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Government of West Bengal

LAW DEPARTMENT

Legislative

West Bengal Act XXIII of 1961

THE WEST BENGAL LIFTS AND ESCALATORS (AMENDMENT) ACT, 1961.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 27th October, 1961.]

[27th October, 1961.]

An Act to amend the West Bengal Lifts and Escalators Act, 1955.

West Ben.
Act V of
1955.

WHEREAS it is expedient to amend the West Bengal Lifts and Escalators Act, 1955 for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. This Act may be called the West Bengal Lifts and Escalators (Amendment) Act, 1961. Short title.

2. After clause (i) of section 2 of the West Bengal Lifts and Escalators Act, 1955 (hereinafter referred to as the said Act), the following clause shall be inserted, namely:— Amend-
ment of
section 2 of
West Ben.
Act V of
1955.

“(i) “owner of any premises” includes a tenant or other person in occupation of the whole or any part of such premises who is authorised to instal or work or instal and work a lift therein;”

3. In section 3 of the said Act,—

(1) for the words “permission to erect such lift”, the words “permission to instal such lift” shall be substituted; Amend-
ment of
section 3.

(2) the *Explanation* shall be omitted.

4. In section 4 of the said Act, for the words “permission to erect the lift”, the word “permission to instal the lift” shall be substituted. Amend-
ment of
section 4.

5. In sub-section (1) of section 5 of the said Act,—

(1) for the words “permission to erect a lift under section 4”, the words “permission under section 4 to instal a lift in the premises” shall be substituted; Amend-
ment of
section 5.

(Sections 6—8.)

(2) for the words "completion of the erection", the words "completion of the installation" shall be substituted.

Amend-
ment of
section 6.

6. In section 6 of the said Act, for the words "The owner of any premises to whom a license to work a lift has been granted, shall pay such annual license fee as may be prescribed", the following words shall be substituted, namely:—

"Such annual fee for renewal of license, not exceeding fifty rupees, as may be prescribed shall be paid for working a lift in any premises".

Amend-
ment of
section 8.

7. For sub-section (1A) of section 8 of the said Act, the following sub-section shall be substituted, namely:—

"(1A) Without prejudice to the provisions of section 18, the owner of any premises—

(a) in which a lift has been installed but no license for the working of the lift has been applied for in accordance with the provisions of this Act, or

(b) in which a lift has been installed without the permission required to be applied for under section 3,

shall as soon as may be apply for a license for the working of such lift."

Amend-
ment of
section 11.

8. In section 11 of the said Act,—

(1) in sub-section (1),—

(a) after the words "Where a license to work a lift", the words "in any premises" shall be inserted,

(b) the words "to whom a license has been granted" shall be omitted,

(c) in the proviso,—

(i) the words "to whom the license has been granted (or any occupier thereof who ordinarily uses the lift)" shall be omitted,

(ii) the words "(or such occupier)" shall be omitted;

(2) after sub-section (1), the following sub-section shall be and shall be deemed always to have been inserted, namely:—

"(1A) Any fee leviable under sub-section (1), may, without prejudice to any other mode of recovery, be recovered on application to a Magistrate having jurisdiction where the person liable to pay the sum is for the time being resident, by the distress and sale of any movable property belonging to such person.";

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(Sections 9—11.)

(3) in sub-section (2),—

(a) for the words “to whom a license to work a lift has been granted”, the words “who works a lift in such premises under a license granted” shall be substituted;

(b) after the words “a duly qualified and competent person or firm”, the words “holding a certificate of registration granted in this behalf by such authority, in such manner and on payment of such fee, not exceeding fifty rupees, as may be prescribed” shall be and shall be deemed always to have been inserted;

(4) after sub-section (2), the following sub-section shall be and shall be deemed always to have been added, namely:—

“(3) Save as may otherwise be provided by rules made under this Act, the owner of any premises who works a lift in such premises under a license granted under this Act shall, for the purpose of working such lift, appoint, in such manner as may be prescribed, one or more lift attendants who shall be persons possessing a certificate of authorisation granted in this behalf by such authority, in such manner and on payment of such fee, not exceeding five rupees, as may be prescribed.”

9. In section 14 of the said Act, for the words “permission to erect”, the words “permission to instal” shall be substituted. Amendment of section 14.

10. In clause (a) of sub-section (1) of section 19 of the said Act, for the words “permission to erect”, the words “permission to instal” shall be substituted. Amendment of section 19.

11. In sub-section (2) of section 21 of the said Act,— Amendment of section 21.

(1) in clause (b), for the words “erection plans”, the word “plans” shall be substituted;

(2) for clause (g), the following clause shall be and shall be deemed always to have been substituted, namely:—

“(g) the authority by which, the manner in which and the fee on payment of which a certificate of registration referred to in sub-section (2) and a certificate of authorisation referred to in sub-section (3) of section 11 may be granted;”