

1970 Bill 38

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

An Act to amend The Boilers and Pressure Vessels Act

THE MINISTER OF LABOUR

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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1970

An Act to amend The Boilers and Pressure Vessels Act

(Assented to _____, 1970)

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

1. *The Boilers and Pressure Vessels Act* is hereby amended.

2. Section 2 is amended

(a) by adding the following clause after clause (a):

(a1) "accident" means an accident that causes property damage or injury to or the death of a person;

(b) by adding the following clause after clause (e):

(e1) "chief inspector" means the chief inspector appointed in accordance with this Act;

(c) by striking out clause (o) and by substituting the following:

(o) "pressure piping" means tubes, conduits and fittings the sole purpose of which is the conveyance of an expansible fluid under pressure and the control of the flow of an expansible fluid under pressure between two points;

(d) as to clauses (r), (u) and (y) by adding the word "pressure" immediately before the word "piping" wherever it occurs.

3. Section 4, subsection (2), clause (c) is amended by striking out the words "unfired pressure plant" and by substituting the words "pressure piping".

4. Section 13 is amended by adding the words "or pressure piping" immediately after the word "vessel" wherever it occurs.

Explanatory Notes

1. This Bill will amend chapter 27 of the Revised Statutes.

2. Section 2 (o) presently reads:

(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;

3. Section 4 (2) (c) presently reads:

(2) This Act does not apply to

.....

(c) an unfired pressure vessel or unfired pressure plant operating at, and with relief valves set at, not over 15 pounds per square inch, or

4. Section 13, subsection (1) reads:

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

5. Section 15, subsection (1) is amended by adding the words "or pressure piping" immediately after the word "vessel".

6. Section 19 is amended by striking out clause (c) and by substituting the following:

(c) shall ensure that the apparatus which he inspects is safely installed in accordance with the regulations.

7. The following section is added after section 22:

22a. No person shall operate or cause or permit any pressure piping to be operated unless it has been inspected and tested as required by the regulations.

8. Section 25 is amended by adding the words "or pressure piping" after the word "vessel" wherever it occurs.

9. Section 34 is amended by striking out clause (e) and by substituting the following:

(e) a review of technical evidence with respect to accidents concerning pressure vessels and pressure piping, and

10. Section 37 is amended by adding the words "or pressure piping" after the word "vessel" wherever it occurs.

11. Section 38 is amended by adding the words "or pressure piping" after the word "vessel".

12. The heading "Explosions" and section 41 are struck out and the following substituted:

Accidents

41. (1) In the event of an accident concerning a pressure vessel or pressure piping, the owner or person in charge of the pressure vessel or pressure piping shall send a full report in writing by registered mail to the chief inspector within 24 hours of the accident, and shall set out in the report

(a) the exact place of the accident,

(b) a list of persons killed or injured, and

(c) the cause and particulars of the accident, so far as can be ascertained.

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

5. Section 15, subsection (1) reads:

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

6. Section 19 (c) presently reads:

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

.....

(c) shall ensure that the whole apparatus is safely installed in accordance with the regulations.

7. Operation of uninspected piping.

8. Section 25 presently reads:

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

(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.

9. Section 34, clause (e) presently reads:

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

.....

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

10. Section 37, subsection (1) presently reads:

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, or

(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.

11. Section 38 reads:

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

12. Section 41 presently reads:

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 24 hours of the explosion, and shall set out in the report

(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 in so far 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.

(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.

(3) The chief inspector shall report fully to the Minister the facts relating to an accident 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 accident and the person or persons so appointed have all the powers that by *The Public Inquiries Act* can be conferred upon him or them.

(4) Where a death occurs in an accident concerning a pressure vessel or pressure piping 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.

13. Section 42, subsection (1) is amended

- (a) by adding after the words "this Act" the words "or the regulations",
- (b) as to clause (b) by adding after the words "section 22," the words "section 22a,"
- (c) by adding the word "and" at the end of clause (d) and by adding the following clause after clause (d):
 - (e) to a fine of not more than \$250 or less than \$50 in respect of each contravention of the regulations.

14. Section 43 is amended

- (a) by renumbering the section as subsection (1),
- (b) as to the renumbered subsection (1) by striking out the word "explosion" wherever it occurs and by substituting the word "accident",
- (c) by adding the following subsection after the renumbered subsection (1):

(2) In an action or other proceeding for damages in respect of injuries sustained by reason of an accident concerning pressure piping, if it appears that at the time of the accident the piping was being operated without being inspected and tested as required by the regulations, then the onus of proof that the accident was not caused by the negligence or improper conduct of the defendant is upon the defendant.

15. Section 44, subsection (1), clause (a) is amended by adding the words "or pressure piping" after the word "vessel".

16. This Act comes into force on the day upon which it is assented to.

13. Section 42 (1) (b) presently reads:

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

.....

(b) to a fine of not more than \$250 or less than \$50 in respect of each contravention of section 7, section 8, section 9, subsection (3) of section 13, subsection (3) of section 14, subsection (2) of section 18, section 22, section 32 or section 41,

14. Section 43 presently reads:

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.

15. Section 44, subsection (1), clause (a) reads:

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,