

## ACT NO. II OF 1907.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL,

(*Received the assent of the Governor General on the 1st March 1907.*)

An Act to provide for the inspection of Steam-boilers and Prime-movers and for their management by competent Engineers in the Central Provinces.

WHEREAS it is expedient to provide for the inspection of steam-boilers and prime-movers and for their management by competent Engineers in the Central Provinces; It is hereby enacted as follows:—

1. (1) This Act may be called the Central Provinces Boiler Inspection Act, 1907.

Short title, extent and savings.

(2) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces.

(3) Nothing in this Act shall be deemed to apply to—

(a) 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

of 1890.

(b) any boiler or prime-mover used exclusively for domestic purposes at atmospheric pressure, or

(c) any boiler or prime-mover used upon any vehicle or class of vehicles which the Chief Commissioner may, by notification in the local official Gazette, specify in this behalf.

2. In

6 *Central Provinces Boiler Inspection.* [ACT II  
(Section 2. *Inspection and licensing of Boilers.*—  
Sections 3-4.)

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "boiler" includes any cylinder or vessel used for generating steam under pressure, and any steam-chest or other apparatus closely attached thereto :
- (b) "prime-mover" includes any steam-engine, steam-hammer, fly-wheel, first driving shaft, or pulley attached to such engine, and every appurtenance necessary for the safe and efficient working of a prime-mover :
- (c) "owner" includes any person using any boiler as agent of, or on hire from, the owner thereof : and
- (d) "prescribed" means prescribed by rules under this Act.

*Inspection and licensing of Boilers.*

Appointment of inspectors.

3. The Chief Commissioner may appoint one or more duly qualified persons to be inspectors for the purposes of this Act, and may fix the local extent of each such inspector's duties.

Use of boiler by owner without license prohibited.

4. The owner of a boiler shall not use the same, or permit the same to be used,—

- (a) except under and in accordance with the conditions of a license duly granted and in force under this Act, and
- (b) unless the boiler is under the direct and immediate management and charge of an engineer holding a certificate of competency under this Act declaring that he is competent to manage or be in charge of a boiler of such capacity or kind.

*Explanation.*—A person employed to manage and be in charge of not more than two sets of boilers belonging

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, shall be deemed to be employed in direct and immediate management and charge of all such boilers.

5. (1) The owner of any boiler who desires to use the same shall, if it is unregistered, cause it to be registered. Registration and numbering of boilers.

(2) The owner of a boiler may give notice in writing to the inspector that he desires to have the same registered, whereupon the inspector shall register such boiler and shall allot to it a number (to be called the registry number) corresponding to the number of the entry concerning it in the register of boilers.

(3) Such number shall be communicated to the owner and shall, within such reasonable period as the inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible and in such manner as the Chief Commissioner may prescribe.

6. (1) The owner of a boiler which has been registered under section 5, or in respect to which the notice prescribed by sub-section (2) of that section has been given, shall, if he desires to use the same and does not possess a license in respect of the same granted under this Act and then in force, make an application for a license to the District Magistrate, and the District Magistrate shall cause an examination of the boiler and of every appurtenance closely attached thereto to be made by an inspector with the least possible delay and within twenty days after the receipt of such application, and shall inform the owner of the date on which the said examination will take place. Procedure on application for boiler license.

(2) Every person making an application under this section shall simultaneously pay the prescribed fees for the examination.

7. (1) The

Duty of owner to afford facilities for examination of and information regarding boiler.

7. (1) The owner or person in charge of any boiler to be examined under section 6 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 brickwork or masonry in contact with the boiler to be removed;

(d) during the examination, keep the boiler effectively disconnected from any steam or hot-water communication with any other boiler.

(2) The provision as to disconnection contained in clause (d) shall extend to every case in which a person is sent, or with the owner's assent goes, into a boiler for any purpose connected therewith.

Grant and renewal of boiler licenses.

8. (1) If the inspector is satisfied that a boiler examined under section 6 and the appurtenances closely attached thereto are in good condition, and if the registry number of the boiler is properly marked thereon in accordance with sub-section (3) of section 5, he shall forthwith give to the owner a license to that effect in the form of, and containing the particulars specified in, Schedule A.

(2) Every license so granted shall be renewed by the inspector from time to time, if he is satisfied, after re-examining the boiler and the appurtenances

\* closely

closely attached thereto under the provisions of section 6, that the same are in good condition.

(3) Every original or renewed license granted under this section shall be granted for so long a period as it shall appear to the inspector probable that the boiler and the appurtenances closely attached thereto will remain in good condition :

Provided that no license shall remain in force for a period exceeding twelve months.

9. If an inspector refuses to give a license or a renewed license to the owner of a boiler, or refuses to give the same for the full period or pressure applied for, he shall give to such owner within forty-eight hours his reasons for such refusal in writing, and any owner deeming himself aggrieved by the refusal may, within one month from the date of its communication to him, lodge an appeal with the District Magistrate.

Appeal from refusal to grant boiler license.

10. The District Magistrate shall appoint one or more assessors to aid him in disposing of the appeal, and shall, within ten days of its receipt, publicly inquire into and determine such appeal.

Disposal of appeals.

(2) The District Magistrate may either reject the appeal, or grant the owner a license for such period, not exceeding twelve months, and for such pressure, as he thinks fit.

(3) If the decision of the District Magistrate is not in accordance with the opinion of the assessor or a majority of the assessors, an appeal from it shall lie to the Commissioner, who shall thereupon proceed to inquire into and determine the appeal, with or without the aid of assessors as he may think fit, in accordance with the provisions of sub-section (2), and the decision of the Commissioner on such appeal shall be final.

(4) In other cases the decision of the District Magistrate shall be final.

11. (1) If the District Magistrate or Commissioner

Award of costs in is

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(*Inspection and licensing of Boilers.—Sections 12-13.*)

certain  
cases.

is of opinion that an appeal is unfounded or frivolous, he may award any sum not exceeding fifty rupees to be paid by the owner as costs.

(2) Any sum so awarded shall be recoverable from the owner as if it were an arrear of land-revenue.

Revocation  
of boiler  
licenses.

12. The District Magistrate may, after such inquiry as he may consider just, revoke any license granted under section 8 or section 10—

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

(b) if there is reason to believe that such license has been fraudulently obtained or erroneously granted, or has been granted without sufficient examination; or

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

Powers of  
inspector in  
connection  
with exami-  
nation of  
licensed  
boilers.

13. (1) Any inspector may, at any time between sunrise and sunset on any day during the period for which a license may have been granted under section 8 or section 10, examine any boiler, whether at work or not, for which such license has been granted, in order to ascertain whether such boiler is in good condition, and whether any cause exists for revoking the said license.

(2) Any inspector may order the working of a boiler which he desires to inspect under sub-section (1) to be stopped only when that shall in his opinion be indispensable for the proper examination of the boiler.

(3) The reasons for any such stoppage shall be given in writing by the inspector to the owner, on the owner's demand, concurrently with the order for stoppage,

stoppage, and the owner shall thereon become subject to the provisions of section 7.

14. If, at any time during the period for which a license under section 8 or section 10 has been granted, any structural alteration or renewal is made in any part of the boiler to which such license relates, the owner of such boiler shall give notice in writing of such alteration before it is completed to the District Magistrate or to such person as may be appointed by him in this behalf.

Duty of owner to report alterations in any part of licensed boiler.

15. (1) Every owner or person in charge of a boiler shall report in writing to the District Magistrate, or to such person as may be appointed by him in this behalf, every accident to the boiler, or to any apparatus attached thereto which is calculated to weaken the strength of such boiler or to render it liable to explode.

Procedure on accident to boiler.

(2) Every such report shall be made within twelve hours of the occurrence of the accident, and 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 in writing by the person to whom the report is made as to the cause, nature and extent of the accident.

(4) The District Magistrate, or any person generally or specially authorised by him 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 and certified as fit for use by an inspector.

16. (1) The owner of any boiler who has obtained a license therefor shall at all reasonable times during the period for which such license is in force be bound to produce the same when called upon to do so by the

Duty of owner to produce boiler license.

District

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*(Grant of certificates to Engineers.—Section 17.*  
*Penalties and Procedure.—Section 18.)*

District Magistrate, or by any person generally or specially authorised in writing by the District Magistrate to demand its production.

(2) A person who becomes owner of a boiler during the period for which a license therefor is in force shall be entitled to receive the license from the preceding owner and shall be subject to the provisions of subsection (1).

*Grant of certificates to Engineers.*

Grant of  
engineers'  
certificates  
of compe-  
tency.

17. Engineers' certificates of competency, declaring that the person named therein is competent to manage or be in charge of a boiler of such capacity or kind as is specified therein, may be granted and may be cancelled or suspended in accordance with such rules as may be prescribed by the Chief Commissioner in this behalf.

*Penalties and Procedure.*

Penalty for  
non-compli-  
ance by  
owner with  
requirements  
of sections 7,  
14, 15 and  
16.

18. Any owner of a boiler who—

- (a) fails, as required by section 7, to furnish an inspector with necessary information or to make the necessary dispositions for facilitating examination,
- (b) fails to give notice, as required by section 14, of any structural alteration or renewal thereof,
- (c) refuses or neglects to produce a license when duly called upon so to do under section 16, and
- (d) every owner or person in charge of a boiler who fails to report, as required by section 15, any accident of the kind mentioned in the section,

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

19. Any



*(Penalties and Procedure.—Sections 19-22.)***19. Any owner of a boiler who—**

- (a) uses the same, or permits it to be used, without a license duly obtained and in force in respect thereof ;
- (b) uses the same, or permits it to be used, at any time except whilst he has in his employ, in direct and immediate management and charge thereof, an engineer holding a certificate of competency under this Act declaring that he is competent to manage or be in charge of a boiler of such capacity or kind ;
- (c) uses the same, or permits it to be used, in contravention of an order for discontinuing its use made under section 15, sub-section (4), or at a higher pressure than that allowed by any license in force in respect thereof ;

Penalty on owner using boiler without license or certificated engineer or otherwise contrary to Act.

shall be punishable with fine which may extend to five hundred rupees and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for every day after the first in regard to which he is convicted of having persisted in the offence.

**20. Whoever removes, alters, defaces, renders invisible, or otherwise tampers with a registry number marked on a boiler shall for every such act be punishable with fine which may extend to five hundred rupees.**

Penalty for tampering with registry number of a boiler.

**21. Whoever fraudulently marks upon a boiler a registry number which has not been duly allotted to it under this Act shall be punishable with imprisonment which may extend to two years, or with fine, or with both.**

Penalty for fraudulently marking a registry number on a boiler.

**22. Whoever, being required to deposit his certificate in accordance with the provisions of any rule made under section 25, sub-section (1), clause (e), refuses or omits to do so, shall be punishable with fine which may extend to five hundred rupees.**

Penalty for refusing or omitting to deposit engineer's certificate in accordance with rules under section 25 (1) (e).

**23. No**

Cognizance  
of offences  
against Act.

23. No Court inferior to that of a Magistrate of the first class shall have jurisdiction to try any person charged with an offence against this Act,

Charges  
within what  
period to be  
brought.

24. 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 District Magistrate.

*Rules.*

Power to  
make rules.

25. (1) The Chief Commissioner may make rules consistent with this Act for all or any of the following purposes, namely:—

- (a) for settling the duties and emoluments of inspectors appointed under this Act, and regulating the control to be exercised by District Magistrates over such inspectors;
- (b) for fixing the fees to be levied for the inspection of boilers under sections 6 and 15 at such rates not exceeding those specified in Schedule B as the Chief Commissioner may think fit;
- (c) prescribing the procedure to be followed in the hearing of appeals under section 10, the emoluments or fees to be received by assessors appointed under that section, and regulating the holding of inquiries under section 12;
- (d) providing for the grant of engineers' certificates of competency, and in particular prescribing—
  - (i) the cases in which certificates may be granted without, and those in which they may be granted only after, examination,
  - (ii) the duties and emoluments of examiners, and the conduct of examinations,
  - (iii) the

*(Rules.—Section 25.)*

- (iii) the qualifications to be required of, and the fees to be paid by, candidates for examination, and applicants for certificates without examination, respectively,
- (iv) the different classes of certificates which may be granted, and the nature of the boilers which each such class of certificate shall cover,
- (v) the form of certificates and the authority by which they may be granted, and
- (vi) the mode in which a record of certificates granted shall be kept, and the cases in which, and the fees on payment of which, duplicate certificates may be granted;
- (e) providing for the cancellation or suspension of engineers' certificates of competency, and in particular for—
  - (i) the procedure to be followed in inquiries into allegations of incompetence, drunkenness, misconduct or negligence on the part of holders of such certificates, and
  - (ii) the deposit of such certificates by the holders of the same, when so required, pending the result of such inquiries and the action to be taken on their failure to comply with such requisitions; and
- (f) generally for carrying out the purposes of this Act.

(2) The power to make rules under this Act is subject to the condition of the rules being made after previous publication.

(3) All rules framed under this Act shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

*Miscellaneous.*

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*(Miscellaneous.—Sections 26-27. Schedule A.—Form  
of Inspector's License.)*

*Miscellaneous.*

Disposal of sums levied under Act.

26. All fees, costs and penalties levied under this Act shall be disposed of in such manner as the Chief Commissioner may direct.

Certain provisions of Act applicable to prime-movers.

27. (1) The Chief Commissioner may, by notification in the local official Gazette, apply so much of this Act as relates to the taking out and grant of licenses 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 for the time being in force.

(2) During any such period as any notification under sub-section (1) 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 8.)

FORM OF INSPECTOR'S LICENSE.

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 number is properly marked thereon.

A. B.,  
Inspector.

(*Schedule B.—Maximum rates of fees leviable for inspection of boilers under sections 6 and 15.*)

SCHEDULE B.

[*See section 25 (1) (b).*]

MAXIMUM RATES OF FEES LEVIABLE FOR INSPECTION OF BOILERS  
UNDER SECTIONS 6 AND 15.

	Rs.
(1) For the inspection of each boiler 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