CHAPTER 22.

An Act to make better provision for Inquiries with regard to Boiler Explosions. [12th July 1882.]

A.D. 1882.

WHEREAS special provision has been made by law for making inquiry into the causes and circumstances of boiler explosions on board ships and on railways, and it is expedient that like provision be made for making inquiries with respect to boiler explosions in other cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Boiler Explosions Act, 1882. Short title.

2. This Act shall extend to the whole of the United Kingdom. Extent of Act.

3. In this Act 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. Interpretation of terms.

The term "court of summary jurisdiction" means any justices of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate or officer, by whatever name called, who is capable of exercising jurisdiction in summary proceedings for the recovery of penalties.

4. This Act shall not apply to any boiler used exclusively for domestic purposes, or to any boiler used in the service of Her Majesty, or to any boiler on board a steamship having a certificate from the Board of Trade, or to any boiler explosion into which an inquiry may be held under the provisions of the Coal Mines Regulation Act, 1872, and the Metalliferous Mines Regulation Act, 1872, or either of them. Application of Act. 35 & 36 Vict. c. 76. 35 & 36 Vict. c. 77.

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Notice of boiler explosion to be sent to the Board of Trade.

5. (1.) On the occurrence of an explosion from any boiler to which this Act applies, notice thereof shall, within twenty-four hours thereafter, be sent to the Board of Trade by the owner or user, or by the person acting on behalf of the owner or user.

(2.) 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 the failure, and such other particulars, if any, as the Board of Trade by notice inserted in the London Gazette may require, and shall be in the form printed in the schedule to this Act, or in such other form as the Board of Trade may from time to time approve for the purpose.

(3.) If default is made in complying with the requirements of this section, the person in default shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Power for Board of Trade to direct inquiry as to boiler explosion.

6. (1.) On receiving notice of a boiler explosion the Board of Trade may, if it thinks fit, appoint one or more competent and independent engineer or engineers, practically conversant with the manufacture and working of boilers, to make a preliminary inquiry with respect to the explosion, and the persons so appointed shall have the powers conferred on the court by sub-section (4) of this section. If it appears to the Board of Trade, either upon or without such preliminary inquiry, that a formal investigation of the causes and circumstances attending the explosion is expedient, the Board of Trade may direct a formal investigation to be held; and with respect to such investigation the following provisions shall have effect:

(2.) 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 Board of Trade, of whom one at least shall be a competent and 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 Board of Trade.

(3.) 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 herein-after mentioned in this section.

(4.) 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., A.D. 1882.

(*a.*) 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:

(*b.*) 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:

(*c.*) It may require and enforce the production of all books, papers, and documents which it considers important for the said purpose:

(*d.*) 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:

(*e.*) 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 Board of Trade such expenses as would be allowed to a witness attending on subpœna before a court of record, and in Scotland to a witness attending a criminal trial by jury in the sheriff court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, and in Scotland to the auditor of the Court of Session, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses.

(5.) The court making a formal investigation with respect to any boiler explosion, shall present a full and clear report to the Board of Trade, 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 Board of Trade 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 Board of Trade by the engineer making a preliminary inquiry with respect to a boiler explosion shall be made public in such manner as the Board of Trade thinks fit.

7. The court may order the costs and expenses of a preliminary inquiry or formal investigation or any part thereof, including therein As to costs and expenses of inquiry.

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the remuneration of persons holding such inquiry or investigation, to be paid by any person summoned before it, or by the Board of Trade; 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 Board of Trade may, if they think fit, pay to the persons holding any inquiry or investigation under this Act such remuneration as they may with the consent of the Treasury appoint.

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

Recovery of fines.

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

8. Any fine payable under this Act shall be recoverable in England in the manner provided by the Summary Jurisdiction Acts, in Scotland in the manner provided by the Summary Jurisdiction Acts, 1864 and 1881, and of any Act or Acts amending the same, and in Ireland within the police district of Dublin metropolis, in accordance with the provisions of the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district elsewhere in Ireland in accordance with the provisions of the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vict. c. 93), and any Act amending or affecting the same.

SCHEDULE.

Report of Explosion of a Steam Boiler to be sent to the Board of Trade within twenty-four hours after the occurrence of an Explosion.

See Section 5.

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.

Address

Date

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