

TRINIDAD AND TOBAGO.

No. 13.—1915.

*25th June.*

AN ORDINANCE for the prevention of accidents due to the use of boilers and machinery in factories and other places.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

*12th July, 1915.*

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

**Short Title.**      1. This Ordinance may be cited as the Prevention of Accidents Ordinance, 1915.

**Interpretation of terms.**      2. In this Ordinance, unless the context otherwise requires :—

“Factory” means any premises wherein or within the close or curtilage of which mechanical power is used to move or work any machinery ;

“Workshop” means any premises, room or place, not being a factory, wherein or within the close or curtilage of which any manual labour is exercised by way of trade or

for purposes of gain, and to or over which premises, room or place the employer of the persons working therein has the right of access or control ;

“Boiler” means any boiler used for generating steam in or about a factory or workshop or upon any railway or in any locomotive, ship or vessel, but shall not include a boiler used exclusively for domestic purposes at a pressure of one atmosphere or any boiler used in the service of His Majesty or any boiler on board a steamship duly registered under the Merchant Shipping Act, 1894, of the Imperial Parliament or any boiler used in connection with any mine boring or quarry regulated by the Mines Regulation Ordinance, 1907 ;

“Owner” means any person who is the immediate proprietor or lessee or occupier of any factory, workshop, railway, locomotive, ship or vessel or of any part thereof ;

“Manager” means any person appointed as the representative of the owner in respect of any factory, workshop, railway, locomotive, ship or vessel or of any part thereof ;

“Competent person” means any person duly approved and gazetted in accordance with the provisions of Section 14 of this Ordinance ;

“Inspecting Officer” means any person appointed and gazetted in accordance with the provisions of Section 11 of this Ordinance ;

“The Inspector” means the Inspector of Mines, and includes any inspecting officer authorised by the Inspector by writing under his hand to act either generally or in a special case on behalf of such Inspector.

3.—(1.) With respect to the fencing of machinery in a factory, the following provisions shall have effect :—

Fencing of  
machinery.

- (a.) Every hoist and every flywheel directly connected with the steam or water or other mechanical power, whether in the engine house or not, and every part of any machine or engine worked by any such power, must be securely fenced ; and

- (b.) Every wheel race not otherwise secured must be securely fenced close to the edge of the wheel race; and
- (c.) All dangerous parts of the machinery, and every part of the mill gearing must either be securely fenced, or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced; and
- (d.) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connection with repairs or are necessarily exposed for the purpose of cleaning or lubricating or for the altering of gearing or arrangement of the parts of the machine.

(2.)—(a.) The owner or manager of a factory in which there is a contravention of this section is liable to a penalty not exceeding £20 in respect of each such contravention.

(b.) A Magistrate in addition to or instead of inflicting a penalty may order certain means to be adopted by the owner or manager within the time named in the order for the purpose of bringing his factory into conformity with this Ordinance. The Magistrate may in addition enlarge the time so named, but if, after the expiration of the time so originally named or enlarged by subsequent order, the order is not complied with, the owner or manager is liable to a fine not exceeding £1 for every day on which the non-compliance continues.

Steam boilers. 4.—(1.) Every boiler must whether separate or one of a range:—

- (a.) Have attached to it a proper safety valve, a proper steam-pressure gauge to show the pressure of steam and a proper water gauge to show the height of water in the boiler:
- (b.) Be examined thoroughly by a competent person at least once in every twelve months.

(2.) No boiler, whether separate or one of a range, shall be used in or about any factory or workshop, or upon any railway or in any locomotive, ship or vessel unless the same:—

Boilers not to be used till examined and certified as fit for use.

(a.) has attached to it a proper safety valve, a proper steam-pressure gauge to show the pressure of steam and a proper water gauge to show the height of water in the boiler; and

(b.) has been thoroughly examined by a competent person and certified by him as fit for use.

(3.) A report of the result of every examination prescribed by this Ordinance in the form I in the Schedule to this Ordinance containing the prescribed particulars and certificate and signed by the person making such examination, shall be delivered to the owner or person in charge of or using such boiler; and such owner or person shall at all times on demand by the inspecting officer produce the report for inspection.

Report of examination of boiler and form of certificate.

(4.) Every such boiler, safety valve, steam gauge and water gauge shall be maintained in proper condition; and no boiler shall be subjected to a pressure of steam in excess of the maximum pressure specified in the report and certificate prescribed by the last preceding Sub-section.

Boilers to be properly fitted and maintained.

(5.) Any owner or manager who contravenes any of the provisions of this section is liable to a penalty not exceeding £20.

Penalty.

5.—(1.) With respect to the use of locomotives and wagons on lines and sidings in or used in connection with premises under this Ordinance, the following provisions shall have effect:—

Locomotives and wagons.

(a.) No wagon shall be pushed before a locomotive unless a workman accompanies the front wagon;

(b.) No person shall be upon the buffer of a locomotive or wagon in motion, and no person, unless authorised by the manager, shall ride on any locomotive or wagon;

(c.) No locomotive or wagon shall be moved until warning has been given by the person in charge to persons whose safety is likely to be endangered thereby and when possible acknowledged by them ;

(d.) The driver of a locomotive shall sound the whistle as a warning on approaching any level crossing or any curve where sight is intercepted or any other point of danger to workmen, and shall have the locomotive under control so that he can stop short of the point of danger.

(2.) Any person acting in contravention of this section is liable to a penalty not exceeding £10.

Accidents.

6.—(1.) Where there occurs in a factory or workshop any accident which either :—

(a.) causes loss of life to a person employed in the factory or workshop ; or

(b.) causes to a person employed in the factory or workshop such bodily injury as to prevent the person on any of the six working days next after the occurrence of the accident from being employed in his ordinary work ;

written notice stating the residence of the person killed or injured and the place to which he has been removed shall forthwith be sent to the Inspector.

(2.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not sent, the owner or manager of the factory or workshop shall be liable to a fine not exceeding £5.

(3.) Where a Coroner holds an inquest in respect of any person whose death may have been caused by an accident in a factory or workshop, the Coroner shall adjourn the inquest unless the Inspector is present to watch the proceedings.

(4.) The Coroner shall, at least forty-eight hours before holding the inquest and at least four days before holding an adjourned inquest, send to the Inspector notice in writing of the time and place of holding the inquest, or adjourned inquest, as the case may be.

(5.) The Inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the Coroner.

(6.) When evidence is given at an inquest at which an Inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in or about a factory or workshop appearing to the Coroner to require remedy, the Coroner shall send to the Inspector notice in writing of such neglect or defect.

7.—(1.) On the occurrence of an explosion from any boiler, notice thereof shall, unless notice has already been given under the provisions of the preceding section, be sent to the Inspector by the owner thereof or his manager.

Notice to  
Inspector of  
explosion.

(2.) The notice shall state the precise locality as well as the day and hour of the explosion, the number of persons injured, if any, in addition to the purposes for which the boiler was used, and, generally, the part of the boiler that failed, and the extent of the failure, and such other particulars, if any, as the Governor by notice in the *Royal Gazette* may require, and shall be in the form II in the Schedule to this Ordinance, or in such other form as the Governor may from time to time approve for the purpose.

(3.) If default is made in complying with the requirements of this section, the person in default is liable to a fine not exceeding £20.

8.—(1.) On receiving notice, whether under the preceding section or otherwise, of a boiler explosion, the Inspector shall inform the Governor of the same and the Governor may, if he thinks fit, appoint one or more competent and independent engineer or engineers to make a preliminary enquiry with respect to the explosion.

Power for  
Governor to  
direct  
preliminary  
investigation.

(2.) The persons so appointed may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the purpose of such investigation.

9.—(1.) If in the opinion of the Governor it appears that a general investigation of the causes and circumstances

Investigation  
by Coroner.

attending the explosion is expedient, and the Governor so informs the Coroner, the Coroner shall hold an investigation into the causes and circumstances attending the explosion.

(2.) For the purposes of such investigation the Coroner shall have all the powers conferred upon him for the purposes of holding an inquest under the Coroners Ordinance, No. 8.

(3.) The provisions of Sub-sections (3), (4), (5) and (6) of Section 6 of this Ordinance shall apply to such investigation.

Report by  
Coroner.

10. The Coroner shall present a report to the Governor stating the causes of the explosion and all the circumstances attending the same, with the evidence, adding thereto any observations thereon, or on the evidence, or on any matters arising out of the investigation which he thinks right to make.

Appointment  
of inspecting  
officers.

11.—(1.) The Governor may from time to time appoint such persons as he may think fit to be inspecting officers under this Ordinance and to enforce the provisions of this Ordinance.

(2.) All such appointments shall be notified for general information in the *Royal Gazette*.

Powers of  
inspecting  
officer.

12. The inspecting Officer shall have power to enter into or upon at all reasonable times by day and night, any factory, workshop, railway, locomotive, ship or vessel and to make such examination and enquiry as may be necessary to ascertain whether the provisions of this Ordinance are complied with, and shall be furnished with the means necessary to make any such entry, inspection, examination or enquiry.

13.—(1.) Any person who wilfully molests or obstructs; and

Obstructing  
inspecting  
officer.

(2.) Any owner or manager of a factory, workshop, railway, locomotive, ship or vessel who refuses or neglects to furnish the means necessary for making any entry, inspection, examination or enquiry under this Ordinance to:

any person in the execution of his duty or in the exercise of any powers conferred upon him under or by this Ordinance are severally liable to a penalty not exceeding £20 or to imprisonment, with or without hard labour, for any term not exceeding three months.]

14. A list shall be published from time to time in the *Royal Gazette* of persons competent to examine boilers; and the name of no person shall be inserted in such list until he has been approved by the Director of Public Works and two Engineers appointed for that purpose by the Governor.

List of persons  
competent to  
examine  
boilers.

15.—(1.) The Governor in Executive Council may make regulations for the purpose of carrying out the provisions of this Ordinance. Such regulations shall be published in the *Royal Gazette*.

Regulations.

(2.) The owner or manager of a factory or workshop may make and post special rules for the guidance and safety of the persons employed in or about the factory or workshop. Such special rules if and when approved by the Governor in Executive Council shall be posted up in legible characters in some conspicuous place at or near the factory or workshop where they may be read by the persons employed.

(3.) Any person guilty of an offence against such regulations is liable to a penalty not exceeding £10 and in default of payment to imprisonment, with or without hard labour for any period not exceeding one month, and in the case of an offence against such special rules to a penalty not exceeding £2.

16. Nothing in this Ordinance shall be deemed to exempt any person from any civil or criminal liability.

17. All penalties under this Ordinance may be recovered on the prosecution of the Inspector or of any inspecting officer before a Magistrate in the manner provided by the Summary Conviction Offences (Procedure) Ordinance No. 1.

Recovery of  
penalties.

18. The Steam Boilers Regulation Ordinance, 1909 is hereby repealed.

Repeal.

Passed in Council this Twenty-fifth day of June, in the year of Our Lord one thousand nine hundred and fifteen.

HARRY L. KNAGGS,  
Clerk of the Council.

## SCHEDULE.

## FORM I.

## THE PREVENTION OF ACCIDENTS ORDINANCE, 1915.

## REPORT OF EXAMINATION OF STEAM BOILER.

1. Address of Works.
2. Name of Owner.
3. Situation of Boiler.
4. Description of Boiler and age.
5. Power.
6. When and where made ?
7. When and where last repaired ?
8. Was the boiler scaled, prepared, and (so far as its construction permitted) made accessible, sufficiently for thorough examination and for such tests as may be necessary in order to complete the thorough examination ?
9. What parts (if any) were inaccessible ?
10. What examination and tests were made ?
11. State maximum pressure of steam allowed.
12. State time for which boiler is to be used and this certificate to be in force.

## CERTIFICATE.

I the undersigned, [A.B.] certify that I have examined the boiler above described, and to the best of my judgment the boiler as shewn in the above statement is in good condition, has proper mountings as required by the Ordinance in good working order, and is fit to work at a pressure of        lbs. to the square inch.

Signature :

Address :

Date :

## FORM II.

## THE PREVENTION OF ACCIDENTS ORDINANCE, 1915.

## REPORT OF EXPLOSION OF A STEAM BOILER TO BE SENT TO THE INSPECTOR WITHIN TWENTY-FOUR HOURS AFTER THE OCCURRENCE OF AN EXPLOSION.

1. Name of Premises or Works on which the boiler exploded.
2. Address by the Post.
3. Day and hour of explosion.
4. Number of persons killed.
5. Number of persons injured.
6. General description of the boiler.
7. Purposes for which the boiler was used.
8. Part of the boiler which failed, and the extent of failure generally.
9. Pressure at which the boiler was worked.
10. Name and address of the person by whom the boiler was last inspected and certificated.

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