



Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

PART II

SAFETY (GENERAL PROVISIONS)

[^{F1}33 Steam boilers—maintenance, examination and use.

- (1) Every steam boiler and all its fittings and attachments shall be properly maintained.
- (2) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by [^{F2}regulations] prescribe and no greater period than may be so prescribed has elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.
- (3) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (2) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.
- (4) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall as soon as practicable and in any case within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Section 33. (See end of Document for details)

- (5) No new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying its maximum permissible working pressure, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.
- (6) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.
- (7) The person making the report of an examination under this section or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.
- (8) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence . . . ^{F3}, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by subsection (7) of this section, he shall be guilty of an offence.
- (9) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for the re-examination.
- (10) If as a result of the re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.
- (11) Any sum recoverable under subsection (10) of this section shall, in England and Wales, be recoverable summarily as a civil debt.]

Textual Amendments

- F1** S. 33 repealed (1.7.1994) (with saving for s. 33(6)) by S.I. 1989/2169, regs. 1, 26, 27, Sch. 1 Pt. III para. 1, Sch. 6 Pt. 1
- F2** Word substituted by virtue of S.I. 1974/1941, Sch. 2 para. 2
- F3** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

Modifications etc. (not altering text)

- C1** Ss. 33(2)(3)(4), 33(7)(8), 35(6), 36(5) excluded by S.I. 1989/2169, regs. 1, 27, Sch. 1 Pt II paras. 2–5
- C2** S. 33(6) excluded by S.I. 1989/2169, regs. 1, 27, Sch. 1 Pt II paras. 2–5, Pt. III para. 1

Changes to legislation:

There are currently no known outstanding effects for the Factories Act 1961, Section 33.