

**THE BALOCHISTAN BOILERS AND PRESSURE VESSELS
ACT, 2015**

(Baln. Act XVI of 2015)

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'THE BALOCHISTAN BOILERS AND PRESSURE VESSELS ACT, 2015

(Balochistan Act No. XVI of 2015)

[21th October, 2015]

Preamble.

WHEREAS, it is expedient to substitute and consolidate the law relating to boilers and pressure vessels.

And WHEREAS, it is expedient to provide for regulation, use construction, installation and repair of boilers and pressure vessels; prescribe uniform rules and regulations for boilers and pressure vessels and for matters ancillary thereto or connected therewith;

It is hereby enacted as follows;

Short title, extent
and commencement.

1. (1) This Act may be called the Balochistan Boilers and Pressure Vessels Act, 2015.

(2) It extends to the whole of Balochistan, except the Tribal Areas.

(3) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, specify in this behalf and different dates may be specified for different provisions.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context

(a) "Act" means the Balochistan Boilers and Pressure Vessels Act, 2015;

(b) "Accident" means an explosion of a boiler or any part thereof, which results to weaken the structural strength and render it due for further certification;

(c) "Board" means the Balochistan Boilers and Pressure Vessels Safety Board constituted under section 29;

(d) "Boiler" means a closed vessel exceeding twenty-five liters in capacity

¹ This Act was passed by the Provincial Assembly of Balochistan on 9th October, 2015; assented to by the Governor of Balochistan on 16th October, 2015; and published in the Balochistan Gazette (Extraordinary) No. 180, dated 21st October, 2015.

in which water is heated, steam is generated and superheated or a combination thereof under pressure, for external use by the application of heat from combustible fuels, electricity or external thermal energy, and includes any mountings or other fittings attached to such vessel which are wholly or partly under pressure when steam is shut off by isolating valve mounted on steam generation equipment;

- (e) "Chief Inspector and Deputy Chief Inspector" means, respectively, a qualified person appointed to be a Chief Inspector and Deputy Chief Inspector under this Act;
- (f) "Department" means the department or branch of the Government of Balochistan charged with the enforcement of this Act;
- (g) "Design specification" means the specifications or standards as specified in the codes referred to in clause (k) to which the boiler shall be designed or manufactured and examined;
- (h) "Economizer" means any part of heat exchange surface that is wholly or partially exposed to the flue gases for the purpose of recovery of waste heat;
- (i) "Government" means the Government of Balochistan;
- (j) "Inspector" means an Inspector appointed under this Act;
- (k) "Inspection Authority" means the organization other than manufacturer and user, approved by the Board authorized to carry out inspection during manufacturing, first registration and yearly inspection as provided under this Act and includes the approved third

party inspection companies and insurance companies;

- (l) "Manufacturer" means the company or firm recognized by the Board, competent to manufacture complete or in parts, a boiler, or fitting, and completes the product and is responsible for the product according to any one of the following codes, namely:—
 - (i) Pakistan Boilers Regulations;
 - (ii) ASME (American Society of Mechanical Engineers);
 - (iii) BS (British Standard);
 - (iv) TRD;
 - (v) JIS (Japanese Industrial Standard);
 - (vi) I.S.O. Standards; *and*
 - (vii) Prevailing internationally approved code subject to the approval of the Board;
- (m) "Repairer" means the company or firm recognized by the Board, competent to manufacture complete or in parts, a boiler, or fitting, and completes the product and is responsible for the product according to any one of the above codes;
- (n) "Owner" includes any company who is in the possession of a boiler or under whose name it has been registered;
- (o) "Prescribed" means prescribed by regulations or rules made under this Act;
- (p) "Registration Certificate" means the Registration Certificate issued under Section 7;
- (q) "Operational Certificate" means

operational certificate issued under Section 9;

- (r) "Pressure vessel" means vessel along with its fitting other than a boiler which is capable of being used to contain, distribute, transfer, process or otherwise handle gas, vapors, liquids and store energy under pressure internally and externally; *and*
- (s) "Structural alteration, addition or renewal" means changes and deviations from or original design in the pressure parts but shall not be deemed to include any renewal or replacement of a petty nature when the part of fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

(2) Every reference in this Act to any boiler or economizer where provided shall be considered as integral part of the boiler.

Limitation of application of this Act.

3. (1) Nothing in this Act shall apply—
- (a) in the case of any boiler in any steamship or in any mechanically propelled vessel; *and*
 - (b) appertaining to a sterilizer or disinfector and the like used in hospitals, hotels, laboratories and other industries etc, if does not exceed ninety-one liters 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 of any specified class of boilers or steam-pipes, belonging to or under the control of Railway.

Power to limit extent.

4. The Government may, with the concurrence of the Board, by notification in the official Gazette, exclude any specified area from the operation of all or any of the provisions of this Act.

Appointment of
Chief Inspector,
Deputy Chief
Inspector and
Inspector.

5. (1) The Government shall appoint a person to be Chief Inspector for the province of Balochistan, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector under this Act, exercise any power or perform any duty so conferred or imposed on Deputy Chief Inspector and Inspector by or under this Act.

(2) The Government may appoint such persons as it deems fit to be Deputy Chief Inspectors for the Province of Balochistan who may, in addition to the powers and duties conferred or imposed on the Deputy Chief Inspector under this Act, exercise any power or perform any duty so conferred or imposed on Inspector by or under this Act.

(3) The Government may appoint such persons as it deems fit to be Inspectors for the Province of Balochistan for the purpose of this Act, and may define the local limits within which each Inspector shall exercise the Powers and perform the duties conferred or imposed by, or under, this Act.

(4) Every Chief Inspector, Deputy Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (Act XLV of 1860).

Prohibition of use of
unregistered or
uncertified boilers.

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 Operational Certificate authorizing the use of the boiler is for the time being in force under this Act;
- (d) at a pressure higher than the maximum pressure recorded in such certificate or Operational Certificate or under which the boiler was constructed and stamped; *and*
- (e) unless the boiler is in the charge of a person holding the Boilers Engineers Competency Certificate required by such rules and not more than sixty years old or less than twenty-five

years of age.

Registration.

7. (1) The owner of a boiler, which is not registered under the provisions of this Act, shall apply to the Chief Inspector, to have the boiler registered, Imported boilers which have been operated outside Pakistan will require an examination certificate from third party inspection company of the country/Province confirming integrity of Boiler. The application shall be accompanied by a copy of Act of entry and evidence of payment of custom duty and such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1), the Chief Inspector of Boilers shall fix a date, within fifteen days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall decide the inspection time and schedule with the owner, thereof not less than ten days notice of the date so fixed.

(3) On the date the Inspector shall proceed to 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.

(4) The Chief Inspector shall—

- (i) on receipt of the approval certificate from the Boiler Inspector shall register the boiler and assign a registration number forthwith within three working days; *or*
- (ii) on receipt of examination report from the Inspector declaring the boiler not fit for approval, refuse to register the boiler.

(5) Where the Chief Inspector refuses to register a boiler the Boiler Inspector shall forthwith communicate refusal to the owner of the boiler together with the reasons thereof.

(6) The Chief Inspector shall, on registering the boiler, order to issue a Registration Certificate to the owner in the prescribed form authorizing the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as may be prescribed by regulation.

(7) The Inspector shall forthwith convey to the owner of the boiler, the order of the Chief Inspector through courier or registered post. The owner shall within thirty days of receipt of Registration Certificate cause the register number to be permanently marked thereon in the prescribed manner.

(8) The procedure for registration of a boiler shall be completed by all means within thirty days of submission of an application for registration of the boiler subject to the fulfilment of all applicable procedures and technical requirements by the owner.

Renewal of
Registration
Certificate.

8. (1) The Registration Certificate authorizing the use of a boiler shall cease to be in force—

- (a) on the expiry of the period for which it was granted;
 - (b) when any accident occurs to the boiler;
 - (c) When the boiler is moved from one location to another unless it is registered as mobile unit;
 - (d) When any structural alteration, addition or renewal is made in or to any steam-pipe attached to the boiler;
 - (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 made in or to any steam-pipe attached to the boiler;
- or*

- (f) on the Communication to the owner of the boiler the 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) When a Registration Certificate ceases to be in force, the owner of the boiler apply to Inspector for a renewal thereof under intimation to the Chief Inspector for such period not exceeding twelve months as he may specify in the application.

(3) An application under sub-section (2) shall be accompanied by the prescribed fee and forwarded to the Chief Inspector. On receipt of intimation from the owner, the Chief Inspector of Boiler or the Inspector, as the case may be, shall fix a date, within fifteen days or such shorter period as may be agreed with the owner from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days notice the date so fixed:

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

(4) On the date fixed under sub-section (3) the Inspector, shall examine the boiler as per approved applicable code, and if the Inspector, is satisfied that the boiler is in good condition shall recommend to the Chief Inspector for renewal of the Operational Certificate authorizing the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as the Inspector deems fit and as maybe prescribed by regulations.

(5) Where the Inspector.—

makes recommendations as per the approved codes to any structural alteration, addition or renewal to be

made in or to the boiler; *or*

- (a) is of opinion that the boiler is not fit for use, the Inspector, shall inform the owner of the boiler in writing of findings and the reasons thereof, and shall forthwith report the case with recommendations 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 there under, order the renewal of the operational certificate in such terms and on such conditions, if any, as he deems fit, or may refuse to renew it:

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

(7) The aggrieved party may, within seven days of the order, apply to the Inspector regarding rejection of his request for the renewal of operational certificate and the Board shall issue appropriate orders either approving or disapproving the order of the Chief Inspector within thirty days of notice of order of the Chief Inspector.

(8) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewal of operational certificate at any time during the currency of a registration certificate.

Operational
Certificates.

9. (1) Where the Inspector has based on the findings of reports the case of any boiler to the Chief Inspector under sub-section (3) or (4) of section 8, he may, if the use of boiler is not prohibited under sub-section (1) of section 8, issue a operational certificate to the owner in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as recommended by the Inspector and as may be

prescribed by regulations, pending the receipt of the order of the Chief Inspector.

(2) A operational certificate issued under sub-section (1) shall cease to be in force—

- (a) on the expiry of six months from the date on which it is granted;
- (b) on receipt of the order of the Chief Inspector, *or*
- (c) in any of the cases referred to in clauses (b), (c), (d) and (e) and (f) of sub-section (1) of section 8 shall stand cancelled.

Use of boiler
pending grant of
Operational
Certificate.

10. (1) Notwithstanding anything contained in this Act, when the period of a operational 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 operational certificate, be entitled to use the boiler at the maximum pressure entered in the former operational certificate pending the issue of orders on the application;

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

Revocation of
Registration
Certificate or
Operational
Certificate.

11. (1) The Chief Inspector may, at any time, withdraw or revoke a registration certificate or operational certificate on the report of the Inspector—

- (a) if there is reason to believe that the registration certificate or operational certificate 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 developed some defect or has ceased to be in good conditions; *or*

- (c) where the Government has made rules requiring that boilers shall be in the charge of persons holding certificates of competency and the boiler is in the 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 the charge of a person who is not maintaining the boiler in accordance with standard operation procedures:

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

(2) The owner shall have the right to appeal to the Board against the order of the Chief Inspector.

(3) The Board shall issue appropriate orders either approving or disapproving the order of the Chief Inspector within thirty days of notice of the order of the Chief Inspector.

Alterations and renewals to boilers.

12. No structural alteration, addition or renewal shall be made by the repairer in 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 steam-pipes.

13. Before the owner of any boiler registered under this Act makes any structural alteration, addition, renewal in or to any steam-pipe or pipes 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.

Duty of owner at examination.

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

- (a) to provide 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 as per written examination procedures confining to applicable codes; *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, the Inspector at the expense of owner 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 of the Act as the case may be, and may forbid him to use the boiler notwithstanding anything contained in section 11 of the Act.

Production of Registration Certificate, etc.

15. (1) The owner of any boiler who holds a registration certificate or operational certificate relating thereto shall, at all reasonable times during the period for which the operational certificate is in force, be bound to produce the same when called upon to do so by a Deputy

Commissioner, or District Police Officer, or Magistrate of the first class, or S.H.O, having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector.

(2) Upon the non-compliance of an order, the Chief Inspector may advise the concerned Deputy Commissioner or District Police Officer for necessary action such as stoppage of the boiler operation.

Transfer of
Certificates, etc.

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

Powers of entry.

17. An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe or pipes attached thereto or in case of non observance of any provision of this Act or of any regulations or rules 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 the boiler is in use.

Report of accidents.

18. (1) If any accident occurs to a boiler the owner or person incharge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to any person, and shall be in sufficient detail to enable to determine the root cause of accident and fix the responsibility for the such occurrence. The same shall also be reported to the Board.

(2) Every person shall 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, owner or company 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 Registration certificate or operational certificate in respect of a boiler; *or*
- (b) refusing to grant a Registration certificate or operational certificate having validity for the full period applied for; *or*
- (c) refusing to grant a Registration certificate or operational certificate authorizing the use of a boiler at the maximum pressure desired; *or*
- (d) withdrawing or revoking a registration certificate or operational certificate; *or*
- (e) reducing the amount of pressure specified in any operational certificate or the period for which such operational 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 pipes, 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 Government under this Act.

Finality of Orders. 21. An order of an appellate authority under section 20 and the Board under section 26 shall be final and shall not be called in question in any Court.

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

- (a) to surrender a operational certificate as required by section 9, *or*
- (b) to produce a registration certificate or operational certificate when duly called upon to do so under section 15, *or*
- (c) to make over to the new owner of a boiler a registration certificate or operational certificate as required by section 16, shall be punishable with fine which may extend to twenty five thousand rupees.

Penalties for illegal use of Boiler. 23. (1) Any owner of a boiler who, in any case in which a certificate or operational certificate 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 ten thousand rupees, and, in the case of a continuing offence, with an additional fine which may extend to ten thousand rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

(2) Any owner of a boiler who, in any case in which a Registration Certificate or Operational Certificate 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 a competent boiler Engineer or at a higher pressure than that allowed thereby, shall be issued warning by the

Chief Inspector and, in the case of continuing offence liable to closure of the boiler and revocation of the Registration and Operational Certificates and in repetition of offence, the Government shall be notified for appropriate measure like Registration of case or lodging of FIR against the owner or management or Boiler operator, for enforcement of the provisions of this Act and of the rules and regulations.

Other penalties.

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*
- (c) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by section 12, or to a steam-pipe or pipes 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 authorized, under this Act, shall be punishable with fine which may extend to fifty thousand rupees.

Penalties for tempering with registration number, etc.

25. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with this Act or any law repealed hereby, shall be punishable with fine which may

extend to fifty thousand rupees.

(2) Whoever uses the boiler without getting it registered under this Act shall be punishable with a fine which may extend to fifty thousand rupees.

(3) Whoever uses the boiler without getting it registered number with 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 a fine which may extend to one hundred thousand rupees or with both.

Appeal to the Board. 26. (1) Any person, owner or company aggrieved by any recommendation made by the decision of the Chief Inspector for—

- (a) refusing to register a boiler or to grant or renew a registration certificate or operational certificate in respect of a boiler; *or*
- (b) refusing to grant a registration certificate or operational certificate having validity for the full period applied for; *or*
- (c) refusing to grant a registration certificate or operational certificates authorizing the use of a boiler at the maximum pressure desired; *or*
- (d) withdrawing or revoking a registration certificate or operational certificate; *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 which contravenes the design

code, or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler based on approved drawings may, within fifteen days of the communication to him of such order, refer appeal to the Board.

(2) The Board shall communicate the decision in thirty days of receipt of an appeal, and pending final decision of the Board may grant interim relief to the owner.

Limitation and previous sanction for prosecution.	27. No prosecution for an offence made punishable by or under this Act shall be instituted 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 offence.	28. Notwithstanding any thing in the Code of Criminal Procedure, 1898 (Act V of 1898) no Court not inferior to that of a Judicial Magistrate of the first class shall try an offence under this Act.									
Balochistan Boilers and Pressure Vessels Safety Board.	<p>29. (1) A Board to be called the Balochistan Boilers and Pressure Vessels Safety Board shall be constituted for the purposes of this Act which shall consist of the following members, namely:—</p> <table><tr><td>(a)</td><td>The Secretary, Industries and Commerce, Government of Balochistan.</td><td>Chairman</td></tr><tr><td>(b)</td><td>The Director General, Industries and Commerce, Balochistan.</td><td>Member</td></tr><tr><td>(c)</td><td>The Chief Inspector of Boilers, Industries</td><td>Member/</td></tr></table>	(a)	The Secretary, Industries and Commerce, Government of Balochistan.	Chairman	(b)	The Director General, Industries and Commerce, Balochistan.	Member	(c)	The Chief Inspector of Boilers, Industries	Member/
(a)	The Secretary, Industries and Commerce, Government of Balochistan.	Chairman								
(b)	The Director General, Industries and Commerce, Balochistan.	Member								
(c)	The Chief Inspector of Boilers, Industries	Member/								

and Commerce Secretary
Balochistan.

(d) The Deputy Member
Secretary, Industries
and Commerce,
Government of
Balochistan.

(e) One member from the manufacturer of
boilers and pressure vessels to be
nominated by the Department of
Industries and Commerce, Government
of Balochistan;

(f) One member from user of boiler and
pressure vessels to be nominated by the
Department of Industries and
Commerce, Government of
Balochistan; *and*

(g) One member from repairer of Boiler &
Pressure Vessels to be nominated by
the Department of Industries and
Commerce, Government of
Balochistan.

(h) One Chief Inspector Boilers of other
Province, to be nominated by the
Department of Industries and
Commerce, Government of
Balochistan.

(2) The Board shall have full power to regulate its
own procedure and the conduct of all business to be
transacted by it, the constitution of committees and
subcommittees of members and the delegation to them of any
of the powers and duties of the Board. The technical members
(e) (f) (g) and (h) shall for a period of two years.

Filling of vacancies. 30. Any vacancy occurring in the Board shall be filled as

soon as possible by a nomination made by the Government.

Meeting of the Board.

31. (1) the powers of the Board shall be exercised with a quorum of at least five members of the Board.

(2) The Board shall meet once every six months to review the implementation of rules, regulations and other matters on the agenda.

Power to make rules.

32. (1) The Board may, with the approval of the Government, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) for prescribing the qualifications and duties of the Chief Inspector, Deputy Chief Inspector and Inspectors;
- (b) for regulating the transfer of boilers;
- (c) for providing the registration and certificate of boilers in accordance with the regulations and approved codes under this Act;
- (d) for requiring boilers to be in the 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) fees payable for the renewal of registration certificates and methods of determining the amount of such fees in each case;
- (g) for regulating or enquiring into

accidents; for constituting the appellate authority referred to in section 20, and for determining its powers and procedure;

- (h) for determining the mode of disposal of fees, costs and penalties levied under this Act; *and*
- (i) generally to provide advice for any matter which is, in the opinion of the Provincial Government or Board, a matter of local importance in the Province.

Power to make regulations.

33. (1) The Board may, by notification in the official Gazette, make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such regulations may provide for the following matters, namely:—

- (a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act;
- (b) for prescribing the 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;
- (c) for prescribing the method of determining the maximum pressure at which a boiler may be used;
- (d) 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;

- (e) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates therefor;
- (f) for ensuring the safety of persons working inside a boiler; *and*
- (g) for providing for any other matter which is not, in the opinion of the Board, a matter of merely local or provincial importance.

Penalty for breach of rules or regulations.

34. Any rules or regulations made under section 32 or section 33 may direct that a person or company contravening such rules or regulations shall be issued warning by the Chief Inspector and in the case of continuing offence liable to closure of the factory and revocation of registration certificate and operational certificate and in repetition of an offence, the Government shall be notified for appropriate measure for enforcement i-e, registration of case or lodging of FIR against the owner or management and Boiler Operator.

Previous publication of rules and regulations.

35. (1) The power to make rules and regulations conferred by section 32 and 33 respectively shall be subject to the condition of the rules and regulations being made after previous publication.

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

Recovery of fees, etc.	36. All fees, costs and penalties levied under this Act shall be recoverable as arrears of land revenue.
Application of the Act to the Government.	37. Save as otherwise expressly provided, this Act shall be applicable to boilers and pressure vessels belonging to the Government.
Exemptions.	38. The Government may, by notification in the official Gazette, with the prior approval of the Board, exempt from the operation of this Act, subject to such conditions and restrictions as it deems fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.
Power to suspend in case of emergency.	39. In case of any emergency the Government may, by general or special order in writing, exempt any boilers or any class of boiler from the operation of all or any of the provisions of this Act, with the consultation of the Board.
Insurance of Boilers.	40. All boilers shall be insured against the damage caused due to accidents, as per existing law and standards.
Repeal and savings.	41. (1) The Boilers and Pressure Vessels Ordinance, 2002 ¹ (Ordinance No. CXXI of 2002) in its applications to the extent of Province of Balochistan is hereby repealed. (2) Any boiler registered, certified or licensed under the repealed Ordinance 2002, shall be deemed to have been registered, certified or licensed under this Act. (3) Notwithstanding the repeal of the (Boilers Act, 1923 ²) Boilers Ordinance 2002, the rules and regulations made under this Act, and in force immediately before the commencement of this Act, shall, <i>mutatis mutandis</i> and in so far they are not inconsistent with any of the provisions of this Act, shall continue in force until repealed or altered by rules or regulations made under this Act.

¹ This Ordinance was promulgated by the President of Pakistan; and published in the Gazette of Pakistan, Extraordinary, Part I, dated 13th November, 2002.

Being an Ordinance made by the President of Pakistan under the Provisional Constitution Order No. 1 of 1999 read with the Provisional Constitution (Amendment) Order, 1999 (Chief Executive Order 9 of 1999); first protected under Article 270-AA [as amended vide Constitution (Seventh Amendment) Act, 2003 (Act III of 2003)]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)] of the Constitution of Islamic Republic of Pakistan, 1973. Now repealed, to the extent of the Province of Balochistan, s. 41.

² That is Act V of 1923.