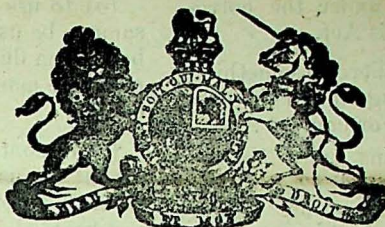


THE



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. 6 of 1886.

A Bill to amend the Law for the periodical inspection and the management by competent Engineers of Boilers and Prime Movers in the Presidency of Bombay.

Whereas it is expedient to amend the law for the inspection and management of steam-boilers, and of prime movers; It is enacted as follows :—

Preamble.

Preliminary.

1. This Act may be cited as "The Bombay Boiler Inspection Act, 1885."

Short Title.

It shall come into force at once in the city of Bombay and in the districts and places in which the

Commencement and extent of Act.

Boiler Inspection Act, 1873, is at present in force, and may be extended from time to time by the Governor in Council, by notification in the *Bombay Government Gazette*, to any other district or place in the presidency of Bombay that he shall deem fit.

Bo. Act V. of 1873, s. 2.

Bo. V. of 1873.

But nothing in this Act shall be deemed to apply to any steam vessel, or to any locomotive engine used upon any railway, or to any boiler or prime mover appertaining to a railway, or used exclusively for domestic purposes.

Limitation of application of Act.

Repeal of Bombay Act V. of 1873.

2. The Boiler Inspection Act, 1873, is hereby repealed :

Provided that nothing in this Act shall, except as is hereinafter otherwise expressly provided in section 23, affect the validity, according to its tenor, of any certificate granted under the said Boiler Inspection Act, 1873. Except as is otherwise provided in the said section, every such certificate shall, for all the purposes of this Act, be deemed to have been granted.

Proviso.

ed, and to be in force, under the corresponding provisions of this Act.

Bo. Act V. of 1873, s. 4.

3. In this Act, unless there be something repugnant in the subject or context:

Definition of terms.

45 and 46, Vic., c. 22, s. 3.

(1) "boiler" means any closed vessel used for generating steam, or for heating water, or for heating other liquids, or into which steam is admitted for heating, steaming, boiling or other similar purpose;

(2) "prime mover" includes any steam-engine, steam-hammer, fly-wheel, first driving-shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime mover;

(3) "owner" includes any agent or hirer using any boiler.

Inspection of Boilers.

4. Government may from time to time appoint one or more inspectors for the purposes of this Act, who shall be removeable at the pleasure of Government.

The local extent of each such inspector's duties shall be fixed from time to time by Government.

Subject to such rules as may from time to time be framed by Government under section 31, the inspectors shall be under the control of the Collector of the place or district in which the boilers to be inspected by such inspectors are respectively situated.

5. Government shall, as occasion may require, appoint commissions for hearing appeals preferred by owners under section 10, and for determining questions submitted to them under section 13. Such commissions shall consist of such person or persons as the Government shall deem fit to nominate, and their appointment shall endure for such term as shall be prescribed by Government.

6. It shall not be lawful for the owner of any boiler:

(a) to use the same, or to permit the same to be used, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided; or

(b) to continue to use the same, or to permit the use thereof to be continued, after the period for which any such certificate shall have been granted has expired; or

(c) to work the same, or to permit the same to be worked at a higher pressure than that allowed by such certificate.

7. The owner of any boiler who does not hold in respect thereof a certificate as aforesaid which is at the time in force,

(On notice from owner an inspector to examine boiler.

shall, if such boiler be situate in the city of Bombay, before using or continuing the use of the same, give notice to an inspector appointed under this Act for the said city of his intention to use or to continue to use the same.

The inspector to whom such notice is given shall appoint a time between sunrise and sunset and within four days after the receipt of such notice, for the inspection of such boiler, and at such time shall carefully examine such boiler and every appurtenance thereof.

If such boiler be situate elsewhere than in the city of Bombay, the owner shall, before using or continuing the use of the same, give notice to the Collector of his intention to use or to continue to use the same, and the Collector shall cause an inspection and examination as aforesaid to be made by an inspector within ten days after the receipt of such notice, and shall inform the owner of the date on which the said inspection will take place.

Necessary information must be furnished by owner, and necessary dispositions made for facilitating examination.

8. The owner or person in charge of any boiler so examined shall:

(1) afford to the inspector all reasonable facilities for such examination, and all such information as may reasonably be required by him;

(2) previously arrange that,

(a) the boilers shall be empty and cool, and shall be cleaned inside and outside,

(b) fire-flues shall be swept,

Bo. Act V. of 1873, s. 7.

Bo. Act V. of 1873, s. 5.

Appointment of inspectors.

Local extent of their duties.

Their subordination to the Collectors.

Bo. Act V. of 1873, s. 9.

Appointment of commission.

Bo. Act V. of 1873, s. 7.

Bo. Act V. of 1873, s. 6.

Owner not to use a boiler without a certificate.

(c) fire bars and fire-bridges shall be removed,

(d) blow-off and other cocks shall be cleared, for the purpose of inspection and examination; and

(3) if required by the inspector, cause any brick-work or masonry in contact with the boiler to be removed.

Bo. Act V. of
1873, s. 8.

9. If the inspector is satisfied that the boiler and all its necessary appurtenances are in good condition, he shall give to the owner a certificate signed by him to that effect, in the form of the schedule. The certificate shall state the period for which such boiler may be used, and shall cease to be in force on the expiration of such period.

No such certificate shall be granted for a longer period than 12 months, but it shall be the duty of the inspector, from time to time to re-inspect the boiler and all its necessary appurtenances, and on being satisfied that the same are in good condition, from time to time to renew the certificate. Each such renewed certificate shall be granted for such period, not exceeding 12 months, as the inspector may in his discretion deem fit.

Bo. Act V. of
1873, s. 10.

10. If an inspector refuse to give a certificate or a renewed certificate to the owner of any boiler, he shall be bound to give to such owner, within twenty-four hours, his reasons for such refusal, in writing; and any owner aggrieved by the decision of the inspector, may, within one month from the date of the said refusal, lodge with the Collector an appeal to be heard by a commission appointed under section 5.

Bo. Act V. of
1873, s. 10.

11. The owner's petition of appeal shall be forthwith forwarded by the Collector to the commission and the said commission shall, within four days after the date of the receipt of the same, if the boiler be situated in the city of Bombay, and within ten days after the date of its receipt, if the boiler be situated elsewhere, inquire into and determine such appeal, and shall, if it think fit, grant a certificate.

The inquiry shall be held in public, and the decision of the commission shall be final.

12. If the commission is of opinion that the appeal is unfounded or frivolous, it may award any sum not exceeding one hundred and fifty rupees, to be paid by the owner as costs.

Any sum so awarded by the commission shall be recoverable by the Collector from the owner, as an arrear of land-revenue.

13. Any commission appointed under section 5 may revoke any certificate granted under section 9 or 11:

(a) if any rate or fee, lawfully due under this Act, shall not be paid after the same has been duly demanded, or

(b) if there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or

(c) if there shall be reason to believe that, since the granting of such certificate, the boiler in respect whereof it was granted has sustained injury or has ceased to be in good condition.

After such revocation, the boiler in respect whereof the certificate has been revoked, shall not again be used until a further inspection shall have been made and a certificate granted by the inspector with the countersignature of the said commission, or, if the commission consists of more than two persons, of a majority thereof.

14. It shall be lawful for an inspector, at any time between sunrise and sunset on any day during the period for which a certificate may have been granted under section 9, 11, or 13, to examine any boiler for which such certificate has been granted, in order to ascertain whether such boiler is still in good condition, and whether any cause exists for revoking the said certificate.

It shall be the duty of every owner or person in charge of a boiler to report to the inspector, within twelve hours of its

Bo. Act V.
1873, s. 10.

When commission may award costs.

Revocation of certificates.

Fresh certificate may be granted after revocation of the first.

Inspector may examine a boiler for which certificate has been granted at any time.

Owner to report occurrence of accident to boiler.

occurrence, every accident to the boiler or to the machinery attached thereto, which is calculated to weaken the strength of such boiler or to render it liable to explode.

Bo. Act V. of
1873, s. 13.

15. The owner of any boiler who shall have obtained a certificate therefor, shall at all reasonable times during the period for which such certificate is in force, be bound to produce the same when called upon to do so by any Presidency Magistrate in the city of Bombay, or by the Collector elsewhere, or by any person authorized in writing by such Presidency Magistrate or Collector to demand its production.

Owner to produce certificate when called upon.

Engineers' Certificates.

Bo. Act V. of
1873, s. 15.

16. Examinations shall be held periodically, at such intervals and on such dates as Government shall determine, of persons who desire to qualify as engineers for the management of boilers.

Examinations to be held for engineers.

Bo. Act V. of
1873, s. 16.

17. The Governor in Council shall from time to time nominate one or more competent persons to be members of the board of examiners for the said examinations.

Board of examiners to be appointed by Government.

Bo. Act V. of
1873, s. 17.

18. Every applicant for examination who is reported by the said board to have passed an examination shall receive a certificate of competency in accordance with the board's report as to his qualifications, which shall be signed by the member or members of the board and by a Secretary to Government.

Certificates of competency to be granted to successful candidate.

Certificates of competency shall be of different classes, and a certificate of each class shall qualify the holder thereof to manage or be in charge of a boiler of such capacity or kind, as the Governor in Council may from time to time direct in the rules to be framed under section 31.

Certificates of competency to be of different classes.

Bo. Act V. of
1873, s. 19.

19. If any engineer is in possession of a certificate of competency granted by any competent authority in any other part of British India, or in the United Kingdom, or in any British colony, he

English certificates to be available in proof of qualifications.

shall be entitled to receive a certificate of competency as aforesaid without undergoing examination.

Government may from time to time determine what authorities shall be deemed competent for the purpose of this section.

The certificate granted under this section shall be of such class as the board of examiners, or a majority of the members of the said board, on a consideration of the nature of the certificate in the engineer's possession, shall recommend.

20. If by means of any inquiry conducted under the provisions of this Act, it shall be established to the satisfaction of the Governor in Council that any engineer possessing a certificate of competency granted under section 18 or 19 is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Governor in Council may cancel such certificate, or suspend the same for such time as he shall deem fit.

Withdrawal or suspension of certificate.

21. A duplicate of every certificate of competency granted under this Act shall be kept and recorded in such manner as the Governor in Council shall direct; and all orders made under the last preceding section for cancelling or suspending any certificate shall be from time to time entered on the record containing such duplicates.

Record of certificates to be kept.

22. Whenever any engineer proves to the satisfaction of the Governor in Council that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be furnished to him, which shall have for all purposes the same validity as the original certificate.

Duplicate of certificate to be given.

23. Except as is hereinafter otherwise provided, no person who does not possess a certificate of competency granted under section 18, 19 or 22 shall be deemed a fit and proper person to manage or be in charge of a boiler;

Who is to be deemed a fit and proper person to manage a boiler.

and no holder of any such certificate shall be deemed a fit and proper person to manage or be in charge of any boiler except to the extent of his qualification indicated by his said certificate.

Bo. Act V. of
1873, s. 22.

New. Provided that the holder of a certificate of competency granted under the latter part of section seven-
 Validity of certain certificates granted under Bombay Act V. of 1873, section 17. teen of the Boiler
 Bo. V. of 1873. Inspection Act, 1873, on the ground of efficient service merely, shall be deemed to be a fit and proper person to manage or to be in charge of any boiler for a period of one year from the date of the publication of the assent of the Governor General to this Act, but for no further period.

Bo. Act V. of 1873, s. 23. 24. No certificate shall be granted under section 9, 11 or 13 for any boiler, unless the owner of the same shall have in his employ as engineer in direct and immediate supervision thereof a person who is a fit and proper person to manage or be in charge of the same.
 Certificate not to be granted for boiler if it has not a certificated engineer.

Penalties.

New. 25. Any owner or person in charge of a boiler who fails to report to the inspector, as required by section 14, any accident to such boiler or to the machinery attached thereto, and

Bo. Act V. of 1873, s. 13. any owner of a boiler who refuses or neglects to produce the certificate which he has obtained therefor, when duly called upon so to do under section 15,

shall, for every such omission, refusal or neglect, be punished with fine which may extend to one hundred rupees.

Bo. Act V. of 1873, s. 14. 26. The owner of any boiler who shall use the same or permit it to be used, without a certificate duly obtained and in force in respect thereof,
 For using boiler without certificate or at a higher pressure than allowed by certificate.

New. and any such owner or any engineer who shall work the same, or permit it to be worked, at a higher pressure than that allowed by any certificate duly obtained and in force in respect thereof,

shall be punished with fine which may extend to one hundred rupees for every day or part of a day that he shall so use or work the said boiler or permit the same to be so used or worked;

and if the said owner or engineer shall continue so to use, or work the boiler, or to permit the same to be so used or worked

after such fine shall have been imposed, he shall be held to have committed a separate offence, and shall be punished with a further fine which may extend to one hundred rupees for each day or part of a day after the first conviction during which the offence is continued, and in like manner after each subsequent conviction.

27. Any owner of a boiler who knowingly places or permits to be placed in management or charge of such boiler any person who is not a fit and proper person for the management or charge of the same, shall be punished with fine which may extend to five hundred rupees.
 Bo. Act V. of 1873, s. 22. For employing an unqualified engineer.

28. All offences against this Act shall be cognizable in the city of Bombay by a Presidency Magistrate and elsewhere by a Magistrate of the First Class.
 Bo. Act V. of 1873, s. 25. Cognizance of offences against this Act.

29. No charge shall be brought against any person of any offence punishable under this Act, except within six months after the commission of the offence, nor shall any such charge be brought except with the sanction or under the direction of the Collector.
 Bo. Act V. of 1873, s. 26. Charges within what period to be brought.

30. No proceeding shall be taken to enforce the penalties mentioned in sections 26 and 27, nor shall section 24 take effect in any district or place in which the Boiler Inspection Act, 1873, is not now in force, before such day after this Act shall have been extended to such district or place as Government shall fix by notification in the *Bombay Government Gazette*.
 Bo. Act V. of 1873, s. 24. When penalties are to be enforced under sections 26 and 27.

Miscellaneous.

31. Government may from time to time frame rules not inconsistent with this Act, for
 Bo. Act V. of 1873, ss. 12 and 16. Rules to be framed.

(a) settling the duties and emoluments of commissions and inspectors appointed under this Act, and regulating the control to be exercised by Collectors over inspectors;

(b) determining in what manner the funds necessary for efficiently carrying out the provisions of this Act shall be levied, viz., whether:

(1) by an annual rate payable by the owners of all boilers to which this Act is, or may become, applicable, according to the estimated value of their respective machinery and works; or

(2) by means of fees on the performance of each, or any, of the duties imposed by the said rules, or by this Act, on the commissions or inspectors appointed under this Act, or on the Collectors; or

(3) partly by a rate and partly by fees;

(c) fixing the amount of every rate or fee to be so levied, and in case of the levy of a rate, prescribing how and by whom such rate shall be assessed, to what authority an appeal shall lie against such assessment, and when and in what instalments, if any, the same shall be payable;

(d) authorizing inspectors, under certain prescribed conditions, to receive consultation fees from owners;

(e) regulating the conduct of the examinations to be held under section 16;

(f) prescribing the qualifications to be required of candidates at the said examinations, the fees to be paid by them, the forms of the certificates to be granted to them, and the capacity or kind of boiler of which each such certificate shall qualify the holder thereof to be in charge.

All rules so framed may from time to time be varied, or cancelled, by Government, and shall be published in the *Bombay Government Gazette*, and when so published shall, until cancelled or varied, have the force of law.

32. All rates, fees, costs and penalties levied under this Act shall be disposed of in such manner as Government shall from time to time direct.

33. The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*:
 Applicability of certain provisions of this Act to prime movers.

(a) apply so much of this Act as relates to the taking out and grant of certificates for, and the inspection of boilers to prime movers in any place or district in which this Act is at the time in force, and

(b) cancel any such notification.

During such period as any notification under the above clause (a) is in force in any place or district, the provisions of this Act thereby made applicable to prime movers shall be read and understood in such place or district as if the word "boiler" included the words "prime mover" wherever used therein.

SCHEDULE—(See section 9).

Form of Inspector's Certificate.

Name of owner.	Description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which boiler is to be used, and certificate to be in force, and maximum pressure at which the boiler may be worked.	Remarks.

I, the undersigned, certify that I have examined the above-named boiler, and to the best of my judgment the boiler, as shown in the above statement, and all its necessary appurtenances are in good condition.

A.B., Inspector.

STATEMENT OF OBJECTS AND REASONS.

This Bill is chiefly a redraft of Bill No. 9 of 1878, in which the principal proposal of the Factory Commission, *viz.*, to make the provisions of the law applicable to all boilers and prime movers was embodied.

The Objects and Reasons of that Bill were thus stated in 1878:—

The fees leviable under Bombay Act V. of 1873 are found not to yield sufficient revenue to enable Government to provide efficiently for giving effect to the requirements of the Act, and the scale of fees is stated to work unfairly, because the same charge for inspection is made to the owner of a small concern worked by steam-power as to a company whose property is worth perhaps lakhs of rupees.

Again, the absence of any provision in Bombay Act V. of 1873, for checking the working of boilers at a higher pressure than that allowed by the Inspector's certificate is found to be a serious obstacle to the exercise of efficient control over the owners and engineers in charge of such boilers.

Part III. of the Act has also given rise to difficulties. The examiners appointed under Section 16 have considered that alleged efficient service merely, without any personal test of the candidate's qualifications, is not a safe ground upon which to award a certificate of competency as engineer. They have also thought it necessary that certificates of competency should be of different classes, according to the candidates' respective qualifications, which are found to be of very varying degrees.

This Bill proposes to amend Bombay Act V. of 1873 so as to remove all the above objections to it.

It is also proposed (1) to extend the provisions of the new Act to all boilers

and not merely to those of which the prime movers are above the horse-power to which Act V. of 1873 was restricted; (2) to repeal so much of the latter Act as relates to the inspection of prime movers, but to take power to extend the new Act to prime movers in any place or district, if at any future period it should be deemed desirable to do so. Provision has also been made to punish abuse of power by an Inspector and to increase the penalty for a frivolous appeal from Rs. 50 to Rs. 150.

The opportunity has been taken of introducing several other minor alterations and of improving the language and arrangement of the Act.

In the present Bill effect has also been given to the Commission's recommendations (1) to adopt the definition of boiler contained in 45 and 46 Victoria, Chapter 22, Section 3, and (2) to exclude boilers and prime movers used exclusively for domestic purposes from the operation of the Act.

The Bill No. 9 of 1878 has also been re-arranged, and all the sections relating to penalties have been brought together under a separate heading.

Another further alteration in the Bill No. 9 of 1878 may be noted: in Act V. of 1873 the maximum period of the duration of a certificate was twelve months. This by the Bill No. 9 of 1878 was altered to six months. But the Collector of Bombay, the Inspector of Factories and the Inspector of Steam Boilers are agreed that an official inspection once in twelve months is sufficient to ensure safety. The Board of Trade and the Boiler Insurance Companies in England inspect boilers once in twelve months only, and a similar provision is found in the new Steam Vessel Survey Act recently passed by the Government of India.

5th August 1886.

(Signed) M. MELVILL.

By order of His Excellency the Right Honourable the Governor in Council,

A. SHEWAN,

Acting Secretary to the Council of the Governor of
Bombay for making Laws and Regulations.

Poona, 5th August 1886.