

## TRINIDAD AND TOBAGO.

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No. 28—1934.

I ASSENT,

[L.S.]

A. C. HOLLIS,

*Governor.*

24th November, 1934.

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

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

1. This Ordinance may be cited as the Prevention of Accidents Ordinance, 1934. Short title.

2.—(1) In this Ordinance—

“Boiler” means any boiler used for generating steam in or about a factory or workshop, or in, or about, or in connection with a mine, boring or quarry 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.

Interpreta  
tion.

57 & 58  
716. c. 60.

- “ Competent Person ” means the holder of an uncancelled licence under Section 16 hereof ;
- “ Factory ” means any premises wherein, or within the close or curtilage of which, mechanical power is used to move or work any machinery ;
- “ Inspecting Officer ” means any person appointed in accordance with the provisions of section 12 of this Ordinance ;
- “ Inspector ” means the Inspector of Mines, and includes any inspecting officer authorized by the Inspector by writing under his hand to act either generally or in a special case on behalf of the Inspector ;
- “ 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 ;
- “ 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 ;
- “ 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.

(2) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.

(3) Where any railway line or siding is used in connection with a factory or workshop, the provisions of this Ordinance shall have effect as if the line or siding were part of the factory or workshop.

(4) If any such railway line or siding is used in connection with more than one factory or workshop belonging to different occupiers, the provisions of this Ordinance shall have effect as if such railway line or siding were a separate factory.

3.—(1) Every factory shall be under a manager who shall be responsible for the control, management and direction thereof, and the owner of every factory shall nominate himself or some other person to be the manager thereof and shall within one month of such nomination send written notice to the Inspector of the manager's name and address.

Manager of  
factory and  
notice of  
abandonment.

(2) Where a factory is commenced or any factory is abandoned or the working thereof discontinued or any factory is recommenced after the abandonment or discontinuance thereof for a period exceeding two months, or where any change occurs in the name of any factory or in the name of the owner or manager thereof or in the principal officers of any incorporated company which is the owner thereof the owner shall give notice thereof to the Inspector within one month after such commencement, abandonment, discontinuance, recommencement or change.

(3) If default is made in complying with any of the requirements of this section the owner of the factory shall be liable to a penalty not exceeding ten pounds.

4.—(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, shall be securely fenced ;
- (b) Every wheel race not otherwise secured shall be securely fenced close to the edge of the wheel race ;
- (c) All dangerous parts of the machinery, and every part of the mill gearing shall 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 ;

(d) All fencing shall 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.

Penalty

(2) The owner or manager of a factory in which there is a contravention of this section shall be liable to a penalty not exceeding twenty pounds in respect of each such contravention.

(3) 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 shall be liable to a penalty not exceeding one pound for every day on which the non-compliance continues.

Steam  
boilers.

5.—(1) Every boiler shall, whether separate or one of a range, be examined thoroughly by a competent person at least once in every twelve months; provided that in exceptional circumstances or where unnecessary interference to normal operation is involved this period may be extended for one month by a competent person; in which case the boiler must be next examined within eleven months.

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

(2) No boiler whether separate or one of a range shall be used unless the same has been thoroughly examined by a competent person and certified by him as fit for use and has attached thereto :

(a) In the case of a land boiler :

(i) A proper safety valve.

(ii) A stop valve in working order.

(iii) A proper steam pressure gauge to show the pressure of steam.

(iv) Two water gauges or set of test cocks in lieu of one water gauge, to show the correct height of the water in the boiler, such water gauge or gauges shall be adequately protected by a covering or guard unless so constructed as to be equally safe to the persons employed whether so protected or not.

(v) A feed check valve.

(vi) A blow off valve or cock.

(b) In the case of a ship or marine boiler :

(i) Two direct spring loaded safety valves.

(ii), (iii) and (iv) the same mountings as described in sub-paragraphs (ii), (iii) and (iv) of paragraph (a) above.

(v) Two independent feed check valves.

(vi) A blow off valve.

(vii) A Salinometer cock or valve.

(3) A report in duplicate of the result of every examination prescribed by this Ordinance, in the Form A in the Schedule to this Ordinance; containing the prescribed particulars and certificate and signed by the person making such examination, shall be delivered within ten days of such examination to the owner or person in charge of or using such boiler; and such owner or person shall within twenty-one days of the receipt of such report forward one duplicate copy thereof to the Inspector of Mines and at all times on demand by the inspecting officer produce the other duplicate report for inspection.

Report of examination of boiler and form of certificate.

(4) Every such boiler, safety valve, steam gauge, water gauge and other mountings 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 shall be liable to a penalty not exceeding twenty pounds.

Penalty.

Locomotives  
and wagons.

6.—(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 :—

- (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 authorized 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 shall be liable to a penalty not exceeding ten pounds.

Accidents.

7.—(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, together with a report of the cause of the accident and statements from any witnesses thereto shall forthwith be sent to the Inspector.

(2) If any notice required by the preceding sub-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 penalty not exceeding five pounds.

(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 notice has been given to the Inspector in accordance with sub-section (4) of this section.

(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.

8.—(1) On the occurrence of an explosion of any boiler, notice thereof shall, unless notice has already been given under the provisions of the last 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, 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 B 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 shall be liable to a penalty not exceeding twenty pounds.

Power of  
Governor to  
direct  
preliminary  
investigation.

9.—(1) On receiving notice, whether under the last 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.

(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.

Investigation  
by Coroner.

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

Cap. 283.

(3) The provisions of sub-sections (3), (4), (5) and (6) of section 7 of this Ordinance shall apply to such investigation.

Report by  
Coroner.

11. 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.

12.—(1) The Governor may 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 in the *Royal Gazette*.

Powers of  
inspecting  
officer.

13. 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, vessel, mine, boring or quarry 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.

- 14.**—(1) Any person who wilfully molests or obstructs, or Obstructing inspecting officer.
- (2) Any owner or manager of a factory, workshop, railway, locomotive, ship, vessel, mine, boring or quarry 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 shall be liable to a penalty not exceeding twenty pounds or to imprisonment, with or without hard labour, for any term not exceeding three months.

**15.**—(1) If in any respect the Inspector finds any factory or any part thereof, or any matter, thing, or practice in or connected with any factory to be dangerous or defective so as in his opinion to threaten or tend to the bodily injury of any person he shall give notice in writing thereof to the owner or manager and shall state in the notice the particulars in which he considers the factory or any matter thing or practice to be dangerous or defective, and require the same to be remedied within a time to be prescribed in the notice, and unless the same be remedied within the prescribed time shall report the same to the Governor. Notice by Inspector of causes of danger.

(2) If the owner or manager object to remedy the matter complained of in the notice, he may, within seven days after the receipt of the notice, send his objection in writing, stating the grounds thereof, to the Governor and thereupon the matter shall be determined by the Governor in Executive Council.

(3) If the owner or manager fails, when no objection is sent as aforesaid, to comply with the requisition in the notice within the time prescribed, or when there has been an objection to comply with the decision of the Governor in Executive Council, he shall be liable to a penalty not exceeding one hundred pounds.

**16.** The Governor may, on the joint recommendation of the Director of Works and Transport and three engineers appointed by the Governor for the purpose, issue licences to persons authorizing them to examine boilers under this Ordinance. List of persons competent to examine boilers.

The Governor may, in his discretion, cancel any such licence, and thereupon the holder of such licence shall cease to be authorized to examine boilers. Notice of such cancellation shall forthwith be sent to the licensee at his last known address by registered post and published in the *Royal Gazette*.

A list of persons authorized to examine boilers shall be published in the *Royal Gazette* in the month of January in each year by the Director of Works and Transport.

Power to  
make  
regulations.

**17.**—(1) The Governor in Executive Council may make regulations :

(a) For the safety of workers in any factory or workshop ;

(b) generally for the purpose of carrying out the provisions of this Ordinance.

(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 shall be liable to a penalty not exceeding ten pounds, and in the case of an offence against such special rules to a penalty not exceeding two pounds.

Saving.

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

Recovery of  
penalties.

**19.** All penalties under this Ordinance may be recovered on summary conviction before a Magistrate on the complaint of the Inspector, any inspecting officer or any other person authorized in writing by the Inspector of Mines for such purpose.

Repeal.

**20.** The Prevention of Accidents Ordinance Cap. 157, the Prevention of Accidents (Amendment) Ordinance No. 11 of 1928, the Prevention of Accidents (Further Amendment) Ordinance No. 30 of 1928, the Prevention of Accidents (Amendment) Ordinance No. 6 of 1929, the Prevention of Accidents (Further Amendment) Ordinance No. 12 of 1929, and the Prevention of Accidents (Amendment No. 3) Ordinance No. 18 of 1929 are hereby repealed,

SCHEDULE.

THE PREVENTION OF ACCIDENTS ORDINANCE, 1934.

FORM A ( Vide s. 5 (3) ).

Report of Examination of Steam Boiler.

MAKER'S No..... COMPANY'S LOCAL No.....

- 1. Name of Owner.....
- 2. Address of Works.....
- 3. Situation of Boiler.....
- 4. Description of Boiler, Maker's Name and Date of Manufacture.....  
.....  
.....
- 5. Power .....
- 6. When and where last Repaired.....
- 7. Date of last hydraulic test (state whether you have seen last report).....  
.....
- 8. Condition of boiler
  - (a) What parts were inaccessible :
    - (1) Internal .....
    - (2) External .....
  - (b) Date brick-work was last removed :
    - (1) Internal .....
    - (2) External.....
  - (c) Was boiler suitably prepared for examination.....
  - (d) What tests were made.....  
.....
  - (e) Boiler Mountings :
    - (1) Are there proper mountings including safety valve, water gauge  
and steam gauge .....
    - (2) Are all mountings properly maintained and in good order.....  
.....
    - (3) Are the water gauges protected.....
- 9. Repairs (if any) required and period within which they should be executed  
.....
- 10. State maximum working pressure of steam allowed .....

11. State time from which boiler may be used under this certificate and date from which the period starts .....

I the undersigned..... (A. B)..... certify that I have examined the boiler above described, and to the best of my judgment the boiler as shown above is in good condition ; has proper mountings as required by the Ordinance in good working order and it is fit to work at a pressure of .....lb. to the square inch.

Signature.

Date.....

Address.

(Section 8 (2).)

FORM B.

THE PREVENTION OF ACCIDENTS ORDINANCE.

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 .....

Passed in Council this second day of November, in the year of Our Lord one thousand nine hundred and thrity-four.

J. O'CONNOR, Clerk of Legislative Council.