor, the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing

[1] This Act, called the Burma Steam-boilers and Prime-Movers Act, 1910, was repealed by India Act V, 1923.

a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number, and the period within which such number is to be marked on the boiler;

(*d*) for regulating the inspection and examination of boilers, steam-pipes and feed-pipes, and prescribing forms of certificates therefor, and

(*e*) for ensuring the safety of persons working inside a boiler.

Power to make rules.

29. The President of the Union may, by notification in the Gazette, make rules[1] consistent with this Act and the regulations made thereunder for all or any of the following purposes, namely—

(*a*) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, for regulating their salary, allowances and conditions of service, for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities;

(*b*) for regulating the transfer of boilers;

(*c*) for providing for the registration and certification of boilers in accordance with the regulations made under this Act;

(*d*) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted;

(*e*) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8;

(*f*) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case;

(*g*) for regulating inquiries into accidents;

(*h*) for constituting the appellate authority referred to in section 20, and for determining its powers and procedure;

(*i*) for determining the mode of disposal of fees, costs and penalties levied under this Act; and

(*j*) generally to provide for any matter.

Penalty for breach of rules.

30. Any regulation or rule made under section 28 or section 29 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

Publication of regulations and rules.

31. (*1*) The power to make regulations and rules conferred by section 28 and 29 shall be subject to the condition of the regulations and rules being made after previous publication.

(2) Regulations and rules so made shall be published in the Gazette and, on such publication, shall have effect as if enacted in this Act.

Recovery of fees, etc

32. All fees, costs and penalties levied under this Act shall be recoverable as arrears of land-revenue.

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[1] For rules made under this section, see *Burma Gazette*, 1941, Part I, page 830.

Applicability to the State.

33. Save as otherwise expressly provided, this Act shall apply to boilers, steam-pipes and feed-pipes belonging to the State.

Power to exempt.

34. (*1*) The President of the Union may, by notification in the Gazette, exempt from the operation of this Act, subject to such conditions and restrictions as he thinks fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.

Power to suspend in case of emergency.

(2) In case of any emergency, the President of the Union may, by general or special order in writing, exempt any boiler or steam-pipe or feed-pipe from the operation of all or any of the provisions of this Act.

THE ELECTRICITY ACT.

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