

CHAPTER 32

Boiler and Pressure Vessel Act

Title. **1.** This Act may be cited as the *Boiler and Pressure Vessel Act*.
R.S. 1948, c. 30, s. 1; 1950, c. 4, s. 3.

Interpretation

Interpre-
tation.

- 2.** In this Act, unless the context otherwise requires,
- “boiler” means a vessel in which any gas or vapour may be generated or any liquid may be put under pressure by heating, and includes any pipe, fitting, and other equipment attached thereto or used in connection therewith;
 - “certificate” means a certificate of the kind referred to in the context granted by the Chief Inspector or an Inspector under this Act;
 - “closed-type hot-water system” means a system in which water is heated and circulated and which is not vented to atmosphere;
 - “Committee” means the Boiler Inspection Committee constituted under this Act;
 - “compressed gas” means any gas contained under pressure exceeding fifteen pounds per square inch, whether it is in gaseous or liquid state;
 - “engineer” means a person having charge of or operating a steam-boiler to which this Act applies;
 - “fired steam-boiler” means a vessel in which steam is generated by the application of heat resulting from the combustion of fuel in solid, liquid, or gaseous form;
 - “high-pressure boiler” means a steam-boiler designed to carry a working pressure of more than fifteen pounds per square inch;
 - “horsepower” means the nominal power of a boiler calculated by dividing the square feet of heating surface of the boiler by ten; and in respect to an electric boiler, horsepower shall be calculated as the kilowatt input divided by ten;
 - “hot-water boiler” means a boiler connected in a closed-type hot-water heating system;
 - “Inspector” means an Inspector of Steam-boilers and Machinery appointed under this Act, and includes the Chief Inspector;
 - “low-pressure boiler” means a steam-boiler where the working pressure does not exceed fifteen pounds per square inch or a hot-water boiler where the working pressure does not exceed one hundred and sixty pounds per square inch and the temperature does not exceed two hundred and fifty degrees Fahrenheit;
 - “Minister” means the Minister of Public Works;

- “owner” includes any person who is the owner or lessee of a boiler or pressure vessel, and the manager or other chief employee in charge of the business of that person;
- “plant” means the installation of boilers or pressure vessels in operation or use as a unit for any purpose;
- “pressure vessel” means an unfired vessel other than a boiler which may be used for containing, storing, distributing, transferring, distilling, or otherwise handling any gas, vapour, or liquid under pressure, and includes any pipe, fitting, and other equipment attached thereto;
- “refrigeration plant” means the complete installation of machinery by which refrigerants are vaporized, compressed, and liquefied in their refrigeration cycle;
- “regulations” means regulations made under this Act;
- “welding operator” means any person engaged in welding either on his own account or in the employ of another person on the fabrication or repair of boilers, pressure vessels, or pressure piping or any parts thereof. 1955, c. 5, s. 2; 1956, c. 5, s. 2.

Application of Act

- Application.** 3. (1) This Act applies to all boilers, pressure vessels, and refrigeration plants within the Province, except as hereinafter exempted.
- Exemptions.** (2) This Act does not apply to
- (a) a steam-boiler of two horsepower or less in capacity and less than three cubic feet in volume;
 - (b) a boiler used to heat a building containing less than four self-contained suites;
 - (c) a boiler connected in an open-type hot-water heating system;
 - (d) a boiler or pressure vessel used in the operation of a railway or a boiler or pressure vessel subject to inspection under the *Canada Shipping Act*;
 - (e) a shipping container subject to inspection by the Board of Transport Commissioners for Canada;
 - (f) a low-pressure boiler of three horsepower or less in capacity;
 - (g) a pressure vessel for permanent use at a pressure of fifteen pounds or less;
 - (h) a pressure vessel six inches or less in diameter and one and one half cubic feet or less in volume;
 - (i) a pressure vessel having an internal diameter of twenty-four inches or less used for the storage of hot water;
 - (j) a pressure vessel used exclusively for hydraulic purposes at atmospheric temperature;
 - (k) a refrigeration plant having a capacity of three tons or less of refrigeration in twenty-four hours;
 - (l) a distribution-main or service-pipe as defined in the *Gas Act* or a pipe-line as defined in the *Pipe-lines Act*. 1950, c. 4, s. 8; 1955, c. 5, s. 3; 1959, c. 7, s. 2.

Inspection of Steam-boilers and Pressure Vessels

Annual inspection of steam-boilers.

4. It is the duty of the Inspector to make an internal and external examination of every steam-boiler within the inspection district in which he is required by the Chief Inspector to act, before the same is used, and at least once a year thereafter. He shall also see that an engineer holding an engineer's certificate of the proper class under this Act is in charge of each steam plant before a certificate of inspection is granted. R.S. 1948, c. 30, s. 4.

Special inspection.

5. (1) In addition to the annual inspection, it is the duty of the Inspector to examine, at any time when, in his opinion, an examination is necessary, every plant within his inspection district which is reported to him as unsafe, or which he has reason to believe has become unsafe from any cause, and to notify the owner of the plant if a defect is discovered, stating in writing what repairs are necessary in order to render it safe.

(2) Where the Chief Inspector deems it necessary, in the interests of safety, to require safety appliances, repairs, modifications, or additions to any pressure equipment, irrespective of size or pressure, he may order that such changes be made, and upon due notification thereof the owner or operator of the pressure equipment shall comply therewith. R.S. 1948, c. 30, s. 5; 1950, c. 4, s. 4; 1955, c. 5, s. 4.

Duty to order fire drawn where steam-boiler found to be defective.

6. If a defect is discovered in a steam-boiler which is under steam pressure, and if, in the opinion of the Inspector, the defect may cause immediate injury or damage, he shall order the engineer in charge to draw the fire and blow off the steam, and the engineer in charge shall obey the order forthwith without reference to any one else. R.S. 1948, c. 30, s. 6.

Inspection of pressure vessels.

7. (1) An Inspector may inspect any pressure vessel or boiler within his inspection district whenever he is of opinion that an inspection is necessary or in the interests of safety, and upon making the inspection the Inspector may make an order in writing imposing such requirements in respect of the management, use, and operation of the pressure vessel or boiler as he considers necessary, and may by the order prohibit the further use or operation of the pressure vessel or boiler until his requirements have been complied with.

Responsibility for good order of safety valves.

(2) The person in charge of a pressure vessel or boiler shall see that the safety valve with which it is equipped blows off the air, gas, or liquid under pressure therein often enough to satisfy him that the safety valve is in good order, and he shall report to the Chief Inspector immediately every failure of the safety valve to operate. R.S. 1948, c. 30, s. 7; 1950, c. 4, s. 9; 1955, c. 5, s. 5.

Inspections during construction.

8. An Inspector may, at all reasonable hours, examine boilers and pressure vessels in course of construction or repair, as well as those in operation, and refuse to grant a certificate of inspection for a boiler or pressure vessel found to be defective or which does not comply with

the provisions of this Act or the regulations, or in respect of which the opportunity for examination requested by the Inspector has been refused or withheld. 1955, c. 5, s. 6.

Duty of owners to notify Chief Inspector of all purchases and sales.

9. (1) An owner of a boiler or pressure vessel liable to inspection under this Act shall notify the Chief Inspector by mail of each purchase, sale, or exchange made by him of a boiler or pressure vessel, either new or second hand, giving the name of the person from whom it was purchased or to whom it was sold or exchanged, and stating when and where it can be inspected; and in case the boiler has been inspected, he shall state the number stamped on it by the Inspector; and a person neglecting to give the notice required by this section within thirty days next after the date of the purchase, sale, or exchange is liable to a fine of not less than one hundred dollars and not more than five hundred dollars.

(2) A person who installs, or causes to be installed, a boiler shall notify the Chief Inspector before such plant is put into operation.

(3) No person shall commence the installation or alteration of a low-pressure boiler plant until he has applied for and obtained a permit in accordance with the regulations made under this Act. 1955, c. 5, s. 7; 1959, c. 7, s. 3.

Interrogation of persons in charge of steam-boilers.

10. An Inspector may, at all times when inspecting or visiting any plant, ask the owner or engineer, or any other person appearing to be in charge of the plant; any pertinent questions concerning the same, or concerning any accident that has happened thereto, as he may think fit; and every such person shall fully and truly answer every question so put to him; and every person who refuses to answer or falsely answers any such question, or who attempts to prevent any inspection or obstructs an Inspector in any way, is liable to a fine of not less than twenty dollars and not more than one hundred dollars. R.S. 1948, c. 30, s. 10; 1950, c. 4, s. 5.

Duty of engineer to point out defects.

11. Every engineer of a steam plant which is being inspected shall assist the Inspector in his examination, and shall point out to him all defects that the engineer may know or believe to exist in each steam boiler in his charge, and in default of his so doing the Inspector shall report the facts to the Chief Inspector, who may thereupon suspend the certificate of the engineer for such period as the Chief Inspector thinks fit. R.S. 1948, c. 30, s. 11.

Expenses of inspection occasioned by fault of owner.

12. (1) Where an Inspector has arranged to make an inspection, and the plant or pressure vessel is not ready when the Inspector is in the vicinity, or if from any other cause the Inspector has to return to inspect the plant or pressure vessel, the expenses incurred by the Inspector in returning to inspect or to complete the inspection, including a per diem charge to be fixed by the Minister, if the Minister determines that such expenses were incurred through the fault or default of the owner of the plant, shall be paid by the owner; and if not paid at once, the Inspector

shall refuse to issue a certificate, or to allow the plant to be operated until such expenses have been paid.

Expenses
of special
inspection.

(2) Where a special inspection of a plant or pressure vessel is made at the request of the owner, the expenses incurred by the Inspector in attending to make the inspection, including a per diem charge to be fixed by the Minister, shall be paid by the owner. R.S. 1948, c. 30, s. 12; 1949, c. 5, s. 4; 1950, c. 4, s. 4.

Certificate of
inspection of
boiler.

13. (1) Upon completion of his inspection of a steam-boiler the Inspector shall report the facts to the Chief Inspector. If the Chief Inspector finds from the report of the Inspector that the steam-boiler is approved, and that a competent man is in charge of it as engineer, and if all fees payable under this Act for the inspections of that steam-boiler during construction have been paid, and if all taxes or yearly fees due and payable in respect of that steam-boiler have been paid, the Chief Inspector shall cause a certificate of inspection according to the form prescribed by the Minister to be made and delivered to the owner of the steam-boiler.

Transfer of
certificate.

(2) No certificate of inspection is transferable unless the consent of an Inspector of the inspection district in which the steam-boiler is to be operated by the transferee is first obtained in writing upon the certificate.

Posting-up of
certificate.

(3) The certificate of inspection, together with a copy of sections 42 and 43, shall be posted up, and be kept posted up in a conspicuous place on the steam-boiler, or in the engine or boiler room where the steam-boiler is being operated; or in such place as the Inspector may direct, and no person operating the steam-boiler shall operate the same at a higher pressure than that authorized in the certificate. Every person who violates the provisions of this subsection is liable, on summary conviction, to a fine not exceeding one hundred dollars.

Operation
without
certificate
prohibited.

(4) No person shall operate a boiler unless the owner is the holder of an unexpired certificate of inspection thereof issued under this Act, except where,

(a) before the expiration of a previously existing certificate of inspection of the boiler, the owner made a request in writing to an Inspector to have the boiler inspected and the inspection has not been made; or

(b) the circumstances are such that in the opinion of the Chief Inspector the inspection may be postponed, in which case the Chief Inspector may issue an interim certificate on condition that the provisions of subsection (1) in respect to engineers and fees are satisfied. R.S. 1948, c. 30, s. 13; 1949, c. 5, s. 4; 1950, c. 4, ss. 4, 13; 1955, c. 5, s. 8.

Registration

Registrations
under former
Acts con-
tinued.

14. Every steam-boiler, recipient, or digester which is registered under any former Act of the Legislature relating to steam-boilers is, for all purposes of this Act, deemed to be registered under this Act, and all

registers and books kept under those Acts shall be continued for the like purposes under this Act. R.S. 1948, c. 30, s. 14.

Operation of
unregistered
boilers
prohibited.
Certificate
prima facie
evidence.

15. (1) No person shall operate a boiler unless it is registered under this Act.

(2) A certificate of inspection or interim certificate is prima facie evidence of the due registration of a boiler, and the certificate, subject to the provisions of this Act, authorizes the operation of the boiler from the date of the certificate until the next inspection or for such shorter period as may be specified in the certificate.

Offence.

(3) Every person who contravenes the provisions of this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding three hundred dollars. 1955, c. 5, s. 9.

Fees

Time of
payment of
yearly fees.

16. Except as otherwise provided, the yearly fees imposed by this Act are due and payable on the first day of January in each year, and shall be paid to the Chief Inspector. R.S. 1948, c. 30, s. 20.

Refund of
fees in cer-
tain cases.

17. In the case of a boiler as to which the yearly fee in respect of any year has been paid, and which during that year

(a) is operated in the Province under any of the exemptions contained in subsection (2) of section 3 and is not otherwise operated; or

(b) is shipped out of the Province without having been operated during any part of that year; or

(c) is condemned as unfit for further use without having been operated during any part of that year,

the amount of the yearly fee so paid shall be repaid to the owner. R.S. 1948, c. 30, s. 21; 1950, c. 4, s. 17; 1955, c. 5, s. 10.

Mode of pay-
ment of fees.

18. Where payment of yearly or other fees is tendered by cheque, or otherwise than in lawful money of Canada, the tender shall include exchange and other charges of remittance and collection, and shall be made in a manner approved by the Chief Inspector; and the yearly fees shall not be deemed paid, notwithstanding any receipt given therefor, until the amount thereof has been received in cash by the Chief Inspector. R.S. 1948, c. 30, s. 22.

Notice of
yearly fees
payable.

19. In the month of December in each year the Chief Inspector shall give notice in writing to the owner of each registered steam-boiler that the yearly fees thereon will become due and payable at the office of the Chief Inspector on the first day of January following, and if not paid within thirty days from that date shall bear interest at the rate of six per centum per annum. Every notice under this section may be given by mailing it to the address of the owner as last known to the Chief Inspector. R.S. 1948, c. 30, s. 23; 1950, c. 4, s. 4; 1959, c. 7, s. 4.

Interest on
overdue fees.

20. All yearly or other fees unpaid at the expiration of thirty days from the date on which they become due shall thenceforth bear interest at the rate of six per centum per annum until paid or recovered, which interest shall, for all purposes of this Act, be deemed part of the yearly or other fees as if it had originally formed part thereof. R.S. 1948, c. 30, s. 24.

Lien for fees.

21. The Crown shall have a lien for the amount of the yearly and other fees payable under this Act upon the plant or pressure vessel in respect of which they are payable, which lien shall constitute a first charge in priority to all other liens, charges, or encumbrances of every person thereon; and the right of the Crown to such lien, and to recover the yearly or other fees so payable, shall not be lost or impaired by any neglect, omission, or error on the part of any Inspector or other person. R.S. 1948, c. 30, s. 25; 1950, c. 4, s. 4.

Recovery
of fees.

22. (1) Yearly and other fees payable under this Act, with interest and costs, are recoverable by either or both of the methods following:—

(a) By action in any Court as for a debt due to the Crown:

(b) Any Inspector, by himself or by his agent, may levy the same by distress of the plant or pressure vessel in respect of which the yearly or other fees are payable or of the goods and chattels of the person liable to pay the same, wherever the goods and chattels may be found within the Province, and the costs chargeable on such distress shall be those payable between landlord and tenant; and no sale or transfer of possession of any plant or pressure vessel shall affect the lien imposed thereon under this Act, or the right of distraining upon the same for the yearly or other fees payable in respect thereof.

Sale of
property
distrained.

(2) In case distress is made for the recovery of yearly or other fees, the Inspector shall, by advertisement posted up in at least three conspicuous public places in the locality where the sale of the property distrained is to be made, give at least ten days' public notice of the time and place of the sale, and of the name of the person whose property is to be sold; and at the time named in the notice the Inspector or his agent shall sell at public auction the property distrained, or so much thereof as may be necessary. If the property distrained is sold for more than the amount of the yearly or other fees, interest, and costs, the surplus shall be paid over to the person entitled thereto. R.S. 1948, c. 30, s. 26; 1950, c. 4, s. 4.

Steam-boiler Engineers

Classification
of engineers.

23. (1) Engineers shall be classified as follows:—

(a) First-class engineers:

(b) Second-class engineers:

(c) Third-class engineers:

(d) Fourth-class engineers:

- (e) Engineers with temporary certificates:
- (f) Logging-donkey engineers:
- (g) Boiler operators Class A:
- (h) Boiler operators Class B.

First-class engineers.

(2) A first-class engineer shall be qualified to take charge of any power plant.

Second-class engineers.

(3) A second-class engineer shall be qualified to take charge of a steam plant not exceeding one thousand horsepower, and he shall also be qualified to act as second or assistant engineer of any steam plant.

Third-class engineers.

(4) A third-class engineer shall be qualified to take charge of any steam plant not exceeding four hundred and fifty horsepower; he shall also be qualified to act as second or assistant engineer of any steam plant not exceeding one thousand horsepower. He shall also be qualified to take charge of any low-pressure heating plant.

Fourth-class engineers.

(5) A fourth-class engineer shall be qualified to take charge of any steam plant not exceeding one hundred horsepower; he shall also be qualified to act as second or assistant engineer of any steam plant not exceeding four hundred and fifty horsepower. He shall also be qualified to take charge of a low-pressure heating plant up to two hundred horsepower.

Temporary-certificated engineers.

(6) A temporary-certificated engineer shall be qualified to take charge of the steam plant mentioned on the face of his certificate, and no other.

Operator's qualifications.

(7) A logging-donkey engineer shall be qualified to take charge of any steam-boiler used in the operation of a logging camp.

Boiler operator Class A.

(8) A boiler operator Class A shall be qualified to take charge of a low-pressure steam heating plant not exceeding two hundred horsepower and a high-pressure steam-boiler used for heating purposes only not exceeding one hundred horsepower.

Boiler operator Class B.

(9) A boiler operator Class B shall be qualified to take charge of either of the following, as indicated on his certificate:—

(a) A low-pressure steam heating boiler not exceeding one hundred horsepower:

(b) A high-pressure steam-boiler not exceeding fifty horsepower.

Idem.

(10) A boiler operator shall also be qualified to take charge of a shift in a steam plant of the next higher classification to that which his certificate permits him to take full charge.

Special certificated engineers.

(11) A person who is the holder of a special engineer's certificate shall be deemed to be the holder of a boiler operator Class B certificate.

Chief engineer.

(12) In a steam plant where two or more engineers are employed, one of the engineers employed shall be designated as chief engineer of that plant; the other engineer or engineers shall be under the direction of the chief engineer with respect to their duties as engineer.

Prohibition against firing without certificate.

(13) No person shall fire or raise steam on any steam-boiler unless he is in possession of the required engineer's certificate, or unless an engineer is present.

Scope of duties.	(14) The owner of a high-pressure steam plant shall not require or permit the engineer in charge of the plant to perform any duty not related to the operation of the plant, where an Inspector is of the opinion that the performance of the duty may endanger the safety of the plant.
Method of classification.	(15) In the classification of steam plants for engineer personnel the total horsepower of all fired steam-boilers shall be taken.
Unfired boilers.	(16) Unfired steam-boilers in a plant shall be under the general supervision of the chief engineer. In a plant where the boilers are all unfired, the classification of the chief engineer and assistant engineers required for such a plant shall be determined by the Committee.
Shift engineers.	(17) Where a steam plant is so situated that one engineer cannot satisfactorily exercise immediate and continuous supervision over the entire steam plant, the owner shall employ sufficient shift engineers, all under the general supervision of the chief engineer, to ensure that all parts of the plant are under the immediate and continuous supervision of an engineer.
Certificates of shift engineers.	(18) When two or more shift engineers are required by subsection (17), each shall hold a certificate prescribed for a shift engineer of the total capacity of the plant, unless other classification of certificates is required or approved by the Chief Inspector in writing.
Questions.	(19) Where any question arises as to the extent to which one engineer can exercise immediate or general supervision, the Chief Inspector shall decide the question, subject to the appeal hereinafter provided for. R.S. 1948, c. 30, s. 27; 1950, c. 4, ss. 18-21; 1955, c. 5, s. 11; 1957, c. 7, s. 2; 1959, c. 7, ss. 5, 6.
Operation of steam plant by other than certificated engineer prohibited.	24. (1) The owner of a steam plant shall not cause or permit the plant to be operated unless there is in charge of the plant an engineer to whom has been issued a valid and subsisting certificate as prescribed by the regulations made under this Act.
Absence of engineer.	(2) Where, because of illness or other unavoidable cause, the engineer is absent from duty at the steam plant, without the fault or collusion of the owner or of any person interested in the plant, the owner of the plant may cause or permit another person to be in charge of the plant temporarily until an engineer to whom has been issued a valid and subsisting certificate under the regulations made under this Act can be obtained to take charge of the plant, and in such case the owner of the plant shall forthwith notify the Inspector of the district of the circumstances.
Time-limit.	(3) No person other than an engineer to whom has been issued a valid and subsisting certificate under the regulations made under this Act may be caused or permitted to be in charge of a steam plant under subsection (2) for a period longer than one month without the consent in writing of the Chief Inspector.
Penalty.	(4) A person who violates any provision of this section is liable, on summary conviction, to a fine of not less than one hundred dollars and not more than three hundred dollars. 1959, c. 7, s. 7.

Persons in charge to be deemed engineers.

25. Every person who is in charge of or responsible for any steam boiler or engine while under steam pressure or in motion is deemed to be employed and acting as engineer while so in charge or responsible. R.S. 1948, c. 30, s. 29.

Examination of engineers.

26. (1) A person who claims to be qualified to perform the duties of engineer of a steam plant may apply to the Chief Inspector, who shall furnish to him a form of application for a certificate of competency, which must be properly filled out and returned to the Chief Inspector. After examination of the proofs which the applicant produces in support of his claim, and if, upon full consideration, the Chief Inspector is satisfied that the applicant's character, habits of life, knowledge, and experience are such as to authorize the belief that he is a suitable person to be entrusted with the powers and duties of such position, the Chief Inspector shall examine the applicant or cause him to be examined by one of the Inspectors, and shall certify as to his fitness, and the report of the Chief Inspector so certifying shall be forwarded to the Minister, who may thereon grant the applicant a certificate of the class mentioned in the report. If the report of the Chief Inspector does not certify the fitness of the applicant or is not approved, the fee paid by the applicant shall not be returned, but he may once more be examined on payment of half fee. If a candidate fails on his second examination, he may appeal to the Chief Inspector, who shall cause him to be re-examined upon payment of the fees prescribed for the examination.

Examination fees.

(2) The fees for examination shall be as prescribed in the regulations made under this Act. R.S. 1948, c. 30, s. 30; 1949, c. 5, s. 4; 1950, c. 4, ss. 22, 23; 1959, c. 7, s. 8.

Duration of certificates.

27. A certificate, unless otherwise stated therein, shall be granted for life, or during good conduct; but if it is proved before the Committee that the holder of a certificate granted under the provisions of this Act, or of some former Act of the Legislature relating to steam-boilers, is guilty of negligence, or has refused to comply with any of the provisions of this Act, the certificate may be suspended, marked, or revoked by the Minister upon the report of the Committee; or it may be cancelled in consequence of the findings of a Coroner's inquest; and it may also be suspended or cancelled by the Minister for any other cause which is considered sufficient by the Minister. R.S. 1948, c. 30, s. 31; 1949, c. 5, s. 4.

Temporary certificates.

28. The Chief Inspector, upon the report of the Inspector in whose inspection district a steam plant is being operated, may grant a temporary certificate to an applicant who is considered sufficiently qualified, authorizing him to act as engineer for that steam plant. R.S. 1948, c. 30, s. 32; 1950, c. 4, s. 24.

Posting of
engineers'
certificates of
competency.

29. (1) An engineer holding a certificate granted under this or some former Act shall have it framed and protected by glass, and shall keep it posted up in some conspicuous place in the engine or boiler room of the steam plant of which he is in charge, or in a place directed by an Inspector, and shall remove his certificate from the place where it is posted when he ceases to be in charge of that steam plant; and if any engineer violates any provision of this section the Chief Inspector may suspend the engineer's certificate for such period as the Chief Inspector thinks fit.

(2) Upon the recommendation of an Inspector, the Chief Inspector may permit an engineer to take charge of not more than three low-pressure heating plants, if in the opinion of the Inspector the distance between the plants is not too great for their personal operation by the same engineer; and in that case the posting of the engineer's certificate under subsection (1) shall be in a place directed by the Inspector. R.S. 1948, c. 30, s. 33.

Duplicate
certificates.

30. If an engineer proves, to the satisfaction of the Minister, that he has, without fault on his part, lost his certificate, or that it has been destroyed, the Minister may, upon payment of five dollars, cause a duplicate of the original certificate to be made, certified, and delivered to him. R.S. 1948, c. 30, s. 34; 1949, c. 5, s. 4; 1950, c. 4, s. 25.

Duty of engi-
neers to re-
port change
of positions.

31. An engineer who assumes charge of a steam-boiler, or vacates his position as engineer, shall notify the Chief Inspector of the fact, and any failure of the engineer to comply with this provision is punishable by a suspension of his certificate for such period as the Chief Inspector thinks fit. R.S. 1948, c. 30, s. 35.

Duty of engi-
neers to ex-
amine steam-
boilers and
report to
Inspector.

32. An engineer who assumes charge of any steam-boiler shall examine the same thoroughly forthwith, and if he finds any part thereof in bad condition, caused by neglect or inattention on the part of his predecessor or otherwise, he shall immediately report the facts to an Inspector, who shall thereupon investigate the matter and report the facts to the Chief Inspector, and if the predecessor is found to have been negligent in his duty the Chief Inspector may suspend his certificate for such period as the Chief Inspector thinks fit. R.S. 1948, c. 30, s. 36.

Responsibility
of engineer
for good order
of safety
valves.

33. (1) The engineer in charge of any steam-boiler shall see that the safety valves with which it is equipped blow off steam often enough to satisfy him that the safety valves are in good order; and it shall be his duty to report to the Chief Inspector immediately every failure of any safety valve to operate.

(2) If the engineer fails to report as required by subsection (1), and a safety valve is found by an Inspector to have been tampered with, or to be out of order, the certificate of the engineer having the steam-boiler in charge may be suspended by the Chief Inspector; and the Chief Inspector

may suspend the certificate of inspection of the steam-boiler until another engineer has been placed in charge. R.S. 1948, c. 30, s. 37.

Accidents and Investigations

Liability of owner for explosion of uncertificated steam-boiler.

34. (1) In case of an explosion taking place from any plant for which the owner has not obtained a certificate of inspection or interim certificate, or the certificate of inspection or interim certificate of which has expired, and any person is killed or injured or any property is destroyed or damaged by the explosion, the owner shall prima facie be deemed guilty of negligence, and liable for any injury or damage occasioned by the explosion, and the onus shall be on the owner to show that all reasonable and proper precautions had been taken to prevent the explosion.

(2) This section does not apply where, before the expiry of a previously existing certificate of inspection or interim certificate of the plant, the owner made a request in writing to an Inspector to have the plant inspected, and the inspection has not been made. R.S. 1948, c. 30, s. 38; 1950, c. 4, s. 4; 1955, c. 5, s. 12.

Duty of owner and others in cases of explosion.

35. (1) On the occurrence of an explosion of any plant or pressure vessel, notice thereof shall be sent at once by telegraph to the Chief Inspector by the owner, or by some person acting on his behalf, stating the precise locality where the explosion occurred, as well as the number of persons killed or injured; and after the explosion no part of the plant or pressure vessel shall be removed or its position altered, by any person, except to rescue persons injured, or to remove the bodies of persons killed, until permission therefor has been given in writing by the Chief Inspector.

Penalty for contravention of section.

(2) Every person who contravenes any provision of this section is liable, on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months. R.S. 1948, c. 30, s. 39; 1950, c. 4, s. 4.

Investigation by Chief Inspector in cases of explosion.

36. On receipt of a notice of an explosion of a boiler or pressure vessel the Chief Inspector, or such person as he may in writing authorize for the purpose, shall fully investigate the causes and circumstances attending the explosion, and the investigation shall be held at or near the place of the occurrence of the explosion. R.S. 1948, c. 30, s. 40; 1955, c. 5, s. 13.

Duty of engineers to report accidents.

37. On the occurrence of an accident to any steam-boiler or any part of the same, the engineer in charge shall report the accident in writing to the Chief Inspector, and if the engineer defaults in making the report the Chief Inspector may suspend the engineer's certificate for such period as the Chief Inspector thinks fit. R.S. 1948, c. 30, s. 41.

Investigations
by Chief In-
spector in
cases of
accidents.

38. The Chief Inspector, or such person as he may in writing authorize for the purpose, may hold an investigation with respect to any accident to any part of a boiler or pressure vessel or its equipment, and with respect to any injury caused to any person or property by the alleged negligence or incompetence of an engineer holding a certificate under this Act; and the Chief Inspector or person so authorized may summon witnesses and compel their attendance before him by the like process as a Judge of the Supreme Court, and may administer oaths and examine witnesses touching the cause of the accident, and he shall forthwith report in writing thereon to the Minister. R.S. 1948, c. 30, s. 42; 1949, c. 5, s. 4; 1955, c. 5, s. 13.

Offences and Penalties

Penalty for
defective
construction
or repairs.

39. (1) A person who makes any repairs to or constructs a boiler or pressure vessel knowing that the repairs or work of construction carried on by him are defective is liable, on summary conviction, to a fine of not less than two hundred dollars and not more than five hundred dollars.

Notice to
Inspector.

(2) No person shall make repairs to a boiler or pressure vessel until he has notified an Inspector of the nature and extent of such repairs and the Inspector has approved thereof, and the boiler or pressure vessel shall not be put into operation or use until an Inspector is satisfied that it may be operated or used safely.

Compliance
with.

(3) No person shall do any welding, and no person shall employ a person to do welding, in the construction, alteration, or repair of any boiler or pressure vessel, or pressure piping used in connection therewith, unless such regulations, made under section 55, as are applicable thereto have been complied with. R.S. 1948, c. 30, s. 43; 1955, c. 5, ss. 13, 14.

Penalty for
overloading
safety valve.

40. A person who in any way alters the weight of a dead-weight safety valve, or, if a spring-loaded safety valve is used, who alters the spring so as to carry a greater pressure than that allowed by the Inspector, is liable, on summary conviction, to a fine of not less than two hundred dollars and not more than five hundred dollars. R.S. 1948, c. 30, s. 44.

Penalty for
tampering
with steam
gauge.

41. A person who alters or conceals or otherwise tampers with the steam gauge, so as to prevent the actual steam pressure of any steam-boiler from being seen and ascertained by any person, is liable, on summary conviction, to a fine of not less than one hundred dollars and not more than five hundred dollars. R.S. 1948, c. 30, s. 45.

Penalty for
operating
uncertificated
boiler.

42. Where a plant is operated without the owner being the holder of an unexpired certificate of inspection or interim certificate thereof, the owner and every person who operates it is liable respectively, on summary conviction, to a fine of not less than one hundred dollars and not more than three hundred dollars, except where, before the expiry of a previously existing certificate of inspection of the plant, the owner made

a request in writing to an Inspector to have the plant inspected, and the inspection has not been made. R.S. 1948, c. 30, s. 46; 1950, c. 4, s. 4; 1955, c. 5, s. 15.

Penalty for operating steam-boiler or pressure vessel pronounced unsafe by Inspector.

43. A person operating or owning any plant or pressure vessel pronounced by an Inspector as unsafe shall cease to use the same until such repairs as are directed by the Inspector are made, and in case of failure to comply with the requirements of this section, the owner, as well as the person operating the plant or pressure vessel, is liable, on summary conviction, to a fine of not less than one hundred dollars and not more than three hundred dollars, and is also liable for any damage to person or property resulting therefrom. R.S. 1948, c. 30, s. 47; 1950, c. 4, s. 4.

Penalty for false certificate.

44. An Inspector who wilfully certifies falsely regarding any boiler or pressure vessel is liable, on summary conviction, to a fine of not less than fifty dollars and not more than five hundred dollars. R.S. 1948, c. 30, s. 48; 1955, c. 5, s. 13.

General penalty.

45. A person who contravenes any provision of this Act or the regulations is guilty of an offence against this Act, whether otherwise so declared or not; and every person guilty of an offence against this Act for which no penalty is otherwise expressly provided is liable, on summary conviction, to a fine not exceeding fifty dollars. R.S. 1948, c. 30, s. 49.

Information to be laid within twelve months.

46. Any information or complaint with respect to any offence against any of the provisions of this Act shall be laid or made within twelve months from the time when the matter of the information or complaint arose. R.S. 1948, c. 30, s. 50.

Administration of Act

Administration of Act.

47. The Minister of Public Works is charged with the administration of this Act. R.S. 1948, c. 30, s. 51; 1949, c. 5, s. 5.

Inspection districts.

48. The Minister may constitute the Province or any portion of the Province an inspection district for the purposes of this Act, and may from time to time alter or annul any district so constituted. R.S. 1948, c. 30, s. 52; 1949, c. 5, s. 4.

Appointment of Inspectors.

49. A Chief Inspector, an Assistant Chief Inspector, and such number of Inspectors of Boilers, clerks, and employees as are required for the purposes of this Act may be appointed pursuant to the provisions of the *Civil Service Act*, and shall hold office during pleasure. R.S. 1948, c. 30, s. 53; 1950, c. 4, s. 26; 1955, c. 5, s. 16.

General duties of officers.

50. The Chief Inspector and the other Inspectors shall inspect all boilers under the provisions of this Act; and the Chief Inspector, subject to the direction of the Minister, may from time to time designate the inspection district in which an Inspector shall be required to act, and

has general supervision over the Inspectors, as well as over all matters and things within the scope of this Act. R.S. 1948, c. 30, s. 55; 1949, c. 5, s. 4; 1955, c. 5, s. 17.

Boiler
Inspection
Committee.

51. (1) The Chief Inspector with the other Inspectors shall form a Committee to be called the Boiler Inspection Committee, of which the Chief Inspector shall be Chairman. Three members constitute a quorum.

Chairman's
vote.

(2) The Chairman has the right to vote, and in the case of an equal division also has a casting-vote.

Deputy
Chairman.

(3) The Minister may appoint one of the Inspectors to act as Deputy Chairman in the absence of the Chairman.

Meeting.

(4) The Committee shall meet at such times and at such places as may be determined by the Minister.

Minutes of
meetings.

(5) The minutes of the proceedings of the Committee shall be kept by the Chairman or Deputy Chairman, and a copy thereof, certified by him, shall be sent to the Minister forthwith after each meeting of the Committee. R.S. 1948, c. 30, s. 56; 1949, c. 5, s. 4; 1955, c. 55, s. 16.

Investigation
of acts of
Inspectors.

52. (1) The Chief Inspector may inspect any plant, and if he has reason to believe that an Inspector has neglected his duty in relation to any plant, or in any other respect, he may call a meeting of the Committee to investigate the case, or he may himself investigate it; and a report of the result of such investigation shall be at once forwarded to the Minister.

Charges
against In-
spectors to
be made in
writing.

(2) Any charge of neglect of duty or other complaint against an Inspector shall be made in writing to the Minister, stating the specific charge or charges. R.S. 1948, c. 30, s. 57; 1949, c. 5, s. 4; 1950, c. 4, ss. 4, 5.

Appeal from
decision of
Inspector.

53. (1) An appeal shall lie from any ruling or decision of an Inspector to the Chief Inspector, and from him to the Minister, whose decision is final; and the Minister may order the payment by any party of a reasonable sum for costs incurred in the appeal, the same to be recovered in any Court of competent jurisdiction by the party to whom they are awarded.

On appeal
expert may
be obtained.

(2) In any appeal the Minister may, if he thinks fit, summon to his assistance any expert engineer, who shall attend and assist accordingly. R.S. 1948, c. 30, s. 58; 1949, c. 5, s. 4.

Annual re-
port of Chief
Inspector.

54. The Chief Inspector shall make an annual report to the Minister, giving the number of inspections, an account of all accidents and casualties to boilers and pressure vessels, whether by explosion or otherwise, the number of defects observed, stating which defects were considered dangerous, the number of engineers examined, and the number and class of certificates issued to them during the period covered by the report. R.S. 1948, c. 30, s. 59; 1949, c. 5, s. 4; 1955, c. 5, s. 18.

Supplementary

Regulations.

55. (1) For the purpose of carrying into effect the provisions of this Act according to their true intent, the Lieutenant-Governor in Council may make such regulations as are considered necessary or advisable.

(2) Without thereby limiting the generality of the provisions contained in subsection (1), the power of the Lieutenant-Governor in Council under this section shall extend to the making of regulations

- (a) respecting the construction, installation, equipment, inspection, operation, repair, sale, and exchange of boilers, pressure vessels, and refrigeration plants;
- (b) respecting the approval and registration of designs of and prescribing specifications for the construction of boilers, pressure vessels, and refrigeration plants, including the material to be used, the method and order of construction, and the tests to be applied during and after construction;
- (c) for the inspection of boilers, pressure vessels, and refrigeration plants during their construction;
- (d) as to the examination of all applicants for certificates under this Act and the nature of the examination, the standards of qualification for any certificate, and any matter or thing relating or incidental thereto;
- (e) providing for the granting, renewal, annual registration, endorsement, suspension, or cancellation of any certificate;
- (f) prescribing as the penalty for the breach of any regulation a fine of not more than one hundred dollars;
- (g) prescribing fees for anything done or permitted to be done under this Act or the regulations;
- (h) as to the records to be kept by Inspectors;
- (i) as to the times at which inspections of the various classes of pressure vessels shall be made and the method of inspection;
- (j) generally respecting such other matters as may be deemed proper to secure a uniform standard of strength, safety, and efficiency in the construction of boilers, pressure vessels, and refrigeration plants;
- (k) prescribing for the qualifications, examination, testing, and issue of certificates for welding operators;
- (l) as to any matter or thing relating to the discharge of any duty or function of any officer appointed under this Act. R.S. 1948, c. 30, s. 60; 1950, c. 4, ss. 28, 29; 1955, c. 5, ss. 19-21.

Publication of
regulations in
Gazette.

56. (1) All regulations made under the authority of this Act shall, after publication in the Gazette, have like force and effect as if enacted herein.

(2) In case any code of rules for the construction, installation, equipment, inspection, and operation of boilers, pressure vessels, compressed-gas plants, refrigeration plants, oil refineries, or pressure piping promulgated by any association or body of persons and available in printed form is adopted in whole or in part, or with variations, by regulations under this section, publication in the Gazette of a notice of such adoption referring to the printed code, stating the extent of its adoption and setting out the variations subject to which it is adopted, shall be deemed sufficient publication of the regulations for the purpose of this subsection without publishing in the Gazette the text of the code or part thereof so adopted. R.S. 1948, c. 30, s. 61; 1955, c. 5, s. 22.

Accounting
for moneys
collected.

57. The amount of all fees and all taxes or yearly fees, as well as all penalties and other moneys payable or collected under this Act, shall be paid to the Chief Inspector, who shall pay over the same to the Minister of Finance, to be accounted for as part of the Consolidated Revenue Fund. R.S. 1948, c. 30, s. 62.