

The Boilers Act, 1923

(ACT NO. V OF 1923)

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

WHEREAS it is expedient to consolidate and amend the law relating to steam-boilers; It is hereby enacted as follows:-

**Short title,
extent and
commencement**

1.(1) This Act may be called the Boilers Act, 1923.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions

2. In this Act, unless there is anything repugnant in the 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;

¹[(aa) "Board" means the Boilers Board constituted under section 27A;]

(b) "boiler" means any closed vessel exceeding ²[22.76 liters] in capacity which is used expressly or 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;

³[(cc) "economiser" means any part of feed-pipe that is wholly or partially exposed to the action of flue gases for the purpose of recovery of waste heat;

- (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 this Act;
- (f) "steam-pipe" means any main pipe exceeding ⁴[7.62 cm] 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** ⁵[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** ⁶[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-
- (a) in any steam-ship as define in ⁷[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, 1917]; or
- (b) belonging to or under the control of His Majesty's Navy or the Bangladesh Navy; or

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

(2) The Government may, by notification in the 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 ⁸[the railway].

**Power to
limit extent**

4. The Government may, by notification in the official 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 Government may appoint such persons as it thinks fit to be Inspectors ⁹[* * *] 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.

(2) The Government shall likewise appoint a person to be Chief Inspector ¹⁰[* * *] 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) ¹¹[The] Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the ¹²[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 used the boiler or permit it to be used-

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

¹³[* * *]

(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 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.

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 as 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 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 pressure 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 accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owners 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 authorising 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 ¹⁴[18.58 square meters], 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 attached to the boiler;

(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 a renewal thereof for such period not exceeding twelve months as he may specify in the application:

Provided that where the certificate relates to an economiser, the application for its renewal may be for a period not exceeding twenty-four months.