

THE



# Bombay Government Gazette

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## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Gujaráti and Maráthi, and the translations to be published in the "Bombay Government Gazette." The dates of publication to be reported.)

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. 1 of 1891.

*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.*

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**Bill No. 1 of 1891.**

*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. (1) This Act may be cited as "The <sup>Bo. Act III of 1887, s. 1, modified.</sup> Bombay Boiler Inspection Act, 1890."

(2) It shall come into force at once in the city of Bombay and in the districts and places in which the Bombay Boiler Inspection Act, 1887, is at present in force. And the Governor in Council may from time to time, by notification in the *Bombay Government Gazette*;

(a) extend it to any other district or place in the presidency of Bombay ;

(b) withdraw it from operation in any district or place other than the city of Bombay to which it extends or has been by him extended.

(3) But nothing in this Act shall be deemed to apply to any boiler or prime mover in any steam-vessel, or to any locomotive engine, boiler or prime mover used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause (4), of the Indian Railways Act, 1890, or to any boiler or prime mover used exclusively for domestic purposes at atmospheric pressure.

Limitation of application of Act.

IX of 1890.

Bo. Act III of 1887, s. 2. Bo. III of 1887.

2. (1) The Bombay Boiler Inspection Act, 1887, is hereby repealed :

Repeal of Bombay Act III of 1887.

(2) Provided that nothing in this Act shall affect the validity, according to its

Proviso.

tenor, of any certificate granted under the said Bombay Boiler Inspection Act, 1887, or under the Boiler Inspection Act, 1873. 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.

Bo. III of 1887. Bo. V of 1873.

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

(a) " boiler " includes any cylinder or vessel for generating steam under pressure or into which steam under pressure is admitted ;

(b) " 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 ;

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

" Owner."

*Inspection of Boilers.*

4. (1) 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.

Appointment of inspectors.

Bo. Act III of 1887, s. 4.

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

(3) Subject to such rules as may from time to time be framed by Government under section 34, the

Their subordination to the Collectors.

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, either generally or specially, 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.

Appointment of commission.

Bo. Act III of 1887, s. 5. amended.

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

Owner not to use a boiler without registration and a certificate.

Bo. Act III of 1887, s. 6. (with cls. (a), (i) and (d) added.

(a) to use the same, or to permit the same to be used :

(i) until it has been registered by the inspector in a register kept by him for this purpose and has had allotted to it by the inspector a number corresponding with the number of the entry concerning it in the said register, which said number shall be called the registry number of the boiler and shall within such reasonable period as the inspector shall prescribe in this behalf be permanently marked upon the boiler by the owner thereof so as to be at all times plainly visible and in such manner, if any, as Government from time to time prescribes ; or,

(ii) 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 ; or

New; but cf. Bo. Act III of 1887, s. 24.

(d) to work the same or permit the same to be worked at any time, except whilst he has 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 :

(2) Provided that :—

(e) 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, subject to the provisions of clauses (c) and (d) of sub-section (1), continue to use the same or to permit the use thereof until it is examined in pursuance of such notice ;

(f) a person employed to supervise two sets of boilers whereof each set is used to move one system of machinery, which boilers all belong to the same owner and are so situated that no one of them is more than a thousand feet apart from any other of them, shall be deemed to be employed in direct and immediate supervision of all such boilers.

7. (1) The owner of any boiler who has not caused the same to be registered and numbered as aforesaid or who does not

On notice from owner an inspector to examine boiler.

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.

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

(3) 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 the district in which it is situate of his intention to use or to continue to use the same, and the Collector shall, if a certificate is required, cause an examination as aforesaid to be made by an inspector with the

least possible delay after the receipt of such notice, and shall inform the owner of the date on which the said examination will take place.

(4) Every person giving a notice under this section shall simultaneously pay the fees prescribed for the examination by a rule made under section 34.

(5) If a boiler be procured in, or be imported into, the city of Bombay for use in any place beyond the said city in which this Act is at the time in force, the owner of such boiler may, at his option, cause the same to be registered, numbered and examined for a certificate under the foregoing provisions of this section before it is removed from the said city.

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 :

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

(b) previously arrange that—

(i) the boiler shall be empty and cool, and shall be cleaned inside and outside ;

(ii) fire-flues shall be swept ;

(iii) fire-bars and fire-bridges shall be removed ;

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

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

(d) during the examination, keep the boiler completely isolated from any steam or hot water connection with any other boiler.

9. (1) If the inspector is satisfied that the boiler and all its appurtenances are in good condition, and if the registry number of the boiler is properly marked thereon in accordance with sub-clause (i), clause (a) of section 6, the inspector shall give to the owner a certificate to that effect.

(2) Every certificate so granted shall be renewed by the inspector from time to time, if he is satisfied,

Renewal of certificates.

Bo. Act III of 1887, s. 7, modified.

Bo. Act III of 1887, s. 8 (with cl. (d) added).

Bo. Act III of 1887, s. 9, modified.

after re-examining the boiler and all its appurtenances under the provisions of section 7, that the same are in good condition and that the registry number of the boiler is properly marked thereon as aforesaid.

(3) Every original or renewed certificate granted under this section shall be in the form of, and contain the particulars specified in schedule A, and there shall be printed beneath the same or on the reverse thereof a copy of sections 6, clause (d), 29, clause (b) and sub-section (2), 27 and 28, clause (c). 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.

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 forty-eight 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 of the place or district in which the boiler is situate an appeal to be heard by a commission appointed under section 5.

11. (1) 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.

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

(3) The inquiry shall be held in public and the decision of the commission shall be final.

12. (1) 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.

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

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

(a) if any 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 examination, 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.

(2) After such revocation, the boiler in respect whereof the certificate has been revoked, shall not again be used until a further examination 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.

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

Inspector may at any time examine a boiler for which 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.

15. If at any time during the period for which a certificate has been granted under section 9, 11, or 13, any alteration

Owner to report alterations to riveted portions of boiler.

Bo. Act III of 1887, s. 12.

Bo. Act III of 1887, s. 13 (with verbal amendments).

Bo. Act III of 1887, s. 14.

New.

Bo. Act III of 1887, s. 11.

Determination of the appeal.

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

is made in any riveted portion of the boiler to which such certificate relates, it shall be the duty of the owner of such boiler to give notice in writing of such alteration to the person hereinafter specified either before the same is commenced or whilst it is in progress.

New, but of  
Bo. Act III of  
1887, s. 14<sup>A</sup>  
para. 2.

16. (1) It shall be the duty of every owner or person in charge of a boiler to report in writing to the person hereinafter specified 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.

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the person to whom it is made to judge of the gravity of the accident.

(3) The owner or person in charge of the boiler shall be bound to answer truly, to the best of his knowledge and ability, every question put to him by the person to whom the report is made as to the cause, nature and extent of the accident.

(4) Elsewhere than in the city of Bombay, the Collector of the district or any person whom the said Collector generally or specially authorizes in this behalf, may, after visiting the scene of any such accident as aforesaid, by an order in writing direct that the use of the boiler be discontinued until it has been examined by an inspector, and the owner and person in charge of the boiler shall be bound to obey such order.

(5) The person to whom reports under this section and notices under the last preceding section shall be made or given are, in the city of Bombay, the inspector, and, elsewhere, the Collector of the district or such person as the said Collector appoints to receive the same.

Bo. Act III of  
1887, s. 15  
(with verbal  
amendment).

17. 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 of the district elsewhere, or by any person generally or specially authorized in writing by such Magistrate or Collector to demand its production.

### Engineers' Certificates.

18. 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.

Bo. Act III of  
1887, s. 16.

Examinations to be held for engineers.

19. 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.

Bo. Act III of  
1887, s. 17.

Board of examiners to be appointed by Government.

20. (1) 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.

Bo. Act III of  
1887, s. 18.

Certificate of competency to be granted to successful candidate.

(2) 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 34.

21. (1) If any engineer is in possession of a certificate of competency granted by any competent authority in 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.

Bo. Act III of  
1887, s. 19,  
modified.

Certain other certificates to be available in proof of qualifications.

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

(3) 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.

22. (1) The board may report any person who satisfies it that he has served for a period of not less than three years prior to the date on which this Act comes into force as engineer in

Grant of certificates of service.

New, but of  
s. 25A, Act  
VI of 1884, as  
amended by  
Act III of  
1890, s. 9.

actual charge and management of a boiler and that he is possessed of competent practical skill for such work, as fit to have granted to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of any class which the board in such report specifies.

(2). Every person so reported shall receive a certificate of service in accordance with the board's report, which shall be signed as in the case of a certificate of competency.

(3). A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act.

Bo. Act III of  
1887, s. 320.

23. 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 20 or 21 or a certificate of service granted under section 22 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.

Bo. Act III of  
1887, s. 21.

24. A duplicate of every certificate of competency or service 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.

Bo. Act III of  
1887, s. 22.

25. 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.

Bo. Act III of  
1887, s. 23.

26. No person who does not possess a certificate of competency or service granted under section 20, 21, 22 or 25 shall be deemed a fit and proper person to manage a boiler. Who is to be deemed a fit and proper person to manage a boiler.

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.

27. (1) Every person possessing a certi-<sup>New.</sup>

Deposit with the Collector or other officer appointed by him of certificates of competency or service whilst the holders thereof are in employment.

ificate of competency granted under the Boiler Inspection Act, 1873, or the Bombay Boiler Inspec-<sup>Bo. V of 1873.</sup>  
<sup>Bo. III of 1887.</sup>

tion Act, 1887, and being on the day when this Act comes into force employed in the management or charge of a boiler, shall within one month from the said date deposit his said certificate with the Collector of the place or district in which such boiler is situate or with such officer as the said Collector appoints to receive the same.

(2) Every person possessing a certificate of competency granted as aforesaid or a certificate of competency or of service granted under this Act, who accepts, after the date on which this Act comes into force, employment as manager or person in charge of a boiler, shall, within ten days after such acceptance, deposit his said certificate with the Collector or other officer aforesaid.

(3) It shall be the duty of every owner of a boiler to require every person whom he employs to manage or be in charge of the same, as a condition of such person's employment or of his continuance therein, to comply with the provision of sub-section (1) or (2), as the case may be, and to take measures to secure his compliance therewith.

(4) Every person who has deposited his certificate of competency or of service with the Collector or other officer aforesaid shall be furnished with an acknowledgment of such deposit and shall be entitled, on application, to have his certificate forthwith restored to him, free of charge, whenever the employment on account of which it was so deposited comes to an end.

#### Penalties.

28. Any owner of a boiler who :

Bo. Act III of  
1887, s. 25,  
extended.

(a) fails to give notice, as required by section 15, of any alteration to any riveted portion thereof;

For failing to give notice of alteration;

(b) refuses or neglects to produce the certificate which he has obtained therefor, when duly called upon so to do under section 17;

for refusing to produce certificate;

New.

(c) refuses or neglects to comply with the requirement of sub-section (3) of section 27; and every owner or person in charge of a boiler who:

(d) fails to report to the inspector, as required by section 16, any accident of the kind mentioned in that section to such boiler or to the machinery attached thereto,

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

29. (1) The owner of any boiler who shall:

(a) use the same or permit it to be used, without a certificate duly obtained and in force in respect thereof;

(b) work the same or permit the same to be worked at any time, except whilst he has 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;

and any such owner or any person who shall:

(c) work the same, or permit it to be worked, in contravention of an order for discontinuing its use, made under sub-section (4) of section 16, or 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.

(2) And if the said owner or person 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.

30. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the registry number marked on a boiler shall, for every such act, be punished with fine which may extend to five hundred rupees.

(2) And whoever fraudulently marks upon a boiler a registry number which has not been duly allotted to it under this Act shall be punished with imprisonment which may extend to two years or with fine or with both.

31. 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.

32. 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 of the place or district in which such offence is alleged to have been committed.

33. No proceeding shall be taken to enforce the penalties mentioned in section 29, in any district or place in which the Bombay Boiler Inspection Act, 1887, 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.

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

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

(b) fixing the fees to be levied for inspection of boilers under section 7 at such rates not exceeding those prescribed in schedule B as Government thinks fit;

New.

Bo. Act III of 1887, s. 26, extended.

New; cf s. 27 of Bo. III of 1887.

Bo. Act II of 1887, s. 28.

Bo. Act III of 1887, s. 29.

Bo. Act III of 1887, s. 30.

Bo. III of 1887.

Bo. Act III of 1887, s. 31.



(c) regulating the conduct of the examinations to be held under section 18;

(d) 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 III of 1887 s. 32.

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

Certain provisions of this Act may be applied to prime movers.

36. (1) The Governor in Council may, from time to time by notification in the

*Bombay Government Gazette* :

(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.

(2) 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.*

Name of owner.	Registry No. and Description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this certificate is to be in force.	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 and the Registry No. is properly marked thereon.

A. B., Inspector.

## SCHEDULE B.

(SEE SECTION 34.)

*Maximum Rates of Fees leviable for Inspections of Boilers under section 7.*

	Rs.
(1) For the inspection of each boiler attached to a prime mover not exceeding 10 horse power nominal ...	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 ...	50

## STATEMENT OF OBJECTS AND REASONS.

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1887.

Certain amendments of the Bombay Boiler Inspection Act, 1887, have been recommended by the officers engaged in the working of that Act, some of which are desired by members of the public affected by the Act and others are deemed necessary for securing the fulfilment of its purposes. As the amendments are numerous, it has been considered that general convenience will be consulted by repealing the Act of 1887 and replacing it by a new enactment which will be complete in itself. This Bill has been drawn for this purpose.

2. The fourth paragraph of section 7 of the present Act requires that when two boilers are used for working one engine, a separate date should be fixed for the inspection of each boiler. This provision was inserted at the instance of the Bombay Mill-owners' Association; but it is now found inconvenient in practice and mill-owners frequently prefer to have all their boilers examined on one and the same day. The provision is therefore omitted from the Bill.

3. Paragraph 1 of section 19 of the present Act recognizes certificates of competency granted to engineers by any competent authority "in any other part of British India," thereby excluding from the benefit of exemption from examination engineers who have obtained certificates from the Marine Board in Bombay, though if they had obtained certificates from a similar Board elsewhere in British India, they would have been entitled, without further examination, to certificates under the Act. This is felt to be a hardship and it is proposed in the Bill (section 21) to remove it by omitting the words "any other part of".

4. Many persons who have been employed for considerable periods of time in the management of boilers and steam-engines are believed to have sufficient practical skill for the work and to be quite trustworthy, notwithstanding that they do not possess, and have not the time or, perhaps, the capacity for studying now to obtain certificates of competency. On behalf of such persons application has frequently been made for exemption from the examination prescribed by section 16 of the present Act, but it has not hitherto been possible to grant such exemption. It is now proposed to provide for the grant of certificates of service to such persons, which shall have the same effect as certificates of competency (section 22 of the Bill).

5. Amongst the more important amendments proposed for improving the administration of the Act or for removing difficulties with regard to its operation are the following.

6. By sub-section (2), clause (b), of section 1 power is taken to withdraw the Act from operation in any place or district, where it may from time to time be found desirable that it should cease to be in force.

7. In section 3, clause (a), the definition of "boiler" has been extended so as to remove a doubt whether it includes economizers.

8. In sections 6 (1) (a) and 9 (2) and (3) provisions are inserted requiring the registration of boilers and the marking upon them in some permanent manner

of their registry number. This is found to be necessary in order to prevent the fraudulent substitution of one boiler for another and section 30 prescribes necessary penalties for evasions of these salutary provisions.

9. An amendment of section 7 of the present Act is found to be necessary in order to render the Act workable in the mofussil districts to which it has been extended. It is impracticable to provide always in remote districts for the examination of boilers by an inspector within so short a time as ten days from the receipt of a notice from the owner. It is proposed, therefore (section 7 of the Bill) to substitute for this limit of ten days a provision that inspection shall take place with the least possible delay.

10. Section 24 of the present Act also gives rise to difficulties. The owner of a boiler may not have occasion to be using it at about the time when it is convenient to have it examined, and at that time therefore may have no competent engineer in his employ. Yet this section prohibits the inspector from granting a certificate that the boiler is in good condition, unless the owner thereof has "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" *i.e.* (*vide* section 23) an engineer possessing a certificate of competency under the Act. The result of the section is therefore often to compel the owner of a boiler to engage a fit and proper person for the time of the inspector's visit whom he dismisses as soon as he has secured a certificate. Owners are in this way put to needless expense and the real object of the Act is not furthered.

11. All that the safety of the public actually requires is that no boiler shall be worked without there being a competent engineer in charge of it. So long as it is not worked, there is no need to impose upon the owner the expense of maintaining an engineer for it. Accordingly section 24 of the present Act is repealed by the Bill and the following provisions are substituted for it:— Section 6 (1) (*d*) prohibits the working of a boiler, except whilst a competent engineer is employed in direct and immediate supervision of it. This prohibition it is proposed by section 29 (1) (*b*) and sub-section (2) to enforce by a penalty. At the same time the stringency of the requirement of section 24 of the present Act has been relaxed, at the suggestion of the Mill-owners' Association of Bombay, by permitting one engineer to have charge of any number of boilers not exceeding two sets where they are sufficiently near to each other to enable him to supervise them all efficiently. Further, in order that a check may be kept by the authorities upon the owners of boilers in this matter, it is contemplated (section 27 of the Bill) to require them to take measures to have the certificate of competency or of service of any engineer whom they employ deposited, so long as he continues in their employment, with the Collector or some officer appointed by the Collector in this behalf. This duty is also to be enforced by a penalty (section 23 (*c*)). In this way the authorities will always have the means of knowing when a competent engineer is employed by the owner of a boiler and detection will be facilitated if he at any time attempts to work his boiler without having such an engineer in charge of it. In order that owners of boilers may be fully aware of the law regarding the use of boilers, section 9 of the Bill requires that a copy of its principal provisions on this point be printed beneath or on the reverse of every certificate of the good condition of a boiler.

12. Section 15 of the Bill will require written notice to be given by the owner of a boiler, whenever any riveted portion of it is repaired. This is necessary in order that the inspector may satisfy himself, by inspection under section 14, that the boiler is in good working condition after the alteration.

13. There is nothing in the present Act to prevent the continued use of a boiler which has been seriously damaged by an accident. In the city of Bombay, no doubt, prompt inspection would sufficiently provide against danger from such use. In the mofussil some time might intervene between an accident and the visit of the Inspector. It would be unnecessary in all cases to prohibit absolutely the use of a damaged boiler during such interval, but in some instances its continued use might be attended with great danger. It is proposed, therefore, whilst somewhat enlarging the provisions concerning the reporting of

accidents, to give to the Collector in the mofussil, or his nominee, a discretionary power, after visiting the scene of the accident, to prohibit by written order the use, pending the arrival of the inspector, of a boiler which has been damaged (section 16). A penalty is also provided for the continued use of a boiler in contravention of such an order (section 29 (1) (e)).

(Signed) R. WEST.

*11th February 1891.*

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

A. C. LOGAN,

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

*Bombay, 11th February 1891.*