



Bombay Government Gazette.

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 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 9 of 1873.

A Bill to amend Bombay Act No. II. of 1864, providing for the Periodical Survey of Steam Vessels, and to provide for the Examination of Engineers of Steam Vessels.

WHEREAS it is expedient to amend Bombay

Preamble.

Act No. II. of 1864, providing for the periodical survey of steam vessels, and to make provision for the management by competent Engineers of steam vessels plying in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay; It is enacted as follows:—

I. For Section I. of Act II. of 1864, passed by the Governor of Bombay in Council, entitled an Act to provide for the periodical

survey of steam vessels plying in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay, shall be substituted the following section:—

“Every steam vessel plying in the Harbour of Bombay or in any of the Ports or

Harbours, or on any of the Rivers or Waters of the Presidency of Bombay, and every British steam vessel plying between any Port of the Presidency of Bombay and any other Port, shall be liable to be surveyed twice in every year in the manner hereinafter prescribed. No steam vessel holding a certificate granted by the British Board of Trade shall be liable to be so surveyed as long as such certificate remains in force and valid, unless such steam vessels, or the machinery belonging to the same, shall, subsequently to the issue of such certificate, have sustained injury or damage, or been found unseaworthy or otherwise inefficient.”

II. It shall be the duty of any Surveyor appointed for the purposes of the said Act II. of 1864, on going on board of any steam vessel arriving in

Surveyor to board Steam Vessels and ascertain whether they possess certificates or have sustained injury.

any Port or Harbour of the Presidency of Bombay, to enquire of the master thereof if any certificate has been granted by the British Board of Trade for the same, and in such case to demand the production of the said certificate for his inspection. And it shall further be the duty of such Surveyor to enquire of the Master and other Officers and the Engineers of such steam vessel whether any injury or damage has been sustained by the said steam vessel or the machinery of the same, since the date of the issue of such certificate. And if any such Master, Officer, or Engineer shall refuse to answer any such question, or shall not truly answer the same, he shall be liable to a penalty not exceeding 500 Rupees.

III. Every such Surveyor shall, after satisfying himself that any steam vessel is entitled, under the provisions of Section I. of this Act, to be exempted from Survey, deliver to the master of such vessel a certificate to that effect under his hand, and upon the production of such certificate the proper Officer of Customs shall grant a Clearance, and the proper authority shall assign a Pilot to such steam vessel, anything in the said Act II. of 1864 to the contrary notwithstanding.

IV. Whenever any explosion shall occur on board of any steam vessel subject to this Act, it shall be lawful for the Governor of Bombay in Council, if he shall think fit, to direct that an investigation of the cause of such explosion be made by such person or persons as he shall think fit. The person or persons authorized by the Governor in Council to make such investigation may enter into and upon such steam vessel with all necessary workmen and labourers and remove any portion of such steam vessel, or of the machinery thereof, for the purpose of such investigation, and shall report the cause of such explosion.

V. For Section X. of Act II. of 1864, passed by the Governor of Bombay in Council, entitled an "Act to provide for the periodical survey of steam vessels plying in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay," shall be substituted the words following:

"For every survey made under this Act the owner or master of the steam vessel surveyed shall pay to each of the Surveyors making the same a fee calculated on the tonnage of the vessel according to the rates in Schedule B hereto annexed."

VI. It shall be lawful for the Governor of Bombay, by an order to be published in the *Government Gazette*, to appoint any ports or places in the Presidency of Bombay to be ports of survey for the purposes of the said Act II. of 1864, and of this Act.

VII. It shall be lawful for the Governor of Bombay in Council, from time to time, by an order to be published in the *Government Gazette*, to direct that in any port of survey other than Bombay, in addition to the fees imposed by the said Act II. of 1864, there shall be paid for every survey of a steam vessel in such port, by the owner or master of such steam vessel such further fee, for or towards the expense of the journey of a surveyor to such port, as in such order shall be set forth, and from time to time in like manner to alter, vary or revoke any such order; and every fee so to be payable shall be recoverable by the ways and means in the said Act provided for the recovery of the fees thereby imposed.

VIII. Examinations shall be instituted for persons who intend to become Engineers of Steamers, or who wish to procure certificates of competency as hereinafter mentioned.

IX. The Governor of Bombay in Council, or any Board or Officer duly authorized by him in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of applicants for examination, and may make rules for the conduct of such examination, and as to the qualifications to be required and the fees to be paid by all applicants for examination.

X. The Governor in Council, or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as Engineer.

XI. Every person, who before the passing of this Act, has served for a period of not less than one year as first or only engineer in any steam vessel, or who has attained or shall attain the rank of First Class Assistant Engineer

in the service of Her Majesty, shall be entitled to a certificate of service. Each of the certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered, and the Governor in Council, or the other authority as aforesaid, shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid, and on payment of such fees as the Governor in Council shall, by an order published in the *Government Gazette*, from time to time, direct.

XII. No clearance shall be granted for any steam vessel unless the master thereof shall satisfy the proper Officer of the Customs that such steam vessel has as its engineer an engineer possessing a certificate of competency or a certificate of service.

XIII. The owner and also the master of any steam vessel subject to this Act, which shall ply in any of the Ports, Harbours, Rivers or Waters of the Presidency of Bombay, without having in charge of the engines thereof an engineer possessing a certificate of service or a certificate of competency, shall be liable to a fine not exceeding five hundred Rupees.

XIV. It shall be lawful for the Governor in Council or authority as aforesaid in case of the misconduct, negligence or incompetency of any engineer possessing a certificate of competency or a certificate of service, to cancel such certificate, or to suspend the same for such time as to him or them shall seem fit.

XV. Every engineer's certificate of competency or service, which may be granted by any competent authority in the United Kingdom, shall have in all respects the same validity and effect, as if the same had been granted under the provisions of this Act.

XVI. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Governor in Council shall direct. A note of all orders made for cancelling, suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered on the record of certificates.

XVII. Whenever any engineer proves to the satisfaction of the Governor in Council, or of such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificates to which by the record so kept as aforesaid he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

XVIII. In citing this Act it shall be sufficient to use the expression, "The Steam Vessel Survey Amendment Act of 1873."

XIX. This Act shall commence and take effect as to Sections XII. and XIII. upon the 1st day of March 1874, and as to the residue thereof on the 1st day of December 1873.

XX. This Act shall be read together with, and as part of, the said Act II. of 1864.

SCHEDULE B.

(Referred to in Section X. of Act II. of 1864.)

For steamers of less than 200 tons	Rs.	20
Ditto of 200 tons and up to 350 tons.....	„	25
Ditto 350 do. 700 do.	„	30
Ditto 700 do. 1,000 do.	„	40
Ditto 1,000 do. 1,500 do.	„	50
Ditto 1,500 do. and upwards.		

STATEMENT OF OBJECTS AND REASONS.

Recent experience has shown Bombay Act II. of 1864 to be defective in some particulars. These defects can only be remedied by a legislative enactment similar in its nature to Bengal Act I. of 1868. The Bill now introduced has been framed on the model of that Act. It authorises Government to appoint any ports or places in the Bombay Presidency to be ports of survey for the purposes of Bombay Act II. of 1864 or of this Bill and to impose additional fees when the survey is made in any port of survey other than Bombay. Provision is made for the examination of engineers of steam vessels and for the granting, suspension and cancellation of certificates of competency and clauses are inserted prohibiting the granting of a clearance to a steam vessel unless such vessel has a duly qualified engineer and authorising the imposition of a penalty on the master and owner of a steam vessel which has not in charge of its engines a person possessing the requisite certificate of competency or service. Power is also given to the Governor in Council to direct an investigation to be made into the causes of any explosion occurring on board a steam vessel. By Section I. of the Bill steam vessels holding a valid certificate from the London Board of Trade are exempted from survey under Bombay Act II. of 1864 and this Bill except under certain specified circumstances.

(Signed) M. K. KENNEDY.

31st July 1873.

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under-Secretary to Government.

Poona, 31st July 1873.