

## **CONFIDENTIAL**

Not to be released for publication in the press before presentation to the Assembly

### **PROVINCIAL ASSEMBLY OF THE PUNJAB** **REPORT OF SPECIAL COMMITTEE NO.1 REGARDING THE PUNJAB** **BOILERS AND PRESSURE VESSELS (AMENDMENT) BILL 2013 (BILL NO. 7** **OF 2013)**

The Punjab Boilers and Pressure Vessels (Amendment) Bill 2013 (Bill No. 7 of 2013) was referred to Special Committee No.1 on 26 July 2013. The Committee considered the bill in its meeting held on 13 August 2013.

The following were present:—

1.	Mian Naseer Ahmad, MPA (PP-155)	Convener
2.	Ch Muhammad Shafique Minister for Industries, Commerce & Investment	<i>ex-officio</i> Member
3.	Malik Muhammad Nawaz, MPA (PP-71)	Member
4.	Mian Tariq Mehmood, MPA (PP-113)	Member
5.	Rana Muhammad Arshad, MPA (PP-171)	Member
6.	Mian Muhammad Kazim Ali Pirzada, MPA (PP-273)	Member
7.	Mr Muhammad Khurram Gulfam, MPA (PP-162)	Member
8.	Mrs Ayesha Javed, MPA (W-317)	Member
9.	Dr Murad Raas, MPA (PP-152)	Member

3. Ms Naila Zafar, Additional Secretary, Industries, Commerce and Investment Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Additional Secretary (Legislation), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Ms Naila Zafar, Additional Secretary, Industries Department explained the aims and objects of the bill. She said that the subject of boilers was specifically mentioned at serial No. 29 of the repealed Concurrent Legislative List and after the omission of this subject from the Fourth Schedule of the Constitution, the Boilers and Pressure Vessels Ordinance 2002 had devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. She added that the Ordinance was required to be adapted by the Provincial Assembly of the Punjab in terms of Article 270AA(6) read with Article 142 (c) of the Constitution. She further added that the boilers, being used in the generation of nuclear energy, had been specifically proposed to be excluded from the application of the said Ordinance as the same were covered under the Federal Legislative List.

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5. After detailed discussion on the aims and objects and clauses of the bill, the Committee unanimously decided to recommend that the bill may be passed by the Assembly, subject to the following amendments:-

**AMENDMENTS IN THE BILL**

**(1) GENERAL AMENDMENT**

in the marginal headings of the clauses of the bill, the word "the", occurring before the word "Ordinance", be omitted.

**(2) AMENDMENT IN CLAUSE 5,8,9,10 AND 11**

in the marginal headings of clause 5,8,9,10 and 11 the words "Amendment in", be substituted by the words "substitution of".

**(3) CLAUSE 9**

in the proposed sub-section (2), after para (b), the following new para (c), be added and the subsequent paras be re-numbered accordingly:-

"(c) one member to be nominated by the Federal Chamber of Commerce and Industry, Islamabad;"

**(4) CLAUSE 10**

for section 27, the following be substituted as under:-


"27. **Filling of vacancies.**- The Government shall, within sixty days from the date of occurrence of a vacancy, fill the vacancy in the Board or Ad hoc Technical Committee under section 25 or section 26."

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.

Lahore  
13 August, 2013

**MIAN NASEER AHMAD**  
Convener  
Special Committee No. 1

Lahore  
13 August, 2013

  
**(RAI MUMTAZ HUSSAIN BABAR)**  
Acting Secretary

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)  
**PROVINCIAL ASSEMBLY OF THE PUNJAB**  
**BILL NO. 7 OF 2013**

**THE PUNJAB BOILERS AND PRESSURE VESSELS  
(AMENDMENT) BILL 2013**

**A  
BILL**

*to amend the Boilers and Pressure Vessels Ordinance 2002.*

**Preamble.**— Whereas it is expedient to amend the Boilers and Pressure Vessels Ordinance 2002 (CXXI of 2002) for purposes hereinafter appearing;

It is enacted as follows:

- 1. Short title and commencement.**— (1) This Act may be cited as the Punjab Boilers and Pressure Vessels (Amendment) Act 2013.  
(2) It shall come into force at once.
- 2. Amendments in the Ordinance CXXI of 2002.**— In the Boilers and Pressure Vessels Ordinance 2002 (CXXI of 2002), hereinafter referred to as the said Ordinance:
  - (a) for the words "Federal Government", wherever occur, the word "Government" shall be substituted; and
  - (b) for the words "Provincial Government", wherever occur, the word "Government" shall be substituted.
- 3. Amendment in section 1 of the Ordinance CXXI of 2002.**— In the said Ordinance, in section 1, in sub-section (2), for the word "Pakistan", the words "the Punjab" shall be substituted.
- 4. Amendment in section 2 of the Ordinance CXXI of 2002.**— In the said Ordinance, in section 2, in sub-section (1):
  - (a) in clause (c), for the word "Federal", the word "Punjab" shall be substituted;
  - (b) for clause (f), the following shall be substituted:

"(f) "Department" means the Industries Department of the Government charged with the enforcement of this Ordinance;" and
  - (c) after clause (h), the following clause (hh) shall be inserted:

"(hh) "Government" means Government of the Punjab;"
- 5. Amendment in section 3 of the Ordinance CXXI of 2002.**— In the said Ordinance, for section 3, the following shall be substituted:

**"3. Limitation of application of this Ordinance.**— (1) Nothing in this Ordinance shall apply to:

  - (a) any boiler in any steamship or in any mechanically propelled vessel;
  - (b) any boiler appertaining to a sterilizer or disinfecter and the like used in hospitals, hotels, laboratories and other industries etc, if it does not exceed ninety one liters in capacity;
  - (c) any boiler used in relation to the nuclear energy; and
  - (d) any boiler or steam-pipe, belonging to or under the control of railway.

(2) The Government may, by notification in the official Gazette and for reasons to be recorded in writing, declare that provisions of this Ordinance shall not apply in the case of any specified class of boilers or steam-pipes."

**6. Amendment in section 6 of the Ordinance CXXI of 2002.**— In the said Ordinance, in section 6, for clause (b), the following shall be substituted:

"(b) in case of any boiler which has been transferred from another Province or territory until it is registered under this Ordinance;"

**7. Amendment in section 10 of the Ordinance CXXI of 2002.**— In the said Ordinance, in section 10, in sub-section (2), for the words "a Federal emergency", the words "an emergency" shall be substituted.

**8. Amendment in section 25 of the Ordinance CXXI of 2002.**— In the said Ordinance, for section 25, the following shall be substituted:

**"25. Punjab Boiler and Pressure Vessels Safety Board.**—(1) The Government shall constitute a Board to be called the Provincial Boilers and Pressure Vessels Safety Board for the purposes of this Ordinance which shall consist of the following members:


- (a) Director Industries of the Government who shall be the Chairperson of the Board;
- (b) an officer not below the rank of Deputy Secretary of the Department;
- (c) Chief Inspector and two Deputy Chief Inspectors nominated by the Government; Chief Inspector shall be the Secretary of the Board;
- (d) one member to be nominated by the Lahore Chamber of Commerce and Industry;
- (e) two members from the manufacturers of boilers and pressure vessels to be nominated by the Government;
- (f) two members from users of boilers and pressure vessels to be nominated by the Government; and
- (g) one member from the insurance companies to be nominated by the Government.

(2) The Board may regulate its own procedure and the conduct of business to be transacted by it, the constitution of committees and sub-committees of members and the delegation to them of any of the powers and functions of the Board."

**9. Amendment in section 26 of the Ordinance CXXI of 2002.**— In the said Ordinance, for section 26, the following shall be substituted:

**"26. Ad hoc Technical Committee.**—(1) The Government shall constitute a committee to be called the Ad hoc Technical Committee to execute assignments advised by the Board.

(2) The Ad hoc Technical Committee shall consist of the following members:



- (a) Chairperson to be nominated by the Government on the advice of the Board;
- (b) one Deputy Director from the Directorate of Industries of the Government;
- (c) one member to be nominated by the Lahore Chamber of Commerce and Industry;
- (d) one member from the manufacturers of boilers and pressure vessels to be nominated by the Government;
- (e) one member from insurance companies to be nominated by the Board;
- (f) one member from users of boiler and pressure vessels to be nominated by the Government; and
- (g) Chief Inspector who shall be the Secretary of the Committee."

**10. Amendment in section 27 of the Ordinance CXXI of 2002.**— In the said Ordinance, for section 27, the following shall be substituted:

**"27. Filling of vacancies.**—The Government shall, as soon as possible, fill any vacancy occurring in the Board or Ad hoc Technical Committee in accordance with the provisions of section 25 or section 26."

**11. Amendment in section 34 of the Ordinance CXXI of 2002.**— In the said Ordinance, for section 34, the following shall be substituted:

**"34. Application of the Ordinance to the Governments.**— Save as otherwise expressly provided, this Ordinance shall be applicable to boilers and pressure vessels belonging to the Government, Federal Government, local government or any other Provincial Government."

#### STATEMENT OF OBJECTS AND REASONS

The subject of boilers was specifically mentioned at serial No. 29 of the repealed Concurrent Legislative List. After the omission of this subject from the Fourth Schedule of the Constitution, the Boilers and Pressure Vessels Ordinance 2002 has devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Ordinance is required to be adapted by the Provincial Assembly of the Punjab in terms of Article 270AA(6) read with Article 142(c) of the Constitution. Boilers being used in the generation of nuclear energy have been specifically proposed to be excluded from the application of this Ordinance as the same are covered under the Federal Legislative List. Hence, this Bill.

  
MINISTER INCHARGE

26 July 2013

  
RAI MUMTAZ HUSSAIN BABAR  
Acting Secretary



**(BILL AS RECOMMENDED BY THE  
SPECIAL COMMITTEE NO.1)**

A

Bill

*to amend the Boilers and Pressure Vessels Ordinance 2002.*

**Preamble.**— Whereas it is expedient to amend the Boilers and Pressure Vessels Ordinance 2002 (CXXI of 2002) for purposes hereinafter appearing;

It is enacted as follows:-

- 1. Short title and commencement.**— (1) This Act may be cited as the Punjab Boilers and Pressure Vessels (Amendment) Act 2013.  
(2) It shall come into force at once.
- 2. Amendments in Ordinance CXXI of 2002.**— In the Boilers and Pressure Vessels Ordinance 2002 (CXXI of 2002), hereinafter referred to as the said Ordinance—
  - (a) for the words “Federal Government”, wherever occur, the word “Government” shall be substituted; and
  - (b) for the words “Provincial Government”, wherever occur, the word “Government” shall be substituted.
- 3. Amendment in section 1 of Ordinance CXXI of 2002.**— In the said Ordinance, in section 1, in sub-section (2), for the word “Pakistan”, the words “the Punjab” shall be substituted.
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  - (a) in clause (c), for the word “Federal”, the word “Punjab” shall be substituted;
  - (b) for clause (f), the following shall be substituted:  
“(f) “Department” means the Industries Department of the Government charged with the enforcement of this Ordinance;” and
  - (c) after clause (h), the following clause (hh) shall be inserted:  
“(hh) “Government” means Government of the Punjab;”.
- 5. Substitution of section 3 of Ordinance CXXI of 2002.**— In the said Ordinance, for section 3, the following shall be substituted:-
 

**“3. Limitation of application of this Ordinance.**— (1) Nothing in this Ordinance shall apply to—

  - (a) any boiler in any steamship or in any mechanically propelled vessel;
  - (b) any boiler appertaining to a sterilizer or disinfecter and the like used in hospitals, hotels, laboratories and other industries etc, if it does not exceed ninety one liters in capacity;
  - (c) any boiler used in relation to the nuclear energy; and
  - (d) any boiler or steam-pipe, belonging to or under the control of railway.

(2) The Government may, by notification in the official Gazette and for reasons to be recorded in writing, declare that provisions of this Ordinance shall not apply in the case of any specified class of boilers or steam-pipes.”
- 6. Amendment in section 6 of Ordinance CXXI of 2002.**— In the said Ordinance, in section 6, for clause (b), the following shall be substituted:  
“(b) in case of any boiler which has been transferred from another Province or territory until it is registered under this Ordinance;”
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**“25. Punjab Boiler and Pressure Vessels Safety Board.**—(1) The Government shall constitute a Board to be called the Provincial Boilers and Pressure Vessels Safety Board for the purposes of this Ordinance which shall consist of the following members:-

- (a) Director Industries of the Government who shall be the Chairperson of the Board;
- (b) an officer not below the rank of Deputy Secretary of the Department;
- (c) Chief Inspector and two Deputy Chief Inspectors nominated by the Government; Chief Inspector shall be the Secretary of the Board;
- (d) one member to be nominated by the Lahore Chamber of Commerce and Industry;
- (e) two members from the manufacturers of boilers and pressure vessels to be nominated by the Government;
- (f) two members from users of boilers and pressure vessels to be nominated by the Government; and
- (g) one member from the insurance companies to be nominated by the Government.

(2) The Board may regulate its own procedure and the conduct of business to be transacted by it, the constitution of committees and sub-committees of members and the delegation to them of any of the powers and functions of the Board.”

9. **Substitution of section 26 of Ordinance CXXI of 2002.**— In the said Ordinance, for section 26, the following shall be substituted:-

**“26. Ad hoc Technical Committee.**—(1) The Government shall constitute a committee to be called the Ad hoc Technical Committee to execute assignments advised by the Board.

(2) The Ad hoc Technical Committee shall consist of the following members:-

- (a) Chairperson to be nominated by the Government on the advice of the Board;
- (b) one Deputy Director from the Directorate of Industries of the Government;
- (c) one member to be nominated by the Federal Chamber of Commerce and Industry, Islamabad;
- (d) one member to be nominated by the Lahore Chamber of Commerce and Industry;
- (e) one member from the manufacturers of boilers and pressure vessels to be nominated by the Government;
- (f) one member from insurance companies to be nominated by the Board;
- (g) one member from users of boiler and pressure vessels to be nominated by the Government; and
- (h) Chief Inspector who shall be the Secretary of the Committee.”

10. **Substitution of section 27 of Ordinance CXXI of 2002.**— In the said Ordinance, for section 27, the following shall be substituted:-

**“27. Filling of vacancies.**— The Government shall, within sixty days from the date of occurrence of a vacancy, fill the vacancy in the Board or Ad hoc Technical Committee under section 25 or section 26.”

11. **Substitution of section 34 of Ordinance CXXI of 2002.**— In the said Ordinance, for section 34, the following shall be substituted:-

**“34. Application of the Ordinance to the Governments.**— Save as otherwise expressly provided, this Ordinance shall be applicable to boilers and pressure vessels belonging to the Government, Federal Government, local government or any other Provincial Government.”