

**THE BURMA STEAM-BOILERS AND PRIME-  
MOVERS ACT, 1882.**

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## ACT No. XVIII OF 1882.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 15th August, 1882.)*

An Act to provide for the inspection of Steam-boilers and Prime-movers attached thereto in British Burma.

**WHEREAS** it is expedient to provide in British Burma for the inspection of steam-boilers and prime-movers attached thereto, and for the management of the same by competent engineers; It is hereby enacted as follows:—

1. (1) This Act may be called the Burma Steam-boilers and Prime-movers Act, 1882.

(2) It shall, except where it is otherwise expressed, come into force on such day as the Chief Commissioner of British Burma, with the previous sanction of the Governor General in Council, may, by notification in the *British Burma Gazette*, direct.

(3) It extends in the first instance only to the towns of Rangoon, Maulmain, Akyab and Bassein; but the Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, extend it, from such date as may be specified in the notification, to any other local area in the territories administered by him.

(4) Nothing in this Act shall apply to any locomotive engine used on a railway, or to any engine on board of a ship, launch or boat.

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

“boiler” includes any vessel used for generating steam under pressure:

“prime-

"prime-mover":

"prime-mover" includes any steam-engine, and a fly-wheel, first driving shaft or pulley when attached to any such engine:

"owner":

"owner" includes also any person using any boiler or prime-mover as agent of the owner thereof, and any person using a boiler or prime-mover which he has hired from the owner thereof:

"Inspector":

"Inspector" means a person appointed under this Act to be an Inspector.

Appointment of Inspectors.

3. (1) The Chief Commissioner may, at any time after the passing of this Act, and from time to time, appoint such persons to be Inspectors as he thinks fit, and suspend or remove any person so appointed.

(2) The persons so appointed shall, within such local area as the Chief Commissioner may, from time to time, direct, exercise the powers and perform the duties conferred and imposed by or under this Act on an Inspector.

Examination of, and grant of certificates to, engineers.

4. The Chief Commissioner may, at any time after the passing of this Act, and from time to time, make rules regulating the examination of, and the grant (with or without examination) of certificates to, persons to act as engineers of the first or second class under this Act, and the cancellation of certificates so granted.

Use of boiler or prime-mover without license prohibited.

5. (1) After such day as the Chief Commissioner may, by notification in the *British Burma Gazette*, fix in this behalf, a boiler or prime-mover shall not be used unless a license authorizing its use has been granted under this Act and is in force.

(2) Such a license shall not be granted in respect of a boiler or prime-mover unless it is in charge of an engineer to whom a certificate has been granted in accordance with the rules made under section four, and its condition has been ascertained as hereinafter provided.

On notice from owner, Inspector to examine boiler or prime-mover.

6. (1) When the owner of a boiler or prime-mover desires to obtain a license in respect thereof, he shall give notice of his intention to use the boiler or  
prime-

prime-mover to the Inspector for the local area within which it is situate.

(2) On receipt of the notice, the Inspector shall appoint a day and time, after sunrise and before sunset, for the inspection of the boiler or prime-mover. The day so appointed shall be a day, if the boiler or prime-mover is situate in the town of Rangoon, Maulmain, Akyab or Bassein, not later than seven days, and if it is situate elsewhere, not later than thirty days, from the day on which the notice is received.

(3) On the day and at the time so appointed, the Inspector shall carefully examine the boiler or prime-mover, and every part thereof; and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination, and all such information regarding the boiler or prime-mover as he may reasonably require.

7. If, on making the examination under section six, the Inspector is of opinion that the boiler or prime-mover requires any alteration or addition, he shall refuse to grant a license until the alteration or addition is made, and shall serve on the owner of the boiler or prime-mover a written notice of his refusal, specifying the alteration or addition which, in his opinion, is required.

Inspector may require owner to alter boiler or prime-mover.

8. When the Inspector is satisfied—

(a) that the boiler or prime-mover is in good condition, and not so exposed as to be likely to be dangerous, and

When Inspector to grant license.

(b) that the boiler or prime-mover is in charge of an engineer to whom a certificate has been granted in accordance with the rules made under section four,

he shall give to the owner thereof a written license, signed by him, in the form prescribed in the first schedule hereto annexed, or a form to the like effect, on payment, by the owner, of such fee as the Chief Commissioner may by rule prescribe.

9. (1) When a boiler or prime-mover is in charge of an engineer who has obtained, in accordance with the rules made under section four, a certificate as

Licensing of boilers, &c., in charge of certain engineers.

engineer

engineer of the first class, the Chief Commissioner may, by an order in writing, direct that the report of that engineer shall, for the purpose of granting a license under this Act in respect of that boiler or prime-mover, be received as sufficient evidence of the matters referred to in section eight, clause (a).

(2) The Chief Commissioner may rescind any order made under clause (1).

(3) If the owner of any boiler or prime-mover, in respect of which an order under clause (1) is in force, presents to the Inspector, at the time of giving notice in respect of that boiler or prime-mover under section six, a report in respect of that boiler or prime-mover in the form prescribed in the second schedule hereto annexed, or a form to the like effect, and signed by the engineer mentioned in the order, and pays to the Inspector such fee as aforesaid, the Inspector shall, notwithstanding anything hereinbefore contained, endorse on the report a license in the form prescribed in the third schedule hereto annexed, or a form to the like effect, without examining the boiler or prime-mover.

10. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

11. Any person authorized by the Chief Commissioner in this behalf may revoke or suspend any license granted under this Act in respect of any boiler or prime-mover when he has reason to believe—

(a) that the license has been fraudulently obtained, or has been granted erroneously, or without sufficient examination ; or

(b) that the boiler or prime-mover in respect of which it has been granted is not in charge of an engineer to whom a certificate has been granted in accordance with the rules made under section four, or is not in good condition, or has, since the granting of the license, sustained injury ; or

(c) where

License to  
state period  
for which  
it is to be in  
force.

Revocation  
or suspension  
of license.

- (c) where the license has been granted under section nine, that the boiler or prime-mover has ceased to be under the charge of the engineer on whose report the license was granted.

12. (1) The owner of any boiler or prime-mover may appeal from any order made under this Act refusing to grant, or revoking or suspending, a license.

Appeal against refusal, revocation or suspension of license.

(2) The appeal shall, within seven days from the day on which the owner received the order appealed against, be presented to some person authorized by the Chief Commissioner to hear appeals hereunder.

(3) Every such person shall be deemed to be a public servant within the meaning of the Indian Penal Code, and may, if he thinks fit, summon to his assistance, in such manner as the Local Government may, from time to time, direct, two competent assessors; and those assessors shall attend and assist accordingly.

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(4) If the person hearing the appeal is satisfied that the owner is entitled to the license, he shall, on payment of the fee, grant a license in such form as the Chief Commissioner may, from time to time, by rule, prescribe, or shall cancel the order revoking or suspending the license, as the case may be.

(5) If the person hearing the appeal is of opinion that the order appealed against is right, he shall dismiss the appeal; and the costs of the appeal incurred by Government and certified by him shall be recoverable from the appellant, as a fine, by any Magistrate having jurisdiction in the place where the boiler or prime-mover is situate.

13. An Inspector may at any time enter into any place or building where he has reason to believe that a boiler or prime-mover is used without a license, or under a license granted under section eight, or on appeal from an order refusing a license under that section, for the purpose of inspecting and examining the same.

Power of Inspector to enter place or building.

14. Every

14. Every owner, or person in charge, of any boiler or prime-mover who—

(a) uses that boiler or prime-mover in contravention of the provisions of section five, or,

(b) having a license granted under this Act and in force in respect of any boiler or prime-mover, fails to produce the same when called upon, at any reasonable time to do so, by any Magistrate having jurisdiction in the place in which that boiler or prime-mover is situate, or by any person authorized in writing by that Magistrate to demand the production of the license, and

every person who prevents an Inspector from entering, under section thirteen, any place or building,

shall be punished with fine which may extend to five hundred rupees.

15. Any engineer signing any report under section nine which he either knows or believes to be false in any material point shall be deemed to have committed an offence punishable under section 197 of the Indian Penal Code. XLV of 1860.

16. No charge of an offence under this Act shall be brought against any person without the previous sanction of an Inspector, or after the expiration of six months from the date of the commission of the offence.

17. The Chief Commissioner may, from time to time, define what shall be deemed to be, for the purposes of this Act, the local limits of the towns of Rangoon, Maulmain, Akyab and Bassein respectively.

18. The Chief Commissioner may, at any time after the passing of this Act, and from time to time, make rules consistent with this Act for all or any of the following purposes (that is to say):—

(a) for prescribing the powers and duties of Inspectors;

(b) for fixing the fees payable on account of licenses granted under this Act;

(c) for

Punishes.

Engineer signing false report under section nine.

Charges not to be brought after six months, or without Inspector's sanction.

Power to define limits of towns.

Power to make rules.

(c) for determining the time for which such licenses shall be in force ;

(d) for regulating the procedure on hearing appeals, and conferring on the persons authorized to hear appeals any of the powers conferred on a Civil Court by the Code of Civil Procedure ; and

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(e) generally for carrying out the purposes of this Act.

All such rules shall be published thrice in the *British Burma Gazette*, and shall come into force on the day on which they are last so published, or on such later day as may be specified in the notification publishing them.



## FIRST SCHEDULE.

(See section 8.)

## FORM OF LICENSE.

1	2	3	4	5	6	7	8	9
Name of owner.	Description of boiler.	Description of prime-mover.	Power.	When and where made.	When and where last repaired.	No. and date of certificate of engineer in charge.	Period for which license is to be in force.	REMARKS.

I, the undersigned, certify that I have examined the boiler (or prime-mover) above described, and, to the best of my judgment, it is in good condition, and is not so exposed as to be likely to be dangerous. The engineer in charge is possessed of a certificate [and (in case alterations or additions have been required) the alterations (or additions) required by me have been properly made].

A. B.,

Inspector.

SECOND

## SECOND SCHEDULE.

(See section 9.)

## REPORT OF ENGINEER.

1	2	3	4	5	6	7	8
Name of owner.	Description of boiler.	Description of prime-mover.	Power.	When and where made.	When and where last repaired.	No. and date of certificate of engineer in charge.	REMARKS.

I, the undersigned, certify that I am in charge of the boiler (or prime-mover) above described, that I have examined the same, and, to the best of my judgment, it is in good condition, and is not so exposed as to be likely to be dangerous, and may safely be licensed for the period of

C. D.,  
Engineer.

## THIRD SCHEDULE.

(See section 9.)

## FORM OF LICENSE TO BE ENDORSED ON REPORT OF ENGINEER.

I, the undersigned, hereby authorize the use of the boiler (or prime-mover) to which this report refers for a period of \_\_\_\_\_ ending on the \_\_\_\_\_ day of \_\_\_\_\_ 188

A. B.,  
Inspector.