

PAKISTAN BOILER RULES 2009

CONTENTS

1. SHORT TITLE AND COMMENCEMENT.
2. DEFINITIONS.
3. ADMINISTRATIVE CONTROL.
4. SUPERVISION AND GENERAL CONTROL:
5. POWERS:
6. INSTRUCTIONS TO OWNERS
7. MAINTENANCE OF REGISTERS OF BOILERS
8. REPORTING TO CHIEF INSPECTOR
9. POWERS
10. REPORTING TO CHIEF INSPECTOR
11. DUTIES AND POWERS
12. ADVICE TO OWNERS
13. APPLICATION FOR REGISTRATION OF BOILERS:-
14. PROCEDURE ON APPLICATION:-
15. REGISTRATION OF BOILER:-
16. APPLICATION FOR RENEWAL OF REGISTRATION CERTIFICATE:-
17. NOTICE FOR RENEWAL OF REGISTRATION CERTIFICATE:-
18. PROCEDURE ON APPLICATION FOR RENEWAL OF REGISTRATION CERTIFICATE:-
19. ADDITIONAL PROCEDURE ON SEVENTH AND TENTH RENEWAL OF REGISTRATION CERTIFICATE:-
20. RENEWAL OF REGISTRATION CERTIFICATE:-
21. RECORD OF RENEWAL OF REGISTRATION CERTIFICATE:-
22. APPLICATION FOR TRANSFER OF A BOILER:-
23. PROCEDURE ON APPLICATION FOR TRANSFER OF BOILER:-
24. DESTRUCTION OF BOILER:-
25. APPOINTMENT AND QUALIFICATION:-
26. DUTIES:-
27. CHANGE OF CHARGE OF BOILER ENGINEER:-
28. NON-PERFORMANCE OF DUTIES BY BOILER ENGINEER:-

29. CONTRACT BY OWNER:-
30. PROCEDURE FOR ALTERATION AND REPAIR OF BOILERS:-
31. REPORTING OF ACCIDENTS. –
32. INVESTIGATION OF ACCIDENTS.
33. PROCEDURE DURING INVESTIGATION
34. AD HOC TECHNICAL COMMITTEE:-
35. POWER TO HOLD INQUIRY:-
36. DECISION OF THE INQUIRY
37. INFORMATION TO THE BOARD:-
38. RECORD OF ACCIDENT
39. REFERENCE IN ANNUAL REPORT:-
40. NON-REPORTING OF ACCIDENT
41. SUBMISSION OF APPEAL
42. PRESENTATION OF APPEALS.
43. DATE OF HEARING:-
44. NOTICE TO APPELLANT.
45. PRESENCE OF INSPECTION AUTHORITY
46. ATTENDANCE OF WITNESSES:-
47. EXPARTE DECISIONS:-
48. DECISION OF APPEAL:-
49. COSTS IN APPEALS:-
50. FEE FOR CERTIFICATES GRANTED ON APPEALS:-
51. PROCEDURE FOR PROSECUTION:-
52. PROCEDURE FOR PROSECUTION UNDER SECTION 22
53. ILLEGAL MANUFACTURER OF BOILER

PAKISTAN BOILER RULES 2009

TEXT

GOVERNMENT OF PAKISTAN MINISTRY OF INDUSTRIES AND PRODUCTION

Islamabad, the 23rd October, 2009

NOTIFICATION

S.R.O.07(KE)/2010.- In exercise of the powers conferred by section 29 of the Boilers and Pressure Vessels Ordinance, 2002 (CXXI of 2002), the Federal Government is pleased to make the following rules, the same having been published in the Gazette of Pakistan vide Notification No. SRO 79(1)/2008, dated the 21st January, 2008, as required under section 82 of the said Ordinance, namely:-

CHAPTER I- PRELIMINARY

1. **Short title and commencement:-** (1) These rules may be called the Pakistan Boilers Rules, 2009 (2) They shall come into force at once.
2. **Definitions:-** In these rules, unless there is anything repugnant in the subject or context.
 - a) "boiler engineer" means a person holding the Boiler Engineer Competency Certificate granted by a competent authority and fulfilling the requirements laid down in these rules;
 - b) "Ordinance" means the Boilers and Pressure Vessels Ordinance, 2002 (CXX of 2002);
 - c) "register" means the register for boilers to be maintained and kept under these Rules; and
 - d) "transfer of boiler" means a registered boiler which is moved from one location to another but does not include a boiler which is registered as a mobile unit ;(2) All other words and expressions used but not defined herein shall have the same meaning and effect as is defined under the Ordinance.

CHAPTER II -POWERS AND DUTIES OF THE CHIEF INSPECTOR

3. **Administrative Control:-** The Chief Inspector shall work under the direct administrative control of the Provincial Government concerned or, as the case may be, the Federal Government.
4. **Supervision and General Control:** - The Chief Inspector shall have all the powers of Deputy Chief Inspector and Inspector under the Ordinance. He shall supervise and exercise general control over the work of Inspectors including inspection and examination of any boiler under his jurisdiction.
5. **Powers:** - The Chief Inspector shall have the powers to:-
 - a) pass orders for registration of boilers after ensuring that the requirements for registration have been met according to the Ordinance and the rules and

regulations made there under;

- b) enter under his own signature any subsequent entry required in the registration book;
- c) in the case of any boiler, the transfer of which has been reported under clause (b) of section 6 of the Ordinance, obtain inspection book of the boiler from the area in which it was originally registered / installed.
- d) receive proposals for addition to, alteration in or renewal of a boiler under section 12 of the Ordinance;
- e) approve the inspection programme of all inspectors subordinate to him, generally with regard to the convenience of owners;
- f) receive the inspection programme of the Insurance Companies and Inspection Authorities;
- g) countersign the Inspection Book of each boiler after each inspection;
- h) pass orders in all cases in which an Inspector, Insurance Company or Inspection Authority proposes to increase or reduce the pressure allowed for any boiler under section 8 of the Ordinance;
- i) pass orders of revocation; cancellation or refusal to renew the certificate of a boiler under section 11 of the Ordinance or to order important repairs, structural alterations or renewals in a boiler under section 12 of the Ordinance;
- j) pass orders in all cases in which it is reported that after due notice the boiler has not been properly prepared for inspection under sub-section (2) of section 13 of the Ordinance;
- k) sanction prosecutions under the Ordinance;
- l) randomly check or countercheck, not exceeding twenty-five percent of the total number of boilers offered for first Registration, the quality of inspection and the procedure of examination of Insurance Company;
- m) provide to the Board, for boilers installed in the area under the jurisdiction data relating to registration, inspections, accidents, transfer to another province / territory, and any other information required by the Board, and
- n) control and countersign contingent bills and traveling allowance bills of officers subordinate to him.

6. **Instructions to Owners:-** The Chief Inspector shall advise owners directly or through an Inspector regarding the maintenance, working and cleaning of boilers and issue a set of instructions of these lines and such instructions shall be displayed in each boiler house on a conspicuous place by the owner.

7. **Maintenance of registers of boilers:-** The Chief Inspector shall keep in his office a register of registered boilers in serial order in the form prescribed in the regulations.

2. Gaps in the series due to the breaking up of boilers or to the transfer of boilers to another Province or area shall not be filled up.

3. The Chief Inspector shall also maintain:-

- a) a register of transferred boilers:
- b) a register of accidents to boilers:

- c) a register indicating names of owners and registration numbers of boilers entitled to be used under section 10 of the Ordinance: and
- d) a register of discarded or condemned boilers.

CHAPTER III -POWERS AND DUTIES OF DEPUTY CHIEF INSPECTOR

8. **Reporting to Chief Inspector:-** The Deputy Chief Inspector shall be directly subordinate to and report to the Chief Inspector in respect of his duties.
9. **Powers:-** The Deputy Chief Inspector, in addition to the powers conferred and duties imposed on him under the Ordinance, may .-
- a) exercise any power or perform any duty so conferred or imposed on an Inspector by or under the Ordinance, and
 - b) exercise any power conferred or perform any duty imposed on him by the Chief Inspector from time to time.

CHAPTER IV-POWERS AND DUTIES OF INSPECTOR

10. **Reporting to Chief Inspector .-** The Inspector shall be directly subordinate to and report to the Chief Inspector.
11. **Duties and Powers:-** The Inspector shall carry out his duties and exercise powers in accordance with the Ordinance and the rules and regulations made there under and such duties and powers shall include to:-
- a) maintain an Inspection book for each boiler inspected and submit the same to the Chief Inspector or Deputy Chief Inspector for examination and countersignature after each inspection:
 - b) Keep a diary showing place visited, boilers registered or inspected, fee paid thereon, variations from the programme and any other important particulars. The diary shall be sent to the Deputy Chief Inspector every month for examination ;
 - c) receive reports of accidents to boilers under section 16 of the Ordinance, ascertain the facts reported and submit reports thereon to the Chief Inspector through Deputy Chief Inspector:
 - d) report to the Chief Inspector the cases of previously unreported accidents discovered at the time of inspection;
 - e) submit for orders of the Chief Inspector .-
 - i) the Inspection book of all boiler proposals for registration under section 7 of the Ordinance;
 - ii) proposals for increasing or decreasing the pressure of a boiler after inspection under section 8 of the Ordinance;
 - iii) proposals for necessary repairs, structural alterations, renewals or additions to a boiler under section 8 and 12 of the Ordinance;
 - iv) proposals for revoking, canceling or refusing to renew a certificate under sections 8 and 11 of the Ordinance;
 - v) reports when boilers have not been properly prepared for inspection under section 13 of the Ordinance; and
 - vi) proposals for prosecution under the Ordinance:
 - f) receive all type of relevant documents, including applications for inspection under section 8 of the Ordinance:

- g) issue, after approval of the Chief Inspector, the Registration Certificate to the owner authorizing the use of the boiler under sub-section (7) of section 7 and sub-section (6) of section 8 of the Ordinance: and
- h) enter, under section 15 of the Ordinance at all reasonable times, into any place or building within the limits of the area of his jurisdiction for which he has reasons to believe that a boiler is in use, for the purposes of inspecting or examining the boiler or in case of non-observance of any provision of the Ordinance and the rules and regulations made there under.

12. Advice to Owners:- At the time of inspection the Inspector shall advise the owner and the boiler engineer on the management and up keep of the boiler with special reference to the chemical treatment and quality of boiler feed water being used and shall also impress upon them the usefulness of the distractions issued by the Chief Inspector.

CHAPTER V-REGISTRATION OF BOILERS

13. Application for Registration of Boilers .-

1) An application for registration of a boiler, which is not registered under the provisions of the Ordinance, shall be addressed by the owner to the Chief Inspector of the area concerned, under intimation to the concerned Insurance Company.

2) The application for registration under sub-rule (1) may be submitted directly to the Chief Inspector or to the office of the nearest inspector.

3) Where the application has been submitted directly to the inspector, he shall within two working days forward it to the Chief Inspector.

4) The application shall be accompanied by the prescribed documents and registration fee.

14 Procedure on Application:-

1) On receipt of an application under rule 13, the Department or, as the case may be, the Insurance Company shall fix a date, within fifteen days from the date of the receipt thereof , for the examination of the boiler and shall decide the inspection time and schedule with the owner under intimation to the Chief Inspector.

2) On the date fixed under sub-rule (1), the Department or Insurance Company shall proceed to examine the boiler and determine. In the manner prescribed in the regulations, the maximum pressure in accordance with the applicable codes and standards, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the manner prescribed in the regulations.

15. Registration of Boiler:-

1) The Chief Inspector shall, on receipt of the examination report from the Insurance Company or Inspector and after satisfying himself that the approval certificate is attached and the report has been prepared in accordance with the requirements of the regulations, register the boiler and assign a registration number.

2) The Chief Inspector shall, on registering the boiler, order the concerned Inspector to issue a Registration Certificate, in the form prescribed in the regulations, to the owner. At the time of issuance of the Registration Certificate, the Inspector shall enter the required particulars of the boiler engineer.

3) On receipt of the order, the owner shall, within seven days, cause the registration number to be permanently marked on the boiler in the manner prescribed in the regulations.

4) On receipt of the examination report from the Insurance Company or Inspector declaring the boiler not fit for approval, the Chief Inspector shall refuse to register the boiler

and direct the Insurance Company or Inspector to forthwith, communicate the refusal to owner together with the reasons thereof.

5) The Chief Inspector shall ensure that a copy of all the documents submitted by the owner of the boiler alongwith orders and notes of the Insurance Company or Inspector and chief Inspector shall be sent to the Board for record and computerized data bank.

CHAPTER VI

RENEWAL OF REGISTRATION CERTIFICATE

16. Application for Renewal of Registration Certificate:-

1) An application for renewal of the Registration Certificate under clause (a) of sub-section (1) of section 8 of the Ordinance shall be made by the owner to the Inspector and or Insurance Company, under intimation to the Chief Inspector, not less than one month before the expiry of the previous certificate.

2) The application under sub-rule (1) shall be accompanied by the prescribed documents and the fee for renewal of registration.

3) Where a Registration Certificate cases to be in force under clauses (b), (c), (d) and (e) of sub-section (1) of section 8 of the Ordinance, the application for renewal of the Registration Certificate shall be made by the owner to the Inspector or Insurance Company, under intimation to the Chief Inspector, and shall be accompanied by the relevant documents and prescribed fee.

4) Where the certificate has ceased to be in force owing to any structural alteration, addition of renewal, the Chief Inspector may dispense with the payment of the prescribed fee.

17. Notice for Renewal of Registration Certificate:-

1) The Inspector may issue notices to the boiler owners, for renewal of the Registration Certificate, two months before the expiry of the previous certificate.

18. Procedure on Application for Renewal of Registration Certificate:-

1) On receipt of an application under rule 16, the inspection date for the boiler shall be intimated to the owner by the Inspector or Insurance Company within fifteen days on the receipt of the application or as mutually agreed with the owner.

2) The notice of the date fixed under sub-rule (1) shall be given to the owner not less than three working days before such date. The said notice shall be sent in the format and manner prescribed by regulations and shall include details of preparation required for inspection of the boiler.

3) On the date fixed under sub-rule (1), the Inspector or Insurance Company shall examine the boiler as per approved applicable standard code and as prescribed in the regulations and submit the report of the examination to the Chief Inspector.

19. Additional Procedure on Seventh and Tenth Renewal of Registration Certificate:-

1) At every seventh renewal of the Registration Certificate, the owner shall ensure that all types of insulating material covering the major pressure parts is removed for thorough inspection of exterior parts by the Inspector or Insurance Company.

2) At every tenth renewal of the Registration Certificate, the owner shall ensure that an ultrasonic test of welded joints of shell, drum, flue, headers, end plates etc. is carried out under the supervision of the Inspector or Insurance Company.

3) In case the owner fails to carry out the test and submit the report, the Chief

Inspector is authorized to order appropriate reduction the maximum operating pressure of the boiler.

4) In case of boiler utilized for power generation, the Chief Inspector may, after reviewing the boiler log sheets and owner inspection documents, totally or partly exempt in writing the owner from the requirements of this rule.

20. Renewal of Registration Certificate:-

1) The Chief Inspector shall, on receipt of a recommendation for renewal of the Registration Certificate of the boiler from the Inspector or Insurance Company and after satisfying himself that the requirements of the Ordinance and the rules and regulations made thereunder have been met, order the concerned Inspector to renew the Registration Certificate and issue it in the form prescribed in the regulations specifying the terms and conditions under which it would remain valid. At the time of renewal of the Registration Certificate, the Inspector shall enter the required particulars of the boiler engineer.

2) In case the Inspector or Insurance Company is of the opinion that the boiler is not fit for use, this opinion and examination findings shall be forthwith communicated, in writing, to the owner alongwith the reasons thereof. The Inspector or Insurance Company shall simultaneously forward the examination report and associated recommendations to the Chief Inspector for appropriate orders.

21. Record of Renewal of Registration Certificate:-

1) The Chief Inspector shall, ensure that a copy of all the documents submitted by the Inspector or Insurance Company and owner of the boiler alongwith orders and notes of the chief Inspector shall be sent to the Board for record and computerized data bank.

CHAPTER VII

TANSFER OF BOILER

22. Application for Transfer of a Boiler:-

1) Whenever a boiler is transferred from the Province or area to another, the owner thereof shall report such transfer to the concerned Inspector in both the old and new areas and shall apply to the Inspector of the new area, under intimation to the concerned Chief Inspector, for transfer of ownership and record relating to the subject boiler.

- 2) The application for transfer of ownership of the boiler shall be accompanied by:-
- a) an original affidavit, in the prescribed format, from the new owner attested by the Oath commissioner;
 - b) sale receipt or transfer letter from previous owner;
 - c) photocopy of National Identity Card of the new owner or his agent; and
 - d) prescribed fee.

23. Procedure on Application for Transfer of Boiler:-

1) After satisfying himself of the correctness of the documents, the Inspector shall write to the Chief Inspector for transfer of record relating to the boiler required to be transferred from the other Province or area.

2) On receipt of inspection book of the boiler to be transferred from its area of registration, the Chief Inspector shall enter the boiler under its original number in Part-II of his register of boilers alongwith complete details and transfer the inspection book to the Inspector who shall then proceed for renewal of Registration Certificate in accordance with rule 18.

CHAPTER VIII
DESTRUCTION OF BOILER

24. Destruction of Boiler:-

1) Where, in the opinion of an Inspector, Insurance Company or owner, a boiler is not fit for further use, he may submit to the Chief Inspector entire record pertaining to the said boiler and advise him to order that the boiler be classified as discarded and the Chief Inspector, on receipt of such advice, shall enter the details in the appropriate place in his register of boilers and in the register of discarded boilers.

CHAPTER IX- BOILER ENGINEER

25. Appointment and Qualification:-

1) Every owner shall appoint a boiler engineer, holding a Boiler Engineers Competency Certificate issued by a competent authority, who shall be in charge of the operation and maintenance of the boiler.

2) No person shall be appointed as boiler engineer unless he:-

- a) holds a certificate of competency issued by the Boiler Examination Board:
- b) holds a medical fitness certificate from the Medical Board of District Headquarters Hospital:
- c) has not had his certificate of competency suspended or cancelled by the competent authority of any Province or area; and
- d) has not been convicted of any offence involving moral turpitude.

26. Duties:-

1) A boiler engineer, appointed in accordance with these rules, shall be responsible for:-

- i) the safe operation of boiler and auxiliaries:
- ii) water treatment and quality of boiler feed water
- iii) steam distribution and condensate recovery;
- iv) proper House keeping of boiler area;
- v) maintaining equipment required for fire prevention and fire fighting;
- vi) managing proper and safe functioning of instruments and control;
- vii) complying with the applicable National Environmental Quality Standards (NEQS);
- viii) maintaining log book or log sheet;
- ix) informing the concerned Inspector about any change of charge of the boiler in accordance with rule 28;
- x) informing the Inspector or Insurance Company within twenty four hours about any accident to a boiler under his charge as required under section 16 of the Ordinance;
- xi) informing the Inspector or Insurance Company about the illegal operation or repair of the boiler; and
- xii) not holding the charge of boilers belonging to different owners or premises.

27. Change of Charge of Boiler Engineer:-

1) Whenever the charge of a boiler passes from one boiler engineer to another, the owner shall, within seven days, report in writing to the concerned Inspector and attach two copies of the competency certificate of the newly appointed boiler engineer.

2) The boiler engineer, shall not take charge of another boiler unless he personally informs, in writing to the concerned Inspector of his desire to do so and obtain a discharge certificate issued by the owner.

3) If the owner and engineer do not inform the Inspector, they may be held responsible for any accident or mal-operation of the boiler.

28. Non-Performance of Duties by Boiler Engineer:-

1) Where a boiler engineer near holding charge of a boiler fails to or is incapable of performing any of the duties prescribed, the Chief Inspector on his own observation or on the report of Inspector or Insurance Company may restrain such boiler engineer from performing his functions for a period which may extend to three months.

Provided that the Chief Inspector shall, within seven days, report the suspension of such boiler engineer to the concerned competent authority who had issued the certificate of competency.

2) In case of continuance of non-performance of duties by the boiler engineer, the Chief Inspector may recommend to the concerned competent authority for permanent cancellation of the certificate of competency of such boiler engineer.

29. Contract by Owner:-

1) Where an owner of a boiler enters into a contract with a person or company for the operation of his boiler, he shall report the fact and details to the Chief Inspector, within seven days of entering into such contract, before the commencement of the contract.

2) After the commencement of the contract, entered into under sub-rule (1) the provisions of the Ordinance and the rules and regulations made there under shall mutatis mutandis apply to the person or company getting possession of the boiler for the purposes of operation and maintenance.

CHAPTER X

ALTERATIONS, ADDITIONS OR RENEWALS TO BOILER

30. Procedure for Alteration and Repair of Boilers:-

1) Where an owner of a boiler desires to make a structural alteration, addition or renewal to a boiler, he shall apply, in writing, to the Chief Inspector through the concerned Inspector or Insurance Company for approval of the proposed alterations, additions or renewals before the work is started.

2) The application shall alongwith the fee prescribed be supported by:-

- a) reasons or justification for the proposed alterations, additions or renewals;
- b) design drawings with proposed alteration, addition or renewal with material specifications;
- c) procedures, according to design codes, for the work to be done;
- d) welding procedures, specifications and welder pre-qualification requirements;

- e) heat treatment and stress relieving requirements;
 - f) NDT requirements and procedure especially in case of alterations or repairs to pressure parts;
 - g) Procedure for verification of alterations, additions and renewals to the boiler by a recognized third party Inspection Agency; and
 - h) Profile and relevant experience of the company or person to be engaged for repair or alteration of the boiler.
- 3) The Chief Inspector shall, as soon as possible, but within five working days, accord approval to the proposed alterations additions / renewals to the boiler or advise the changes required therein.
- 4) After completion of the alterations, additions, repairs or renewals, the hydraulic test shall be witnessed by the Inspector, Insurance Company or Inspection Authority.
- 5) The Inspector or Insurance Company shall as required under section 12 of the Ordinance then verify, within such time as may be mutually agreed with the owner but not exceeding seven days from the date of request by the owner, that the execution of any modification or addition to the boiler has been carried out as per drawings approved by the Chief Inspector.
- 6) In case the Inspector or Insurance Company is not satisfied with the alterations, additions or renewals carried out in the boiler, the owner shall be informed, in writing of the objections and advised to carry out the alterations, additions or renewals according to the approved drawings and specifications and to the requirements of section 12 of the Ordinance. A copy of this correspondence shall be forwarded to the concerned Chief Inspector.
- 7) Where upon verification, the Inspector or Insurance Company is satisfied that the alterations, additions or renewals have been carried out according to the approved drawings, he shall issue a certificate of approval to the owner of the boiler under intimation to the concerned Chief Inspector.

CHAPTER XI

ACCIDENTS

31. **Reporting of Accidents.** –If any accident occurs to a boiler, the owner or his agent and the boiler engineer in charge shall, within twenty-four hours of the accident, report the same in writing to the Inspector and the relevant Insurance Company. Every such report shall contain a true description of the nature of the accident, the injury, if any, caused thereby to any person and the damage to the boiler, and such description shall be sufficient to enable the Inspector and the relevant Insurance Company to analyze the gravity of the accident.
32. **Investigation of Accidents. - (1)** When the Chief Inspector directly receives any report or information from any source of an accident to a boiler, he shall at once advise the concerned Inspector and the relevant Insurance Company to inspect the site of the accident immediately.
- 2) When an Inspector or the relevant Insurance Company directly receives information of an accident to a boiler he shall forthwith, under intimation to the concerned Chief Inspector, visit the site to investigate the accident.
- 3) The Inspector or the Insurance Company shall submit a preliminary report to the Chief Inspector within three days of the accident. The Chief Inspector, after review shall submit the report with his comments to the ad hoc Technical Committee and to the Board.

33. **Procedure during Investigation:** - The Inspector, during the investigation, shall make a careful examination of the damaged parts, take such measurements, make such sketches and take such photographs for the purpose of his report as may be deemed necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent of injury caused to persons and the damage to property, etc. He may make written statements of witnesses and ask such questions from other concerned persons as deemed necessary.

34. **Ad hoc Technical Committee:-** (1) The Ad hoc Technical Committee constituted under section 26 of the Ordinance shall investigate accidents to a boiler to confirm or determine the root cause of the accident and confirm or fix responsibility for such occurrence.

(2) The report of any accident to a boiler shall be submitted by the concerned Chief Inspector within five days of the accident to the ad hoc Technical Committee.

(3) The Chairman of the ad hoc Technical Committee shall within three days of receiving the report of the accident convene a meeting of the Committee.

(4) The ad hoc Technical Committee may co-opt any technical expert to be a member for the period of the inquiry into the accident.

(5) The presence of five members of the Committee shall constitute a quorum.

(6) All findings or decisions of the ad hoc Technical Committee shall be given by a majority of the members present.

35. **Power to Hold Inquiry:-** (1) The ad hoc Technical Committee may, for the purpose of determining to root cause of the accident to a boiler, take the written statements of witnesses and all persons immediately concerned with the accident and call for any documentary evidence.

(2) In accordance with sub -section (2) of section 16 of the Ordinance, the ad hoc Technical Committee may put to those concerned with the accident a series of written question on all points that may be necessary for the inquiry.

36. **Decision of the Inquiry:-** (1) The findings or decisions of the ad hoc Technical Committee on the accident to the boiler shall be finalized within fifteen days of receiving of report of the accident.

(2) All findings or decisions of the ad hoc Technical Committee shall be given by a majority of the members.

37. **Information to the Board:-** (1) The findings or decisions of the ad hoc Technical Committee on the accident to the boiler shall be submitted to the board within three days of completion of the inquiry.

(2) The board may at any time call for any report or proceedings pending or decisions taken by the ad hoc Technical Committee relating to any accident and pass such orders or directions as it may deem fit.

38. **Record of Accident:-** The Chief Inspector shall record every accident in the register of accidents maintained by him and once the findings of the ad hoc Technical Committee on the accident are available, the Chief Inspector shall enter the details in the register of accidents and the relevant registration book and Inspection book.

39. **Reference in Annual Report:-** A brief account of all accidents and their resources shall be included in the Chief Inspector's annual report and a copy of this report shall also be submitted to the Board.

40. **Non-Reporting of Accident:- (1)** if in the course of an inspection, or at any other time, the Inspector, Insurance Company or Inspection Authority discovers any damage which comes within the definition of an accident, but which has not been reported, he shall report the facts at once to the Chief Inspector.

(2) The Chief Inspector may sanction for prosecution of the owner under clause (d) of section 21 of the Ordinance.

CHAPTER XII

APPEALS

41. **Submission of Appeal:-** An appeal, against any recommendation by an Insurance Company or Inspection Authority or findings or decisions of the Chief Inspector, shall be referred in writing, either in English or in Urdu, and shall be accompanied by the fee prescribed by the board for this purpose.

42. **Presentation of Appeals.** An appeal shall be accompanied by the original order, notice or report appealed against or by a certified copy thereof or where no such order, notice or report has been made in writing, by a clear statements of facts appealed against and the grounds of appeal.

43. **Date of Hearing:-** On receipt of an appeal against the Chief Inspector, Insurance Company or Inspection Authority, the Board shall within seven days, fix a date for hearing of the appeal.

44. **Notice to Appellant.** When the date of hearing is fixed, the Board shall at once issue a notice to the appellant stating the date of hearing and informing that if he wishes to be heard in support of the appeal or to produce evidence, he must be present either in person or by an authorized agent with his evidence on the date fixed. The notice shall be sent to such address as is entered in the appeal.

45. **Presence of Inspection Authority:-** In all appeals, the board shall decided whether the presence of the Chief Inspector, Insurance Company or Inspection Authority is necessary, and shall issue orders accordingly.

46. **Attendance of Witnesses:-** To secure the attendance of witnesses to procure documents and to make local inquiries under the provisions of the Ordinance and the rules and regulations made there under, the Board shall have all the powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908).

47. **Ex parte Decisions:-** If the appellant or the respondent is not present on the date fixed, a second date shall be fixed after an interval of at least fifteen days and if the appellant is again not present on the second date, the appeal may be decided in his absence.

48. **Decision of Appeal:- (1)** The Board shall ordinarily communicate the decision of the appeal to the appellant within thirty days of filling of appeal.

(2) All findings or decisions of the Board shall be given by a majority of the members.

(3) The Board may grant interim relief to the appellant pending final decision of the appeal.

49. **Costs in Appeals:- (1)** In cases where an appeal is dismissed, the Board may order the appellant to deposit the costs, if any, arising out of adjudication of appeal.

(2) In all cases or appeals in which a local inspection is required by the appellant, he shall deposit in advance the full cost of such inspection.

50. **Fee for Certificates Granted on Appeals:-** Any order on appeal, authorizing the

registration of a boiler or the grant of renewal of certificate shall be deemed to be subject to the payment of fee equal to the prescribed registration fee or, as the case may be, the renewal fee.

CHAPTER XIII

PROCEDURE FOR PROSECUTION

51. Procedure for Prosecution:- (1) Where, in the opinion of the Inspector or Insurance Company, an offence punishable under sections 19, 21, 22 (1) and 22 (2) of the Ordinance has been committed, he shall with the consent of the concerned Chief Inspector, file a written complaint against the owner of the boiler in the court of the Magistrate of the first class of the area where the boiler is located.

(2) The penalties if any, imposed by the court on the person prosecuted under the Ordinance and the rules and regulations made there under shall be deposited in the Government Treasury under the head prescribed by the Board.

52. Procedure for Prosecution under Section 22:- Where, in the opinion of the Inspector or Insurance Company, an offence punishable under sub-section (3) of section 22 of the Ordinance has been committed, he shall with the approval of the concerned Chief Inspector, file a written complaint against the owner with the nearest police station of the area where the boiler is located.

53. Illegal Manufacturer of Boiler:- Any boiler manufacturer, other than defined in clause (k) of sub-section (1) of section 2 of the Ordinance, shall be considered as an illegal manufacturer. Any person or Inspector finding an illegal manufacturer or illegal supplier of boiler parts to an illegal manufacturer, shall report to the Chief Inspector. After examining the facts, the Chief Inspector shall pass an order to such Inspector to lodge an FIR against such illegal manufacturer or illegal supplier. The case registered under this rule shall be subject to the same process as shall be followed under rules 47 and 48 and section 24 of the Ordinance.