

Indian Boilers (Amendment) Act 2007

Section 5 - Insertion of New Section 4a to 4f

After section 4 of the principal Act, the following sections shall be inserted, namely:--

"4A. Technical Adviser - (1) The Central Government shall appoint a Technical Adviser from amongst the persons having such qualifications and experience as may be prescribed by rules.

(2) The terms and conditions of service of the Technical Adviser shall be such as may be prescribed by the Central Government.

(3) The Technical Adviser shall, in addition to exercising the powers and discharging the functions assigned to him under this Act or rules or regulations made thereunder, exercise such other powers and discharge such functions as the Central Government and the Board may delegate to him.

4B. Welders certificate - (1) Any person who proposes to undertake any welding work connected with or related to a boiler, or a boiler component or both shall apply to a Competent Authority for issue of a Welders certificate.

(2) On receipt of an application under sub-section (1), the Competent Authority shall follow such procedure for examination and grant of Welders certificate as may be prescribed by regulations.

(3) The Competent Authority may, if satisfied that the person applying for Welders certificate under sub-section (2) has complied with the conditions precedent for issue of the Welders certificate, issue such certificate, to such person subject to the payment of such fee and such other conditions as may be prescribed by regulations:

Provided that the Competent Authority shall not refuse Welders certificate to any person unless such person is given an opportunity of being heard.

4C. Conditions precedent for manufacture of boiler land boiler component - (1) No person shall manufacture or cause to be manufactured any boiler or boiler component, or both unless--

(a) he has provided in the premises or precincts wherein such boiler or boiler component, or both are manufactured, such facilities for design and construction as may be prescribed by regulations;

(b) the design and drawings of the boiler and boiler component have been approved by the Inspecting Authority under clause (a) of sub-section (2) of section 4D;

(c) the materials, mounting and fittings used in the construction of such boiler or boiler component, or both conform to the specifications prescribed by regulations; and

(d) the persons engaged for welding boiler or boiler component hold Welders certificate issued by a Competent Authority.

4D. Inspection during manufacture - (1) Every manufacturer, before commencing manufacture of a boiler or boiler component, shall engage an Inspecting Authority for carrying out inspection at such stages of manufacture as may be prescribed by regulations.

(2) The Inspecting Authority engaged under sub-section (1) shall follow such procedure for inspection and certification of boiler or boiler component as may be prescribed by regulations and after inspection, if it is--

(a) satisfied that the boiler or the boiler component conforms to the standards prescribed by regulations, it shall issue a certificate of inspection and stamp the boiler, or boiler component, or both; or

(b) of the opinion that the boiler, or boiler component, or both does not conform to the standards prescribed by regulations, it may for reasons to be recorded in writing refuse to issue such certificate:

Provided that no certificate shall be refused unless the Inspecting Authority had directed the manufacturer of the boiler or boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that in spite of such direction the manufacturer of the boiler or boiler component, or both did not carry out the direction.

(3) The Inspecting Authority may, for the purposes of inspection under this section, charge such fee as may be prescribed by regulations.

4E. Inspection during erection - (1) The owner who proposes to register a boiler under section 7, shall engage on Inspecting Authority for carrying out inspection at the stage of erection of the boiler.

(2) The Inspecting Authority shall follow such procedure for inspection and certification of a boiler or boiler component, or both as may be prescribed by regulations and after inspection if it is--

(a) satisfied that the erection of the boiler is in accordance with the regulations, it shall issue a certificate of inspection in such form as may be prescribed by regulations; or

(b) of the opinion that the boiler has not been erected in accordance with the regulations, it may for reasons to be recorded in writing, refuse to grant the certificate and shall communicate such refusal to the manufacturer of the boiler or boiler component forthwith:

Provided that no such certificate shall be refused unless the Inspecting Authority had directed the owner in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that in spite of such direction the owner did not carry out the direction.

(3) The Inspecting Authority may, for the purposes of inspection under this section, charge such fee as may be prescribed by regulations.

4F. Conditions precedent for repairing boiler and boiler component - No person shall repair or cause to be repaired any boiler or boiler component or both, unless--

(a) he has provided in the premises or precincts, where in such boiler or boiler component or both are being used, such facilities for repairs as may be prescribed by regulations;

(b) the design and drawings of the boiler or boiler component, as the case may be, and the materials, mountings and fittings used in the repair of such boiler or boiler component conform to the regulations;

(c) persons engaged in welding, holds a Welders certificate issued by a Competent Authority;

(d) every user who does not have the in-house facilities for repair of boiler or boiler component shall engage a Boiler Repairer possessing a Boiler Repairer certificate for repair of a boiler or boiler component or both, as the case may be;

(e) every user shall engage a Competent Person for approval of repairs to be carried out in-house or by the repairers."