

BILL

No. 33 of 1918.

An Act respecting Steam Boilers.

(Assented to _____, 1918.)

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

SHORT TITLE.

1. This Act may be cited as "*The Boilers Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the term or expression—

1. "Boiler" means and includes any boiler carrying steam ^{Boiler} pressure, the engine or engines connected therewith, the pipes and connections and every part thereof or thing connected therewith and all apparatus attached to or used in connection therewith for generation or storage of steam or air; but does not include a boiler exclusively used for heating water for domestic purposes or for generating steam solely for the purpose of heating dwellings;

2. "Portable" as applied to a boiler means mounted on ^{Portable} wheels or on a truck or carriage so as to enable it to be readily moved from place to place;

3. "Traction" as applied to a boiler means mounted on ^{Traction} wheels so that it can be moved from place to place by means of its own power;

4. "Semi-portable" as applied to a boiler means mounted ^{Semi-portable} on skids or otherwise so as to enable it to be moved from place to place, and includes semi-fixed boilers and boilers used for temporary purposes and which are not set in brickwork or other permanent setting;

5. "Stationary" as applied to a boiler means any ^{Stationary} boiler within the meaning of the first paragraph of this section other than those included under the terms "portable," "traction" and "semi-portable" boilers;

6. "Dealer" includes any person who is engaged in the ^{Dealer} business of manufacturing, buying, selling or exchanging boilers;

7. "Owner" means and includes any person, firm or ^{Owner} corporation, the owner or lessee of a boiler, and the manager or other officer in charge of the business of any such firm or corporation;

8. "Engineer" means any person having charge of or ^{Engineer} operating a steam boiler or the engine connected therewith;

9. "Fireman" means any person having charge of a ^{Fireman} boiler exclusively used for heating purposes and of a capacity limited under the provisions of section 41, subsection 3 (f).

10. "Person" means any male of the full age of eighteen ^{Person} years;

11. "Minister" means the Minister of Public Works for ^{Minister} the Province of Alberta;
12. "Department" means the Department of Public ^{Department} Works for the Province of Alberta;
13. "Province" means the Province of Alberta; ^{Province}
14. "Regulations" means regulations made by the ^{Regulations} Minister under the provisions of this Act;
15. "Inspector" means the Chief Inspector of Boilers ^{Inspector} or an inspector of boilers appointed under the provisions of this Act;
16. "Inspection Certificate" means the certificate issued ^{Inspection Certificate} by an inspector upon the last previous inspection of a boiler;
17. "Certificate" means a provisional, final or interim ^{Certificate} certificate of qualification issued to an engineer or fireman under the provisions of this Act;
18. "In charge" and "having charge" means the being in or having control and direction of the operation of a boiler or engine.

APPLICATION.

3. This Act shall apply to all boilers operated within the ^{Application} Province of Alberta except as hereinafter provided.

(2) The provisions of this Act shall not apply to steam- ^{Exemption} boat boilers nor to boilers owned or operated by any duly incorporated railway company which maintains adequate repair shops and employs competent boiler inspectors; provided that the owner of any such last mentioned boiler shall exhibit thereon for public view a certificate of inspection fully filled out and signed by the inspector appointed by such owner; provided further that if it appear by any such certificate of inspection that any boiler has not been inspected within a period of twelve months or if the rating of any such boiler as shown by the certificate is not considered satisfactory by an inspector appointed under the provisions of this Act, such inspector may inspect such boiler and determine the maximum pressure at which the same may be worked and may issue a certificate accordingly and may also for such inspection collect such fee as may be prescribed by the Lieutenant Governor in Council:

Provided nothing herein contained shall exempt from the operation of this Act, a boiler in operation upon any switch, siding or other connection from any duly incorporated railway as above mentioned to the premises of any elevator, manufactory, industry or business, if such switch or siding does not form a part of, and is not used by such railway company with whose track it is connected; nor any boiler operated in connection with such elevator, manufactory, industry or business.

(3) Every boiler exclusively used for heating water for ^{Domestic Boilers} domestic purposes or for generating steam for heating dwellings shall be provided with such safety appliances as may be prescribed by the regulations and it shall be the duty of an inspector to inspect any such boiler upon the application of the owner thereof.

LICENSING.

4. The owner of a portable, traction or semi-portable ^{Application for license} boiler shall, before operating the same in any year, forward to the Department an application for a license in the form

prescribed by the Minister, together with the prescribed license fee, and the Department shall thereupon issue for such boiler a numbered license, which license shall be in form prescribed by the Minister.

(2) Every license issued in accordance with this section shall expire on the last day of the year in which the same was issued. ^{Expiration}

(3) Upon the licensing of any portable, traction or semi-portable boiler under the provisions of this section the Department shall issue and deliver to the owner thereof a plate having thereon the license number of such boiler, the year during which such license is in force and the letters "ALTA," and the owner shall affix such plate in a conspicuous place on the boiler so that the face thereof may be at all times plainly visible and shall keep the same clean and free of obstruction of any kind. ^{Number plate}

5. A dealer in traction boilers may, instead of registering each traction boiler owned or controlled by him, forward to the Department an application for registration in the form prescribed by the Minister, together with the registration fee, and the Department shall thereupon issue to the dealer a certificate of registration and two plates bearing the distinguishing number or marks allotted to the dealer and the letters "ALTA" and the year of issue. ^{Dealers}

(2) Any dealer in traction boilers may apply to the Department for the issue of additional plates and upon payment of the prescribed fee for each plate the Department may issue such additional plates as may be required by the owner. ^{Additional plates}

(3) Every certificate of registration issued under the provisions of this section shall expire upon the last day of the year of issue. ^{Expiration and renewal}

(4) Every dealer registering under the provisions of this section shall at all times when operating any traction boiler owned or controlled by him have affixed in a conspicuous place thereon one of the plates issued to him as aforesaid, the same to be plainly visible and to be kept clean and free from obstruction of any kind. ^{Dealers' plates}

6. Any person who shall use or operate a portable or semi-portable boiler which has not been licensed as provided by this Act or any traction boiler which has not been so licensed or which is not owned and controlled by a registered dealer or any portable traction or semi-portable boiler which has not displayed thereon in the manner prescribed by this Act the proper plate for the then current year shall be liable on summary conviction to a fine of not less than \$10.00 nor more than \$50.00. ^{Penalty}

(2) The issue of a license shall not be taken as evidence that any steam boiler is in a condition to be safely operated and shall not exonerate the owner from any responsibility in connection with the operation of such boiler.

7. The Department upon such evidence as may be deemed sufficient of the loss of a plate may issue to the owner or dealer a new plate and may charge therefor a fee of \$1.00.

8. The Departmental receipt for a license fee shall, provided the boiler has been inspected within a period not exceeding one year from the date of application for a license therefor, be accepted by all persons whom it may concern as an interim license in force for a period of ten days from the date thereof, and during such period the owner or dealer may use or operate the boiler without having a plate affixed thereto as otherwise required by this Act.

9. A license issued under the provisions of this Act shall not be transferable.

10. The Minister may, whenever in his opinion it is advisable to do so, cancel or suspend any license issued under the provisions of this Act.

11. Any person who has installed or purposes to install any apparatus for receiving or containing compressed air at a maximum pressure exceeding fifty pounds to the square inch shall notify an inspector of the location thereof and shall prepare the same for inspection and no person shall use or cause or permit to be used any such apparatus unless and until the same has been inspected as hereinafter provided and a certificate of inspection has been issued by an inspector to the owner thereof. This provision shall not apply to any apparatus used for or attached to a steam locomotive or a street or railway car.

(2) No person shall instal, use or operate any apparatus for receiving or containing compressed air to which the provisions of this section apply unless the same is fitted with a reliable pressure gauge, a safety valve of approved make having an area at the seat not less than the area of the intake opening, and at the lowest point a drain pipe and valve of ample size, nor shall hereafter instal, use or operate any such apparatus unless the same is indelibly stamped with the name of the manufacturer, the tensile strength of the material of which the same is made, the date of manufacture and the pressure test to which the apparatus has been subjected.

(3) Every tank shall have indelibly stamped thereon by the manufacturer the following marks: "The manufacturer's name and address, the tensile strength of the material it contains, the date of manufacture and the test pressure to which it has been subjected."

(4) An inspector shall at least once in every two years inspect every such apparatus for receiving or containing compressed air and upon such inspection shall decide the maximum working pressure the receiver or container may carry. The inspector shall set and seal the safety valve and test the pressure gauge thereof and shall if he deems it necessary apply the hammer test and a hydrostatic test of at least one and one-half times the fixed working pressure and shall see that the whole apparatus is safely installed.

(5) Any person who shall violate any of the provisions of clause 1 or 2 of this section shall be liable on summary conviction to a fine of not less than \$10.00 and not more than \$25.00.

12. The Lieutenant Governor in Council may appoint a Chief Inspector of boilers and inspectors of boilers for the purpose of carrying out the provisions of this Act, and may fix the remuneration of such chief inspector and inspectors

and may assign to any inspector a particular portion of the province within which he shall have jurisdiction under this Act.

(2) Any person appointed an inspector shall be a British ^{Qualifications} subject, shall have had at least five years' experience as a practical machinist or boilermaker, shall be the holder of a first-class engineer's certificate as referred to in section 41, subsection 3. (a); shall not be interested directly or indirectly in the sale of boilers or machinery or accessories thereof, and shall have passed a satisfactory examination before a board of examiners composed of inspectors or such other persons as the Minister may direct.

(3) Every inspector, before entering upon the perform-^{Oath}ance of his duties, shall take and subscribe the following oath:

"I,, do swear that I will faithfully and honestly fulfil the duties which devolve upon me as inspector of boilers, and that I will not ask nor receive any sum of money, service, recompense, or matter, or thing whatsoever, directly or indirectly, in return for what I may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law, or by an order of the Lieutenant Governor in Council, and that I am not nor will be directly or indirectly interested in the sale of boilers or machinery or accessories thereof. So help me God."

(4) Every inspector shall keep a true and complete ^{Inspectors to keep records} record of every boiler, and of every apparatus for receiving or containing compressed air, which he has inspected, and of all repairs ordered by him, of every boiler condemned by him as unsafe, of all accidents to boilers and apparatus for receiving or containing compressed air, which have occurred in his district, whether by explosion or otherwise, and of all casualties in connection with boilers and apparatus for receiving or containing compressed air in his district.

INSPECTIONS.

13. An inspector shall at least once in every year and ^{Annual Inspections} at such time as he may see fit inspect internally and externally or test by hydrostatic test at the ratio of 150 per cent. of the maximum working pressure or both inspect and test every boiler in the province which carries a steam pressure of twenty pounds or more to the square inch.

(2) An inspector shall at such time as he may see fit ^{Boiler under 20 pounds pressure} inspect or test in the manner referred to in clause 1 hereof or both test and inspect as aforesaid every boiler in the province which carries a steam pressure of less than twenty pounds to the square inch.

(3) No person shall operate a boiler or apparatus for receiving or containing compressed air at a pressure in excess of the maximum working pressure stated in the inspection certificate, which pressure shall be calculated by the inspector in accordance with the regulations. ^{Not to be operated in excess of fixed pressure}

(4) In addition to such yearly inspection it shall be the duty of an inspector to inspect at any time, when in his ^{Additional inspection of unsafe boilers} opinion such inspection is necessary, every boiler within his district, reported to him as unsafe or which he may have reason to believe has become unsafe from any cause, and to notify the owner of such boiler if a defect is discovered and what repairs are necessary.

(5) If the owner of any boiler proves to the satis-^{Boilers not regularly operated}faction of the inspector that his boiler has not been operated since the date of the previous inspection, and is in as good condition as when inspected, the inspector may issue a new inspection certificate without inspecting the boiler and without charging any fee therefor.

14. If at any time the inspector discovers any defect in any boiler under pressure, which in the opinion of such inspector may cause immediate danger, he shall order the engineer to draw the fire and blow off the steam, and the engineer shall forthwith obey such instructions:

Engineer to relieve boiler of pressure if pronounced dangerous

Provided, however, that no inspector shall order an engineer to draw the fire, or blow off steam from any boiler, upon which depends the continued operation of a ventilating fan, the stopping of which might endanger the life of any person engaged in a mine, without having first given sufficient notice to the manager to enable him to forthwith take all necessary precautions and steps for the removal or safety of all persons in and about the mine and for the adequate protection of the mine.

(2) Every engineer shall assist the inspector in making his examination of any boiler or boilers in his charge, and shall point out to him any defects that he may know or believe to exist in said boiler or boilers, and in default thereof the inspector may take possession of the certificate of such engineer, and forward it to the Minister, together with a report on the circumstances of the case.

Engineers to assist inspectors

15. The owner or operator of any boiler shall allow the inspector free access to the same, shall furnish the labour necessary for the inspection thereof, shall fill the boiler to permit all hydrostatic tests being made; shall, if required by the inspector, remove any jacket or covering from the boiler, and shall also bring to the attention of the inspector any defect which he knows or believes to exist in the boiler.

Owner to prepare boiler for inspection

(2) The owner of the boiler which the inspector desires to inspect internally or externally shall cause it to be opened for inspection, scraped free from scale, the manhole and handhole plates thereof removed, and the flues therein cleaned and all soot or ashes removed from the inside and outside of setting therein. In the case of a traction or portable boiler the owner or person in charge shall cause the furnace grates and straw burners, firebox and all heating surfaces to be thoroughly cleaned.

(3) Any person violating any of the provisions of this section shall be guilty of an offence, and liable upon summary conviction thereof to a penalty of not less than \$25.00 and not more than \$100.00.

Penalty

16. If any person desires a special inspection or test of any boiler or any other special services in relation thereto, he may make application to an inspector therefor, and such inspector may comply with such application, but the person so applying shall be liable to the Minister for all expense in connection with the making of such inspection or test or performance of such other special services by the inspector.

Special inspections

17. An inspector may, by notice in writing signed by him, require the attendance before him at the time and place to be mentioned in such notice of any person and may examine such person on oath regarding any matter in connection with the inspection or operation of any boiler or any accident thereto, and may also pay the person so summoned the same witness fees as he would be entitled to on a small debt case in the District Court.

Inquiry by inspector

(2) Any person wilfully neglecting or refusing to comply with the notice of the inspector, or to take the oath or be examined as aforesaid shall be liable on summary conviction to a fine of not less than \$25.00 and not more than \$50.00. ^{Refractory witnesses}

(3) Any person so examined shall not be excused from answering any question on the ground that the answer may tend to criminate him or may tend to establish his liability to a civil proceeding; provided, however, that any evidence so given shall not be used or received in evidence against such person in any criminal or civil proceeding instituted against him other than a prosecution for perjury in giving such evidence. ^{Incriminating evidence}

(4) Every inspector shall on or before the thirty-first day of January in each year render a concise report to the Minister of all inspections made by him during the preceding year, and of all accidents and casualties that may have occurred in connection with the operation of boilers and apparatus for receiving and containing compressed air within his district. ^{Report to Minister}

18. In order to satisfy himself as to the thickness of a plate on any boiler or as to its internal condition, an inspector may cut holes or may order the owner or operator to cut holes therein, and in the latter case the owner or operator shall forthwith comply with the orders of the inspector. ^{Cutting hole in boiler}

19. Any owner or other person in charge of a boiler who shall fail to carry out the written instructions of an inspector for the safe operation thereof or for the washing out and cleaning of the interior thereof shall be liable to the penalty provided for a breach of this Act; provided that any such owner or other person in charge of a boiler may within thirty days of the receipt of such written instructions of an inspector appeal to the Minister for the disallowing or modification thereof; the decision of the Minister shall be final and, pending his decision, the owner or other person in charge of a boiler shall either cease to operate the same or shall observe the inspector's written instructions. ^{Disobeying inspectors' instructions} ^{Appeal to Minister}

20. Any owner or other person in charge of a boiler who refuses or neglects to station a man to guard against steam being turned into a boiler which it is possible to connect with another boiler containing steam, during the period that any person is inside such first mentioned boiler, shall be liable upon summary conviction thereof to a penalty of not less than \$50.00 and not more than \$100.00. ^{Precautions steam connections}

REGISTRATION OF DESIGNS.

21. Every dealer shall forward to the Department for registration complete working drawings in triplicate and complete specifications in duplicate of any boiler intended for use in the province, and also of any alterations in any drawings and specifications previously registered and approved as hereinafter provided. ^{Regulation of designs of boilers}

(2) Every dealer in accessories for boilers shall forward to the Department for registration working drawings in triplicate of any safety valve, stop valve, water gauge, gauge cock, pressure gauge, or blow-off valves, and also of any alterations in any drawings previously registered and approved as hereinafter provided. ^{Accessories}

(3) The Chief Inspector may make an endorsement of ^{Approval} his approval on any drawings or specifications registered under the provisions of this section, or may recommend to the dealer the amendment thereof and upon compliance with any such recommendation may make such endorsement.

(4) The dealer shall for the registration and approval or ^{Registration} otherwise of any such drawings and specifications pay such ^{fee} fee as may be prescribed by the regulations.

(5) Any person who sells or otherwise disposes of a boiler ^{Sale of} not built according to approved drawings and specifications, ^{boilers not} or which does not conform with the regulations, or a boiler ^{conforming} for which an inspection certificate has not been previously issued, or any boiler accessory which has not been made according to approved drawings or which does not conform with the regulations, shall be liable on summary conviction to the penalty provided by this Act:

Provided the owner of a boiler which has been in service outside the province, who wishes to operate the same within the province, shall apply to the Department for permission so to do, giving a complete description of the boiler and stating the exact location at which it is proposed that such boiler shall be operated; the Department may thereupon cause the boiler to be inspected, and upon the issue of an inspection certificate stating that said boiler has been equipped with fittings and installed according to the regulations, the same may be operated; provided that the maximum working pressure to be allowed in any such case shall be computed by the formula contained in the regulations, with such further reduction as the inspector may direct.

(6) Any person violating the provisions of this section shall be liable on summary conviction thereof to a penalty of not less than \$25.00 and not more than \$50.00.

22. Any person who imports into the province a new ^{Importation} boiler shall notify the Department of such importation ^{of new boilers} and shall forward to the Department either complete working drawings in triplicate and complete specifications in duplicate of the boiler or a declaration by any authorized person in the employ of the manufacturer that such boiler has been built according to certain drawings and specifications previously registered and approved by the Department, and such declaration shall also state that the boiler complies in all respects with the regulations, that a hydrostatic test has been applied in the ratio required by the regulations, that the steam gauge is correct, and that the safety valve has been tested and is properly set to the working steam pressure of the boiler in accordance with the regulations.

23. An inspector may, at any reasonable hour, enter ^{Right of} upon any property for the purpose of inspecting any boiler ^{Entry} situated thereon, or for the purpose of ascertaining whether the provisions of this Act are being complied with, and also shall have the right at any reasonable hour to examine boilers in course of construction or undergoing repairs.

24. Any person interfering with or obstructing any ^{Obstructing} inspector in the performance of his duties under this Act ^{inspector} shall be liable on summary conviction to a penalty of not less than \$50.00 and not more than \$100.00.

25. Any person who sells or exchanges a boiler shall within thirty days after such sale or exchange send to the Minister, by registered mail, a written notice of such sale or exchange stating the names of the vendor and purchaser, or transferor and transferee, the license number or numbers, if any, of the boiler or boilers or the number stamped on the boiler by the inspector at the last inspection thereof.

(2) No person shall sell or exchange any boiler which has been in use for more than two years for subsequent use as a boiler unless the boiler has been inspected and licensed within the year next preceding the date of such sale or exchange and on any such sale or exchange the vendor or transferor shall hand to the purchaser or transferee the inspection certificate last issued for such boiler; but this provision shall not affect the right of a purchaser to transfer to a manufacturer an old boiler in part satisfaction of the price of a new boiler.

INSPECTION CERTIFICATE.

26. If, upon inspection, an inspector finds a boiler to be in safe working order, and properly set up, with fittings as prescribed by the regulations, he shall issue to the owner thereof an inspection certificate stating the maximum pressure at which the boiler may be operated, and such other instructions as he may think fit for the safe operation of the boiler, and thereupon the boiler mentioned in the certificate may be operated. Such certificate shall continue in force until the boiler is inspected in the following year, or for such shorter period as the inspector may direct.

(2) Any owner or other person operating any boiler before an inspection certificate therefor has been granted, shall be liable on summary conviction to a penalty of not less than \$50.00 and not more than \$250.00.

(3) The inspection certificate shall be placed so as to be easily read, in a conspicuous place in the boiler room, or engine room of every stationary boiler, and shall be produced at any time by the owner or operator of any traction or portable boiler upon demand of an inspector or upon demand of a member of any police force. Any owner refusing or neglecting to post up or produce the inspection certificate shall be liable upon summary conviction thereof to a penalty of not less than \$10.00 and not more than \$25.00.

27. Every person who makes, or procures to be made, or assists in making any false representation regarding any boiler, or who forges, assists in forging, or procures to be forged, or fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any inspection certificate or license, or any official copy of an inspection certificate or license or any plate, or who fraudulently makes use of any such inspection certificate, license or plate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his inspection certificate, license or plate to, or allows any other person to use the same in connection with any other boiler than that for which such inspection certificate, license or plate was issued, shall be liable upon summary conviction thereof to a penalty of not less than \$50.00; and any owner or other person who refuses or neglects to deliver up to the Minister or inspector an inspection certi-

ificate which has been cancelled or suspended shall be liable upon summary conviction thereof to a penalty of not less than \$50.00 and not more than \$100.00.

EXPLOSIONS.

28. Every owner or operator of a boiler shall within twenty-four hours after an explosion of any boiler send to the Minister by registered mail a written report thereof, which report shall state the exact place at which the explosion occurred, the number of persons killed or injured, if any, the probable cause and the effect of the explosion.

(2) After the explosion of any boiler no part or parts thereof shall, without the previous consent of the Minister or an inspector, be removed until an inspector has examined the same, except in so far as may be necessary for the rescue of any persons injured or for the removal of the body of any person killed.

(3) Any person violating any of the provisions of this section shall be liable on summary conviction to a fine of not less than \$100.00 and not more than \$200.00.

29. On receipt of any report mentioned in the preceding section, the Minister shall appoint some person or persons to make an investigation as to the cause and circumstances of such explosion, which investigation shall be held at some convenient place near where the explosion occurred.

(2) The person or persons so appointed shall have all the powers which by section 2 of *An Act respecting Enquiries Concerning Public Matters* may be conferred upon a commissioner or commissioners appointed under the provisions of that Act.

30. If any loss or damage is incurred or sustained by any person by reason of the explosion of a boiler for which the owner has not obtained an inspection certificate, then in any suit or proceeding arising by reason of such explosion the onus of proof that such loss or damage did not arise from the negligence or improper conduct of the owner or person in charge of such boiler shall be upon the owner of the boiler.

31. Any owner who thinks himself aggrieved by any rule or order of an inspector, may appeal to the Minister who shall hear and determine such appeal and whose decision thereon shall be final.

(2) On the hearing of any appeal it shall be lawful for the Minister, if he thinks fit, to summon to his assistance any expert engineer.

32. Any charge of neglect of duty or other complaint against an inspector shall be addressed to the Minister, and shall state fully the particulars of such charge or complaint.

BOILER FITTINGS.

33. No person shall operate a boiler not previously inspected by an inspector unless the same is equipped with fittings as provided in the regulations.

34. Any person removing, destroying or in any way ^{Tampering} tampering with the sealing device of any safety valve after it has been sealed by an inspector, or changing a safety valve without permission of an inspector, shall be liable upon summary conviction to a penalty of not less than \$50.00 nor more than \$100.

35. It shall be the duty of the engineer in charge of a ^{Blowing off} boiler to blow, or cause the safety valve to blow off steam, at least once each working day, to satisfy himself that the valve is in good order, and it shall be his duty to report to an inspector any failure of such valve to operate; in case any such failure is not so reported, the certificate of the engineer having such boiler in charge may be suspended or cancelled by the Minister.

36. Any person who alters or otherwise tampers with the ^{Tampering} pressure gauge of a boiler so as to prevent the actual ^{with pressure} pressure of the boiler from being easily seen and ascertained, shall be liable on summary conviction to a penalty of not less than \$10.00 and not more than \$50.00.

INSPECTION FEES.

37. The owner of every boiler in the province inspected under the provisions of this Act shall pay a fee for each and every boiler inspected as prescribed by the Lieutenant Governor in Council.

(2) Where the owner of a portable, traction or semi-portable boiler has already paid to the Department the annual license fee for the current year, the inspector, upon production of the Departmental receipt therefor or the license number plate for the current year, shall not charge any fee for the inspection of such boiler or for the issue of an inspection certificate.

(3) Any owner neglecting or refusing to pay the inspector the proper fee shall be guilty of a breach of this Act.

ENGINEERS AND FIREMEN.

38. Any person not holding a final, interim or provisional ^{Operating} certificate of qualification as an engineer, or as a fireman ^{boilers} of a heating plant, or a permit as hereinafter provided, ^{without} who at any time operates any boiler carrying a working ^{certificate} pressure of twenty pounds or more, governed by this Act, or is in charge of any such boiler while in operation, whether as owner or engineer, or steam plant of a different or a higher class than is authorized by the certificate held by him, or fails to produce his certificate upon the demand of an inspector or member of any police force, shall be liable on summary conviction thereof to a penalty of not less than \$25.00 nor more than \$100.00.

(2) Provided that where an employee of any manufacturer ^{Special} of boilers is employed installing, testing, regulating, or ^{authority} otherwise superintending the installation or operation of a ^{during} boiler, he may do so upon applying for and receiving ^{installation} written authority from the Minister or an inspector.

39. If any owner of a boiler shows to the satisfaction ^{Permits} of the Minister or an inspector that he is unable by reason of some unforeseen occurrence to immediately secure the services of a person qualified to operate such boiler, the

Minister or inspector may grant a permit to any person producing satisfactory evidence of experience, good conduct and sobriety to operate such boiler for a period of thirty days from the date of such permit:

Provided, however, that notwithstanding anything to the contrary in this Act, when an application for such a permit has been made, the owner, manager or agent of a mine may allow the person named in the application to operate a boiler for the purposes of the mine for a period of six full days from the date of such application, or until such time as notice is received of the granting or refusing of the application, whichever is the shorter time.

40. The employer of any person who at any time operates any steam boiler governed by this Act, or is in charge of such steam boiler while in operation who has not a certificate, or permit as required by this Act, or who fails to produce such certificate or permit upon demand by an inspector, or a member of any police force, shall be liable on summary conviction to a penalty of not less than \$50.00 and not more than \$150.00.

(2) The certificate or permit of any engineer in charge of an engine room or boiler room shall be exposed in a conspicuous place in such room.

(3) Any engineer who refuses or neglects to expose his certificate or permit, or to produce the same upon the demand of an inspector or a member of any police force shall be liable on summary conviction thereof to a penalty of not less than \$10.00 and not more than \$50.00.

(4) The absence of such certificate or its non-production upon demand shall be *prima facie* evidence that the person operating the engine or boiler has no certificate.

41. The Minister may from time to time nominate an inspector or inspectors to examine applicants for certificates hereinafter referred to and may decide the subjects of examination for each class of certificate and prescribe regulations governing the same.

(2) Every applicant for examination shall pay the prescribed fee therefor to the inspector.

(3) Certificates as follows will be granted according to the qualifications of the applicant as appears by examination:

(a) First Class: To have charge of and operate any steam plant.

(b) Second Class: To have charge of and operate a boiler or boilers of a total capacity not exceeding 500 horse power, and to have charge of and operate an engine or engines of a total capacity not exceeding 500 horse power, or to operate any steam plant of which an engineer holding a first class certificate is in direct charge.

(c) Third Class: To have charge of and operate a boiler or boilers of a total capacity not exceeding 200 horse power, and to have charge of and operate an engine or engines of a total capacity not exceeding 200 horse power (unless the certificate is otherwise specially limited) or to operate a boiler or boilers of a total capacity not exceeding 500 horse power under an engineer holding at least a second-class certificate.

(d) Traction engineer's final certificate: To have charge of and operate a traction boiler only.

(e) Provisional certificate: To have charge of and operate a boiler and engine of a capacity not exceeding 50 horse power, for a period of one year.

(f) Fireman's final certificate: To have charge of and operate a heating boiler only, carrying a steam pressure of twenty pounds and not more than one hundred pounds per square inch.

(g) Provided the experience of an applicant for a certificate is limited to a steam shovel, or a hoisting or a portable boiler and engine only, a third class, or provisional certificate may be issued under which the holder may be authorized to have charge of and operate a steam shovel or a boiler and engine of the category of which he has had experience.

42. An engineer's final certificate issued under *The Steam North-West Territories certificates* *Boilers Ordinance* of the North-West Territories shall entitle the holder thereof to operate in the Province of Alberta; provided that the holder of a second or third class certificate issued under the said Ordinance shall not operate a boiler of a larger capacity than the boiler which under this Act may be operated by the holder of a second or third class certificate respectively issued under the provisions of this Act.

43. A candidate for a first class certificate shall be at least twenty-five years of age, shall furnish proof that he has been employed as a machinist or boilermaker on the repairing or building of steam engines or boilers for a period of not less than twenty-four months, and has had charge of a steam plant in which he operated a battery of boilers aggregating not less than three hundred horse power in capacity and that he has operated engines aggregating not less than three hundred horse power in capacity, for a period of at least twelve months. Qualifications for first class certificates

(2) A candidate for a second class certificate shall be at least twenty-two years of age, and shall furnish proof that he has served four years in charge of and operated a boiler or boilers, and had charge of and operated an engine or engines, of not less than fifty horse power or that he has served twenty-four months in a workshop employed in the manufacture of engines or boilers, and has served as engineer of a steam plant of not less than seventy-five horse power for a period of at least twenty-four months. Qualifications for second class certificates

(3) A candidate for a third class certificate shall be at least twenty years of age, shall furnish proof that he has served as fireman of a boiler or boilers for a period of twelve months; has had charge of and operated a boiler or boilers and has had charge of and operated an engine or engines for a further period of twelve months, or that he has served twelve months in a workshop employed on the manufacture or repairing of engines or boilers, and as fireman of a steam boiler for a further period of twelve months. Qualifications for third class certificates

44. The certificate referred to in section 41, subclause 3(d) as a traction engineer's final certificate shall be granted to traction engineers upon satisfactory passing a combined written and oral examination before an inspector. Qualifications for traction engineer's final certificate

45. Upon an applicant for a final certificate of qualification as an engineer completing the examination set by the inspector but before the results thereof are announced, the inspector may issue to such candidate an interim certificate of the class to which he would be entitled upon Interim certificate

passing such examination, which certificate shall entitle the holder to operate as an engineer of the class therein specified, for a period to be specified in the certificate but which shall in no case exceed thirty days.

46. A final fireman's certificate shall be granted upon the applicant passing a written and oral examination such as is laid down by the Minister, and producing conclusive evidence of at least six months' experience as an engineer or fireman of a steam boiler. Qualifications for fireman of heating plant certificate

47. Any person who has had over twelve months' experience as an engineer or fireman outside the province, or any person who has served for twelve months in the province as fireman to the holder or holders of a final engineer's certificate, may apply to the Minister or an inspector for a provisional certificate of qualification for operation of boilers or engines not having a capacity of more than fifty horse power, and the Minister upon being satisfied that the applicant is a person of sufficient experience to justify the same, may cause the applicant to be orally examined by an inspector, and upon such applicant passing such examination satisfactorily he may be granted such provisional certificate, valid for a period of one year from the date of issue thereof. Qualifications for provisional certificate

(2) Such provisional certificate may be renewed but the applicant for such renewal may be required to pass an oral examination to the satisfaction of an inspector. Renewal of provisional certificates

48. The holder of a provincial certificate, or anyone who in the opinion of an inspector has had sufficiently extensive experience in operating boilers and engines to justify the same, may be granted a final certificate of qualification as an engineer, or fireman of a heating plant, upon passing an examination which shall be conducted in accordance with regulations from time to time prescribed by the Minister. Application for and issue of a final certificate

49. The inspector shall determine the class of examination which an applicant shall undergo, whether for first, second or third class certificate, and after such examination, if found competent, the applicant shall receive a certificate graded according to the merits of his examination, irrespective of the grade of certificate for which he applied. Inspector to determine class written for

(2) Any candidate failing to pass the required examination for first or second class certificate shall not be allowed to present himself for further examination for a period of one year, during which term he must operate as an engineer, and upon further application must show satisfactory evidence of additional experience. Second examination

50. Any person who holds a certificate of qualification as an engineer for operating boilers and engines, granted under the provisions of any Act of the Parliament of Great Britain and Ireland, or of the Dominion of Canada, or of any province therein, or of any other part of His Majesty's dominions, may, upon making application to the Minister, accompanied by such evidence of qualification as may be required by the Minister, and upon satisfactorily passing an examination before an inspector if deemed necessary by the Minister, obtain a certificate of qualification as an engineer in the class determined by the Minister. Certificate may be granted in lieu

51. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate of competency or service, or who forges, or assists in forging, or procures to be forged, or fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such certificate, or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to, or allows the same to be used by any other person, shall be liable upon summary conviction thereof to a penalty of not less than \$50.00 and not more than \$100.00, and any engineer or fireman who fails to deliver up his certificate when cancelled or suspended shall be liable to a penalty of not less than \$25.00 and not more than \$100.00.

False representations and forging of certificate

Surrender of cancelled certificate

(2) Any person other than the person whose name appears thereon becoming possessed of a certificate shall transmit it forthwith to the Minister.

52. If a candidate for a final certificate is unable to write, he may employ some person to write the examination therefor from his dictation, such person shall not be an engineer, and shall before performing any duties under the provisions of this section, take and subscribe before an inspector the following oath:

Provisions for amanuensis

"I, A.B., of the, in the Province of Alberta, swear that I will truly, faithfully and accurately without alteration or interlineation of any kind, transcribe the answers dictated to me by C.D. (*here insert the name of the candidate*), a candidate for a final certificate, under the provisions of *The Boilers Act*. So help me God."

(2) If such candidate should be unable to speak the English language, he may employ some person as interpreter; such person shall not be an engineer, and shall, before performing any duties under the provisions of this section, take and subscribe before an inspector the following oath:

Interpreter

"I, A.B., of the, in the Province of Alberta, swear that I will truly and faithfully interpret the questions and the answers given on the examination of C.D. (*here insert the name of candidate*), a candidate for a final certificate under the provisions of *The Boilers Act*, and all other matters connected therewith, and the language into the English language, and the English language into the language, according to the best of my skill and ability. So help me God."

53. Any candidate may appeal in writing to the Minister from the decision of the inspector in regard to any examination, and the decision of the Minister in regard to such appeal shall be final.

Appeal from decision of inspector

54. If it becomes known to an inspector that an engineer or fireman is violating any of the provisions of this Act, or in any way negligently operating a steam plant in his charge, or under the influence of liquor while on duty, he may take possession of such engineer's or fireman's certificate, and transmit the same to the Minister together with a full report of the circumstances of the case.

Inspector may suspend certificate

(2) The Minister may, upon due cause being shown, ^{Minister may cancel certificate} cancel or suspend any certificate issued under the provisions of this Act, and any person whose certificate is so cancelled or suspended shall be deemed guilty of a breach of this Act, and liable to the penalties hereinafter imposed.

55. If any owner believes that his boiler or engine has ^{Complaint by owner} been damaged through the negligence of the engineer in charge, he shall immediately report such negligence to an inspector, verifying the statements contained in such report by a statutory declaration.

(2) Such inspector shall thereupon immediately investi- ^{Investigation} gate the charge and may, if he deem proper, demand and obtain from such engineer in charge his certificate, and shall immediately forward a report of any investigation made under the provisions of this section to the Minister, together with the certificate, if any, which he has ordered to be delivered up by the engineer in charge; the Minister may thereupon order such certificate to be returned to such engineer, suspend the operation of said certificate for such period as he may deem just, cancel the certificate, or otherwise deal with the matter.

(3) Any engineer in charge refusing to deliver up his certificate when same is demanded by an inspector under the provisions of this section shall be liable on summary conviction to the penalty provided by this Act.

56. Upon satisfactory proof that a certificate is lost or ^{Certificates lost or destroyed} destroyed, a duplicate may be issued by the Minister, upon receipt of one-half of the fee authorized by this Act for the issue of an original certificate of the same class.

57. The owner of a plant where there is a battery of ^{Provision for large plants} boilers of a capacity exceeding five hundred horse power and where such battery of boilers is contained in a building separate from the rest of the plant shall in addition to such engineers as he is otherwise required to employ under the provisions of this Act, employ engineers holding at least second-class certificates in charge of such battery of boilers on both day and night shifts.

58. No engineer or fireman in charge of a boiler or boilers ^{Absence of engineer} shall absent himself from duty in connection therewith for more than ten minutes at a time while the same is in operation.

59. The Lieutenant Governor in Council may from time ^{Regulations} to time fix the amount of any fees provided for under the Act and make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act, and such regulations shall have the same force and effect as if they were included in this Act and herein enacted.

60. Any person guilty of a breach of any of the provisions ^{Penalties} of this Act, or of any regulations made hereunder, for which no penalty is herein specified, shall on summary conviction thereof be liable to a penalty of not less than \$50.00 and not more than \$100.00.

61. *The Steam Boilers Act*, being chapter 9 of the Statutes ^{Repeal} of Alberta, 1911-12, and all amendments thereof are hereby repealed.

No. 33.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

An Act respecting Steam Boilers.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. McLEAN.

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