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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Maráthi and Gujaráthi, and the translations to be published in the "Bombay Government Gazette." To be translated also into Sindhi, and the translation to be published in the "Sind Official Gazette." The dates of publication to be reported).

The following Second Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to amend the Bombay Boiler Inspection Act, 1891, and the Bill as amended by the Select Committee are, in accordance with Rule 35 of the Rules for the Conduct of Business at Meetings of the Council, published for general information:—

*Second Report of the Select Committee appointed to consider Bill No. I of 1896
(A Bill to amend the Bombay Boiler Inspection Act, 1891).*

We have carefully considered the Bill and the further amendments referred to us on the 18th August 1896.

2. For convenience of reference we subjoin a list of these amendments.

It has been proposed—

I.—That, for clause (e) in the proviso in sub-section (2) of section 6 of the said Act, there shall be substituted the following, viz.:

Amendment of section 6.

“(e) subject to the provisions of clause (d) of sub-section (1) 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 of his intention to continue to use the same after the expiry of the said period, may, unless after examining the boiler the Inspector by an order in writing directs that its use be entirely discontinued, continue to use or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use or permit the use thereof at any pressure higher—

(i) than that allowed by the expired certificate, or

(ii) than that allowed by any provisional order given in writing by the Inspector after examining the boiler.”

Amendment of section 11. II.—That in section 11 of the said Act after the words “applied for” there shall be inserted the following, viz.:

“or for the pressure desired”.

III.—That in sub-section (2) of section 12 of the said Act after the words “twelve months” there shall be inserted the following, viz.:

Amendment of section 12.

“and allowing such pressure.”

IV.—That in sub-section (1) of section 18 of the said Act between the words “elsewhere” and “or” there shall be inserted the following, viz.:

Amendment of section 18.

“or by an Inspector”.

V.—That for clause (a) of sub-section (1) of section 37 of the said Act there shall be substituted the following, viz.:

Amendment of section 37.

“(a) apply 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, all or any of the provisions of this Act which relate either to the taking out and grant of certificates for, or to the inspection of, boilers.”

VI.—That section 35 of the said Act be amended so as to empower Government to make a rule declaring the conditions under which an engineer could or could not be held to be in direct and immediate management and charge within the meaning of section 6 (d).

3. With reference to the first of the proposed amendments we recommend that, in place of clause (e) of sub-section (2) of section 6 of the Act, the following be substituted, namely:—

“(e) in the case of a boiler in respect of which no certificate has been previously granted, the Inspector shall, if he is unable to issue a certificate at once, grant to the owner within 48 hours of his examination of the boiler a provisional order in writing specifying the pressure at which such boiler may, in his opinion, pending the issue or refusal of a certificate, be worked; and, subject to the provisions of clause (d) of sub-section (1), it shall be lawful for the owner to work the boiler in accordance with such provisional order until a certificate has been granted or refused”;

Proviso as to new boilers.

that, in place of clause (f) of the same sub-section, the following be substituted, namely:—

“(f) subject to the provisions of clause (d) of sub-section (1), 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 of his intention to continue to use the boiler after the expiry of the said period, may, unless after examining the boiler the Inspector by an order in writing directs that its use be entirely discontinued, continue to use or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use or permit the use thereof at any pressure higher—

Proviso as to certified boilers.

- (i) than that allowed by the expired certificate, or
- (ii) than that allowed by any provisional order given in writing by the Inspector after examining the boiler;”

that the present clause (f) of the same sub-section be lettered (g) and that it follow the above and be marginally noted as “Proviso as to two sets of

boilers belonging to the same owner," and that the following be added as sub-section (3) of section 6, viz. :—

"(3) No provisional order granted under this section shall have any force in respect of any boiler after a certificate or a renewed certificate has been either granted or refused in respect of such boiler, or after the receipt by the owner of such boiler from the Collector or from any person generally or specially empowered in writing by the Collector in this behalf of a requisition in writing for the surrender of such provisional order."

Expiry and surrender of provisional order.

In connexion with these proposals we recommend that the words "Subject to the provisos in sub-section (2)" be inserted at the beginning of sub-section (1), before the word "It".

4. As a consequence of the foregoing proposals, we recommend the following changes in the Act, namely:—

that, in section 16, in place of the words "a certificate has been granted under section 10, 12 or 14," be substituted the words "a provisional order under sub-section (2) of section 6 or a certificate under section 10, 12 or 14 has been granted"; and that the words "provisional order or" be inserted between the words "such" and "certificate" in the same section;

that, in sub-section (1) of section 18, the words "provisional order or" be inserted before the word "certificate" in the two places in which it occurs; that, after the words "to do so by," be inserted the words "the Collector of Bombay, or" and that, in place of the words "Magistrate or Collector", be substituted the words "Collector or Magistrate in the said city or by such Collector elsewhere";

that, for sub-section (2) of section 18, the following be substituted, viz., "a person who becomes owner of a boiler during the period for which a provisional order or certificate therefor is in force shall be entitled to receive the provisional order or certificate from the preceding owner and shall be subject to the provisions of sub-section (1)";

that, in clause (b) of section 28, the words "provisional order or" be inserted before the word "certificate";

that, in clause (a) of sub-section (1) of section 29, the words "provisional order or" be inserted before the word "certificate";

that, in clause (c) of sub-section (1) of section 29, the words "provisional order or" be inserted before the word "certificate".

5. We approve and recommend the adoption of the proposed amendments II and III.

6. As regards the proposed amendment IV, we are of opinion that no sufficient reason is shown for altering sub-section (1) of section 18 in the manner suggested, as the requisite authority can always be given to the Inspectors by the Collectors or other officers.

7. As regards the proposed amendment V, we are of opinion that the change proposed in clause (a) of sub-section (1) of section 37 is unnecessary in view of a recent Resolution of Government in the General Department varying Rule 48 of the Rules relating to certificates and examinations of mechanical engineers, as published with Government Notification, General Department, No. 515, dated the 3rd February 1896. The new rule is published with Notification No. 4221 of the 25th September 1896.

8. As regards the proposed amendment VI, we are of opinion that no necessity has yet been shown for any such provision or rule as is proposed.

9. We further recommend the adoption of the amendment proposed by the Political Resident, Aden, namely, that the words "in Aden, then within one month" be substituted for the words "in the Settlement of Aden or Perim, then within one month" in section 4 (1) (b) of the Bill. The word "Aden" is now defined by Regulation II of 1891 as meaning the Settlement of Aden and such of its dependencies for the time being, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden, as are administered by the Governor of Bombay in Council.

10. We append a copy of the Bill embodying the amendments now proposed and also those proposed in our first report, and we recommend that translations into Maráthi and Gujaráthi of this Report and of the Bill as now amended be published in the *Bombay Government Gazette* and that a translation into Sindhi be published in the *Sind Official Gazette*.

11. In conclusion, we recommend that, if this Bill becomes law, the Boiler Inspection Act, as it will then stand, be republished by the Executive Government for general use.

(Signed)	H. BIRDWOOD.
(")	BASIL LANG.
(")	H. BATTY.
(")	T. D. LITTLE.
(")	NAVROJI N. WADIA.
(")	A. WINGATE.

Poona, 5th October 1896.

Bill No. I of 1896.

(A Bill to amend the Bombay Boiler Inspection Act, 1891).

(As amended by the Select Committee on the 21st September 1896).

Whereas it is expedient to amend the Bombay Boiler Inspection Act, 1891, in manner hereinafter appearing, it is enacted as follows :

1. In the Bombay Boiler Inspection Act, 1891, hereinafter called the said Act, to section 2 thereof the following shall be added and shall be deemed to have been always contained therein, viz. :

"(3) And all rules and appointments made, notifications published and powers conferred under the Bombay Boiler Inspection Act, 1887, and in force at the date of this Act coming into force, shall, so far as they are not inconsistent with this Act, be deemed to have been respectively made, published and conferred hereunder."

2. (1) In sub-section (1) of section 6 of the said Act, before the word "It" there shall be inserted the following, viz. :

"Subject to the provisos in sub-section (2)."

(2) For sub-section (2) of the same section there shall be substituted the following, viz. :

"(2) Provided that—

(e) in the case of a boiler in respect of which no certificate has been previously granted, the Inspector shall, if he is unable to issue a certificate at once, grant to the owner, within 48 hours next after his examination of the boiler, a provisional order in writing specifying the pressure at which such boiler may, in his opinion, pending the issue or refusal of a certificate, be worked; and, subject to the provisions of clause (d) of sub-section (1), it shall be lawful for the owner to work the boiler in accordance with such provisional order until a certificate in respect thereof has been granted or refused;

(f) subject to the provisions of clause (d) of sub-section (1), the owner of a boiler who holds in respect

thereof a certificate as required by sub-section (1), and who before the expiry of the period of such certificate gives notice of his intention to continue to use the boiler after the expiry of the said period, may, unless after examining the boiler the Inspector by an order in writing directs that its use be entirely discontinued, continue to use the boiler or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler or permit the use thereof at any pressure higher—

(i) than that allowed by the expired certificate, or

(ii) than that allowed by any provisional order given in writing by the Inspector after examining the boiler;

(g) a person employed to manage

Proviso as to two sets of boilers belonging to the same owner.

and be in charge of not more than two sets of boilers belonging to the same owner and so situated that no one of them is more than a thousand feet apart from any other of them, may, notwithstanding their distance from each other, be deemed to be employed in direct and immediate management and charge of all such boilers."

(3) And the following shall be added as sub-section (3), viz.:

"(3) No provisional order granted under this section

Expiry and surrender of provisional order.

shall have any force in respect of any boiler after a certificate or a renewed certificate has been either granted or refused in respect of such boiler, or after the receipt by the owner of such boiler from the Collector or from any person generally or specially empowered in writing by the Collector in this behalf of a requisition in writing for the surrender of such provisional order."

5. In section 11 of the said Act, after the words "applied for" there shall be inserted the following, viz.:

Amendment of section 11.

"or for the pressure desired".

2. 4 (1) In sub-section (1) of section 12 of the said Act, for the words "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

Amendment of section 12.

date of its receipt, if the boiler be situated elsewhere," there shall be substituted the following, viz.:

"if the boiler be situated

(a) in the City of Bombay, then within four days,

(b) in the Settlement of Aden, or Perim, then within one month, and

(c) elsewhere, then within ten days, after the date of the receipt of the appeal".

(2) In sub-section (2) of the same section after the words "twelve months" there shall be inserted the following, viz.:

"and allowing such pressure".

5. In section 16 of the said Act—

(a) in place of the words "a certificate has been granted under section

Amendment of section 16.

10, 12 or 14" there shall be substituted the following, viz.:

"a provisional order under sub-section (2) of section 6 or a certificate under section 10, 12 or 14, has been granted."

and (b) between the words "such" and "certificate" next occurring in the same section there shall be inserted the following, viz.:

"provisional order or"

Amendment of section 18.

3.—In sub-section (1) of section 18 of the said Act,

(a) after the words "to do so by" there shall be inserted the following, viz.:

"the Collector of Bombay, or."

and (b) in place of the words "Magistrate or Collector," there shall be substituted the following, viz.:

"Collector or Magistrate in the said city or by such Collector elsewhere."

6. (1) In sub-section (1) of section 18 of the said Act—

Amendment of section 18.

(a) before the word "certificate" in the two places in which it occurs there shall be inserted the following, viz.:

"provisional order or"

(b) after the words "to do so by" there shall be inserted the following, viz.:

"the Collector of Bombay, or"

(c) and in place of the words "Magistrate or Collector," there shall be substituted the following, viz.:

"Collector or Magistrate in the said city or by such Collector elsewhere."

(2) For sub-section (2) of the same section there shall be substituted the following, viz.:

"(2) A person who becomes owner of a boiler during the period for which a provisional order or certificate therefor is in force shall be entitled to receive the provisional order or certificate from the preceding owner and shall be subject to the provisions of sub-section (1)."

7. To sub-section (3) of section 24, Addition to section 24. clause (3), of the said Act there shall be added the following clause, viz.:

"And Upon the issue of such notification it shall be competent to the Government Governor in Council to cancel the certificate of such Engineer:

"Provided that the Government Governor in Council may, at any time, upon such Engineer satisfactorily explaining his disappearance or neglect to produce his certificate, to the satisfaction of Government, such failure or withdrawal, revoke any such order of cancellation and regrant to such Engineer without examination the certificate so cancelled.

"And a certificate so granted re-granted shall have the same effect as if it had been granted after examination."

8. In clause (b) of section 28 of the said Act, before the word "certificate", there shall be inserted the following, viz.:

"provisional order or"

9. (1) In clause (a) of sub-section Amendment of sec- (1) of section 29 of tion 29. the said Act, before the word "certificate", there shall be inserted the following, viz.:

"provisional order or"

(2) In clause (c) of sub-section (1) of the same section— before the word "certificate" there shall be inserted the following, viz.:

"provisional order or"

5.—To section 26 of the Act shall be added the following clause:

"Government may fix by rules made under section 35, clause (f), fees to be levied for the issue of duplicate certificates."

10. To clause (d) of section 35 of the said Act, there shall Addition to clause (d) of section 35. be added the following, viz.:

"and prescribing also the fees to be paid for the duplicate certificates furnished under section 26."

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

S. L. BATCHELOR,

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

Poona, 22nd October 1896.

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