

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Steam Boilers (Insurance) Ordinance, 1952 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome X, p. 311; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Transfer of Functions Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 328); the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Steam Boiler (Insurance) Regulations, 1957 (G.S.I. No. 1 of 1957).

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ARRANGEMENT OF SECTIONS

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2. Application.
3. Use of uninsured steam boiler prohibited.
4. Certificate of insurance to be attached to general register.
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SCHEDULE Enactments Repealed.

(Made on 15th October, 1952.)

The Steam Boilers (Insurance) Ordinance, 1952

THE STATES, on the representations of the States Board of Administration and the States Labour and Welfare Committee, hereby order: –

Definitions.

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**[the Committee]**" means the States [[Committee for Employment & Social Security] or such other committee as the States may by Resolution appoint],

"**explosion**" means the sudden and violent rending or displacement of any part of a steam boiler by force of internal steam or fluid pressure accompanied by the forcible ejection of the contents or part thereof, of the boiler,

"**owner**" includes a hirer under a hire purchase agreement and the expression "**owned**" shall be construed accordingly,

"**policy of insurance**" includes a covering note,

"**prescribed**" means prescribed from time to time by [the Committee],

"**steam boiler**" means any closed vessel, whether stationary or mobile and whether separate or one of a range, in which for any purpose steam is generated under pressure greater than five pounds avoirdupois to the square inch, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

NOTES

In section 1,

the words, first, "the Committee" and, second, "Committee for Employment & Social Security" in square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1 and section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;¹

the words in the second pair of square brackets in the definition of the expression "the Committee" were substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 5, with effect from 31st July, 1991.

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The following Regulations have been made under this Ordinance:

Steam Boilers (Insurance) Regulations, 1957.

Application.

2. This Ordinance shall apply to every steam boiler used at any place in connexion with any trade, industry or calling but shall not apply to the boiler of any ship.

Use of uninsured steam boiler prohibited.

3. It shall not be lawful for any person to use, or to cause or permit any other person to use, a steam boiler to which this Ordinance applies unless there is in force in respect of that steam boiler a policy of insurance which is –

- (a) a policy issued by an insurer who is an insurer approved by [the Committee], and
- (b) a policy which, subject to the exceptions, definitions and conditions thereof, indemnifies such person as may be specified therein in an amount of not less than

two thousand pounds in any year of insurance as regards every steam boiler to which the policy relates, in respect of the following risks –

- (i) liability of the person insured for damage to property not belonging to the person insured, and
- (ii) liability of the person insured on account of fatal or non-fatal injuries sustained by any person or persons not under a contract of service or apprenticeship with the person insured,

arising as the direct consequence of and solely due to the explosion or collapse of the steam boiler, and

- (c) as respects a policy issued on or after the coming into force of this Ordinance, a policy which and of which every renewal is accompanied by a certificate in the prescribed form (hereinafter in this Ordinance referred to as a "**certificate of insurance**"), or
- (d) as respects a policy issued before the coming into force of this Ordinance, a policy of which every renewal is accompanied by a certificate of insurance.

NOTE

In section 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Certificate of insurance to be attached to general register.

4. Every certificate of insurance issued in pursuance of section three of this Ordinance shall within fourteen days of the issue thereof be attached to the

general register relating to the steam boiler in respect of which such certificate has been issued and kept under and in accordance with the provisions of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, and on being attached as aforesaid shall for the purposes of that Ordinance be deemed to be part of the said register.

Notice of explosion.

5. On the occurrence of an explosion of any steam boiler to which this Ordinance applies, written notice thereof in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to [the Committee] by the owner.

NOTES

In section 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

In accordance with the provisions of the Steam Boiler (Insurance) Regulations, 1957, regulation 2, with effect from 1st March, 1957, the form of written notice of an explosion and the accompanying prescribed particulars shall be as set out in the said regulation 2.

Offences and penalties.

6. (1) A person who uses or causes or permits to be used, any steam boiler owned by him to which this Ordinance applies and as regards which the insurance policy referred to in this Ordinance is not in force shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

(2) Except as provided in subsection (1) of this section, the owner of a steam boiler who acts in contravention of or fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

NOTE

In section 6, the words in square brackets in subsection (1) and subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey)

Law, 1989, section 2(2), with effect from 1st July, 1989.

Repeals.

7. The Ordinances set out in the Schedule to this Ordinance are hereby repealed.

Application and commencement.

8. (1) The provisions of this Ordinance, other than section seven thereof, shall apply to the Island of Guernsey and the provisions of section seven shall apply to the Islands of Guernsey and Herm.

(2) This Ordinance shall come into force on the first day of March, 1953.

SCHEDULE

Enactments repealed

Ordonnance par rapport aux Chaudières (1936) (No. XVII of 1936).

Ordonnance supplémentaire à l'Ordonnance par rapport aux Chaudières (1936) (No. XVIII of 1936).

The Boilers (Amendment) Ordinance, 1950 (No. XXXV of 1950).

¹ The words "Committee for Employment & Social Security" were previously substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 5, with effect from 31st July, 1991; the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 15, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry arising under or by virtue of this Ordinance were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 16, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the Board of Employment, Industry and Commerce arising under or by virtue of this Ordinance were previously transferred to it from the States Labour and Welfare Committee by the Transfer of Functions Ordinance, 1991, section 2, Schedule 2, paragraph 5, with effect from 31st July,

1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.