

**THE PUNJAB BOILERS AND PRESSURE VESSELS
(AMENDMENT) ACT 2017
(XI OF 2017)**

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TEXT

**¹THE PUNJAB BOILERS AND PRESSURE VESSELS (AMENDMENT)
ACT 2017**

(XI OF 2017)

[31st May 2017]

**An
Act**

Further to amend the Boilers and Pressure Vessels Ordinance, 2002.

It is necessary further to amend the Boilers and Pressure Vessels Ordinance, 2002 (*CXXI of 2002*) for purposes of regulation of pressure vessels and for matters ancillary thereto or connected therewith.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Boilers and Pressure Vessels (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in Ordinance CXXI of 2002.— In the Boilers and Pressure Vessels Ordinance, 2002 (*CXXI of 2002*), hereinafter referred to as the Ordinance:

- (a) in sections 6, 7, 8, 13, 14, 16, 22, 29, 30, 35 and 36, after the word “boiler”, wherever occurs, the words “or pressure vessel” shall be inserted;
- (b) in sections 7, 13 and 36, for the words “insurance company”, wherever occur, the words “Inspection Authority or, as the case may be, the Inspector” shall be substituted; and
- (c) in sections 8, 16, 29 and 30 for the words “insurance company”, wherever occur, the words “Inspection Authority” shall be substituted.

3. Amendment in section 2 of Ordinance CXXI of 2002.— In the Ordinance, in section 2, in subsection (1):

- (a) for clause (f), the following shall be substituted:
 - “(f) “Department” means “the Industries, Commerce and Investment Department of the Government;”;
- (b) in clause (j), after the words “carry out inspection”, the words “of a boiler or pressure vessel” shall be inserted; and
- (c) in clause (n), for the words “a vessel”, the words “a vessel categorized as such in the rules” shall be substituted.

4. Amendment in section 6 of Ordinance CXXI of 2002.— In the Ordinance, in section 6, for clause (e), the following shall be substituted:

¹ This Act was passed by the Provincial Assembly of the Punjab on 24 May 2017; assented to by the Governor of the Punjab on 29 May 2017; and, was published in the Punjab Gazette (Extraordinary), dated: 31 May 2017, pp. 7673-7677.

“(e) unless the boiler or pressure vessel is in the charge of a person holding the Boiler Engineers Competency Certificate required by such rules and he is not less than twenty one years of age:

Provided that a person who is more than seventy years of age shall produce for each year a medical certificate of fitness issued by a Medical Officer of a Tehsil or District Headquarters Hospital.”.

5. Amendment in section 7 of Ordinance CXXI of 2002.– In the Ordinance, in section 7, for subsection (9), the following shall be substituted:

“(9) Subject to the fulfillment of all technical requirements by the owner, the registration of a boiler or pressure vessel shall be completed within thirty days of the submission of an application for its registration.”.

6. Amendment in section 8 of Ordinance CXXI of 2002.– In the Ordinance, in section 8:

(a) for subsection (3), the following shall be substituted:

“(3) An application under subsection (2) shall be accompanied by the receipt of payment of the prescribed fee.

(3a) On receipt of intimation from the owner, the Inspection Authority or, as the case may be, the inspector shall fix a date within fifteen days or such shorter period as may be agreed to with the owner from the date of the receipt for examination of the boiler or pressure vessel and shall give the owner at least three days’ notice for the purpose.”; and

(b) in subsection (6), for the word “regulations”, the words “rules or regulations” shall be substituted.

7. Amendment in section 9 of Ordinance CXXI of 2002.– In the Ordinance, in section 9, for subsection (1), the following shall be substituted:

“(1) Where the Inspector, based on the findings of the Inspection Authority or otherwise, reports the case of any boiler or pressure vessel to the Chief Inspector under subsection (3) or subsection (5) of section 8, he may, if the use of boiler or pressure vessel is not prohibited under subsection (1) of section 8, issue a provisional order in writing to the owner permitting the boiler or pressure vessel to be used at a pressure not exceeding such maximum pressure as recommended by the Inspection Authority or, as the case may be, the Inspector or as may be prescribed, pending the receipt of the order of the Chief Inspector.”

8. Amendment in section 13 of Ordinance CXXI of 2002.– In the Ordinance, in section 13, in subsection (1), for clause (a), the following shall be substituted:

“(a) to intimate the Inspection Authority or the Inspector, as the case may be, to provide all reasonable facilities for examination and to furnish such information as may be required;”.

9. Amendment in section 14 of Ordinance CXXI of 2002.– In the Ordinance, in section 14, for subsection (2), the following shall be substituted:

“(2) On non-compliance of an order, the Chief Inspector may initiate proceedings for cancellation of the registration certificate in the prescribed manner.”.

10. Substitution of section 20 of Ordinance CXXI of 2002.– In the Ordinance, for section 20, the following shall be substituted:

“20. Illegal use of boiler and pressure vessel.– (1) The owner of a boiler or pressure vessel who, in any case in which a registration certificate or provisional order is required for its use under the Ordinance, uses the boiler or pressure vessel either without any such certificate or order being in force or without the assistance or presence of a qualified boiler engineer or at a higher pressure than that allowed thereby, shall be issued a warning to comply with the such provisions of the Ordinance, rules or regulations and within such time as the Chief Inspector may specify.

(2) In case, the order under subsection (1) is not implemented within the specified time, the Chief Inspector shall take such action as may be necessary including the closure of the boiler or pressure vessel or revocation of the registration certificate in the prescribed manner or, if necessary, sealing the factory in the prescribed manner.”.

11. Substitution of section 21 of Ordinance CXXI of 2002.– In the Ordinance, for section 21, the following shall be substituted:

“21. Penalties.– Any person who:

- (a) uses or permits to be used a boiler or pressure vessel of which he is the owner and which has been transferred from any Province to Province of the Punjab without such transfer having been reported as required by section 6; or
- (b) being the owner of a boiler or pressure vessel, fails to cause the register number allotted to the boiler or pressure vessel under this Ordinance, to be marked on the boiler or pressure vessel as required by subsection (8) of section 7; or
- (c) makes any structural alteration, addition or renewal in or to a boiler or pressure vessel without prior approval when so required under section 12; or
- (d) fails to report an accident to the boiler or pressure vessel when so required under section 16; or
- (e) hampers with a safety valve of the boiler or pressure vessel so as to render it inoperative at the maximum pressure at which the use of the boiler or pressure vessel is authorized under this Ordinance; or
- (f) uses the boiler or pressure vessel without getting it registered under the Ordinance; or
- (g) fails to have a periodical inspection certificate issued for the boiler or pressure vessel as prescribed; or
- (h) is a manufacturer of boilers or pressure vessels and contravenes the prescribed codes; or
- (i) operates the boiler or pressure vessel without the assistance and presence of a qualified boiler engineer or technician -

shall be liable to punishment with imprisonment which may extend to two years but which shall not be less than three months and fine which may extend to four hundred thousand rupees but which shall not be less than fifty thousand rupees.”.

12. Amendment in section 22 of Ordinance CXXI of 2002.— In the Ordinance, in section 22, subsection (2) shall be omitted.

13. Amendment in section 25 of Ordinance CXXI of 2002.— In the Ordinance, in section 25, for subsection (1), the following shall be substituted:

“(1) The Government shall constitute a Board to be called the Punjab Boilers and Pressure Vessels Safety Board for purposes of this Ordinance.

(1A) The Board shall consist of the following:

- | | | |
|-----|--|-------------|
| (a) | Secretary to the Government, Industries, Commerce and Investment Department; | Chairperson |
| (b) | Director General Industries, Prices, Weights and Measures; | Member |
| (c) | an officer not below the rank of an Additional Secretary of the Department; | Member |
| (d) | Chief Inspector; | Secretary |
| (e) | one person nominated by the Lahore Chamber of Commerce and Industry, Lahore; | Member |
| (f) | one person nominated by the Federal Chamber of Commerce and Industry, Islamabad; | Member |
| (g) | two manufacturers of boilers and pressure vessels nominated by the Government; | Members |
| (h) | two users of boilers and pressure vessels nominated by the Government; | Members |
| (i) | one representative of the Inspection Authority nominated by the Government; | Member |
| (j) | a faculty member of the Mechanical Engineering Department of University of Engineering and Technology, Lahore; and | Member |
| (k) | a Boiler Engineer nominated by the Government. | Member |

(1B) The Board may co-opt a professional member from a public or private sector organization for expert opinion.

(1C) The term of a member, other than an *ex officio* member, shall be three years.

(1D) The Government may increase or decrease the number of members of the Board.”.

14. Amendment in section 26 of Ordinance CXXI of 2002.— In the Ordinance, in section 26, for subsection (2), the following shall be substituted:

“(2) The Chairperson of the Ad-hoc Technical Committee shall be nominated by the Government on the advice of the Board and the Committee shall consist of the following members:-

- (a) a nominee of Federal Chamber of Commerce and Industry, Islamabad; Member
- (b) a nominee of Lahore Chamber of Commerce and Industry, Lahore; Member
- (c) two manufacturers of boilers and pressure vessels nominated by the Government; Members
- (d) two users of boilers and pressure vessels nominated by the Government; Members
- (e) one representative of the Inspection Authority nominated by the Board; Member
- (f) Chief Inspector; Secretary
- (g) one faculty member of the Mechanical Engineering Department of University of Engineering and Technology, Lahore nominated by the Vice Chancellor; and Member
- (h) any other person co-opted by the Committee from a public or private sector organization for expert opinion. Member

(3) The term of a member, other than an *ex officio* member, shall be three years.

(4) The Government may increase or decrease the number of members of the Committee.”.

15. Amendment in section 30 of Ordinance CXXI of 2002.– In the Ordinance, in section 30, in subsection (2), in clause (d), the full stop occurring at the end be substituted with a semi colon and the following new clauses (e), (f) and (g) shall be inserted:

- “(e) excluding and exempting a pressure vessel from registration, inspection and certification;
- (f) prescribing the time within which the Inspection Authority shall be required to examine a pressure vessel as per approved practice or codes of examination; and
- (g) regulating examination of boiler engineers and their certification.”.

16. Substitution of section 31 of Ordinance CXXI of 2002.– In the Ordinance, for section 31, the following shall be substituted:

“31. Breach of rules and regulations.– (1) Any rules or regulations made under section 29 or section 30 may provide that a person or company contravening such rules or regulations shall be warned by the Chief Inspector to take such remedial action within such time as the Chief Inspector may specify.

(2) In case, the remedial steps are not taken within the specified time, the Chief Inspector shall take necessary action to stop illegal use of the boiler or pressure vessel, including the closure of the boiler or pressure

vessel, revocation of the registration certificate in the prescribed manner or, if necessary, sealing of the factory in the prescribed manner.”.

17. Repeal.– The Punjab Boilers and Pressure Vessels (Amendment) Ordinance, 2017 (IV of 2017) is hereby repealed.