

Bill No. 29 of 1955

A BILL RESPECTING BOILERS AND PRESSURE  
VESSELS

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NOTE

This Bill enacts a new Act to be known as *The Boilers and Pressure Vessels Act*, which repeals and replaces the former *The Boilers Act*.

*The Boilers and Pressure Vessels Act* is essentially a revision of the Act it replaces, but a revision designed to bring the legislation bearing on boilers and pressure vessels in line with modern technical advances in the industry and to remove administrative difficulties encountered over the years of administering the older Act.

The major changes are of the following nature :

- (a) general re-arrangement and rewording to classify the technical definitions and terms;
- (b) a transfer of subjects from the Act to regulations where they can be more readily adjusted to meet changing industrial conditions;
- (c) a broadened discretionary power has been given to the officials administering the Act in many cases;
- (d) the establishment of a board of advisors to assist in advising in industrial needs and the application of the regulations in changing industrial conditions.

This Bill is to come into force on the first day of July, 1955.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 29 of 1955

An Act respecting Boilers and Pressure Vessels

(Assented to \_\_\_\_\_, 1955)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Boilers and Pressure Vessels Act*". Short title

## Interpretation

2. In this Act

- |   |  |
|---|--|
| (a) "assistant engineer" means an engineer who holds a certificate of competency under this Act and who takes charge of a section of a steam plant under the supervision of a shift engineer; | Interpretation<br>"assistant engineer" |
| (b) "board" means the Board of Advisors established under section 34 of this Act ;  | "board"                                |
| (c) "boiler" means a pressure vessel in which a gas or vapour can be generated under pressure, or in which a liquid can be put under pressure, by the direct application of a heat source;    | "boiler"                               |
| (d) "boiler horsepower" means the unit for measuring the rating of a boiler, for the purposes of this Act;  | "boiler horsepower"                    |
| (e) "certificate" means a certificate issued to an engineer, fireman or pressure vessel welder pursuant to this Act;  | "certificate"                          |
| (f) "chief steam engineer" means an engineer who holds a certificate of competency under this Act and who is responsible for and supervises the operation of a steam plant;                   | "chief steam engineer"                 |
| (g) "Department" means the Department charged with the administration of this Act;  | "Department"                           |
| (h) "expansible fluid" means :  | "expansible fluid"                     |
| (i) any vapor or gaseous substance, or  |  |
| (ii) any liquid under a pressure and at a temperature such that the liquid will change to a gas or vapor when the pressure is reduced to atmospheric;   |  |
| (i) "fired steam boiler" means a pressure vessel in which steam is generated by the application of heat resulting from the combustion of fuel in a solid, liquid or gaseous form;             | "fired steam boiler"                   |
| (j) "inspection certificate" means the certificate issued by an inspector in respect of any pressure vessel;  | "inspection certificate"               |

- “heating surface” (k) “heating surface” means any part of the surface of a fired pressure vessel that is in contact with the fluid under pressure on one side and the products of combustion on the other side;
- “inspector” (l) “inspector” means any inspector appointed under this Act;
- “Minister” (m) “Minister” means that member of the Executive Council who is charged with the administration of this Act;
- “owner” (n) “owner” includes a person who is owner or lessee of a pressure vessel and the manager or other officer in charge of the local business of such person;
- “piping” (o) “piping” means tubes, conduits and fittings the sole purpose of which is the conveyance of a fluid and the control of the flow of a fluid, between two points;
- “prescribed” (p) “prescribed” means prescribed by the regulations made under this Act;
- “pressure” (q) “pressure” means pressure in pounds per square inch as measured by a pressure gauge, mounted directly on the equipment of which it measures the pressure;
- “pressure plant” (r) “pressure plant” means any installation of pressure vessels in operation as a unit, under the same management, for any purpose, and includes all piping, fittings, engines, turbines, compressors or other machinery or appliances attached to or used in connection with the pressure vessels;
- “pressure vessel” (s) “pressure vessel”
- (i) means any receptacle that contains or is intended to contain an expansible fluid under pressure, and
  - (ii) except when the term is used in respect of the approval and registration of designs, includes any pipe, fitting, or other equipment attached to the pressure vessel or used in connection therewith;
- “receiver” (t) “receiver” means any pressure vessel used for the storage or collection of an expansible fluid;
- “refrigerating plant” (u) “refrigerating plant” means the complete installation of pressure vessels, piping, machinery and appliances of all description by which refrigerants are vaporized, compressed and liquified in their refrigerating cycle;
- “regulations” (v) “regulations” means regulations made under this Act;
- “second-hand” (w) “second-hand” means that both the ownership and the location of the object to which it refers have been or are about to be changed;
- “shift engineer” (x) “shift engineer” means the holder of a valid steam engineer’s certificate issued pursuant to this Act, who has control of a steam plant under the supervision of a chief steam engineer;

- (y) "steam plant" means the complete installation of pressure vessels, engines, turbines, piping, machinery and appliances of all descriptions, operated by steam, and under the same management and in the same undertaking; <sup>"steam plant"</sup>
- (z) "ton of refrigeration" means the unit for measuring the capacity of a refrigeration plant; <sup>"ton of refrigeration"</sup>
- (aa) "unfired pressure vessel" means a pressure vessel of which no part of the containing walls can be subjected in operation to a temperature above the temperature for which the design of the vessel has been approved by the Department. <sup>"unfired pressure vessel"</sup>

### Calculations

3. When calculations are made with respect to the application of this Act, the following shall govern: <sup>Calculations</sup>

- (a) the boiler horsepower of a pressure vessel shall be determined on the basis
- (i) that ten square feet of heating surface equals one boiler horsepower,
  - (ii) in cases where electric power is used as the heat source the boiler horsepower rating shall be the maximum kilowatt capacity of the heating element divided by ten,
  - (iii) in cases where a pressure vessel has irregular shaped heating surfaces such as a cast iron sectional boiler, then one square foot of grate area shall be deemed equivalent to one and one-half boiler horsepower, or
  - (iv) in cases where none of the above rules are applicable, a heat transfer of 33,500 British thermal units per hour shall be deemed equivalent to one boiler horsepower,
- (b) the heating surface of a pressure vessel shall be determined by computing the area of the surface involved in square feet and where a computation is to be made of a curved surface the surface having the greater radius shall be taken,
- (c) the capacity of a refrigerating plant shall be:
- (i) the manufacturer's standard rating in tons of refrigeration, or
  - (ii) where this is not known the capacity shall be calculated on the basis that 7,500 cubic inches of piston displacement per minute equals one ton of refrigerating capacity.

### Application

4. (1) This Act applies to all pressure plants and pressure vessels within or subject to the legislative power of the Province except as otherwise provided by subsection (2). <sup>Application of Act</sup>

Non-  
application  
of Act

- (2) This Act does not apply to
- (a) steam boilers two horsepower or less in capacity and less than three cubic feet in volume,
  - (b) a boiler or heating plant in a private residence occupied by not more than four families,
  - (c) an unfired pressure vessel or unfired pressure plant operating at, and with relief valves set at, not over fifteen pounds per square inch,
  - (d) a pressure vessel six inches or less in internal diameter and one and one-half cubic feet or less in total volume,
  - (e) an air receiver or air pressure plant operating at, and with relief valves set at, fifty pounds per square inch or less,
  - (f) a boiler used in connection with an open type hot water heating system,
  - (g) a pressure vessel operated by a railway and subject to inspection by the Board of Transport Commissioners for Canada or a pressure vessel subject to the *Canada Shipping Act*,
  - (h) a shipping container subject to the control of the Board of Transport Commissioners for Canada,
  - (i) a pressure vessel having an internal diameter of not over twenty-four inches and used for the storage of hot water in a private residence occupied by not more than four families,
  - (j) a refrigerating plant having a capacity of less than three tons,
  - (k) piping or pipe lines subject to inspection by the Board of Public Utility Commissioners for the Province of Alberta.

#### Administration

Adminis-  
tration

5. Subject to *The Public Service Act, 1954*, the Lieutenant Governor in Council may

- (a) appoint a chief inspector of boilers, pressure vessels and machinery, and such other inspectors, officers and clerks as may be required for the administration of this Act, and
- (b) fix the remuneration of the chief inspector and such other inspectors, officers and clerks as may be appointed.

#### Regulations

Regulations

6. (1) The Lieutenant Governor in Council may make regulations relating to

- (a) the construction, installation, inspection and operation of all boilers, pressure vessels, pressure plants, refrigerating plants and steam plants, to which this Act applies,

- (b) the registration and approval of the design, drawings and specifications of all vessels and plants to which this Act applies,
  - (c) the adoption in whole or in part, or with variations, of any code of rules relating to the design, construction, installation or operation of pressure vessels and promulgated by any association or body of persons and available in printed form,
  - (d) the examination of all applicants for certificates under the Act including,
    - (i) the nature of the examination,
    - (ii) the standards of qualification for any certificate,
    - (iii) any matter or thing relating or incidental thereto,
  - (e) the granting, renewal, re-registration, suspension or cancellation of any certificate or inspection certificate,
  - (f) the issue and effect of a temporary certificate,
  - (g) the fee payable for
    - (i) a registration,
    - (ii) an inspection,
    - (iii) an examination,
    - (iv) the issue of a certificate,
    - (v) the survey and approval of designs,
    - (vi) any other service rendered by an inspector under the Act,
  - (h) the classification, qualifications and duties of inspectors and the records to be kept by inspectors,
  - (i) the classification of pressure vessels for the purpose of inspection, registration or operation,
  - (j) the methods of preparing pressure vessels for inspection,
  - (k) the times at which inspection of the various classes of pressure vessels is to be made,
  - (l) the standard of qualification and the examination of pressure vessel welders,
  - (m) penalties for the breach of any regulation, or
  - (n) any matter or thing connected with the discharge of any duty or function of any officer appointed under this Act.
- (2) All regulations shall be tabled at the Session of the Legislative Assembly next ensuing after the making of the regulations and unless they are disapproved by the Legislative Assembly at that Session, they are as valid as if enacted by this Act. Regulations tabled at Session

#### **Restrictions on Sale and Installation**

#### **7. No person shall**

- (a) sell, rent or exchange any pressure vessel or any accessory connected therewith, or
  - (b) install any pressure vessel, steam, refrigerating or other pressure plant,
- Restrictions on sale and installation

unless it has been constructed in accordance with the regulations governing design and mode of construction.

Disposing of  
second-hand  
pressure  
vessel

**8.** (1) No person shall sell, exchange or otherwise dispose of a second-hand pressure vessel until he has sent to an inspector, by registered mail, a notice in writing setting forth

- (a) the names and addresses of all material parties to the intended transaction,
- (b) a description of the pressure vessel, and
- (c) the number placed thereon at the time of the initial inspection,

and has received permission from an inspector to dispose of the vessel.

Permission  
of inspector

(2) The permission of the inspector may be granted either after an inspection or without an inspection and may be given upon such conditions as may seem proper to the inspector.

(3) No person shall use or install a second-hand pressure vessel that has been acquired by him, until he has obtained permission from an inspector to use or install the pressure vessel.

Pressure  
vessel  
brought from  
outside  
Province

**9.** A person who brings into the Province a pressure vessel that has previously been used outside the Province

- (a) shall notify the chief inspector in writing of the description, design, specification and make thereof,
- (b) shall not install it until it has been approved by the Chief Inspector as to description, design, specification and make, and
- (c) shall not operate the pressure vessel or cause or permit it to be operated until an inspection certificate has been issued under this Act in respect of that pressure vessel.

### Inspection and Inspection Certificates

Pressure  
vessel  
prepared for  
inspection

**10.** The owner of every pressure vessel shall prepare it or cause it to be prepared for inspection in such a manner and at such intervals as are prescribed.

Inspection  
certificate

**11.** (1) An inspector making an inspection, if he finds the pressure vessel inspected to be in safe working order and properly set up with the prescribed fittings, shall issue an inspection certificate in respect thereof.

(2) The certificate shall state the maximum pressure at which the vessel may be operated.

Validity of  
inspection  
certificate

**12.** (1) Every inspection certificate issued by an inspector under section 11 is valid until it is cancelled either

- (a) by expiration of the period, if any, stated thereon, or
  - (b) by an inspector upon a visit of inspection or otherwise as prescribed.
- (2) A person in possession of a cancelled or expired inspection certificate shall immediately upon request deliver it to an inspector.

**13.** (1) An inspector may inspect a pressure vessel when he deems it necessary or in the interests of safety to do so. Inspection of pressure vessel for safety

(2) Upon making an inspection under this section the inspector may

- (a) make such order relating to the future management and operation of the vessel as he deems necessary, and
  - (b) forbid further operation of the vessel until his requirements have been complied with.
- (3) No person shall
- (a) disregard any order made by an inspector under this section, or
  - (b) operate any pressure vessel when forbidden to do so by an inspector.

**14.** (1) An inspector may at any time give written instructions Instructions for safe operation of pressure vessel, etc.

- (a) for the safe operation of a pressure vessel, or
- (b) for the washing out and cleaning the interior thereof.

(2) After written instructions have been given under subsection (1), the inspector may forbid the operation of the pressure vessel until the instructions have been complied with.

(3) No person shall fail to comply with written instructions given under subsection (1).

(4) Where under subsection (2) the operation of a pressure vessel has been forbidden by an inspector no person shall operate the pressure vessel until he has complied with the written instructions of the inspector.

**15.** (1) If a person desires a special inspection, test of a pressure vessel, or other special services in relation thereto, he may make application to an inspector therefor. Application for special inspection

(2) The inspector may comply with the application but the person so applying is liable to the Minister for all expense in connection with the making of the inspection or test, or the performance by the inspector of the other special services.

**16.** Where an inspector has arranged with the owner or engineer in charge to make an inspection Delayed inspection



- (a) if the pressure vessel is not ready when the inspector is in the vicinity, or
- (b) if for any other cause for which the owner or engineer in charge can be held responsible, the inspector has to return again to inspect the pressure vessel,

the expenses incurred by the inspector returning to inspect or complete the inspection, including a prescribed *per diem* charge, shall be paid by the owner of the pressure vessel and until such expenses are paid the inspector shall refuse to issue an inspection certificate, or to allow the pressure vessel to be operated.

Placing and safeguarding inspection certificate

**17.** Every owner of, and every person in charge of, a pressure vessel shall ensure that the inspection certificate

- (a) is conspicuously placed at a place adjacent to the pressure vessel to which it relates and where it can be easily read, or
- (b) is retained and safeguarded in a manner approved by the chief inspector and is produced upon demand of an inspector or of a member of a police force.

Inspection of pressure vessels at any time

**18. (1)** An inspector, upon presentation of his authorization, may enter at any reasonable hour upon any property for the purpose of

- (a) inspecting any pressure vessel situated thereon,
- (b) ascertaining whether this Act or the regulations are being complied with, or
- (c) examining pressure vessels in course of construction or undergoing repairs.

(2) No person shall

- (a) refuse admittance to an inspector who presents his authorization,
- (b) in any way obstruct an inspector's access to the property, or
- (c) in any way prevent an inspector from exercising any of the rights or carrying out any of the duties assigned to him by this Act or the regulations.

Duties of inspector

**19.** When making an inspection of a pressure vessel or pressure plant an inspector

- (a) may set and seal the safety valves prescribed for any pressure vessel or pressure plant,
- (b) may test any pressure gauge on any pressure vessel, and
- (c) shall ensure that the whole apparatus is safely installed in accordance with the regulations.

Prevention of gas in pressure vessel

**20.** Where there exists any possibility of a gas, vapor or fluid flowing into a pressure vessel or the setting thereof during any time while the pressure vessel is being inspected,

the owner or other person in charge shall keep an employee or other person available whose sole duty shall be to prevent any gas, vapor or fluid from flowing into the pressure vessel or setting.

#### Responsibility of Owner or Person in Charge

**21.** The owner of every pressure vessel shall, in the manner and at the interval prescribed, register with the Department every pressure vessel that he expects to operate during any ensuing prescribed interval and shall forward to the Department the prescribed fee for the registration of each pressure vessel.

Registration  
of pressure  
vessel

**22.** (1) No person shall operate, or cause or permit any pressure vessel to be operated unless a subsisting certificate of inspection is held for the pressure vessel.

Certificate  
of inspection  
for operation  
of pressure  
vessel

(2) No person shall at any time during which a pressure vessel is not registered pursuant to this Act operate or cause or permit the pressure vessel to be operated.

**23.** When pursuant to this Act or the regulations, the operation of a pressure vessel requires the supervision of a certificated engineer or fireman, no person who is the owner of such pressure vessel shall assign duties or issue orders to an engineer or fireman to operate the pressure vessel in breach of the provisions of this Act or the regulations.

No operation  
in breach of  
provisions

**24.** (1) The chief steam engineer of a steam plant is liable for any interference with, or rendering inoperative, or doing away with, any valve, gauge or other appliance that is, by this Act or the regulations, required to be part of the equipment of that steam plant.

Liability of  
chief steam  
engineer

(2) Where supervision of a pressure plant, by a certificated engineer is not required by this Act or the regulations, the owner is liable for any interference with, or rendering inoperative, or doing away with any valve, gauge or other appliance that is by this Act or the regulations required to be part of the equipment of that pressure plant.

Liability  
of owner

(3) No person, except on written permission from an inspector, shall alter or interfere with or render inoperative any valve, gauge or appliance that is attached to a pressure vessel and required by this Act or the regulations to be part of the equipment of that pressure vessel.

Interference  
with  
appliance,  
etc., not  
permitted

**25.** An engineer or person in charge of a pressure vessel shall

Duty of  
person in  
charge

- (a) in any way that the inspector reasonably requires, assist the inspector in his examination of the pressure vessel, and
- (b) make full disclosure to the inspector of any defects that are known or believed to exist in the pressure vessel under inspection.

**Certification of Engineers, Firemen and Pressure  
Vessel Welders**

Issue of certificates of competency	<b>26.</b> (1) The Minister shall cause to be issued certificates of competency to persons who have shown themselves competent in accordance with the regulations.
Description of certificates	(2) Certificates of competency shall be described as follows: <ul style="list-style-type: none"> <li>(a) First Class Engineers' Certificates,</li> <li>(b) Second Class Engineers' Certificates,</li> <li>(c) Third Class Engineers' Certificates,</li> <li>(d) Fourth Class Engineers' Certificates,</li> <li>(e) Firemen's Certificates,</li> <li>(f) Pressure Vessel Welders' Certificates,</li> <li>(g) Temporary Certificates,</li> <li>(h) Special Limiting Certificates.</li> </ul>
Validity of certificates	(3) An engineer's, fireman's, or pressure vessel welder's certificate issued under this Act shall remain valid only <ul style="list-style-type: none"> <li>(a) during the continuance of its registration, or</li> <li>(b) until the expiry of the period stated therein, or</li> <li>(c) until suspended, cancelled or revoked in accordance with section 29 of this Act.</li> </ul>
Re-regis- tration of certificates	<b>27.</b> (1) An engineer, fireman or pressure vessel welder during the validity of his certificate shall make application for re-registration on a form to be furnished by the Department and remit the form together with the prescribed fee to the Department before the first day of April in each year.
Reinstatement of certificate	(2) When the certificate of an engineer, fireman or pressure vessel welder becomes void because of non-registration for one or more years, such certificate may be reinstated upon application to the chief inspector and payment of the prescribed reinstatement fee.
Written examination for engineer or fireman	(3) When an engineer's or fireman's certificate has not been registered for a period exceeding three years the chief inspector may require the applicant to undertake a written examination.
Test for pressure vessel welder	(4) When a pressure vessel welder's certificate has not been registered for a period exceeding one and one-half years the chief inspector may require the applicant to be tested or undertake a written examination.
Posting up of certificate	<b>28.</b> (1) The certificate, and the certificate of re-registration, of an engineer or fireman in charge of any stationary engine, boiler or other pressure vessel shall be posted in a conspicuous place in the engine room or boiler room.
Production of certificates by engine operators	(2) The operator of any locomotive, traction or portable boiler or hoisting engine shall produce all his certificates on demand of an inspector or member of a police force.
Production of certificates by welders	(3) Every certificate of a pressure vessel welder shall be retained and safeguarded in a manner approved by the chief inspector and shall be produced upon demand of an inspector or member of a police force.

**29.** (1) The Minister, on the recommendation of the chief inspector, may suspend for any definite period or cancel any certificate of competency granted under this Act, if the holder

Suspension  
of certificate

- (a) is habitually intemperate or is addicted to the use of drugs,
- (b) operates a plant while in an intemperate condition,
- (c) becomes mentally incompetent or physically incapacitated,
- (d) is incompetent or negligent in the discharge of his duties,
- (e) has obtained his certificate through misrepresentation or fraud,
- (f) maliciously destroys his employer's property,
- (g) allows another person to operate under his certificate,
- (h) attempts to secure a certificate by false means for another person,
- (i) absents himself from the plant without being relieved of his duties by the proper person, or without the consent of the chief steam engineer or shift engineer, or
- (j) contravenes or fails to comply with any of the provisions of this Act or the regulations.

(2) Where an inspector finds in any steam plant any serious defect that has not been disclosed to him by the chief steam engineer or engineer in charge and it is apparent that the defect should be known to these engineers by virtue of their office, then the engineers shall be deemed negligent in the discharge of their duties, and their certificates may be cancelled or suspended by the Minister pursuant to subsection (1).

Negligence  
of engineers

(3) When an inspector finds a defect as referred to in subsection (2), he may take possession of the engineers' certificates, which he shall forward to the chief inspector together with a complete report on the matter.

Finding of  
defect

**30.** (1) If an owner believes that any part of a pressure plant has been damaged through the negligence of the holder of a certificate under this Act, or if he believes that the holder falls within any of the classes enumerated in subsection (1) of section 29 he shall immediately make a written report to the inspector in the area of the plant.

Written  
report by  
owner

(2) The inspector after receiving the report, shall investigate the matter and if the circumstances in his opinion so warrant, the inspector may take possession of the certificate of the holder who is the subject of the matter reported on by the owner of the pressure plant.

Receipt of  
report by  
inspector

(3) The inspector shall forward to the chief inspector a report of any investigation made under the provisions of this section, together with any certificate taken possession of.

Report of  
investigation  
to chief  
inspector

- Report to Minister** (4) The chief inspector shall forward a report on the case to the Minister who may suspend or cancel the certificate or take such other action as the circumstances warrant.
- Power under engineer's certificate** **31.** (1) The holder of an engineer's certificate under this Act may sketch, construct, install, operate, repair and give advice on all things pertaining to any steam plant, pressure vessel or refrigeration plant, or any machinery, or equipment, or accessories, or any building or structure, of which his certificate lawfully gives him charge pursuant to this Act.
- No other certificate required** (2) No other certificate or licence than the one required to be held by him under this Act and the regulations shall be required of him in any city, town, village or hamlet or in any organized or unorganized district within the Province.
- (3) Where the services of a pressure vessel welder are required by the Act or the regulations, subsection (1) shall not be interpreted so as to allow the holder of any engineer's certificate to do the welding.
- Supervision of holder of valid certificate** **32.** (1) Except as permitted by subsection (6), no person being the owner of or in charge of a steam plant, carrying a working pressure of twenty pounds per square inch or more, shall operate it or permit or cause it to be operated unless it is under the general supervision of the holder of a valid certificate pursuant to this Act, the classification of which qualifies the holder to act as chief steam engineer of the plant.
- Continuous supervision of holder of valid certificate** (2) Except as permitted by subsection (6), no person being the owner of or in charge of a steam plant, carrying a working pressure of twenty pounds per square inch or more, shall operate it or permit or cause it to be operated unless it is under the continuous supervision of the holder of a valid certificate pursuant to this Act, the classification of which qualifies the holder to act as shift engineer in charge of the boilers.
- Employment of sufficient shift engineers, etc.** (3) Where a steam plant is so situated that one engineer cannot exercise satisfactory supervision over the entire steam plant, the owner shall employ sufficient shift engineers or assistant engineers, all under the general supervision of the chief engineer, to ensure that the component parts of the steam plant are all under satisfactory supervision by an engineer qualified as under subsection (2).
- Certificate required to be held by shift engineer** (4) When two or more shift engineers are required by subsection (3) each shall hold a certificate under this Act as prescribed for a shift engineer of the total aggregate capacity of the plant, unless other classifications of certificates are required or approved by the chief inspector.
- Question decided by chief inspector** (5) If a question arises as to the extent to which one engineer can exercise satisfactory general or continuous

supervision, the chief inspector shall decide the question subject to the appeal provided for in section 44.

(6) Boilers or steam plants used for heating purposes in oil fields subject to the jurisdiction of The Petroleum and Natural Gas Conservation Board may be operated at a pressure of thirty-five pounds per square inch or less without the supervision of the engineers required by subsections (1) and (2). Plants operated without certain supervision

**33.** (1) No person shall

(a) weld or offer to weld a pressure vessel or pressure piping unless that person is the holder of a certificate issued pursuant to this Act authorizing him to do that type of welding,

(b) require, cause or permit the welding of a pressure vessel or pressure piping unless the person required, caused or permitted to do the welding is the holder of a certificate issued pursuant to this Act authorizing him to do that type of welding.

(2) If an inspector finds on a pressure vessel or pressure piping any welding that does not meet the requirements of this Act or the regulations, he may take possession of the pressure vessel welder's certificate, which he shall forward to the chief inspector together with a report on the matter. No welding, etc., without certificate

(3) Upon receipt of the report the chief inspector may require the pressure vessel welder to be tested or examined and may issue to the pressure vessel welder such certificate as he qualifies for on the test or examination. When welding does not meet requirements

#### Board of Advisors

**34.** The Lieutenant Governor in Council may appoint an advisory board to report to and advise the Minister with respect to Appointment of advisory board

(a) the application of this Act, the regulations or other pertinent codes,

(b) the qualification and examination of engineers, firemen and pressure vessel welders,

(c) an appeal to the Minister made under section 44 of this Act,

(d) a review of technical evidence with respect to the the cancellation or suspension of any engineer's certificate,

(e) a review of technical evidence with respect to explosions or other accidents to pressure vessels,

(f) any other matter pertaining to this Act or its administration.

**35.** (1) The Board of Advisors shall consist of five members. Number of members

(2) One member of the board shall be designated as chairman. Chairman

- Two members to hold certificates as engineers  
Two members to be professional engineers
- (3) At least two members of the board shall be holders of engineers' certificates under this Act.
- (4) At least two members of the board shall be registered professional engineers actively engaged in a field dealing with equipment governed by this Act.
- (5) Not more than one member of the board shall be a full-time employee of the Department.

Board meetings

**36.** (1) The board shall meet when requested by the Minister, Deputy Minister or chief inspector and prepare reports on subjects, within the terms of reference, as requested.

- Quorum
- (2) A majority of the board shall constitute a quorum.
- Term of office
- (3) The members of the board hold office during pleasure and shall be paid such allowance and remuneration for their services, and for the expenses necessarily incurred in the performance of their duties, as may be fixed by the Lieutenant Governor in Council.

#### Inquiries

Holding of inquiry

**37.** (1) Where in the opinion of the chief inspector it is expedient to hold an inquiry relating to

- (a) the manner of operating a pressure vessel,
- (b) the circumstances of any accident involving equipment covered by this Act, or
- (c) any other matter connected with the inspection or operation of a pressure vessel,

the chief inspector may proceed to hold an inquiry or may authorize an inspector to do so.

Notice of inquiry

(2) The chief inspector or the inspector, whichever is the case, shall give to the owner or person in charge of the pressure vessel, in respect of which an inquiry is to be held, twenty-four hours' notice in writing of the place and time fixed for the commencement of the inquiry.

Adjournment of inquiry

(3) After the inquiry has been opened it may be adjourned

- (a) for such period and to such places as to the person conducting the inquiry seems proper, or
- (b) indefinitely and resumed later at a place and date to be fixed by the person conducting the inquiry.

Notice after indefinite adjournment

(4) After an indefinite adjournment, twenty-four hours' notice of the place and time of the resumed inquiry shall be given to the owner or person in charge of the pressure vessel in respect of which the inquiry is held.

Presence of owner

**38.** The owner or person in charge of the pressure vessel mentioned in section 37 may appear and be present throughout such inquiry.

Power of inspector holding inquiry

**39.** The inspector holding the inquiry

- (a) may by notice in writing require that any person named in the notice as a witness attend the inquiry at the place and time mentioned in the notice,

- (b) may examine, upon oath, any person called at the inquiry,
- (c) shall take down in writing all questions asked of a witness and the answers made by the witness.

**40.** (1) No person called as a witness at an inquiry shall be excused from answering any question on the ground that the answer may tend to criminate him, or may tend to establish his liability in any proceedings instituted or taken against him.

Witness at inquiry

(2) Notwithstanding subsection (1) where a person gives evidence at an inquiry under this Act, the evidence shall not be used against him in any proceedings instituted against him other than a prosecution for perjury in the giving of such evidence.

Evidence not used against person

### Explosions

**41.** (1) In the event of an explosion concerning a pressure vessel, the owner or person in charge of the pressure vessel shall send a full report in writing by registered mail to the chief inspector within twenty-four hours of the explosion, and shall set out in the report

Report to chief inspector upon explosion

- (a) the exact place of the explosion,
- (b) a list of persons killed or injured, and
- (c) the cause and particulars of the explosion, so far as can be ascertained.

(2) After an explosion of or affecting a pressure vessel, nothing shall be removed or interfered with in, on or about the place where the explosion occurred until an inspector has made an inspection thereof, except insofar as may be necessary for the purpose of saving life or limb, or protecting property or for the removal of the dead.

(3) The chief inspector shall report fully to the Minister the facts relating to an explosion that appears to him to be of a serious nature, and thereupon the Minister may appoint some person or persons to investigate the facts of the explosion and the person or persons so appointed have all the powers that by *The Public Inquiries Act* can be conferred upon him or them.

Report to Minister on explosion of serious nature

(4) Where a death occurs in an explosion of or affecting a pressure vessel nothing in subsection (2) shall be construed to derogate in any way from the requirements of *The Coroners Act* respecting death by violence, in the wreck of a building, machine or apparatus.

### Penalties

**42.** (1) A person contravening the provisions of any of the sections or subsections of this Act is guilty of an offence and liable upon summary conviction

Offences



- (a) to a fine of not more than five hundred dollars nor less than two hundred and fifty dollars in respect of each contravention of section 23,
  - (b) to a fine of not more than two hundred and fifty dollars nor less than fifty dollars in respect of each contravention of section 7, section 8, section 9, section 22, subsection (3) of section 13, subsection (3) of section 14, subsection (2) of section 18, section 32 or section 41,
  - (c) to a fine of not more than two hundred and fifty dollars nor less than ten dollars in respect of each contravention of section 10, subsection (3) of section 24, or subsection (1) of section 33,
  - (d) to a fine of not more than fifty dollars nor less than ten dollars and costs in respect of each contravention of section 17, section 20, section 25 or section 28.
- (2) No prosecution for contravention of the provisions of section 32 shall be begun or carried on unless begun by an inspector or with the previous written consent of the chief inspector.

#### General

Onus of  
proof

**43.** In an action or other proceeding for damages in respect of injuries sustained by reason of an explosion concerning a pressure vessel, if it appears that at the time of the explosion the pressure vessel was being operated without there being in existence a valid and subsisting inspection certificate authorizing its operation, then the onus of proof that the explosion was not caused by the negligence or improper conduct of the defendant is upon the defendant.

Appeal

- 44.** (1) An appeal lies to the Minister from
- (a) an order of the chief inspector affecting the operation, construction or design, of a pressure vessel,
  - (b) an order cancelling or suspending a certificate or inspection certificate,
  - (c) a decision of the chief inspector under section 32.
- (2) An appeal shall be made within thirty days from the making of the order and the Minister may disallow or modify any such order.
- (3) The decision of the Minister upon an appeal is final.

Repeal

**45.** *The Boilers Act*, being chapter 307 of the Revised Statutes of Alberta, 1942 is repealed.

Coming into  
force

**46.** This Act comes into force on the first day of July, 1955.

THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act respecting Boilers and  
Pressure Vessels

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. WILLMORE

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