

Registered No. D A-1

“Father of the Nation Bangabandhu Sheikh Mujibur Rahman May the birth centenary celebrations be successful”

Bangladesh Gazette Adopted by Parliament

Additional numbers are published by the authorities

Monday, April 1, 20

Bangladesh National Parliament

Dhaka, 28 Chaitra, 1428/11 April, 2022

The following Act has received the assent of the President on April 19, 2022 vide Chaitra 28, 1428 and this Act is hereby published for public information: Law No. 06 of 2022

Boilers Act, 1923 for the purpose of repealing and modernizing it Law made

Since the Boilers Act, 1923 (Act No. V of 1923) has been updated with the aim of reducing the risk of boiler accidents in industrial plants, increasing awareness in the use of boilers, manufacturing, importing and exporting standard boilers, ensuring safety in the use and operation of boilers and ensuring a safer working environment in industrial plants. It is expedient and necessary to formulate,

Therefore, it is hereby enacted as follows: -

The first chapter is the beginning.

1. Short title and introduction. (1) This Act shall be known as the Bala Act, 2022.

(2) It shall take effect immediately

Bangladesh Gazette, Extra, April 11, 2022

2. Definition.

Unless there is anything contrary to the subject or context, in this Act,

- (1) “Indenture” means an institution facilitating the importation of boilers;
- (2) 'Code' means the Boiler Code made under this Act;
- (3) 'accident' means any explosion occurring in a boiler or any damaged condition of a boiler which weakens the power of the boiler and may lead to an explosion;
- (4) 'inspecting body' or 'inspecting authority' means the body inspecting and certifying boilers and boiler components during construction;
- (5) 'Chief Boiler Inspector', 'Deputy Chief Boiler Inspector' and 'Boiler Inspector' means, for the purposes of this Act, any person appointed by the Government as 'Chief Boiler Inspector', 'Deputy Chief Boiler Inspector' and 'Boiler Inspector'; person; (6) “Criminal Procedure Code” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (7) 'Boiler' means any closed vessel or vessel having a capacity of more than 25 (twenty-five) liters of water which is used only for the production of steam from water and which is wholly or partially pressurized due to the obstruction or stoppage of the flow of steam produced and the said vessel or vessel; It shall also include any associated boiler components;
- (8) 'Boiler component' means the plate, tube, steam pipe, steam header, feed pipe, steam drum, used or attached to the boiler. Water drum (water drum), mud drum (mud drum), furnace (furnace), steam stop valve (steam stop valve), safety valve (safety valve), blow down valve (blow down valve), feed check valve valve), manhole (manhole), mudhole (mudhole), handhole (handhole), economizer (economizer), superheater (superheater), air preheater (air preheater), heat exchanger (heat exchanger), etc. time, any other fittings as prescribed;
- (9) 'boiler construction' means the construction or fabrication of boilers or both; (10) 'boiler builder' means any person engaged in the construction of boilers under this Act,
- (11) 'boiler user' means any person using the boiler or any person authorized to do so;

Bangladesh Gazette, Extra, April 11, 2022

- (12) “boiler repair” means the alteration or addition of boiler components or both;
- (13) 'boiler repairer' means any person engaged in the repair or maintenance of boilers under this Act,
- (14) 'Board' means the Boiler Board constituted under section 6;
- (15) 'steam pipe' means a pipe having an internal diameter exceeding 7.62 cm through which steam flows directly from a boiler to any other appliance and includes any other fittings connected with the steam pipe;
- (16) 'person' means any individual or institution, company, partnership, firm or any other body and any entity or artificial legal entity created by law;
- (17) 'rules' means rules made under this Act;
- (18) 'licensed person' means a person licensed to operate a boiler under section 9; And
- (19) 'Authorized Officer' means the Chief Boiler Inspector or any person authorized in writing by him.

3. Limitation of Application.

- (1) This Act shall not apply to boilers used in any vessel, rail or road vehicle.
- (2) The Government may, by notification in the Official Gazette, exempt any particular class of boilers from the applicability of this Act.

Chapter II

OFFICE OF CHIEF BOILER INSPECTOR, FUNCTIONS, BOARDS, ETC

4. Office of the Chief Boiler Inspector. The office of the Chief Inspector of Boilers shall be at Dhaka, but the Government may, if necessary, set up its Regional Office anywhere in the country.
5. Duties of Chief Boiler Inspector. For the purposes of this Act, the Chief Boiler Inspector shall have the following functions, namely: —

Bangladesh Gazette, Extra, April 11, 2022

- (a) regulating the quality of locally manufactured boilers;
- (b) quality verification of imported boilers;
- (c) ensuring use of standard and safe boilers;
- (d) issuing licenses for operating boilers;
- (e) registration of constructors, repairers, inspecting establishments and welding inspection establishments in the construction and repair of boilers;
- (f) Enlistment of codes and inspection bodies and indentures in respect of importation of boilers;
- (g) Enrollment of training institutes for the purpose of improving the skills of the officers and employees of the office of Chief Boiler Inspector, boiler builders, boiler users, boiler inspection institutions, indenters, welding inspection institutions, license candidates for boiler operation or persons engaged in boiler operation;
- (h) to arrange for training by the training institute mentioned in clause (g) or otherwise for the officers-employees of the Office of the Chief Boiler Inspector; And
- (j) performing other duties assigned by the Government, from time to time.

6. Boiler Board. (1) To carry out the purposes of this Act, the Government shall, by order, constitute a Board to be called the Boiler Board.

(2) The Board shall consist of the following members, namely :-

- (a) The Secretary, Ministry of Industries, who shall also be its Chairman;
- (b) a Professor in the Department of Mechanical Engineering of the said University, nominated by the Vice-Chancellor of the Bangladesh University of Engineering,
- (c) a mechanical engineer experienced in boilers from a government institution using any boiler nominated by the Government;
- (d) a mechanical engineer experienced in boilers from a boiler manufacturing establishment nominated by the boiler manufacturing professional body;

Bangladesh Gazette, Extra, April 11, 2022

(e) a mechanical engineer experienced in boilers from a boiler user establishment nominated by a boiler user professional body;

(f) any former Chief Boiler Inspector or Deputy Chief Boiler Inspector nominated by the Government;

(g) at least 1 (one) Joint Secretary of the Ministry of Industries nominated by the Secretary; And

(h) Chief Boiler Inspector, who shall also be its Member Secretary.

(3) The term of the nominated members mentioned in clause (b) to (f) shall be 3 (three) years:

Provided that any nominated member shall resign his membership by letter addressed to the Government.

Provided further that the Government may, if necessary, remove any nominated member without assigning any reason at any time before the expiry of the said term.

(4) No act or proceedings of the Board shall be invalid or any question raised in any court or elsewhere in connection therewith by reason of vacancy of any membership or defect in the constitution of the Board.

(5) The members of the Board shall be remunerated at the rate prescribed by the rules for attendance at the meetings of the Board and for inspection of any matter within the scope of their duties.

7. Functions of the Board. The functions of the Board shall be as follows, namely:-

(a) making recommendations to the Government regarding the formulation of codes relating to the construction, importation, installation, use and repair of boilers;

(b) approving the list of boiler builders, repairers, inspecting establishments and welding inspection assisting establishments in the case of construction and repair of boilers;

(c) approving the list of boiler construction codes in the case of imported boilers;

(d) approving the list of inspection bodies and inductors in respect of imported boilers;

(e) Approval of registration of boiler training institutes Provide.

Bangladesh Gazette, Extra, April 11, 2022

(f) disposal of appeals received; And

(g) performing other duties assigned by the Government, from time to time.

8. Meetings of the Board.—

(1) Subject to the other provisions of this section, the Board may prescribe the procedure for its meetings.

(2) The meeting of the Board shall be convened by the Member Secretary with the consent of the Chairman and shall be held on the date, time and place fixed by the Chairman.

(3) The presence of at least one-third of the members shall constitute a quorum of the Board, but no quorum shall be required in the case of an adjourned meeting.

(4) The Board may, if necessary, co-opt any boiler expert as a member of the Board.

(5) The Chairman shall preside at all meetings of the Board, but in the absence of the Chairman any member nominated by him may preside at the meeting.

(6) All decisions shall be taken by majority vote of the members present at the meeting of the Board.

(7) At meetings of the Board each member shall have one vote, but in case of an equality of votes, the person presiding shall have a second or casting vote:

Provided that the co-opted member shall not have any voting right in the meeting of the Board.

(8) At least 3 (three) meetings of the Board shall be held every year.

Chapter III

Boiler Operating License, Boiler Types, Registration, etc

9. Boiler Operating License. (1) No person shall operate a boiler unless he is licensed to operate the boiler.

(2) An application for obtaining a boiler operating license shall be made to the Chief Boiler Inspector or, as the case may be, to any officer empowered to do so.

Bangladesh Gazette, Extra, April 11, 2022

- (3) The Government shall constitute an examining committee for the grant of license to boilers and the said committee shall, after examination, make recommendations for grant of license.
 - (4) The composition, scope of work, remuneration and other matters of the examining committee shall be determined by the rules.
 - (5) The Chief Boiler Inspector shall issue a boiler operating license on receipt of a recommendation under sub-section (3).
 - (6) The validity of the boiler operating license shall be 5 (five) years and shall be renewable.
 - (7) Qualification, examination, fee and procedure to be followed for grant of license according to its class for obtaining boiler operating license shall be prescribed by rules.
10. Boiler Operating License Renewal. —(1) An application for renewal of a boiler operating license shall be made to the Chief Boiler Inspector or, as the case may be, to any officer empowered by him.
- (2) The application mentioned in sub-section (1) shall be accompanied by the fee and necessary documents.
 - (3) An application for renewal of a boiler operating license shall be rejected or denied in the manner and cause prescribed by the rules.
 - (4) Notwithstanding anything contained in this section, in the case of a person deemed to be a Grade-II and Grade-III licensee under sub-section (3) of section 12, his driving license shall be renewed with relaxation of educational qualification.
 - (5) Procedure, fee, renewal process and other terms and conditions of application for renewal of boiler operating license shall be prescribed by the rules.
11. Boiler operating license cancelled. (1) The Chief Boiler Inspector may cancel a boiler operating license for any of the following reasons, namely: -
- (a) obtaining a boiler operating license by false information or document;
 - (b) If the boiler is damaged or an accident occurs due to the negligence of the licensee

Bangladesh Gazette, Extra, April 11, 2022

(c) If the licensee is incapable of operating the boiler due to physical or mental incapacity. or

(d) If application for renewal of boiler operating license is rejected.

(2) Notwithstanding anything contained in sub-section (1), before canceling a boiler operating licence, the licensee shall serve a show cause notice within 15 (fifteen) days.

(3) If the boiler operating license is revoked under sub-section (1), the license holder shall be informed of the reason in writing.

(4) Procedure for cancellation of boiler operating license shall be prescribed by rules.

12. Class of Boiler Operating License.

(1) Boiler operating licenses under this Act shall be of 3 (three) classes, namely :-

(a) Grade-I: For operation of single or combined boilers of any capacity;

(b) Grade-II: for the operation of any single or separate or combined boiler, the surface area of which does not exceed 5 (five) thousand square feet;

(c) Grade-3: For operation of any single or separate or combined boiler, the heating surface of which does not exceed 1,500 (one thousand five hundred) square feet.

(2) In cases where the licensee is engaged in the operation of more than one boiler, such boilers must belong to the same user and must be located within a radius of 1 (one) hundred feet in the same area.

(3) Class I and Class II licenses existing in the operation of boilers shall be deemed to be Grade-II and Grade-III licenses respectively as described in this Act.

13. Types of boilers. (1) 3 (three) types of boilers can be constructed as follows, namely: --

(a) Electrode boiler;

(b) Small Industrial Boilers; And

(c) Industrial boilers.

(2) According to the type of boiler described in sub-section (1), its capacity, steam pressure and life span shall be determined by the rules.

Bangladesh Gazette, Additional, April 11, 2022

14. Enrollment of Boiler Builders, Repairers, Inspection Institutions, Indenters and Welding Testing Institutions. (1) Boiler builders, repairers, inspectors, indenters and welders must be registered with the office of the Chief Boiler Inspector.

(2) The Chief Boiler Inspector shall, with the approval of the Board, list the establishments referred to in sub-section (1).

(3) Eligibility, procedures and fees for enrollment shall be determined by the rules.

(4) The list mentioned in sub-section (1) shall be maintained and published from time to time, updated.

(5) The Chief Boiler Inspector may inspect and certify any boiler during construction.

Chapter IV

BOILER MANUFACTURING, IMPORTING AND EXPORTING

15. BOILER CONSTRUCTION. — (1) A person may locally manufacture boilers for use within Bangladesh or for export abroad.

(2) For the construction of boilers under sub-section (1), the following conditions shall be complied with, namely :-

(a) suitable place, infrastructure, machinery and manpower shall be available for construction of boiler as per rules and codes;

(b) to follow the procedure prescribed by this Act, Rules and Code;

(c) shall pay such fee as may be prescribed by law;

(d) the boiler design and drawing shall be approved by the Chief Boiler Inspector or, as the case may be, the inspecting establishment;

(e) during the construction of the boiler at various stages to be inspected and tested by the Chief Boiler Inspector or the inspecting organization;

(f) welding inspection for boiler construction shall be carried out by a registered person;

Bangladesh Gazette, Extra, April 11, 2022

(g) obtain a boiler construction certificate from the Chief Boiler Inspector or, as the case may be, the inspecting establishment; And

(h) Standard mountings and fittings shall be used as per code.

(3) If the boiler is constructed without complying with the conditions mentioned in sub-section (2), the registration of the boiler shall be refused.

16. Import of boilers. (1) A person may import boilers for use or sale within Bangladesh subject to the following conditions, namely :-

(a) imported boilers shall be constructed following any code recognized by the Board and under the supervision of an inspection body recognized by the Board;

(b) the “Certificate of Inspection” issued by the concerned inspecting organization in the form prescribed in the Code shall be accepted; and

(c) In case of import of boiler through indenter, it shall be imported through listed indenter.

(2) If the boiler is imported without complying with the conditions mentioned in sub-section (1), the registration of the boiler shall be refused.

17. Export of boilers. Any boiler manufactured under this Act shall be exported following the prevailing Rani policy.

Chapter Five

Use of boilers, registration and certificate for use of boilers, transfer or transfer of boilers and

Boiler repair

18. Obtaining registration and certificate for use of boilers.

(1) Any boiler for use within Bangladesh shall be registered at the office of the Chief Boiler Inspector.

(2) Any person or user of boiler for obtaining registration under sub-section (1) shall apply to the Chief Boiler Inspector following the procedure prescribed by the rules and subject to payment of the prescribed fee.

Bangladesh Gazette, Extra, April 11, 2022

(3) The Chief Boiler Inspector may approve or disapprove the application of the applicant following the procedure prescribed by the rules.

(4) The boiler usage certificate shall have a term of not more than 1 (one) year and shall be renewable.

19. Renewal of boiler usage certificate. (1) An application for the renewal of a certificate of use of a boiler shall be made to the Chief Boiler Inspector or, as the case may be, to any officer empowered to do so.

(2) The procedure, fee, renewal process and other terms and conditions of application for renewal of boiler usage certificate shall be prescribed by the rules.

20. Cancellation of boiler registration. (1) The Chief Boiler Inspector may cancel the registration of a boiler for any of the following reasons, namely :-

(a) if the registration is obtained by false information or document;

(b) if the registered boiler is damaged or unserviceable,

(c) repairing the boiler without complying with the conditions mentioned in section 24; And

(d) If the application for renewal of boiler usage certificate is rejected.

(2) Notwithstanding anything contained in sub-section (1), before canceling the registration of the boiler, the user of the boiler shall serve a show cause notice within 15 (fifteen) days.

(3) If the registration of the boiler is canceled under sub-section (1), the reasons for the same shall be intimated in writing to the user of the boiler.

(4) Procedure for cancellation of registration shall be prescribed by rules.

21. Boiler usage restrictions. Except as otherwise provided in this Act, no user of a boiler shall use or permit the use of a boiler, that—

(a) the boiler is not registered in accordance with the provisions of this Act;

(b) any boiler is damaged or unserviceable,

Bangladesh Gazette, Extra, April 11, 2022

- (c) the certificate issued for the use of the boiler expires;
- (d) the boiler is operated at a pressure higher than the prescribed pressure specified in the certificate of use of the boiler;
- (e) the boiler is not operated under the supervision of a duly licensed person;
- (f) Water quality level used in boilers is not controlled as per rules and codes
- (g) the boiler is handed over or transferred without complying with the conditions set out in section 23, And
- (h) Boiler is repaired without following the conditions mentioned in section 24.

22. Boiler user responsibility. (1) The responsibilities of the user of boilers under this Act shall be as follows, namely :—

- (a) construction of boiler house or boiler room in accordance with existing building codes;
- (b) the purchase or importation and use of boilers constructed in accordance with this Act, Rules and Code;
- (c) permanently drawing or affixing on the boiler the registration number given by the Chief Boiler Inspector
- (d) Registration number permanently engraved or affixed on the boiler in unaltered condition saving
- (e) operation of boilers by suitably licensed persons;
- (f) Taking necessary measures to prevent damage to the environment by boiler steam, waste or any other activity
- (g) Ensuring hygienic environment for workers engaged in boiler work;
- (h) Providing all kinds of assistance including boiler design, instructions, registration, certificate and other information required by the boiler inspector during inspection of the boiler.
- (j) keeping the boiler ready during inspection and water testing;
- (j) informing the concerned Deputy Chief Boiler Inspector in writing if the use of the boiler is temporarily stopped; And

Bangladesh Gazette, Extra, April 11, 2022

(k) performing such other duties as may, from time to time, be prescribed by the Government.

(2) If the user of the boiler fails or neglects to perform the duties as per the provisions of sub-section (1), the application for registration of the boiler or the application for renewal of the certificate of use of the boiler shall be rejected.

23. Transfer or Transfer of Boiler

(1) The boiler user may transfer or transfer his boiler by intimation to the Chief Boiler Inspector.

(2) If the boiler is handed over or transferred under sub-section (1), its user shall hand over its registration certificate or certificate of use of the boiler and other documents.

(3) The user shall change the name of the previous user and accept the certificate in his name.

(4) The procedure for transfer or transfer of boiler and change of user name shall be prescribed by rules.

24 Boiler repair. A person may repair a boiler used under him subject to the following conditions, namely:—

(a) repair shall be notified in writing to the Chief Boiler Inspector;

(b) repair work shall follow the Code,

(c) repairs shall be carried out by a repairer listed under section 14; And

(d) Inspection and testing shall be done by boiler inspector at various stages during repair.

Chapter Six

Boiler Inspection, Boiler Shutdown and Boiler Accident and Compensation, etc

25. Power of inspection and entry.

Any authorized officer or inspector of boilers in the area under his jurisdiction may, at reasonable times, enter any place or building for the purpose of inspecting or testing any boiler or for the purpose of ascertaining compliance with these laws, rules and codes.

26. Presentation of registration certificate,

certificate and other documents. Any authorized officer may at any time order the production of registration certificate, operating license, certificate of use of boiler or other documents of any boiler and the person concerned shall be bound to produce the same if so directed.

27. Boiler shutdown capability.

(1) If information about the use of boiler outside of this law, rule or code is disclosed or if the registration certificate or other documents fail to be presented or if there is an apprehension of accident due to the damage of the boiler, the authorized officer or the boiler inspector of the area under his/her jurisdiction can immediately stop its use.

(2) For the purposes of sub-section (1), the Chief Inspector of Boilers or any officer authorized by him for the purpose of exercising any power or performance may request the necessary assistance from law enforcement agencies or any other public or statutory authority and such request may If done, the said organization or authority will provide the said assistance.

28. Boiler accident reporting and investigation.

(1) If there is any accident related to the boiler, the user of the boiler shall immediately after the occurrence of the accident report the information or news of the said accident to the Chief Boiler Inspector or the concerned Deputy Chief Boiler Inspector.

(2) After receiving the said news or information, the concerned Deputy Chief Boiler Inspector or, as the case may be, the Boiler Inspector shall inspect the boiler on site within 24 (twenty four) hours and submit a report to the Chief Boiler Inspector.

(3) For the purposes of sub-section (2), the Deputy Chief Boiler Inspector or, as the case may be, the Boiler Inspector shall be bound to furnish such information in writing as may be desired by the person concerned as to the cause, nature or extent of the accident.

(4) On receipt of the report under sub-section (2) the Chief Boiler Inspector shall constitute an inquiry committee and the said committee shall after inquiry submit recommendations to him.

29. Accident liability.

(1) In the event of an accident involving a boiler, the user, manager or any person responsible for the operation of the boiler shall be responsible for the accident, unless he can prove that he has taken reasonable measures to prevent the accident.

(2) If an employee of the Chief Boiler Inspector's office is responsible for any accident due to negligence or any other reason, the Chief Boiler Inspector may take departmental action against such employee.

30. Accident compensation. — The Chief Boiler Inspector on the recommendation of the Inquiry Committee constituted under sub-section (4) of section 28 shall be responsible in the manner prescribed by rules for the accident may order compensation to the affected person and the amount of compensation and other matters shall be determined by the rules.

Chapter Seven

Administrative fines, appeals and collection of fees, etc

31. Power to impose administrative fines and penalties –

(1) Chief Boiler Inspector Deputy Chief Boiler Inspector may, after giving opportunity to show cause, impose in the prescribed manner in the following cases an administrative fine not exceeding one (one) lakh rupees and double in case of such contravention, namely:

- (a) use of any boiler without renewal of certificate of use;
- (b) operating any registered boiler at a pressure higher than its prescribed maximum working pressure or tempering the safety valve of the boiler in such a way as to render it incapable of being used at its prescribed maximum working pressure;
- (c) operation of the boiler by anyone other than a duly licensed holder;
- (d) using boiler water without controlling its quality; And
- (e) the commission of any such act not made an offense by this Act or the Rules.

(2) The amount of administrative penalty imposed and collected under this section shall be deposited in the designated sector by the Government.

32. Appeal to Chief Boiler Inspector.

A person aggrieved by an order issued by any officer other than the Chief Boiler Inspector may file an appeal to the Chief Boiler Inspector within 30 (thirty) days of receiving the said order.

(2) The Chief Boiler Inspector shall dispose of the said application within 30 (thirty) days.

(3) Procedure and other matters for disposal of appeals shall be prescribed by rules.

33. Appeal to the Board.

(1) A person aggrieved by an order passed by the Chief Boiler Inspector may file an appeal to the Board within 30 (thirty) days of receipt of said order.

(2) The Board shall dispose of the appeal within 60 (sixty) days of receipt thereof. (3) Procedure and other matters for disposal of appeals shall be prescribed by rules.

(4) The decision of the Board in deciding the appeal shall be final.

34. Collection of fees, etc.

Fees, costs and administrative penalties imposed under this Act shall be recoverable as Government claims under the provisions of the Public Demands Recovery Act, 1913 (Act No. III of 1913).

Chapter VIII

Appointment of Chief Boiler Inspector and Staff, etc

35. Appointment of Chief Boiler Inspector and other employees.

(1) For carrying out the purposes of this Act, the Government may appoint a Chief Boiler Inspector, the necessary number of Deputy Chief Boiler Inspectors and Boiler Inspectors and other employees in accordance with the approved organizational structure for the office of Chief Boiler Inspector.

(2) Appointment, promotion and other terms and conditions of employment of employees including Chief Boiler Inspector, Deputy Chief Boiler Inspector and Boiler Inspector shall be determined by the rules.

Chapter Nine

Crime and Punishment

36. Article 9 Violation of provisions.

If any person operates any boiler without a boiler operating license in contravention of sub-section (1) of section 9, it shall be an offense and shall be punishable with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding 2 (two) lakhs or with both. Shall be punished.

37. Act of violation of the provisions of section 15.

If any person constructs a boiler in contravention of the conditions set out in sub-section (2) of section 15, it shall be an offense and shall be punishable with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding 2 (two) lakhs or with both. will be punished

38. Article 18 Violation of provisions.

If any person violates the conditions mentioned in sub-section (1) of section 18 and uses any boiler without obtaining registration, it shall be an offense and shall be liable to imprisonment for a term not exceeding 2 (two) years or to a fine not exceeding 2 (two) lakhs. or shall be punished with both penalties.

39. Conviction of the provisions of section 21.

If any person uses any boiler or permits any other person to use the boiler in contravention of the provisions of section 21, it shall be an offense and punishable with imprisonment for a term not exceeding 2 (two) years or not exceeding two (two) lakhs of rupees. shall be punished with fine or both.

40. Act of violation of the provisions of section 22.

If any person in contravention of clauses (c) and (d) of sub-section (1) of section 22 removes, alters or defaces the registration number permanently engraved or affixed on the boiler or any registration number of the boiler not assigned under this Act Deceptively marks or adds on his body, then it shall be an offense and he shall be punished with imprisonment for a term not exceeding 2 (two) years or with a fine not exceeding 2 (two) lakhs or with both.

41. Act of violation of the provisions of Section 23.

If any person transfers or transfers any boiler in contravention of section 23, it shall be an offense and he shall be liable to imprisonment for a term not exceeding 1 (one) year or to a fine not exceeding 1 (one) lakh rupees or to both.

42. Act of violation of the provisions of Section 24.

If any person repairs any boiler in contravention of the conditions mentioned in section 24, it shall be an offense and he shall be liable to imprisonment for a term not exceeding 1 (one) year or to a fine not exceeding 1 (one) lakh rupees or to both.

43. Article 26 Violation of provisions.

If any person fails or refuses to produce the registration certificate, certificate and other documents mentioned in section 26, it shall be an offense and he shall be liable to imprisonment for a term not exceeding 1 (one) year or to a fine not exceeding 1 (one) lakh rupees or to both. will be

44 Act of violation of the provisions of Section 28.

If any person fails to furnish in writing the information or news of the boiler accident referred to in sub-section (1) of section 28 or to furnish such information as may be required to be known in writing as to the cause, nature or extent of the boiler accident referred to in sub-section (3). If he fails, it shall be an offense and he shall be punished with imprisonment not exceeding 2 (two) years or with fine not exceeding 2 (two) lakhs or with both.

45. Punishment for re-offense. If any person, after being convicted of any offense under this Act, commits the same offense again, he shall be punished with double the penalty prescribed for that offence.

46. Identification and determination of offenses by statute. —

Other provisions of this Act Subject to, , the offense shall be identified by law and the penalty for the commission of said offense shall be prescribed, provided that such penalty shall not exceed the maximum penalty prescribed in this Act.

Chapter Ten

Criminal trial, etc

47. Criminal prosecution and trial.

(1) No court shall entertain any case under this Act except on the written complaint of the Chief Boiler Inspector or any officer duly empowered to do so.

(2) Offenses under this Act shall be triable by a Judicial Magistrate of the First Class or, as the case may be, by a Metropolitan Magistrate.

(3) Subject to the other provisions of this Act, the provisions of the Code of Criminal Procedure shall apply to the investigation, appeal and trial of offenses under this Act.

48. Special powers of Magistrate in imposing fine.

Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, the Judicial Magistrate of the First Class or, as the case may be, the Metropolitan Magistrate may impose fine in the amount specified in sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 of this Act. can do

49. Offenses committed by the company.

(1) Every such director, manager, partner, officer and employee of the said company shall be deemed to have committed the said offense if he is directly connected with the said offense by any company, unless he can prove that, The crime was committed without his knowledge and he tried his best to prevent it.

(2) If the company referred to in sub-section (1) is a legal entity, the said company may be separately charged and convicted in the same proceedings in addition to the person referred to in the said sub-section, subject only to the imposition of fine in accordance with the relevant provisions. will go

Bangladesh Gazette, Extra, April 11, 2022

Explanation In this section

(a) 'company' shall include any commercial firm, partnership, association, association or organization, and

(b) in the case of a commercial enterprise, 'director' shall include any of its partners or members of the board of directors.

50 Implementation of Mobile Courts Act, 2009. —

Notwithstanding anything contained in any other law for the time being in force, for the purposes of the Mobile Courts Act, 2009 (Act No. 59 of 2009), the Mobile Courts may impose penalties for offenses committed under this Act, subject to the provisions of that Act.

Chapter XI Miscellaneous

51. Delegation of Powers.---

The Chief Inspector of Boilers may, by general or special order, delegate any of his powers to any other officer, subject to such conditions as may be prescribed by him.

52. Power to make rules.

To carry out the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.

53. Ability to code.

For the purposes of this Act, the Government may, on the recommendation of the Board, by notification in the Government Gazette, frame a code called the Boiler Code to prescribe technical matters relating to the construction, importation, installation, use and repair of boilers.

54. Repeal and Custody.

(1) On the commencement of this Act, the Boilers Act, 1923 (Act No. V of 1923), hereinafter referred to as the repealed Act, shall be repealed.

(2) Notwithstanding the repeal under sub-section (1), under the repealed Act—

(a) Certificates of registration of boilers issued shall remain in force subject to compliance with the provisions of this Act.

Bangladesh Gazette, Extra, April 11, 2022

(b) any rule, regulation, notification, order or direction issued shall be consistent with this Act and shall remain in force until repealed or amended under the Act;

(c) pending proceedings under the repealed Act shall be carried out as if the said Act had not been repealed;

(d) any suit filed, any action taken or any proceeding instituted, if pending or pending, shall be dismissed as if it had been filed, instituted or instituted under this Act.

55. Publication of English translated text.—

(1) After this Act comes into force the Government may, by notification in the Official Gazette, publish an authentic English text of the original Bengali text of this Act.

(2) In case of conflict between the Bengali and English texts, the Bengali text shall prevail.

K, M, Abdus Salam Secretary.

Printed by Mohammad Ismail Hossain, Deputy Director (Deputy Secretary), Bangladesh Government Printing Office, Tejgaon, Dhaka. Published by Maqsuda Begum Siddiq, Deputy Director (Deputy Secretary), Bangladesh Forms and Publications Office, Tejgaon, Dhaka | Website: www.bgpress.gov.bd