

## (Chapter IX.—Miscellaneous)

[Provided further that no exemption from the operation of the provisions of section 22B or section 22C or section 25A shall be granted except in the event of war or other emergency threatening the national safety.]

2 \* \* \* \* \*

47. The <sup>3</sup>[appropriate Government] <sup>4</sup>\* \* \* may reverse or modify any order passed under this Act <sup>5</sup>\* \* \*.

Power to alter or rescind orders.

48. This Act shall apply to mines belonging to the <sup>6</sup>[Government].

Application of Act to Government mines.

49. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Saving.

50. [Repeals.] *Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.*

THE SCHEDULE.—[ENACTMENTS REPEALED.] *Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.*

## THE BOILERS ACT, 1923

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<sup>1</sup> Proviso added. by the Mines (Amdt.) Act, 1973 (45 of 1973), s. 33.

<sup>2</sup> Sub-section (2) omitted by A. O., 1937.

<sup>3</sup> Subs. by A.O., 1964 Art., 2 and Sch., for "Central Government," which had been subs. by A. O. 1937, for "Governor General in Council."

<sup>4</sup> The words "and every Local Government" omitted, by A. O., 1937.

<sup>5</sup> The words "by any authority subject to his or its control, as the case may be" omitted, *ibid.*

<sup>6</sup> Subs. by A. O., 1961, Art. 2., for "Crown" (with effect from 23rd March, 1956).

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35. [Repealed.]

### THE SCHEDULE.—[Repealed.]

Act No. V of 1923

23rd February, 1923

### An Act to consolidate and amend the law relating to steam-boilers.

WHEREAS it is expedient to consolidate and amend the law

1 For Statement of Objects and Reasons, see Gazette of India, Pt. V, p. 248, and for Report of Select Committee, see ibid., 1923, Pt. V, p. 248. This Act has been extended to—

- (i) the Leased Areas of Baluchistan, see the "Leased Areas (Law) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federal Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 16.
- (ii) the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953) as amended by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 19 of 1953).
- (iii) the Khairpur State, see G. G. O. 5 of 1953, as amended by G. G. O. 24 of 1953.
- (iv) the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953) as amended by the Bahawalpur (Extension of Federal Laws) (Amendment) Order (G. G. O. 21 of 1953).

This Act has been amended by its application to the Province of West Pakistan by W. P. Ordinance, 33 of 1958.

The Act has been, and shall be deemed to have been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

This Act has been extended to the F. A. T. A. (as application in the N.W.F. Province) by Regulation No. III of 1933, s. 2.

relating to steam-boilers; It is

1.—(1) This Act may be

2.—(2) It extends to the wh

(3) It shall come into force

Government] may, by notification appoint.

2. In this Act, unless there is subject or context,—

(a) "accident" means an explosion of a pipe or any damage to a boiler calculated to weaken or render it liable to explosion.

(aa) "Board" means the Boilers Board under section 27A;

(b) "boiler" means any closed vessel in capacity which is used or intended to be used under pressure or other fitting attached wholly or partly under pressure.

(c) "Chief Inspector" and "Inspector" means a person appointed to be a Chief Inspector or an Inspector under this Act.

(cc) "economiser" means an economiser wholly or partially exposed to the fire for the purpose of recovering heat.

The word "Indian" omitted by A.

2 Sub-section (2), as amended by the Statute Revision and Declaration) Act, 1951 (26 of 1951) (Central Laws (Statute Reform) Ordinance, 1951) (with effect from the 14th October, 1951).

3 This Act came into force on the 1st October, 1923.

4 Subs. by F.A.O., 1975, Art. 2 and which was previously amended by A. O., 1937.

5 Subs. by A. O., 1937, for "Gazette of India".

6 Clause (aa) ins. by the Indian Boilers (Amendment) Act, 1943 (17 of 1943), s. 2.

7 The word "Central" has been omitted by the Statute Revision and Declaration) Act, 1951 (26 of 1951).

8 The words "for use outside such vessels" omitted by the Statute Revision and Declaration) Act, 1951 (26 of 1951).

9 Subs. by the Indian Boilers (Amendment) Act, 1943 (17 of 1943), s. 2.

10 Clause (cc) which was previously amended by the Statute Revision and Declaration) Act, 1951 (26 of 1951).

relating to steam-boilers; It is hereby enacted as follows :—

1—(1) This Act may be called the <sup>1</sup>\* Boilers Act, 1923.

Short title,  
extent and  
commence-  
ment.

<sup>2</sup>(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such date<sup>3</sup> as the <sup>4</sup>[Federal Government] may, by notification in the <sup>5</sup>[official Gazette], appoint.

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

(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 ;

<sup>6</sup>(aa) "Board" means the <sup>7</sup>\* Boilers Board constituted under section 27A;]

(b) "boiler" means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure <sup>8</sup>\* \* \*, 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 ;

<sup>9</sup>(cc) "economiser" means any part of a feed-pipe that is wholly or partially exposed to the action of flue gases for the purpose of recovery of waste heat ;

<sup>1</sup> The word "Indian" omitted by A. O., 1949.

<sup>2</sup> Sub-section (2), as amended by A. O., 1949, and the Federal Laws (Amendment and Declaration) Act, 1951 (26 of 1951), s. 8, has been subs. by the Federal Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd clause (with effect from the 14th October, 1955).

<sup>3</sup> This Act came into force on the 1st January, 1924, see Gen. R. & O.

<sup>4</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which was previously amended by A. O., 1937, for "G. G. in C".

<sup>5</sup> Subs. by A. O., 1937, for "Gazette of India".

<sup>6</sup> Clause (aa) ins. by the Indian Boilers (Amdt.) Act, 1937 (11 of 1937), section 3.

<sup>7</sup> The word "Central" has been omitted by A. O., 1964, Art. 2 and Sch.

<sup>8</sup> The words "for use outside such vessel" omitted by the Indian Boilers (Amdt.) Act, 1929 (9 of 1929), s. 2.

<sup>9</sup> Subs. by the Indian Boilers (Amdt.) Act, 1947 (34 of 1947), s. 2, for clause (cc) which was previously amended by the Indian Boilers (Amdt.) Act, 1943 (17 of 1943), s. 2.

- (ccc) "feed-pipe" means any pipe or connected fitting wholly or partly under pressure through which feed water passes directly to a boiler and does not form an integral part thereof ;]
- (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 exceeding three inches in internal diameter 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 ; and
- (g) "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.

Application  
of Act to  
feed-pipes.

<sup>1</sup>[2A. Every reference in this Act [except where the word "steam-pipe" is used in clause (f) of section 2], to a steam-pipe or steam-pipes shall be deemed to include also a reference to a feed-pipe or feed-pipes, respectively.]

Application  
of Act to  
economisers.

<sup>2</sup>[2B. Every reference in this Act to a boiler or boilers [except in clause (ccc) of section 2, clause (e) of section 6, clauses (c) and (d) of section 11, clause (d) of section 29 and section 34] shall be deemed to include also a reference to an economiser or economisers, respectively.]

Limitation of  
application.

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

<sup>3</sup>[(a) in any steamship as defined in section 2 of the Merchant Shipping Act, 1923 or in any mechanically propelled vessel as defined in section 2 of the Inland Mechanically Propelled Vessels Act ; or]

(b) belonging to or under the control of \* \* \* \*

<sup>1</sup> S. 2A ins. by the Indian Boilers (Amdt.) Act, 1943 (17 of 1943), s. 3.

<sup>2</sup> S. 2B ins. by the Indian Boilers (Amdt.) Act, 1947 (34 of 1947), s. 3.

<sup>3</sup> Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981(27 of 1981), s. 3 and Sch., II, for clause (a).

<sup>4</sup> The words "His Majesty's is Navy or" omitted *ibid.*

[1923 : Act V].

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<sup>5</sup>[official Gazette], declar  
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5.—(1) The <sup>10</sup>[Pro  
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(2) The <sup>10</sup>[Provinc  
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<sup>1</sup> The original words  
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<sup>2</sup> The word "Royal" <sup>1</sup>  
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<sup>3</sup> The word "or" and c  
1942 (5 of 1942), s. 2.

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<sup>5</sup> Subs. by A. O., 19

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<sup>8</sup> Second paragraph  
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<sup>9</sup> Subs. by A. O., 19

<sup>10</sup> Subs. *ibid.*, for "

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<sup>1</sup>[the <sup>2</sup>\* Pakistan Navy]; <sup>3</sup>[or

(c) appertaining to a sterilizer or disinfector of a type such as is commonly used in hospitals, if the boiler does not exceed twenty gallons in capacity.]

(2) The <sup>4</sup>[Federal Government] may, by notification in the <sup>5</sup>[official 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<sup>6</sup> 7\* \* \*.

8\* \* \* \* \*

4. The <sup>9</sup>[Provincial Government] may, by notification in the <sup>5</sup>[official Gazette], exclude any specified area from the operation of all or any specified provisions of this Act.

Power to  
limit extent.

5.—(1) The <sup>10</sup>[Provincial Government] may appoint such persons as it thinks fit to be Inspectors for the Province 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 imposed on Inspectors by or under this Act.

Appointment  
of Chief  
Inspectors  
and Inspec-  
tors.

(2) The <sup>10</sup>[Provincial Government] shall likewise appoint a person to be Chief Inspector for the Province, who may, in addition to the powers and duties conferred or imposed on the

<sup>1</sup> The original words "the Royal Indian Marine Service" have successively been amended by A. O., 1937 and A. O., 1949, to read as above.

<sup>2</sup> The word "Royal" has been omitted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

<sup>3</sup> The word "or" and clause (c) added by the Indian Boilers (Amdt.) Act, 1942 (5 of 1942), s. 2.

<sup>4</sup> Subs. by F.A.O. 1975, Art. 2 and Sch., for "Provincial Government" which was previously amended by various enactments.

<sup>5</sup> Subs. by A. O., 1937, for "Gazette of India".

<sup>6</sup> For list of Railways notified under this section, see Gen. R & O.

<sup>7</sup> The words "administered by the Central Government or by any Provincial Government or by any railway company as defined in clause (5) of section 3 of the Railways Act, 1890" as amended by A. O., 1937 and A. O., 1949, have been omitted by A. O., 1964, Art. 2 and Sch.

<sup>8</sup> Second paragraph which was ins. by A. O., 1937, omitted by A. O., 1949.

<sup>9</sup> Subs. by A. O., 1937, for "G. G. in C".

<sup>10</sup> Subs. *ibid.*, for "L. G".

Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

(3) Every Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Pakistan 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) in the case of any boiler which has been transferred from one Province to another, until the transfer has been reported in the prescribed manner ;
- (c) unless a certificate or provisional order authorising 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 <sup>1</sup>[Provincial Government] 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 :

Provided that any boiler registered, or any boiler certified or licensed, under any Act hereby repealed shall be deemed to have been registered or certified, as the case may be, under this Act :

2\* \* \* \* \*

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,

<sup>1</sup> Subs. by A. O., 1937, for "L. G."

<sup>2</sup> Second proviso rep. by the 'Repealing and Amending Act, 1939 (34 of 1939), s. 3 and Sch. II

and shall report to the Chief Inspector in the prescribed manner.

(4) The Chief Inspector shall—

- (a) register the boiler, either in the prescribed manner or any other manner ;
- (b) refuse to register the boiler if it is not in conformity with the provisions of this Act ;

Provided that if the owner of a boiler, he shall be liable for the cost of the boiler together with the cost of the examination.

(5) The Chief Inspector shall issue to the owner of a boiler a certificate authorising the use of the boiler for a period of twelve months at a time as he thinks fit, made under this Act.

<sup>1</sup>[Provided that if the owner of a boiler exceeding twenty-horsepower shall be liable for the cost of the boiler together with the cost of the examination.]

(6) The Inspector shall issue to the owner of a boiler a certificate authorising the use of the boiler in accordance therewith if the issue has been ordered by the owner shall be liable for the number to be paid in the prescribed manner.

8.—(1) A certificate shall cease to be in force if—

- (a) on the expiration of the period for which it was issued ;
- (b) when a certificate is issued in respect of the boiler ;
- (c) when the boiler is found to be in a state of disrepair or when the maximum pressure exceeds the limit specified in the certificate ;
- (d) when a certificate is issued in respect of the boiler ;

<sup>1</sup>Proviso added by section 4.

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and shall report the result of the examination to the Chief In-  
spector 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 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  
authorising the use of the boiler for a period not exceeding  
twelve months at a pressure not exceeding such maximum pres-  
sure as he thinks fit and as is in accordance with the regulations  
made under this Act :

[Provided that a certificate issued under this sub-section in  
respect of an economiser may authorise its use for a period not  
exceeding twenty-four months.]

(6) The Inspector shall forthwith convey to the owner of  
the boiler the orders of the Chief Inspector and shall in accor-  
dance 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.

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

Renewal of  
certificate.

(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

<sup>1</sup>Proviso added by the Indian Boilers (Amdt.) Act, 1947 (34 of 1947),  
section 4.

- (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 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 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 :

<sup>1</sup>[Provided that where the certificate relates to an economiser, the application for its renewal may be for a period not exceeding twenty-four months.]

(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:

<sup>1</sup>[Provided further that in the case of an economiser, the owner shall be given not less than thirty days' notice of the date fixed for its examination.]

(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 or steam-pipes attached thereto are in good condition shall issue a renewed certificate authorising 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 :

<sup>2</sup>[Provided that a renewed certificate issued under this sub-

<sup>1</sup>Proviso added by the Indian Boilers (Amdt.) Act, 1947 (34 of 1947) section 5.

<sup>2</sup>Proviso *ins.*, *ibid.*

section in respect of period not exceeding

Provided that if any authority

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<sup>1</sup>Ins. by the Indian Boilers



section in respect of an economiser may authorise its use for a period not exceeding twenty-four months:]

Provided <sup>1</sup>[further] 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 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.

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—

Provisional orders.

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

<sup>1</sup>Ins. by the Indian Boilers (Amdt.) Act, 1947 (34 of 1947), s. 5.

- (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.

Use of boiler pending grant of certificate.

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.

(2) Nothing in sub-section (1) shall be deemed to authorise 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.

Revocation  
of certificate  
or provisional  
order.

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

- (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 <sup>1</sup>[Provincial Government] 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

<sup>1</sup>Suba, by A. O., 1937, for "L. G.".

1923 : Act V]

such communication.

12. No structural  
made in or to any bo  
alteration, addition or  
the Chief Inspector.

13. Before the owner makes any structural alterations to a steam-pipe attached to a boiler, the Inspector shall be furnished with a report in writing, accompanied therewith such particulars as may be required for the inspection or renewal as may be required.

**14.**—(1) On any day when a boiler is being used, the owner thereof shall be present at the boiler, and shall be responsible for the safe operation thereof.

(a) to afford to  
the examina  
reasonably b

- (b) to have the examination
- (c) in the case of a boiler, to provide certificates and o

(2) If the owner fails to comply with the provisions of section 7 or section 8, as the case may be, to make the examination, the Inspector who shall, if it is shown, require the owner to comply with section 7 or section 8, as the case may be, notwithstanding the expiration of the term of the certificate.

[illegible]

<sup>1</sup>The words "Commis

<sup>2</sup>Subs. by the Federal (27 of 1981), s. 3 and Sch.

<sup>3</sup>The words "or Com"

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 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.

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.

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, 1\* \* \* 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 2[Factories Act, 1934], or by any person specially authorised in writing by a District Magistrate 3\* \* \*.

Production  
of certifi-  
cates, etc.

<sup>1</sup>The words "Commissioner of Police" omitted by A. O., 1949.

<sup>2</sup>Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch., II, for "Indian Factories Act, 1911".

<sup>3</sup>The words "or Commissioner of Police" omitted by A. O. 1949.

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 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, 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 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 authorising the use of a boiler at the maximum pressure desired ; or

- (d) withdrawing an order ; or
- (e) reducing a certificate or provisional order which has been granted ; or
- (f) ordering a boiler to be made or altered in addition to the order already made ; or

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

21. An order made by the Chief Inspector, and, save as otherwise provided, any order made by the Chief Inspector, shall not be called in question.

22. Any owner or person in charge of a boiler or steam-pipe who neglects—

- (i) to surmount a boiler or steam-pipe, or
- (ii) to provide a boiler or steam-pipe with a safety valve, or
- (iii) to maintain a boiler or steam-pipe in good working order,

shall be punishable with a fine of not more than one hundred rupees.

23. Any person who contravenes any provision of this Act, or any regulation or order made thereunder, shall be punishable with a fine of not more than one hundred rupees, or with imprisonment for a term not exceeding three months, or with both, and, in addition, with a fine of not more than one hundred rupees for every day after the first day after the first offence persisted in the contravention.

24. Any person who—

- (a) uses a boiler or steam-pipe in contravention of any provision of this Act, or any regulation or order made thereunder, or
- (b) being a person in charge of a boiler or steam-pipe, 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 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 '[Provincial Government]' under this Act.

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.

Finality of orders.

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

Minor penalties.

- (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.

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.

Penalties for illegal use of boiler.

24. Any person who—

- (a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one Province to another without such transfer having been reported as required by section 6, or
- (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

Other penalties.



(c) makes any structural alteration, addition or renewal or to a boiler without first obtaining the sanction of the Chief Inspector when so required by section 12 or to a steam-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 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 authorised 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 any Act repealed hereby, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act or any Act repealed hereby, shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Limitation and previous sanction for prosecutions.

26. No prosecution for an offence made punishable by 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.

Boilers Board.

27A.—(1) A Board to be called the Boilers Board shall be constituted to exercise the powers conferred by section 28.

(2) The Board shall consist of the following members, namely :—

(a) A Chairman to be nominated by the Federal Government ;

(b) one member to be nominated by each of the Provincial Governments ;

(c) one member to be nominated by the Pakistan Railway Board.

<sup>1</sup> The words "a Presidency Magistrate or" omitted by A. O., 1964.  
<sup>2</sup> S. 27A was ins. by the Indian Boilers (Amdt.) Act, 1937 (II of 1937), section 4.

<sup>3</sup> Subs. by A. O., 1964, Art. 2 and Sch., for "Central Boilers Board".

<sup>4</sup> Subs. by the Boilers (Amdt.) Act, 1975 (30 of 1975), s. 2 for sub-section (2), which was previously amended by various enactments.

(d) such other member as may be nominated by notification.

(3) Any vacancy occurring in the Board shall be filled up as soon as may be by a person of whom the member vacated his office.

(4) The Board shall exercise its powers or otherwise its own powers shall be transacted by the Board.

(5) The powers of the Board shall extend to standing any vacancy in the Board.

28. The Board shall make regulations for the following purposes, namely :—

(a) for laying down the material, design and method required for the certification of boilers ;

(aa) for prescribing the conditions to which, and the method of examination from the clause (a) mentioned ;

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

(c) for regulating the fees payable for certificates ; and for the owner, the method of examination, the method of period within which the boiler shall be examined ;

(d) for regulating the conditions of boilers and steam-pipes and certificates thereof ;

(e) for ensuring the safety of a boiler ; and

The words, brackets, and the term of office of the member omitted by A.O., 1949.

<sup>2</sup> Subs. by the Indian Boilers (Amdt.) Act, 1937, s. 4, for "G. S. in C."

<sup>3</sup> Subs. by A. O., 1964, for "Central Boilers Board" which had been subs. by Act 26 of 1964.

<sup>4</sup> For the Boiler Regulation, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 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addition or renewal in  
obtaining the sanction  
required by section 12,  
informing the Chief  
section 13, or

er or steam-pipe when

boiler so as to render it  
unsafe at which the use  
of this Act.

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ees, renders invisib  
er marked on a boiler  
et or any Act repealed  
h may extend to five

n a boiler a register  
under this Act or any  
e with imprisonment  
e, or with both.

ade punishable by or  
within six months from  
and no such prosecu-  
sanction of the Chief

r under this Act shall  
\* a magistrate of the

[Boilers Board] shall  
rred by section 28.

ollowing members, na-

the Federal Govern-

each of the Provincial

the Pakistan Railways,

mitted by A. O., 1949.

ndt.) Act, 1937 (11 of

"Central Boilers Board"

1975), s. 2 for sub-section

nts.

(d) such other members as the Federal Government may, by notification in the official Gazette, nominate.]

(3) Any vacancy occurring in the Board, \* \* \* shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by bye-laws or otherwise its own procedure and the conduct of all business to be transacted by the Board.

(5) The powers of the Board may be exercised notwithstanding any vacancy in the Board.]

28. The [Board] may, by notification in the [official Gazette], make regulations<sup>4</sup> consistent with this Act for all or any of the following purposes, namely :—

Power to  
make  
regulations.

(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 ;

<sup>1</sup>[(aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted;]

(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 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 and steam-pipes, and prescribing forms of certificates therefor ;

(e) for ensuring the safety of persons working inside a boiler ; and

<sup>1</sup>The words, brackets, letter and figure "otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2)" omitted by A.O., 1949.

<sup>2</sup>Subs. by the Indian Boilers (Amdt.) Act, 1937 (11 of 1937), s. 5, for "G. G. in C."

<sup>3</sup>Subs. by A. O., 1964, Art. 2 and Sch., for "Gazette of Pakistan", which had been subs. by Act 26 of 1951, s. 4 and Sch., III for "Gazette of India".

<sup>4</sup>For the Boiler Regulations, 1951, see Gaz. of P., 1951, Extra., pp. 875—1077.

<sup>5</sup>Clause (aa) ins. by Act 11 of 1937, s. 5.

Power to  
make rules.

(1) for providing for any other matter which is not, in the opinion of the <sup>1</sup>[Board], a matter of merely local or provincial importance.

29. The <sup>2</sup>[Provincial Government] may, by notification in the <sup>3</sup>[official Gazette], make rules<sup>4</sup> 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, <sup>5</sup>\* \* \* 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 which is, in the opinion of the <sup>2</sup>[Provincial Government], a matter of merely local importance in the Province.

\* \* \* \* \*

<sup>1</sup>Subs. by the Indian Boilers (Amdt.) Act, 1937 (11 of 1937), s. 5, for "G. G. in C."

<sup>2</sup>Subs. by A. O., 1937, for "L. G."

<sup>3</sup>Subs. *ibid.*, for "local official Gazette".

<sup>4</sup>For rules in respect of Sind, see Sind Gazette, 1955, Pt. IV-A., p. 81.

For the West Pakistan Attendants and Boiler Engineers Rules, 1959, see West Pakistan Gazette, 1959, Pt. I, pp. 464-475 ; and

For the West Pakistan Boiler Rules, 1959, see West Pakistan Gazette, 1959, Pt. I, pp. 476-490.

<sup>5</sup>The words "for regulating their salary, allowances and conditions of service" omitted by A. O., 1937.

<sup>6</sup>The proviso omitted, *ibid.*

30. Any regulation or 29 may provide that a contract with fine which may extend

31.—(1) The power to by sections 28 and 29 shall regulations and rules being

(2) Regulations and r <sup>1</sup>[official Gazette] and, or as if enacted in this Act

32. All fees, costs and be recoverable as arrears

33. Save as otherwise apply to boilers : and steam

34. —(1) The <sup>1</sup>[Provision in the <sup>2</sup>official Gazette] this Act, subject to such fit, any boilers or classes the heating of buildings of

<sup>3</sup>[(2)] In case of any e may, by general or special or steam-pipe from the o of this Act.

35. [Repeal of enact (XII of 1927), s. 2 and Se

THE SCHEDULE. [E the Repealing Act, 19

THE CANTONMENT

#### SECTIONS

1. Short title, extent
2. Definitions.

<sup>1</sup> Subs. by A.O., 1964, the local official Gazette, re subs. by the Federal Laws (1 s. 4 and Sch., III for "Gaz

<sup>2</sup> Subs. by A. O., 1961 March, 1956).

<sup>3</sup> The original s. 34 was and sub-section (1) was in 1929), s. 3.

<sup>4</sup> Subs. by A. O., 193

<sup>5</sup> Subs. *ibid.*, for "lo



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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.

Penalty for breach of rules.

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

Publication of regulations and rules.

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

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

Recovery of fees, etc.

33. Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging in the [Government].

Applicability to the Government. Exemptions.

34.—(1) The [Provincial Government] may, by notification in the [official Gazette], exempt from the operation of this Act, subject to such conditions and restrictions as it thinks fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.]

3[(2)] In case of any emergency, the [Provincial Government] may, by general or special order in writing, exempt any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

Power to suspend in case of emergency.

35. [Repeal of enactments.] Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.

THE SCHEDULE. —[ENACTMENTS REPEALED.] Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.

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SECTIONS

1. Short title, extent and commencement.
2. Definitions.

<sup>1</sup> Subs. by A.O., 1964, Art. 2 and Sch., for "[Gazette of Pakistan] and the local official Gazette, respectively." The words in brackets had been subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and Sch., III for "Gazette of India".

<sup>2</sup> Subs. by A. O., 1961, Art. 2, for "Crown" (with effect from the 23rd March, 1956).

<sup>3</sup> The original s. 34 was re-numbered as sub-section (2) of that section, and sub-section (1) was ins. by the Indian Boilers (Amdt.) Act, 1929 (9 of 1929), s. 3.

<sup>4</sup> Subs. by A. O., 1937, for "L.G.".

<sup>5</sup> Subs. *ibid.*, for "local official Gazette".