

THE BOILERS ACT, 1923
(V of 1923)

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TEXT

THE BOILERS ACT, 1923
(V of 1923)

[23rd February, 1923]

An
Act

to consolidate and amend the law relating to steam-boilers.

WHEREAS it is expedient to consolidate and amend the law relating to steam-boilers;

It is hereby enacted as follows:—

1. Short title, Extent and Commencement.— (1) This Act may be called the ¹Boilers Act, 1923.

²[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such ³date as the ⁴[Federal Government] may, by notification in the ⁵[official Gazette], appoint.

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

(a) “accident” means an explosion of a boiler or steam-pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode;

⁶[(aa) “Board” means the ⁷Boilers Board constituted under section 27A;]

(b) “boiler” means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure ⁸***, and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off;

(c) “Chief Inspector” and “Inspector” mean, respectively, a person appointed to be a Chief Inspector and an Inspector under this Act;

¹The word “Indian” omitted by A.O., 1949

²Sub-section (2), as amended by A.O., 1949, and the Federal Laws(Revision and Declaration) Act,1951 (26 of 1951), s.8, has been subs. By the central Laws (Statute Reform) ordinance,1960 (21 of 1960), s.3 and 2nd sch. (with effect from the 14th October, 1955).

³This Act came into force on the 1st January, 1924, see Gen. R. & O.

⁴Subs. By F.A.O, 1975, Art. 2 and Table, for “Central Government” which was previously amended by A.O, 1937, for “ G.G. in C”.

⁵Subs. Ibid, for “Gazette of India”.

⁶Clauses (as) ins. by the Indian Boilers (Amdt.) Act, 1937 (11 of 1937). Section3.

⁷The word “central” has been omitted by A.O., 1964 Art. 2 and sch.

⁸the words “for use outside such vessel” omitted by the Indian Boilers (Amdt.) Act, 1929 (9 of 1929), s.2.

- ⁹[(cc) “economizer” means any part of a feed-pipe that is wholly or partly exposed to the action of flue gases for the purpose of recovery of waste heat;
- (ccc) “feed-pipe” mean any pipe or connected fitting wholly or partly under pressure through which feed water passes directly to a boiler and does not form an integral part thereof;]
- 2(c) “Chief Inspector”, “Additional Chief Inspector”, “Deputy Chief Inspector” and “Inspector” mean, respectively, a person appointed to be a chief Inspector, An Additional Chief Inspector, a Deputy Chief Inspector and an Inspector under this Act.
- (d) “owner” includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof;
- (e) “prescribed” means prescribed by regulations or rules made under this Act.,
- (f) “steam-pipe” means any main pipe exceeding three inches in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe; and
- (g) “structural alteration, addition or renewal” shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

¹⁰**2A. Application of Act to feed-pipes.**— Every reference in this Act [except where the word “steam-pipe” is used in clause (f) of section 2], to a steam-pipe or steam-pipes shall be deemed to include also a reference to a feed-pipe or feed-pipes, respectively.]

¹¹**2B. Application of Act to economizers.**— Every reference in this Act to a boiler or boilers [except in clause (ccc) of section 2, clause (c) of section 6, clauses (c) and (d) of section 11, clause (d) of section 29 and section 34] shall be deemed to include also a reference to an economizer or economizers, respectively.]

3. Limitation of application.— (1) Nothing in this Act shall apply in the case of any boiler or steam-pipe:—

- (a) in any steam-ship as defined in section 2 of the ¹²the Merchant shipping Act, 1923 or in any mechanically propelled vessel as defined in section 2

⁹Subs. By the Indian Boilers (Amdt.) Act, 1947(34 of 1947), s.2, for clause (cc) which was previously amended by the Indian Boilers (Amdt.) Act,

1943 (17 of 1943), s.2.

¹⁰S. 2A ins. by the Indian Boilers (Amdt.) Act, 1943 (17 of 1943), s.3.

¹¹S.2B ins. by the Indian Boilers (Amdt.) Act, 1947 (34 of 1947), s.3.

¹²See now the Merchant Shipping Act.1923 (21 of 1923),s.2.

(3) Every Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code.

6. Prohibition of use of unregistered or un-certificated boiler.— Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used—

- (a) unless it has been registered in accordance with the provisions of this Act;
- (b) in the case of any boiler which has been transferred from one Province to another until the transfer has been reported in the prescribed manner;
- (c) unless a certificate or provisional order authorizing the use of the boiler is for the time being in force under this Act;
- (d) at a pressure higher than the maximum pressure recorded in such certificate or provisional order;
- (e) where the [Provincial Government] has made rules requiring that boilers shall be in charge of persons holding certificates of competency, unless the boiler is in charge of a person holding the certificate required by such rules:

Provided that any boiler registered, or any boiler certified or licensed, under any Act hereby repealed shall be deemed to have been registered or certified, as the case may be, under this Act:

7. Registration.— (1) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1), the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days notice of the date so fixed.

(3) On the said date the Inspector shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the prescribed form.

- (4) The Chief Inspector, on receipt of the report, may—
 - (a) register the boiler and assign a register number thereto either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has been made in or to the boiler or any steam-pipe attached thereto, or
 - (b) refuse to register the boiler:

Provided that where the Chief Inspector refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons thereof.

(5) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorizing the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as in accordance with the regulations made under this Act:

[Provided that a certificate issued under this sub-section in respect of an economizer may authorize its use for a period not exceeding twenty four months.]

(6) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

8. Renewal of Certificate.— (1) A certificate authorizing the use of a boiler shall cease to be in force

- (a) on the expiry of the period for which it was granted; or
- (b) when any accident occurs to the boiler; or
- (c) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than two hundred square feet, or a portable or vehicular boiler; or
- (d) when any structural alteration, addition or renewal is made in or to the boiler; or
- (e) if the Chief Inspector in any particular case so directs, when any structural alteration, addition or renewal is made in or to any steam-pipe attached to the boiler; or
- (f) on the communication to the owner of the boiler or an order of the Chief Inspector or Inspector prohibiting its use on the ground that it or any steam-pipe attached thereto is in a dangerous condition.

(2) Where an order is made under clause (f) of sub-section (1), the grounds on which the order is made shall be communicated to the owner with the order.

(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application:

²³[Provided that where the certificate relates to an economizer, the application for its renewal may be for a period not exceeding twenty four months.]

(4) An application under sub-section (3) shall be accompanied by the prescribed fee and on receipt thereof, the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days notice of the date so fixed:

²³[Provided that a renewed certificate issued under this sub-section in respect of an economizer may authorize its use for a period not exceeding twenty four months:]

Provided that, where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment of any fee.

[Provided further that in case of an economizer, the owner shall be given not less than thirty days notice of the date fixed for its examination.]

(5) On the said date the Inspector shall examine the boiler in the prescribed manner, and if he is satisfied that the boiler and the steam-pipe or steam-pipes attached thereto are in good condition shall issue a renewed certificate authorizing the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act

Provided [further] that if the Inspector.—

- (a) Proposes to issue any certificate.—
 - (i) Having validity for a less period than the period entered in the application, or
 - (ii) Increasing or reducing the maximum pressure at which the boiler may be used, or
- (b) proposes to order any structural alteration, addition or renewal to be made in or to the boiler or any steam-pipe attached thereto, or
- (c) is of opinion that the boiler is not fit for use, the Inspector shall, within forty-eight hours of making the examination, inform the owner of the boiler in writing of his opinion and the reasons thereof, and shall forthwith report the case for orders to the Chief Inspector.

(6) The Chief Inspector, on receipt of a report under sub-section (5), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it:

Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefore.

(7) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefore at any time during the currency of a certificate.

9. Provisional Orders.— Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (3) of section 7 or sub section (5) of section 8, he may, if the boiler is not a boiler the use of which has been prohibited under clause (f) of sub-section (1) of section 8, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as in accordance with the regulations made under this Act pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force.—

- (a) on the expiry of six months from the date on which it is granted, or
- (b) on receipt of the orders of the Chief Inspector, or
- (c) in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section f(1) of section 8, and on so ceasing to be in force shall be surrendered to the Inspector.

10. Use of boilers pending grant of certificate.— (1) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

(2) Nothing in sub-section (1) shall be deemed to authorize the use of a boiler in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section f(1) of section 8 occurring after the expiry of the period of the certificate.

11. Revocation of certificate or provisional order.— The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise—

- (a) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination; or
- (b) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition; or
- (c) where the [Provincial Government] has made rules requiring that boilers shall be in charge of persons holding certificates of competency, if the boiler is in charge of a person not holding the certificate required by such rules; or
- (d) where no such rules have been made, if the boiler is in charge of a person who is not, having regard to the condition of the boiler, in the opinion of the Chief Inspector competent to have charge thereof:

Provided that where the Chief Inspector withdraws or revokes a certificate or provisional order on the ground specified in clause (d), he shall communicate to the owner of the boiler his reasons in writing for the withdrawal or revocation, and the order shall not take effect until the expiry of thirty days from the receipt of such communication.

12. Alterations and renewal to boilers.— No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal, has been sanctioned in writing by the Chief Inspector.

13. Alterations and renewal to Steam-pipes.— Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any steam-pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention, and shall send therewith such particulars of the proposed

alteration, addition or renewal as may be prescribed.

14. Duty of owner at examination.— (1) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him;
- (b) to have the boiler properly prepared and ready for examination in the prescribed manner; and
- (c) in the case of an application for the registration of a boiler, to provide such drawings, specification, certificates and other particulars as may be prescribed.

(2) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (1), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application under section 7 or section 8, as the case may be, and may forbid him to use the boiler notwithstanding anything contained in section 10.

15. Production of certificates, etc.— The owner of any boiler who holds a certificate or provisional order relating thereto shall, at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate, or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being or by the Chief Inspector or by an Inspector or by any Inspector appointed under the Factories Act, 1934, or by any person specially authorized in writing by a District Magistrate

16. Transfer of certificates, etc.— If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

17. Power of entry.— An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

18. Report of accidents.— (1) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(2) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector as to the cause, nature

or extent of the accident.

19. Appeals to Chief Inspector.— Any person considering himself aggrieved by

- (a) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or
- (b) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue,

may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order or refusal to the Chief Inspector.

20. Appeals to appellate authority.— Any person considering himself aggrieved by an original or appellate order of the Chief Inspector—

- (a) refusing to register a boiler or to grant or renew certificate in respect of a boiler; or
- (b) refusing to grant a certificate having validity for the full period applied for; or
- (c) refusing to grant a certificate authorizing the use of a boiler at the maximum pressure desired; or
- (d) withdrawing or revoking a certificate or provisional order; or
- (e) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted; or
- (f) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe, or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler.

may, within thirty days of the communication to him of such order, lodge with the Chief Inspector an appeal to an appellate authority to be constituted by the [Provincial Government] under this Act.

21. Finality of orders.— An order of an appellate authority under section 20 and, save as otherwise provided in sections 19 and 20, and order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any court.

22. Minor Penalties.— Any owner of a boiler who refuses or without reasonable excuse neglects—

- (i) to surrender a provisional order as required by section 9, or
- (ii) to produce a certificate or provisional order when duly called upon to do so under section 15, or
- (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16,

shall be punishable with fine which may extend to one hundred rupees.

23. Penalties for illegal use of boiler.— Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, 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 each day after the first day in regard to which he is convicted of having persisted in the offence.

24. Other Penalties.— Any person who—

- (a) Uses or permits to be used a boiler of which he is the owner and which has been transferred from one province to another without such transfer having been reported as required by section 6, or
- (b) Being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7, or
- (c) Makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by section 12, or to a steam-pipe without first informing the chief Inspector, *when* so required by section 13, or
- (d) Fails to report an accident to a boiler or steam-pipe when so required by section 18, or
- (e) Tamper with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorized under this Act, shall be punishable with fine which may extend to five hundred rupees.

25. Penalty for tampering with register mark.— (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act or any Act repealed hereby, shall be punishable with imprisonment which may extend to two years or with fine, or with both.

26. Limitation and previous sanction for prosecutions.— No prosecution for an offence made punishable by or under this Act shall be instituted except within six months from the date of the commission of the offence and no such prosecution shall be instituted without the previous sanction of the Chief Inspector.

27. Trial of offences.— No offence made punishable by or under this Act shall be tried by a court inferior to that of ^{***} a Magistrate of the first class.

27A. Boilers Board.— (1) A Board to be called the [Boilers Board] shall be constituted to exercise the powers conferred by section 28.

[(2) The Board shall consist of [four] members, namely:—

(a) A chairman to be nominated by the Federal Government;

[(b) one member to be nominated by each of the Provincial Governments;

(c) one member to be nominated by the Pakistan Railways;]

(d) such other members as the Federal Government may, by notification in the official gazette nominate.

(3) Any vacancy occurring in the Board, * * * shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by bye-laws or otherwise its own procedure and the conduct of all business or to be transacted by the Board.

(5) The powers of the Board may be exercised notwithstanding any vacancy in the Board.]

28. Power to make regulations.— (1) The [Board] may, by notification in the [official Gazette], make regulations consistent with this Act for all or any of the following purposes, namely:—

(a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act;

[(aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted.

(b) for prescribing the method of determining the maximum pressure at which a boiler may be used;

(c) for regulating the registration of boilers, prescribing the fees payable therefore, the drawings, specifications, classification and particulars to be produced by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number, and the period within which such number is to be marked on the boiler;

(d) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates thereof,

(e) for ensuring the safety of persons working inside a boiler; and

(f) for providing for any other matter which is not, in the opinion of the Board, a matter of merely local or provincial importance.

29. Power to make rules.— The [Provincial Government] may, by notification in the [official Gazette], make rules consistent with this Act and the regulations made there under for all or any of the following purposes, namely:—

- (a) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, * * * for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities;
- (aa) for prescribing the qualifications and duties of the Chief Inspector , Additional Chief Inspectors, Deputy Chief Inspectors and of Inspectors for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities
- (b) for regulating the transfer of boilers;
- (c) for providing the registration and certification of boilers in accordance with the regulations made under this Act;
- (d) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted;
- (e) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8;
- (f) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case;
- (g) for regulating inquiries into accidents;
- (h) for constituting the appellate authority referred to in section 20, and for determining its power and procedure;
- (i) for determining the mode of disposal of fees, costs and penalties levied under this Act; and
- (j) generally to provide for any matter which is , in the opinion of the [Provincial Government], a matter of merely local importance in the Province.

[* * * * *]

30. Penalty for breach of rules.— Any regulation or rule made under section 28 or section 29 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

31. Publication of regulations and rules.— (1) The power to make regulations and rules conferred by sections 28 and 29 shall be subject to the condition of the Regulations and rules being made after previous publication.

(2) Regulations and rules so made shall be published in the [official Gazette] and, on such publication, shall have effect as if enacted in this Act.

32. Recovery of fees, etc.— All fees, costs and penalties levied under this Act shall be recoverable as arrears of land-revenue

33. Applicability to the Government.— Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging in the [Government]

34. Exemptions.— [(1) The [Provincial Government] may, by notification in the [official Gazette], exempt from the operation of this Act, subject to such conditions and restrictions as it thinks fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.]

Power to suspend in case of emergency.

[(2) In case of any emergency, the [Provincial Government] may, by general or special order in writing, exempt any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

35. [Repeal of enactments].— Rep. by Repealing Act, 1927 (XII of 1927), s, 2 and Schedule.