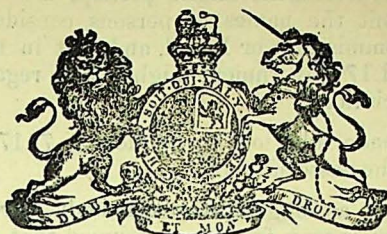


THE



# Bombay Government Gazette.

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Published by Authority.

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SATURDAY, 15<sup>TH</sup> JANUARY 1887.

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

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## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the "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," and the Bill as amended by the Select Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information :—

*Report of the Select Committee appointed to consider 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).*

We, the Committee appointed to consider the Bombay Boiler Inspection Bill, have the honour to report as follows—

2. The Bill has been published in English on 6th August 1886, but the only representation received regarding it is one from the Bombay Mill-owners' Association dated 13th September 1886.

3. We have carefully considered the suggestions made by the Association and have adopted most of them.

4. We have retained the definition of "boiler" contained in Bombay Act V. of 1873, which appears to be sufficient for the purpose, and is not open to the objections taken by the Association to the more extended definition used in the English Statute.

5. We have not thought it desirable to empower the Millowners' Association to nominate members of the Commissions appointed under Section 5, or of the Board of Examiners appointed under Section 17. But we



would suggest that Government might perhaps ask the Association from time to time to submit the names of persons considered by it to be best qualified for such Commissions or Board, and that in making appointments under Sections 5 and 17 Government might have regard to the views expressed by the Association.

6. We have made additions to Sections 6, 7, 17 and 25, in order to meet the wishes of the Association.

7. We have also, as suggested by that body, struck out the proviso to Section 23, because it may fairly be presumed that persons who obtained a certificate under Section 17 of Bombay Act V. of 1873, on the ground of efficient service rendered previously to the passing of that Act, are practically efficient after thirteen more years of service and experience. We do not, however, think it desirable to revive the provisions contained in the said Section 17, and which has been very strongly condemned on grounds which appear to us to be sound, by the Examiners appointed under the existing Act. We have not, therefore, adopted the suggestion of the Association that certificates should be granted, without examination, to men who could show that they had successfully worked engines in England for two years.

8. As desired by the Association, we have omitted from Section 31 the proposal to charge an annual rate on machinery and works, and have retained the present system of levying a fee for each boiler examined. We have redrafted Section 9 and amended Sections 10 and 11 in harmony with this alteration. The maximum fees prescribed by us are in excess of those laid down in Schedule A of Bombay Act V. of 1873: but there has hitherto been an annual deficit in the working of the Act: and although Government doubtless do not desire to make any profit, there is no reason why they should be subjected to loss. It is probable that the additional revenue derived from the inspection of small boilers will render it unnecessary to raise the fees to the maximum limit allowed by the schedule.

9. We agree with the Association that it is undesirable to allow Inspectors to receive consultation fees, and we have, therefore, omitted the provision to that effect in Section 31.

10. The Association object to the power reserved to Government by Section 33 to extend the provisions of the Act to prime movers. But it must be remembered that the existing Act does extend to prime movers, and that there is considerable difference of opinion as to the advisability of exempting prime movers from inspection. The Bill proposes to meet the wishes of the Association so far as to try the experiment: but it seems prudent to reserve to Government the power of ordering the inspection of prime movers in any place in which it may be found necessary. It may not be necessary in the large and well managed factories with which the Millowners' Association is concerned: but there may not be the same security against accidents from defective machinery in small factories in the Mofussil.

(Signed) M. MELVILL.  
 ( " ) JOHN MACPHERSON.  
 ( " ) F. FORBES ADAM.  
 ( " ) J. R. NAYLOR.

13th January 1887.



## 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:—

*Preliminary.*

1. This Act may be cited as "The Bombay Boiler Inspection Act, 1887."

Short Title.

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

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.

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

Provided that nothing in this Act shall, ~~except as is herein after 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, and to be in force, under the corresponding provisions of this Act.

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

(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 including any cylinder or vessel for generating steam under pressure;

(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 removable 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

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

Bo. V.  
1873.

Bo. V  
1873.

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

45 and 46  
Vic., c. 5  
22 s. 3.

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

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

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



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 :

*Provided that the owner of a boiler who holds in respect thereof a certificate as aforesaid and who before the expiry of the period of such certificate, gives notice under the next following section of his intention to continue to use the same after the expiry of the said period, may continue to use the same or to permit the use thereof until it is inspected in pursuance of such notice.*

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

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

*If any notice given under this section relates to two or more boilers used for working one Engine, the inspection of each such boiler shall be fixed to take place on a separate date.*

*Every person giving a notice under this section shall simultaneously pay the fees prescribed for the inspection by a rule made under section 31.*

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

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,

(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.~~

9. If the Inspector is satisfied that the boiler and all its appurtenances are in good condition and if the requirements of section 24 are fulfilled in respect thereof, he shall give to the owner a certificate to that effect.

Every certificate so granted shall be renewed by the inspector from time to time, if he is satisfied, after re-inspecting the boiler and all its appurtenances under the provisions of section 7, that the same are in good condition and if the requirements of section 24 are fulfilled in respect thereof.

Every original or renewed certificate granted under this section shall be in the form of, and contain the particulars specified in the schedule.

Form of certificates and periods for which they are to be granted.



*fied in schedule A. Every such certificate shall be granted for such period not exceeding twelve months as the owner of the boiler shall desire, unless it shall appear to the inspector improbable that the boiler and its appurtenances will remain in good condition for so long a period, in which case the certificate shall be granted for such shorter period as the inspector in his discretion deems 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, or refuse to give the same for the full period applied for, 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.

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 commission may either reject the appeal or grant the owner a certificate for such period not exceeding twelve months as it thinks fit.*

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

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

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, New. 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 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.

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.



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. In no case shall an inspector appointed under this Act be a member of such board.

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

English certificates to be available in proof of qualifications.

New.

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

New.

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.

Bo. Act V. of 1873, s. 18.

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

Withdrawal or suspension of certificate.

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.

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.

Bo. Act V. of 1873, s. 20.

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.

Bo. Act V. of 1873, s. 21.

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; 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:

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

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

~~Provided that the holder of a certificate of competency granted~~ New.

~~Validity of certain certificates granted under Bombay Act V. of 1873, section 17.~~

~~under the latter part of section seventeen of the Boiler 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.~~

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

Certificate not to be granted for boiler if it has not a certificated engineer.

Bo. Act V. of 1873, s. 23.



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.

*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 of the kind mentioned in that section to such boiler or to the machinery attached thereto, and

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,

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.

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

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.

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.

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.

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*.

*Miscellaneous.*

31. Government may from time to time frame rules not inconsistent with this Act, for

(a) settling the duties and emoluments of commissions and inspectors and examiners 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;~~

(b) fixing the fees to be levied for inspections of boilers under section 7 at such rates not exceeding those pre-

Bo. Act V. of 1873, s. 25.

Bo. Act V. of 1873, s. 26.

Bo. Act V. of 1873, s. 24.

Bo. Act V. of 1873, ss. 12 and 16.



scribed in schedule B as Government thinks fit.

(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.

Bo. Act V. of 1873, s. 25.

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.

New.

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 generally, or to prime movers of any particular class, 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 A—(See section 9). Form of Inspector's Certificate.

Table with 7 columns: 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.

SCHEDULE B.—(See section 31). Maximum Rates of Fees leviable for Inspections of Boilers under section 7.

- (1) For the inspection of each boiler attached to a prime mover not exceeding 10 horse power nominal ... Rs. 15
(2) Ditto ditto exceeding 10 but not exceeding 20 ditto ... " 20
(3) Ditto ditto exceeding 20 but not exceeding 30 ditto ... " 30
(4) Ditto ditto exceeding 30 but not exceeding 50 ditto ... " 40
(5) Ditto ditto exceeding 50 ditto ditto ... " 50

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.

Bombay Castle, 13th January 1887.