

THE



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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Gujarati and Marathi 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. I of 1896.

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

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. 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 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."

Amendment of section 18, said Act,

3. In sub-section (1) of section 18 of the

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

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."

4. To section 24, clause (3), of the Act shall be added the following clause:

"And upon the issue of such notification it shall be competent to Gov-

ernment to cancel the certificate of such Engineer.

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

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

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."

STATEMENT OF OBJECTS AND REASONS.

The Bombay Boiler Inspection Act, 1891, contained no saving clause for the continued operation of the rules, appointments, notifications and powers in force when the Bombay Boiler Inspection Act, 1887, was repealed. To avoid inconvenience from this omission, section 1 of the Bill has been drafted with retrospective effect.

2. It is found absolutely necessary that in Aden the time should be extended within which appeals forwarded to a commission must under sub-section (1) of section 12 be enquired into and determined. The only officer there available for the purpose of hearing such appeals is the Executive Engineer, Military Works Department, and not only is his time occupied by many other duties, but it would be impossible for him, immediately on receipt of an appeal from Perim or any other outstation, to absent himself from head quarters, without making arrangements, in order to visit and inspect the boiler referred to in the appeal.

It is therefore proposed by section 2 of the Bill to extend to one month the time for hearing such appeals in Aden.

3. Section 18 of the present Act confers no power on the Collector of Bombay to demand, or to authorize any person to demand, from the owner of a boiler the production of a certificate therefor. Section 3 of this Bill is proposed in order to remedy this defect.

4. Experience has shown that the powers conferred by section 24 as it stands are insufficient to enable Government to deal adequately with cases of contumacy or absconding. Fuller powers of the kind referred to in section 4 of the Bill are required.

5. It has been found impracticable under section 26 as it stands to check the carelessness of Engineers who mislay their certificates. In cases of fraud the stringent provisions of the section, if read strictly, may still be defeated, as has been pointed out by the Collector of Land Revenue, Customs and Opium, and it is thought desirable to impose the additional check provided for by section 5.

Bombay, 20th January 1896.

(Signed) H. BIRDWOOD.

By order of His Excellency the Right Honourable the Governor,

M. H. W. HAYWARD,

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

Bombay, 21st January 1896.