



Isle of Man

Ellan Vannin

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**Isle of Man***Ellan Vannin*

THE BOILER ACT 1934

<i>Received Royal Assent:</i>	<i>14 May 1934</i>
<i>Passed:</i>	<i>5 July 1934</i>
<i>Commenced:</i>	<i>5 July 1934</i>

AN ACT relating to the construction and inspection of boilers and the holding of inquiries with regard to boiler explosions.

1 Short title and construction

This Act may be cited as “The Boiler Act, 1934”. Section 2 of this Act shall be construed as one with the Factories and Workshops Acts, 1909 and 1931, and all references to such Acts shall be deemed to include section 2 of this Act.

2 Boilers in factories, steam engines, etc.

- (1) Every steam boiler used for generating steam in a factory or workshop as defined by the *Factories and Workshops Act, 1909*, as amended by the *Factories and Workshops (Amendment) Act, 1931*, or in any place to which any of the provisions of such Act apply, and every steam boiler used for generating steam on a steam engine, traction engine, steam lorry or other vehicle, must, whether separate or one of a range —
 - (a) have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler, and
 - (b) be examined thoroughly by a competent person at least once in every fourteen months.
- (2) Every such boiler, safety valve, steam gauge, and water gauge, must be maintained in proper condition.
- (3) A report of the result of every such examination in the form prescribed by the Department of Environment, Food and Agriculture, containing the prescribed particulars, shall, when used in a factory or workshop, within fourteen days be entered into or attached to the general register of the factory or workshop, and in every other case in a book kept for such purpose at the principal business address in this Isle of the proprietor of such steam boiler, and the report shall be signed by the person making

the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.¹

- (4) The occupier of a factory or workshop in which there is a contravention of this section and the owner of a steam engine, traction engine, steam lorry or other vehicle contravening the provisions of this section shall be guilty of an offence.²
- (5) This section shall not apply to the boiler of any locomotive which belongs to or is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty.
- (6) For the purposes of this section the whole of a tenement factory or workshop, shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier and he shall register the report referred to in this section.

3 Enquiries with regard to boiler explosions

- (1) In this section the term “boiler” means any closed vessel used for generating steam or for heating water or for heating other liquids, or into which steam is admitted for heating, steaming, boiling, or other similar purposes.
- (2) On the occurrence of an explosion from any boiler to which this section applies notice thereof shall, within twenty-four hours thereafter, be sent to the Department by the owner or user, or the person acting on behalf of the owner or user.³
- (3) The notice shall state the precise locality as well as the day and hour of the explosion, the number of persons injured or killed, in addition to the purposes for which the boiler was used and generally, the part of the boiler that failed, and the extent of such failure, and such other particulars (if any) as the Department of Environment, Food and Agriculture may by order require, and shall be in the form set out in the schedule to this Act, or in such other form as the Department of Environment, Food and Agriculture may from time to time approve for the purpose.⁴
- (4) If default is made in complying with the requirements of this section, the person in default shall be guilty of an offence.⁵
- (5) On receiving notice of a boiler explosion the Department may, if it think fit, appoint one or more competent and independent engineer or engineers, to make a preliminary inquiry with respect to the explosion, and the persons so appointed shall have the powers conferred by paragraph (c) of this sub-section.

If it appears to the Department, either upon or without such preliminary inquiry, that a formal investigation of the causes and circumstances

attending the explosion is expedient, the Department may direct a formal investigation to be held, and with respect to such investigation the following provisions shall have effect: —

- (a) Formal investigations of boiler explosions shall be made at or near the place of such explosion by a court consisting of not less than two commissioners appointed by the Department, of whom one at least shall be a practical engineer specially conversant with the manufacture and working of steam boilers, and one a competent lawyer. The court shall be presided over by one of the commissioners, the selection being made by the Department.⁶
- (b) Any such formal investigation shall be held in open court, in such manner, and under such conditions, as the commissioners may think most effectual for ascertaining the causes and circumstances of the explosion, and for enabling them to make the report hereinafter mentioned in this section.
- (c) The court shall have, for the purpose of its investigations, all the powers of a court of summary jurisdiction, when acting as a court in the exercise of its ordinary jurisdiction, and shall in addition have the following powers, viz: —
 - (i) The court, or any one appointed by it, may enter and inspect any place or building, the entry or inspection whereof appears to the court requisite for the said purpose;
 - (ii) It may by summons under its hand require the attendance of all such persons as it thinks fit to call before it, and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as it thinks fit to make;
 - (iii) It may require and enforce the production of all books, papers, and documents which it considers important for the said purpose;
 - (iv) It may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;
 - (v) Every person so summoned, not being the owner or user of the boiler, or in the service or employment of the owner or user, or in any way connected with the working or management of the boiler, shall be allowed by the Department such expenses as would be allowed to a witness attending on subpoena before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the Clerk of the Rolls, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses.⁷

- (d) The court making a formal investigation with respect to any boiler explosion, shall present a full and clear report to the Department, stating the causes of the explosion, and all the circumstances attending the same, with the evidence, adding thereto any observations thereon, or on the evidence, or on any matters arising out of the investigation which they think right to make, and the Department shall cause every such report to be made public in such manner as it thinks fit. When no formal investigation is held, the report presented to the Department by the engineer making a preliminary inquiry with respect to a boiler explosion shall be made public in such manner as the Department thinks fit.⁸
- (e) Every person who refuses to attend as a witness after having been required so to do in the manner specified in this section, and after having had a tender made to him of the expenses therein mentioned, or who refuses or neglects to make any answer, or to give any return, or to produce any documents in his possession, or to make or subscribe any declarations required under the powers of this Act, shall be guilty of an offence.⁹
- (6) This section shall not apply to any boiler used exclusively for domestic purposes, or to any boiler used in the, service of His Majesty, or to any boiler on board a ship. A boiler used for domestic purposes shall include a boiler used in any hotel, boarding house, lodging house or similar premises.
- (7) The court may order the costs and expenses of a preliminary inquiry or formal investigation or any part thereof, including therein the remuneration of persons holding such inquiry or investigation, to be paid by any person summoned before it, or by the Department; and such order shall on the application of any party entitled to the benefit of the same, be enforced by any court of summary jurisdiction as if such costs and expenses were a penalty imposed by such court.

The Department may, if it think fit, pay to the persons holding any inquiry or investigation under this section such remuneration as it may appoint.

If and so far as not otherwise provided for, all costs and expenses incurred by the Department, including any remuneration paid under this section, and any costs and expenses ordered by the court to be paid by the Department shall be paid out of moneys to be provided by Tynwald.¹⁰

SCHEDULE¹¹

Section 3(3)

Report of explosion of a steam boiler to be sent to the Department of Environment, Food and Agriculture within twenty-four hours after the occurrence of an explosion.

1. Name of premises or works on which the boiler exploded.
2. Address by the post.
3. Day and hour of explosion.
4. Number of persons killed.
5. Number of persons injured.
6. General description of the boiler.
7. Purposes for which the boiler was used.
8. Part of the boiler which failed, and the extent of failure generally.
9. Pressure at which the boiler was worked.
10. Name and address of any society or association by whom the boiler was last inspected or insured.

Signature of person responsible for the accuracy of the particulars contained in this form.

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Address

Date

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (3) amended by SD155/10 Sch 5 and by SD2014/0218.

² Subs (4) amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied GC58/80).

³ Subs (2) amended by GC192/86.

⁴ Subs (3) amended by SD155/10 Sch 5 and by SD2014/0218.

⁵ Subs (4) amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied GC58/80).

⁶ Para (a) amended by GC192/86.

⁷ Subpara (v) amended by GC192/86.

⁸ Para (d) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by GC192/86.

⁹ Subs (5) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by GC192/86. Para (e) amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied GC58/80).

¹⁰ Subs (7) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by GC192/86.

¹¹ Sch amended by SD155/10 Sch 5 and by SD2014/0218.