

Seychelles

## Boiler Explosions Act

Act 5 of 1913

Legislation as at 30 June 2012

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# Seychelles

## Boiler Explosions Act Act 5 of 1913

Commenced on 3 May 1913

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 5 of 1913; Act [19 of 1914](#); Act [3 of 1959](#); Act [12 of 1962](#); S.I.95 of 1975; Act [23 of 1976](#)]*

### 1. Short title

This Act may be cited as the Boiler Explosions Act.

### 2. Definition of terms

In this Act—

"boiler" means any closed vessel—

- (a) used for generating steam; or
- (b) sustaining a steam pressure exceeding twenty pounds per square inch;

"owner" includes lessee and any person on whose behalf a boiler is used.

### 3. Application of Act

This Act shall not apply to any boiler used exclusively for domestic purposes, or to any boiler used in the service of the Republic or in any Government department, or to any boiler on board a foreign steamship.

### 4. Inspection of boilers

- (1) Whenever a boiler is set up or a boiler undergoes extensive repairs, the owner thereof shall be bound to have such boiler efficiently inspected and certified fit for use as hereinafter provided.
- (2) Whenever any boiler has been inspected and the time mentioned in the certificate issued under [section 5](#) has expired, the owner shall be bound to have such boiler efficiently inspected and certified fit for use as hereinafter provided.
- (3) Every owner failing to comply with any of the provisions of this section is guilty of an offence and is liable on conviction to a fine of five hundred rupees.

### 5. Memorandum of inspection

- (1) A boiler shall be deemed to have been efficiently inspected within the meaning of [section 4](#) whenever—
  - (a) the person making such inspection shall have drawn up in his own handwriting a memorandum of his inspection and a certificate in the form of Schedule A and such memorandum and certificate shall have been filed with the Principal Secretary or any other officer of the Ministry discharging the functions of a Principal Secretary within 15 days of such inspection; and
  - (b) such inspection has been performed by a competent person as defined in [section 6](#).
- (2) Any such person knowingly making any false statement in such memorandum or certificate is guilty of an offence and is liable on conviction to imprisonment of two years or to a fine of two thousand

rupees. Such person shall not otherwise be liable to a prosecution in respect of a certificate given by him under this Act.

## 6. Definition of competent person

- (1) A person shall be deemed a competent person with the meaning of [section 5](#) when
  - (a) such person has obtained a diploma, degree or certificate of competency as engineer or mechanical engineer from any college, school or institute in the United Kingdom or in France; or
  - (b) such person has been authorised by the Minister to inspect and draw up a certificate in the form of Schedule A;
- (2) Such persons falling under (a) and (b) shall be declared in a notice in the *Gazette* by order of the Minister to be persons competent to inspect boilers under this Act.

## 7. Certificate

- (1) The certificate of examination of a boiler shall be given in the form of Schedule A on stamp paper of one rupee.
- (2) The said certificate shall be *prima facie* evidence of the facts therein stated, and shall not be challenged or put in issue in any inquiry or other proceeding, except on the ground of fraud, and on an order of a Judge or magistrate that a *prima facie* case of fraud has been established.
- (3) No liability, civil or criminal, shall attach to the person giving such certificate except on the ground of fraud.
- (4) The person employed for the purpose of examining boilers shall be entitled to claim a fee from the owner thereof of Rs.50 for each boiler examined by him, irrespective of the number of visits paid for the purpose of such examination and shall further be entitled to a travelling allowance of Rs.1 for each mile actually travelled from such persons's place of business.

## 8. Steam pressure

- (1) The steam pressure mentioned in the certificate shall be legibly painted on a metal plate together with the date of certificate, and any driver or other person in charge of a boiler who shall work such boiler or allow it to be worked at a pressure exceeding that mentioned on such metal plate is guilty of an offence is liable on conviction to a fine of five hundred rupees.
- (2) The owner or manager of an estate who shall neglect to have such metal plate affixed to the boiler in some conspicuous place, or who shall affix a plate which gives incorrectly the pressure that is mentioned in the certificate that refers to the boiler or which gives incorrectly the date of such certificate, is guilty of an offence and is liable on conviction to a fine of five hundred rupees.

## 9. Notice of explosion

- (1) On the occurrence of an explosion from any boiler, notice thereof in the form of Schedule B shall, within twenty-four hours thereafter, be sent to the Magistrate of the district in which the explosion occurs, by the owner or by the manager of any estate on or in connection with which the boiler was used.
- (2) The notice shall state the precise locality as well as the day and hour of the explosions, the number of persons injured or killed, in addition to the purposes for which the boiler was used, and generally the part of the boiler that failed or is believed to have failed.
- (3) If default is made in complying with the requirements of this section, the person in default is guilty of an offence and is liable on conviction to a fine of two hundred rupees.

## 10. Powers of magistrate

- (1) A magistrate on receiving such notice or otherwise becoming aware of any boiler explosion, may do all or any of the following things:—
  - (a) He may himself inspect the locality where the explosion has taken place, or by order in writing under his hand, authorise and direct any persons to inspect such locality, and make such examination and take or cause to be taken such photographs and measurements as he or they may deem expedient.
  - (b) He may by order in writing under his hand require that the place in and near which the explosion has happened shall be left undisturbed, and that no article or thing shall be removed therefrom for such reasonable time to be specified in such order as may be necessary for the purpose of taking photographs and measurements; the time mentioned in any such order may be extended by a like order in writing. While any such order remains in force every officer of police shall have full authority to remain in possession of such place and to prevent any person going thereon and prevent any article or thing being disturbed or removed.
  - (c) He may, by an order in writing under his hand, authorise any officer of police, without naming such officer, to take and keep possession of any article or thing which such magistrate deems it is necessary should be safely kept for inspection or production at the inquiry.
  - (d) Where any article or thing, the production of which there is reason to consider is necessary for the purposes of the inquiry, has been removed or is concealed, he may, by warrant under his hand, empower any such officer of police, without naming such officer, to search for such article or thing and when found to keep possession of the same for production at the inquiry.
- (2) If any person feels aggrieved by any order of the Magistrate, made under the provisions of this section, he may on an affidavit of the facts apply to a Judge to vary or annul the order of the magistrate and the Judge is hereby authorised to make such order as the circumstances may require. Every person wishing to make such application shall, twenty-four hours at least before making the application, leave at the office of the Attorney General a notice in writing of his intention to apply and a copy of every affidavit which he intends to use on making such application.

## 11. Inquiry

- (1) The magistrate shall forward the notice in [section 9](#) mentioned to the Attorney General with a report as to any action taken or order made by him under [section 10](#).
- (2) The magistrate of the district in which a boiler explosion occurs shall, if he is required to do so by the Attorney General, make an inquiry into the origin, causes and circumstances of such explosion.

## 12. Summons

- (1) The magistrate shall cause a notice of the day fixed for the inquiry to be served on the owner of the boiler having exploded.
- (2) The magistrate may summon such witnesses as he may deem necessary. The witnesses shall be examined on oath and the evidence shall be taken down in writing by the magistrate who shall cause the witnesses to sign their statements.

## 13. Witness failing to attend, etc.

Any person summoned as witness who shall fail to attend, or refuse to give evidence, or misbehave himself in court is guilty of an offence and is liable on conviction to imprisonment for a period of one month or to a fine of one hundred rupees.

#### 14. Magistrate's opinion

- (1) After all the witnesses have been examined and the Magistrate has made full investigation into the subject matter of the inquiry, he shall record in writing his opinion as to the origin of the explosion and shall as soon as convenient transmit the same to the Attorney General together with all the depositions taken and the documents produced.
- (2) In case the boiler has not been inspected as prescribed in [section 4](#) or when the magistrate finds that the explosion was due to the boiler having been worked at a steam pressure exceeding that mentioned in the certificate issued under [section 5](#), or to the boiler having been otherwise negligently or imprudently used, he shall order the costs and expenses of the inquiry including the fees to any persons appointed to make an examination as provided in [section 10](#) to be paid by the owner; and thereafter such costs shall be recovered as costs are recovered from a person convicted by a magistrate. In all other cases the costs shall be payable by the Government.
- (3) No decision of the magistrate under this section shall be deemed res judicata in any subsequent proceeding against the owner.

#### 15. Compensation

If any person be injured or killed by or in consequence of a boiler explosion, the owner shall, unless he proves that the explosion is due to vis major or to some fault on the part of the person so injured or killed, be bound to pay a fair and reasonable compensation to the person so injured or to the wife and children of the person so killed or to any other relative dependent on that person.

### Schedule A (Section 7)

#### Form of certificate

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ I have carefully examined in all its accessible parts a boiler (here insert description sufficient for identification) and that I conscientiously believe the said boiler to be in a fit condition to be worked at a steam pressure not exceeding \_\_\_\_\_ pounds to the square inch, if necessary care and the usual precautions are taken in working it.

And I hereby declare that the said boiler must be examined again \_\_\_\_\_ years hence.

Signed \_\_\_\_\_

### Schedule B (Section 9)

1. Name of premises or works where the boiler exploded \_\_\_\_\_
2. Day and hour of the explosion \_\_\_\_\_
3. Number of persons killed \_\_\_\_\_
4. Number of persons injured \_\_\_\_\_
5. General description of the boiler \_\_\_\_\_
6. Purposes for which the boiler was used \_\_\_\_\_
7. Part of the boiler which failed, and the extent of failure generally \_\_\_\_\_
8. Pressure at which the boiler was worked \_\_\_\_\_
9. Name and address of person by whom the boiler was last inspected \_\_\_\_\_

Signature of person responsible for the accuracy of the particulars contained in this form

Address \_\_\_\_\_

Date \_\_\_\_\_