



# **THE INLAND MECHANICALLY PROPELLED VESSELS ACT, 1917**



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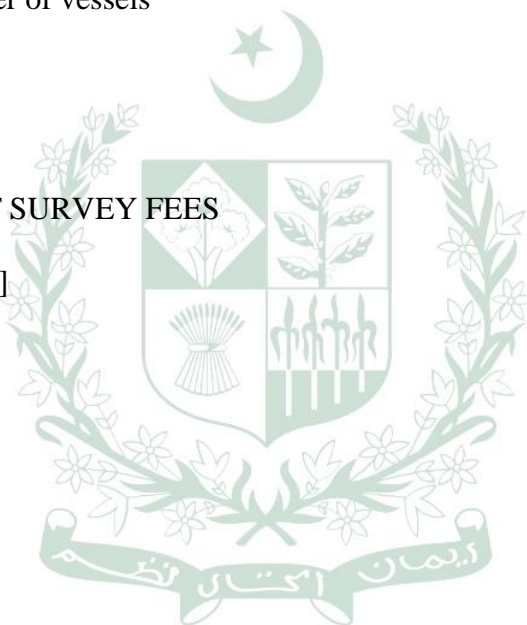
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## THE PAKISTAN CODE

# THE INLAND MECHANICALLY PROPELLED VESSELS ACT, 1917

<sup>1</sup>ACT No. I OF 1917

[7th February, 1917]

*An act to consolidate the enactments relating to <sup>2</sup>[Mechanically Propelled Vessels].*

WHEREAS it is expedient to consolidate the enactments relating to <sup>2</sup>[mechanically propelled vessels] ; It is hereby enacted as follows:—

## CHAPTER I PRELIMINARY

<sup>3</sup>[1. **Short title and extent.**— (1) This Act may be called the Inland Mechanically Propelled Vessels Act.

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

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

<sup>4</sup>[(1) “mechanically propelled vessel” means every description of vessel ordinarily plying on inland waters and propelled wholly or in part by steam, electricity or other mechanical power, and includes for purposes only of registration under this Act a sailing boat, dumb barge and any other craft not mechanically propelled when towed or pushed by a mechanically propelled vessel;]

<sup>5</sup>(2) “inland water” means any canal, river, lake or other navigable water in <sup>6</sup>[Pakistan];

(3) “passenger” includes any person carried in a <sup>7</sup>[mechanically propelled vessel] other than the master and crew and the owner, his family and servants;

(4) “prescribed” means prescribed by any rule under this Act;

<sup>8</sup>[(5) “registrar” means a registrar appointed under this Act;]

(6) “survey” means the survey of a <sup>7</sup>[mechanically propelled vessel] under this Act;

(7) “surveyor” means a surveyor appointed under this Act; and

(8) “voyage” includes the plying of a <sup>7</sup>[mechanically propelled vessel] at or about any place.

<sup>1</sup>For statement of Objects and Reason, *see* Gazette of India, 1916, Pt. V.p.71; and for Proceedings in Council, *see ibid*, 1916, Pt. VI, p. 541, and *ibid*, 1917, Pt. VI, p. 17.

The Provisions of this Act (excluding sections 19-A to 19-P) have been applied to the territory of Gwadar by W. Pakistan Ordinance No. 36 of 1959 (with effect from the 16th June, 1959).

Nothing in the Control of Shipping Act, 1947 (26 of 1947), shall apply to any vessel registered under this Act, *see* the Inland Steam-vessels (Amdt) Act, 1951 (25 of 1951), s.18.

The Act has been amended in its application to-

Sind, *see* the Inland Steam-vessels (Sind Amendment) Act, 1941 (Sind Act 21 of 1941).

The following portions of this Act have been applied with certain modifications to the inland mechanically propelled vessels belonging to the Central Govt. or the Provincial Govt. other than the vessels of Pakistan Navy and the Army I. W.T. namely:—

Chapter II — (i) Sections 3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18, and 19.

<sup>2</sup>Subs. by Act 25 of 1951, s. 2, for “inland steam-vessels.”

<sup>3</sup>Subs. *ibid.*, s. 3, for the original section 1 as amended by A. O., 1937 and A. O., 1949, Sch.

<sup>4</sup>Subs by Act 25 of 1951, s. 4, for clause (1).

<sup>5</sup>For power to define how much of any tidal water shall be deemed to be an “inland water”, *see* s. 70, *infra*.

<sup>6</sup>Subs. by the Central Laws (Statute Reforms) Ordinance, 1960 (21 of 1960), s. 3 2<sup>nd</sup> Sch. (with effect from the 14<sup>th</sup> October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, Arts. 3 (2) and 4, for “British Indian”.

<sup>7</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “steam-vessel”.

<sup>8</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2 for “steam-vessel”.



## CHAPTER II<sup>1</sup>

### SURVEY OF <sup>2</sup>[MECHANICALLY PROPELLED VESSELS]

**3. Mechanically propelled vessel not to proceed on voyage or to be used for service without certificate of survey.**—<sup>3</sup>[(1) A mechanically propelled vessel shall not proceed on any voyage, or ply on any inland water unless she has a certificate of survey and a certificate of registry, in force and applicable to such voyage or water, and unless she is owned—

- (a) by a person who is a Pakistan national, or
- (b) by a person registered as a company in Pakistan, or, if registered outside Pakistan, having in Pakistan an agent or branch together with an organisation adequate to the independent operation of the agency or branch within Pakistan.]

(2) Nothing in this section shall apply to any <sup>4</sup>[mechanically propelled vessel] proceeding on a voyage during the interval between the time at which her certificate of survey expires and the time at which it is first practicable to have the certificate renewed.

**4. Appointment of surveyors and places of survey.**—(1) The <sup>5</sup>[Provincial Government] may, by notification<sup>6</sup> in the <sup>7</sup>[official Gazette],—

- (a) declare such places, within the territories under its administration, as it thinks fit, to be places of survey <sup>8</sup>[and registry], and
- (b) appoint so many persons to be surveyors <sup>8</sup>[and registrar] at the said places as it thinks fit, for the purposes of this Act.

<sup>9</sup>[(2) Every surveyor and every registrar shall, for the purposes of any survey or any registry made by him, be deemed to be a public servant within the meaning of the Pakistan Penal Code.] (XLV of 1860).

**5. Powers of surveyors.**—(1) For the purposes of a survey <sup>10</sup>[or registry], the surveyor <sup>10</sup>[or the registrar, as the case may be] may, at any reasonable time, go on board any <sup>11</sup>[mechanically propelled vessel], and may inspect the <sup>4</sup>[mechanically propelled vessel] and every part thereof, including the hull, boilers, engines and other machinery, and all equipments and articles on board:

Provided that he shall not unnecessarily hinder the loading or unloading of the <sup>4</sup>[mechanically propelled vessel], or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the <sup>4</sup>[mechanically propelled vessel] shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the <sup>4</sup>[mechanically propelled vessel], and her machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey.

<sup>1</sup>For power to define how much of any tidal water shall be deemed to be an “inland water”, see s. 70, *infra*.

<sup>2</sup>Subs. by Act 25 of 1951, s. 5, for INLAND STEAM-VESSELS”.

<sup>3</sup>Subs. *ibid.*, for sub-section (1).

<sup>4</sup>Subs. *ibid.*, for “local official Gazette”.

<sup>5</sup>Subs. by A. O., 1937, for “L. G.”.

<sup>6</sup>For such notification in Bombay, see the local Rules and Orders.

<sup>7</sup>Subs. by A. O., 1937, for “local official Gazette”.

<sup>8</sup>Added by Act 25 of 1951, s. 6.

<sup>9</sup>Subs. *ibid.*, for sub-section (2).

<sup>10</sup>Ins. *ibid.*, s. 7.

<sup>11</sup>Subs. *ibid.*, s. 2, for “inland steam-vessel”.

<sup>11</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “steam-vessel”

<sup>1</sup>[6. **Fees in respect of surveys.** Before a survey is commenced, or a registry is made, the owner or master of the vessel to be surveyed or registered, as the case may be, shall pay to such officer as the Provincial Government may, by notification in the official Gazette appoint in this behalf, a survey or registry fee, as the case may be, calculated on the tonnage of the vessel according to the rates mentioned in Schedules I and IA or according to any other prescribed rates.]

**7. Declaration of surveyor.** When the survey of a <sup>2</sup>[mechanically propelled vessel] is completed, if the surveyor making it is satisfied that—

- (a) the hull, boilers, engines and other machinery of the <sup>2</sup>[mechanically propelled vessel] are sufficient for the voyage or service intended and in good condition, and
- (b) the equipments of the <sup>2</sup>[mechanically propelled vessel] and the certificates of the master and engineer are such and in such condition as are required by any law for the time being in force and applicable to the <sup>2</sup>[mechanically propelled vessel],

the surveyor shall forthwith give to the owner or master a declaration in the prescribed form containing the particulars mentioned in clauses (a) and (b), and the following further particulars, namely:

- (i) the time (if less than one year) for which the hull, boilers, engines and other machinery and equipments of the <sup>2</sup>[mechanically propelled vessel] will be sufficient ;
- (ii) the limit (if any) beyond which, as regards the hull, boilers, engines and other machinery or equipments, the <sup>2</sup>[mechanically propelled vessel] is in the surveyors, judgment, not fit to ply;
- (iii) the number of passengers (if any) which the <sup>2</sup>[mechanically propelled vessel] is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins the number to be subject to such conditions and variations; according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires; and
- (iv) any other prescribed particulars.

**8. Sending of declaration by owner or master to provincial Government.**—(1) The owner or master of a <sup>3</sup>[mechanically propelled vessel] to whom a declaration is given under section 7 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the <sup>4</sup>[Provincial Government] may, by notification in the <sup>5</sup>[official Gazette], appoint in this behalf.

(2) If any owner or master fails to send a declaration as required by sub-section (1), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s 8, for the original section 6, as amended by A. O., 1937 and A. O., 1949, Sch,

<sup>2</sup>Subs. by Act 25 of 1951, s. 2, for “steam-vessel”

<sup>3</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “steam-vessel”.

<sup>4</sup>Subs. by A. O., 1937, for “L. G.”.

<sup>5</sup>Subs. *ibid.*, for “local official Gazette”.



**9. Power for provincial Government to grant or authorise the grant of certificates of survey.**—(1) The <sup>1</sup>[Provincial Government] shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause,—

- (a) a certificate of survey, in duplicate, to be prepared, and
- (b) notice thereof to be given by post or otherwise to the owner or master of the <sup>2</sup>[mechanically propelled vessel] to which the certificate relates.

(2) On application made by the owner or master to such officer at the place of survey as the <sup>1</sup>[Provincial Government] may, by notification<sup>3</sup> in the <sup>4</sup>[official Gazette], appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (2), (the actual amount of which within the limit thereby fixed shall be determined by the <sup>1</sup>[Provincial Government]), the certificate, in duplicate, so prepared shall be granted to the owner or master by the <sup>1</sup>[Provincial Government] and issued to him through such officer.

(3) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the <sup>2</sup>[mechanically propelled vessel] and the declaration of survey have been complied with, and shall set forth—

- (a) the particulars concerning the <sup>2</sup>[mechanically propelled vessel] mentioned in the declaration of survey  
as required by clauses (i), (ii) and (iii) of section 7, and
- (b) any other prescribed particulars.

(4) The <sup>1</sup>[Provincial Government] may, by notification<sup>4</sup> in the <sup>5</sup>[official Gazette], delegate to any person all or any of the functions assigned to the <sup>1</sup>[Provincial Government] under this section:

Provided that no delegation shall be made under sub-section (2) so as to authorise the grant of a certificate of survey by the surveyor who made the declaration of survey under section 7.

**10. Certificate of survey to be affixed in conspicuous part of mechanically propelled vessel.** The owner or master of every <sup>2</sup>[mechanically propelled vessel] for which a certificate of survey has been granted, shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed and kept affixed so long as it remains in force and the <sup>2</sup>[mechanically propelled vessel] is in use, on some conspicuous part of the <sup>2</sup>[mechanically propelled vessel] where it may be easily read by all persons on board.

**<sup>6</sup>[10A. Effect of certificates of survey.** A certificate of survey shall have effect throughout the Province in which it was granted:

Provided that such a certificate may be endorsed by the Provincial Government of any other Province, or with the general or special sanction of the Provincial Government of that other Province, by the authority granting it, so as to have effect in that other Province or any part thereof, and, if so endorsed shall have effect accordingly.]

<sup>1</sup>Subs. by A. O., 1937, for “L. G.”.

<sup>2</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “steam-vessel”.

<sup>3</sup>For notifications appointing officers in—

(a) Bombay, see Digest of Acts and Rules, etc., relating to Bombay Survey Department.

<sup>4</sup>For list of officers to whom powers have been delegated in

(a) Bombay, see Digest of Acts and Rules, etc., relating to Bombay Survey Department.

<sup>5</sup>Subs. by A.O., 1937, for “local official Gazette”.

<sup>6</sup>Ins. by A.O., 1937.

**11. Term of certificates of survey.** A certificate of survey shall not be in force <sup>1</sup>[in any Province]—

- (a) after the expiration of one year from the date thereof; or
- (b) after the expiration of the period (if less than one year) for which the hull, boilers, engines or other machinery, or any of the equipments of the <sup>2</sup>[mechanically propelled vessel] to which the certificate relates have been stated in the certificate to be sufficient; or
- (c) after notice has been given <sup>3</sup>[by the Provincial Government of the Province in which it was granted] to the owner or master of such <sup>2</sup>[mechanically propelled vessel], that such <sup>4</sup>[Provincial Government] has cancelled or suspended it.

<sup>5</sup>[A certificate of survey shall not be in force in any Province by virtue of any endorsement in respect of that Province, after notice has been given by the Provincial Government of that Province, to the owner or master of a <sup>2</sup>[mechanically propelled vessel], that that Government has cancelled or suspended the endorsement.]

**12. Renewal of certificate of survey.** After a certificate of survey has ceased to be in force the same shall only be renewed after a fresh survey of the <sup>2</sup>[mechanically propelled vessel] to which the certificate relates, has been held in accordance with the provisions of this Chapter save so far as any relaxation thereof may be prescribed.

**13. Power for provincial Government to suspend or cancel certificate of survey.** <sup>6</sup>[A certificate of survey or any endorsement thereon made under section 10A may be suspended or cancelled by the Government of the Province in which the certificate was granted or in respect of which the endorsement was made, as the case may be, if that Government has reason to believe—]

- (a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or other machinery or of any of the equipments of the <sup>2</sup>[mechanically propelled vessel] has been fraudulently or erroneously made; or
- (b) that the certificate has otherwise been granted upon false or erroneous information; or
- (c) that since the making of the declaration the hull, boilers, engines or other machinery, or any of the equipments of the <sup>2</sup>[mechanically propelled vessel] have sustained any material injury, or have otherwise become insufficient.

**14. Power for provincial Government to require delivery of expired or cancelled certificate.** The <sup>4</sup>[Provincial Government] may require any certificate of survey, which has expired or has been suspended or cancelled, to be delivered up to such officer as the <sup>4</sup>[Provincial Government] may, by notification<sup>7</sup> in the <sup>2</sup>[official Gazette], appoint in this behalf.

<sup>1</sup>Ins. By A. O., 1937.

<sup>2</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “steam-vessel”

<sup>3</sup>Subs. by A. O., 1937, for “by any L. G”.

<sup>4</sup>Subs. by A. O., 1937, for “L. G.”.

<sup>5</sup>Ins. *ibid*.

<sup>6</sup>Subs. *ibid.*, for “A certificate of survey may be suspended or cancelled by any L.G. if it has reason to believe—”.

<sup>7</sup>For notification appointing such officers in —

(a) Bombay, *see* Digest of Acts and Rules, etc., relating to Bombay Survey Department.

<sup>8</sup>Subs. by A. O., 1937, for “local official Gazette”.

<sup>1</sup>[Where an endorsement on any certificate of survey for any Province has been suspended or cancelled, the Provincial Government of that Province may require the certificate of survey to be delivered up to such officer as that Government may by notification in the official Gazette appoint in this behalf, in order that particulars of the suspension or cancellation of the endorsement may be noted on the certificate.]

**15. Report of suspension or cancellation of certain certificates.** <sup>2</sup>[If a Provincial Government suspends or cancels an endorsement made under section 10A on a certificate of survey, it] shall report the fact of suspension or cancellation, together with the reasons therefor, to the <sup>3</sup>[Provincial Government] which (or whose delegate) granted the certificate.

**16. Power for provincial Government to direct survey by two surveyors.** A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if the <sup>3</sup>[Provincial Government], by order in writing, so directs either generally in the case of all <sup>4</sup>[mechanically propelled vessels] at any place of survey, or specially in the case of any particular <sup>5</sup>[mechanically propelled vessel] or class of <sup>4</sup>[mechanically propelled vessels] at any such place.

**17. Power for provincial Government to order a second survey.**—(1) If the surveyor making a survey of a <sup>5</sup>[mechanically propelled vessel] refuses to give a declaration under section 7 with regard to the <sup>5</sup>[mechanically propelled vessel], or gives a declaration with which the owner or master of the <sup>5</sup>[mechanically propelled vessel] is dissatisfied, the <sup>3</sup>[Provincial Government] may on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the <sup>3</sup>[Provincial Government] may require, direct two other surveyors to survey the <sup>5</sup>[mechanically propelled vessel].

(2) The surveyors so directed shall forthwith survey the <sup>5</sup>[mechanically propelled vessel], and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(3) Any declaration given, or any refusal to give a declaration under sub-section (2), shall be final.

**18. Division of duties when two surveyors employed.** When a survey is made by two surveyors under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder.

**19. Power for Provincial Government to make rules as to survey.**—(1) The <sup>6</sup>[Provincial Government] may <sup>7</sup>\* \* \* make rules to regulate the making of surveys <sup>8</sup>[and registries].

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the times and places at which, and the manner in which, surveys are to be made;

<sup>1</sup>Ins. *ibid.*

<sup>2</sup>Subs. *ibid.*, for “If the L. G. which suspends or cancels a certificate of survey, is not the L. G. which (or whose delegate) granted the certificate, the L.G. suspending or cancelling the certificate”.

<sup>3</sup>Subs. *ibid.*, for “L. G.”

<sup>4</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951) s. 2, for “steam-vessels”.

<sup>5</sup>Subs. *ibid.*, for “steam-vessel”.

<sup>6</sup>Subs. by A. O., 1937, for “L. G.”

<sup>7</sup>The words “with the previous sanction of the G G. in C.” were rep. by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I

<sup>8</sup>Added and ins. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951) s. 9.

- (b) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor;
- (c) the form in which declarations of survey and certificates of survey <sup>1</sup>[or of registry] are to be framed, and the nature of the particulars to be stated therein <sup>2</sup>[under sections 7, 9, 19A and 19B];
- (d) the rates other than those mentioned in Schedules I and IA according to which the fees payable in respect of surveys and registry are to be calculated in the case of all or any of the places of survey or registry within the territories under its administration; and
- (e) the cases in which, and the extent to which, a survey or registry may be dispensed with.

<sup>3</sup>**19A.** The registrar shall register a mechanically propelled vessel on receipt of an application for registry from an owner being a person who fulfils the conditions specified in clause (a) or clause (b) of sub-section (1) of section 3.

**19B.** The registrar shall keep a register book in such form as the Provincial Government may prescribe.

**19C.** On registering a mechanically propelled vessel the registrar shall grant a certificate of registry containing the particulars respecting her entered in the register book, and shall assign a register number to her which shall be displayed on both her bows, and on her stern, followed by this device, namely, upon a square green ground a white star and crescent whose horns point to the upper left corner of the ground.

**19D.** The certificate of registry shall always be carried on board the vessel by the owner or master and shall be open to inspection by a person duly authorised by the Provincial Government in this behalf.

**19E.** In the event of the certificate of registry of the vessel being mislaid, lost or destroyed the registrar shall grant a new certificate in lieu of her original certificate on payment of such fee as may be prescribed by the Provincial Government.

**19F.—(1)** In the event of a vessel registered under this Act being actually or constructively lost, taken by the enemy, or burnt or broken up, or transferred to a person who does not fulfil the conditions specified in clause (a) or clause (b) of sub-section (1) of section 3, the owner of the vessel shall immediately give notice of the event, if notice thereof has not already been given, to the registrar, and the registrar shall make an entry thereof in the register book.

(2) In any such case, except where the vessel's certificate of registry has been lost or destroyed, the owner or master of the vessel shall, if the event occurs in the place of registry, immediately, and if it occurs elsewhere, then within 10 days of her arrival at the place of registry, deliver the certificate to the registrar, or if the vessel is not likely to return to the place of registry, within 10 days of the happening of the event, to the nearest magistrate, and the magistrate shall forthwith forward the certificate delivered to him to the registrar.

<sup>1</sup>Added and ins. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951) s. 9.

<sup>2</sup>Subs. *ibid.*, for "under sections 7 and 9"

<sup>3</sup>Sections 19A to 19R ins. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 10.



(3) If the owner or master fails, without reasonable cause to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding one hundred rupees.

**19G.**—(1) Whenever a change occurs in the registered ownership of a mechanically propelled vessel, the change of ownership shall be endorsed on her certificate of registry by the registrar.

(2) The owner or master shall for the purposes of such endorsement by the registrar deliver the certificate of registry to the registrar forthwith after the change, if the change occurs when the vessel is at her place of registry, or if it occurs during her absence from that place then upon her first return to that place.

(3) If the owner or master fails to deliver the certificate of registry to the registrar as required by this section he shall, for each offence, be liable to a fine not exceeding one hundred rupees.

**19H.**—(1) If at any place outside Pakistan a mechanically propelled vessel becomes the property of a person who fulfils the conditions specified in clause (a) or clause (b) of sub-section (1) of section 3, the fact shall be reported to the registrar giving the time of her arrival at the place of registry. The following particulars shall also be furnished:—

- (a) the name of the vessel, if any,
- (b) the time and place of her purchase and the name or names of the purchaser or purchasers,
- (c) the name of her master, and
- (d) the particulars respecting her tonnage, build and description which he is able to obtain.

**19I.**— (1) A registered inland mechanically propelled vessel or share therein when disposed of shall be transferred by bill of sale.

(2) Every bill of sale for the transfer within Pakistan of a mechanically propelled vessel registered under this Act, when duly executed, shall be presented to the registrar at her place of registry, with the declaration of transfer, and he shall thereupon enter the name of the transferee in the register book as owner of the vessel, and endorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.

**19J.**— (1) No mechanically propelled vessel registered under this Act shall be transferred or sold without the previous notice to the registrar to any person unless that person is a Pakistan national residing and carrying on business in Pakistan or fulfils the conditions specified in clause (b) of sub-section (1) of section 3.

(2) Upon receipt of such notice the registrar shall grant him a certificate of transfer or sale authorising the transfer or sale accordingly.

**19K.**— (1) If a mechanically propelled vessel is sold to a person being a Pakistan national residing and carrying on business in Pakistan or fulfilling the condition specified in clause (b) of sub-section (1) of section 3, the vessel shall be registered anew.



(2) Before so registering the vessel the registrar shall require the bill of sale by which the vessel is transferred, the certificate of transfer or sale and the certificate of registry of such vessel.

(3) The registrar shall retain the certificates of sale and registry, after having endorsed on both of those instruments an entry of the fact of a sale having taken place.

(4) When he registers a vessel anew under this section the registrar may enter in his register book the description of the vessel contained in her original certificate of registry.

**19L.** On proof at any time to his satisfaction that a certificate of transfer or sale is lost or destroyed, or so obliterated as to be useless, and that the transfer or sale thereby authorised has not been carried out, or if it has been carried out, then on proof of the several matters and things that have been done thereunder, the registrar may issue a new certificate, or direct such entries to be made in the register book or such other things to be done as might have been made or done if the loss, destruction or obliteration had not taken place.

**19M.**— (1) When a mechanically propelled vessel registered under this Act is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, the registrar shall, on application being made to him, and on receipt of a certificate from a surveyor stating the particulars of the alteration, register the alteration, or, if he thinks fit, register the vessel anew.

(2) Until such vessel, being so altered, is registered anew or her alteration is registered, as provided in sub-section (1), she shall be deemed not to be registered under this Act.

(3) When the registrar registers a vessel anew, under this section there shall be paid in that behalf the fee then payable in respect of a vessel of that description registered under this Act for the first time.

(4) When the registrar registers an alteration under this section, the vessel's certificate of registry shall be produced before him, and he may, at his discretion, retain it and grant a new certificate of registry containing a description of her, as altered, or endorse and sign on the certificate produced before him a memorandum of the alteration.

**19N.**—(1) Where a vessel is to be registered anew, the registrar shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry and upon fulfilment of the other requirements for registry or, in the case of a change of ownership, such of them as he thinks material, he shall register the vessel anew and grant a certificate thereof.

(2) When a vessel is registered anew, her former register shall be considered as closed, except so far as it relates to any unsatisfied and unexpired certificate of sale entered thereon, but the names of all persons appearing on the former register to be interested in her as owners shall be entered on the new register and the registry anew shall not in any way affect the rights of any of those persons.

**19O.** The registrar shall, not later than the 15th of January and the 15th of July in every year, transmit to the Provincial Government particulars, in such form as that Government may direct, of all registries and transfers, cancellations of registry and other dealings with vessels registered by him under this Act, which have taken place in the last six months of the preceding year or, as the case may be, the first six months of the current year, the names of the persons concerned in the same, and such other particulars as may be directed by the Provincial Government.

**19P.** The registry of a vessel under this Act once made shall hold good until the vessel is sold or transferred or is registered anew by reason of having been altered.

**19Q.** Notwithstanding anything to the contrary in this Act, the Provincial Government may, by notification in the official Gazette, declare that the provisions of this Act, in its application by reason of the terms of clause (1) of section 2 to a sailing boat, dumb barge or any other craft not mechanically propelled, when towed or pushed by a mechanically propelled vessel, shall have effect only to such extent and subject to such modifications as may be specified in the notification.

**19R.—** (1) Where the <sup>1</sup>[Federal Government] is satisfied that by the law or practice of any country outside Pakistan, mechanically propelled vessels having a certificate of registration in force under this Act-

- (a) obtain by reason of such registration any special exemption in that country while plying in the inland waters thereof, or
- (b) are required as a condition of plying in the inland waters of that country to comply with any special requirement, whether by way of registration anew or payment of a fee or otherwise, the <sup>1</sup>[Federal Government] may, by notification in the official Gazette direct that the same exemption or requirement, or an exemption or a requirement as similar thereto as may be, shall by way of reciprocity be granted to, or imposed upon, inland steam vessels registered in that country while plying in the inland waters of the territories to which this Act extends.

(2) The <sup>1</sup>[Federal Government] may by notification in the official Gazette direct that the above provisions governing reciprocity in the matter of certificates of registration shall apply, so far as may be, to certificates of survey of the vessels and certificates of competency and licences issued under the provisions of sections 9, 21, 22, and 22A of the Act.]

### CHAPTER III

#### MASTERS (INCLUDING SERANGS) AND ENGINEERS (INCLUDING ENGINE-DRIVERS) OF <sup>2</sup>[MECHANICALLY PROPELLED VESSELS]

**20. Appointment of examiners.** The <sup>3</sup>[Provincial Government] may appoint examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates (hereinafter called certificates of competency), to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board <sup>2</sup>[mechanically propelled vessels].

**21. Grant of masters serangs, engineers, and engine drivers, certificate of competency.—**(1) The <sup>3</sup>[Provincial Government] or such officer as it may, by notification in the <sup>4</sup>[official Gazette], appoint in this behalf, shall grant to every person who is reported by the examiners to possess the prescribed qualifications, a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or serang, or as an engineer, first class engine-driver or second-class engine-driver, as the case may be, on board an <sup>5</sup>[mechanically propelled vessel]:

<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>2</sup>Subs. by the Inland Steam-vessels (Arndt.) Act, 1951 (25 of 1951), s. 2, for ".INLAND STEAM-VESSELS".

<sup>3</sup>Subs. by A. O., 1937, for "L. G.".

<sup>4</sup>Subs. by A. O., 1937, for "local official Gazette".

<sup>5</sup>Subs. by Act 25 of 1951, s. 2, for "inland steam-vessel".

Provided nevertheless that, before granting a certificate of competency under this Act, the authority empowered to grant such certificate may, if it considers the report of the examiners regarding any applicant for such certificate to be defective, or has reason to believe that such report has been unduly made, require a further examination or a re-examination of the applicant.

(2) Every certificate granted under this section shall be in the prescribed form.

**22. Grant of masters serangs engineers and engine drivers certificate of service.**—(1) The <sup>1</sup>[Provincial Government] may, <sup>2</sup>[if it thinks fit], grant without examination to any person who has served as a master or as an engineer, of an <sup>3</sup>[mechanically propelled vessel] before the first day of April, 1890, a certificate (hereinafter called a certificate of service) to the effect that he is, by reason of his having so served, competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an <sup>3</sup>[mechanically propelled vessel].

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

**<sup>4</sup>[22A. Licences.**—(1) The <sup>1</sup>[Provincial Government] may also, <sup>2</sup>[if it thinks fit], grant—

- (a) to a person who is in possession of a second-class master's certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an <sup>3</sup>[mechanically propelled vessel] having engines of forty or more nominal horsepower for a period of not less than five years, or
- (b) to a person who is in possession of a first-class engine-driver's certificate granted under section 21 or section 22, <sup>5</sup>\* \* \* and has, by virtue of such certificate, served as an engine-driver of an <sup>3</sup>[mechanically propelled vessel] having engines of not less than seventy nominal horse power for five years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,  
a license authorising such person to act as master or engineer, as the case may be, of any <sup>3</sup>[mechanically propelled vessel] having engines of one hundred and seventy nominal horse-power or of such less nominal horse-power <sup>6</sup>[as such Government] may deem fit.

(2) Any such licence shall remain in force only for such time as the person holding the same is in possession of an entitled to a master's or an engine-driver's certificate, as the case may be, of the nature referred to in sub-section (1):

Provided that the <sup>1</sup>[Provincial Government] may, <sup>3</sup>[if it thinks fit], suspend, cancel or vary the conditions of any such licence.]

**23. Certificate to be made in duplicate.** Every certificate of competency or service <sup>7</sup>[and every licence] granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, <sup>7</sup>[or licence] and the other shall be kept and recorded in the prescribed manner.

<sup>1</sup>Subs. by A. O., 1937, for "L. G."

<sup>2</sup>Subs. *ibid.*, for "in its discretion".

<sup>3</sup>Subs by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for "inland steam-vessel"

<sup>4</sup>S. 22A ins. by the Inland Steam-vessels (Amdt.) Act, 1920 (6 of 1920), s. 2.

<sup>5</sup>Certain words omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch. II.

<sup>6</sup>Subs. by the Repealing and Amending Act, 1923 (11 of 1923), s. 2., and Sch. I, for "as to such Govt."

<sup>7</sup>Ins. by the Inland Steam-vessels (Amdt.) Act, 1920 (6 of 1920), s. 3.

**24. Copy of certificate or licence to be granted in certain. cases.** Whenever a master or serang, or an engineer or engine-driver, proves, to the satisfaction of the authority which granted his certificate <sup>1</sup>[or licence] that he has, without fault on his part, lost or been deprived of it, a copy of the certificate <sup>1</sup>[or licence] to which, according to the record kept under section 23, he appears to be entitled shall be granted to him, and shall have the same effect as the original.

**25. Certificates to be held by master and engineer of vessel of one hundred or more horse-power.** <sup>2</sup>[A] <sup>3</sup>[mechanically propelled vessel] having engines of <sup>4</sup>[one hundred] or more nominal horse-power shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a first-class master's certificate granted under this Act, <sup>5</sup>\* \* \* or granted under, or continued in force by, the Merchant Shipping Act, 1894, <sup>6</sup>[or a master's licence granted under section 22A and applicable to such vessel and voyage], and 57 & 58 Vict., c. 60.
- (b) as her engineer a person possessing an engineer's certificate granted under this Act, <sup>5</sup>\* \* \* or granted under or continued in force by the <sup>7</sup>[Merchant Shipping Act, 1923], <sup>8</sup>[or an engine-driver's licence granted under section 22A and applicable to such vessel and voyage].

**26. Certificates to be held by master and engineer of vessel of between forty and one hundred horse-power.** <sup>9</sup>[A] <sup>10</sup>[mechanically propelled vessel] having engines of <sup>11</sup>[forty] or more nominal horse-power, but of less than <sup>12</sup>[one hundred] nominal horse-power, shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a second-class master's certificate granted under this Act, or any certificate referred to in clause (a) of section 25, and
- (b) as her engineer a person possessing a first-class engine driver's certificate granted under this Act, <sup>13</sup>\* \* \* or any certificate referred to in clause (b) of section 25:

Provided that a <sup>10</sup>[mechanically propelled vessel] shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b) of this section.

**27. Certificates to be held by master and engineer of vessel of less than forty horse-power** <sup>9</sup>[A] <sup>10</sup>[mechanically propelled vessel] having engines of less than <sup>11</sup>[forty] nominal horse-power shall not proceed on any voyage unless she has—

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<sup>1</sup>Ins. *ibid.*, s. 4.

<sup>2</sup>Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch., II, for “An”

<sup>3</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “inland steam-vessel”

<sup>4</sup>Subs. by Act, 6 of 1920, s. 5 for “eighty”.

<sup>5</sup>Certain words omitted by Ord. 27 of 1981, s. 3 and Sch., II.

<sup>6</sup>Ins. by Act 6 of 1920, s. 5.

<sup>7</sup>Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch., II, for Merchants Shipping Act, 1894.”.

<sup>8</sup>Ins. by the Inland Steam-vessels (Amdt.) Act, 1920 (6 of 1920), s. 5.)

<sup>9</sup>Subs. by Ord. 27 of 1981, s. 3 and Sch. II for “An”

<sup>10</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “inland steam-vessel”.

<sup>11</sup>Subs. by Act 6 of 1920, sections 6 and 7, for “thirty”.

<sup>12</sup>Subs. *ibid.*, for “eighty

<sup>13</sup>Certain words omitted by Ord. 27 of 1981, s. 3 and Sch. II.

<sup>14</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1920 (6 of 1920), s.5.



- (a) as her master a person possessing a serang's certificate granted under this Act, or any certificate referred to in clause (a) of section 26, and
- (b) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act, or any certificate referred to in clause (b) of section 26:

Provided that a <sup>1</sup>[mechanically propelled vessel] shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b) of this section.

**28. Power for Provincial Government to require master or engineer to hold certificate granted under Act in addition to other certificate.** Notwithstanding anything in this Chapter, the <sup>2</sup>[Provincial Government] may, by general or special order, direct that a person possessing—

- (a) a master's certificate <sup>2</sup>\* \* \* granted under, or continued in force by, the <sup>3</sup>[Merchant Shipping Act, 1923] (XXI of 1923), or
- (b) <sup>2</sup>\* \* \* an engineer's certificate granted under, or continued in force by, the <sup>3</sup>[Merchant Shipping Act, 1923], (XXI of 1923), shall not act as master or engineer, as the case may be, of a <sup>4</sup>[mechanically propelled vessel] unless he also possesses—
  - (i) in case (a), such a master's or serang's certificate granted under this Act as qualifies him under this Chapter to act as master of the <sup>4</sup>[mechanically propelled vessel], or
  - (ii) in case (b), such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this Chapter to act as engineer of the <sup>4</sup>[mechanically propelled vessel]]:

Provided that, for the purposes of this section, the <sup>2</sup>[Provincial Government] may, <sup>5</sup>[if it thinks fit], grant to any person, without examination, a master's or serang's or an engineer's or engine-driver's certificate of competency under this Act, and such certificate shall have the same effect as a certificate of competency granted under this Act after examination.

**29. Power for Provincial Government to make rules as to grant of certificates of competency.**—(1) The <sup>2</sup>[Provincial Government] may <sup>6</sup>\* \* \* make rules to regulate the granting of certificates of competency under this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the times and places of holding and the mode of conducting examination of persons desirous of obtaining certificates of competency;

<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “inland steam-vessel”.

<sup>2</sup>Subs. by A.O., 1937, for “L.G.”.

<sup>3</sup>Subs. *ibid.*, for “Merchant Shipping Act, 1894”.

<sup>4</sup>Subs. *ibid.*, for “steam-vessel”.

<sup>5</sup>Subs. by A.O., 1937, for in its discretion”.

<sup>6</sup>The words with the previous sanction of the G.G. in C. rep., *ibid.*



- (b) the qualifications to be required of persons desirous of obtaining such certificates;
- (c) the examination fees to be paid by such persons; and
- (d) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

**[30. Power for Provincial Government to make rules as to grant of certificate of service.** The <sup>1</sup>[Provincial Government] may also make rules to regulate the granting of certificates of service under section 22, and may by such rules prescribe in particular—

- (a) the fees to be paid for such certificates; And
- (b) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

<sup>2</sup>**[30A. Power for Provincial Government to make rules as to grant of licences.** The <sup>1</sup>[Provincial Government] may also make rules to regulate the granting of licences under section 22A, and may by such rules prescribe in particular—

- (a) the fees (if any) to be paid for such licences, and
- (b) the forms in which such licences are to be framed and the authority by whom and the manner in which copies are to be kept and recorded under section 23.]

**31. Area in which certificates of competency or service and licences shall have effect.** <sup>3</sup>[A certificate of competency or service or a licence granted under this Chapter] shall have effect throughout the Province in which it was granted:

Provided that the authority granting such certificate <sup>4</sup>[or licence] may, by endorsement thereon, restrict the effect of such certificate <sup>4</sup>[or licence] to any part of such Province:

Provided further that such certificate <sup>4</sup>[or licence] may be endorsed by the <sup>1</sup>[Provincial Government] of any other Province, or with the general or special sanction of the <sup>1</sup>[Provincial Government] of such other Province, by the authority granting it so as to have effect in such other Province or any part thereof, and thereupon shall have effect accordingly.

## CHAPTER IV INVESTIGATIONS INTO CASUALTIES

**32. Report of casualties to be nearest police station.** Whenever —

- (a) any <sup>5</sup>[mechanically propelled vessel] has been wrecked, abandoned or materially damaged; or

<sup>1</sup>Subs. by A O., 1937, for “L. G.”

<sup>2</sup>Section 30A ins. by the Inland Steam-vessels (Amdt.) Act, 1920 (6 of 1920), s. 8.

<sup>3</sup>Subs. by A. O., 1937 for “Certificates of competency or service and licences granted under this Chapter shall have effect as follows, namely:-

(i) A certificate of competency or service as engineer or engine-drive shall have effect throughout British India.

(ii) A certificate of competency or service as master or serang and a licence”

<sup>4</sup>Ins. by Act 6 of 1920, s. 9.

<sup>5</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “inland steam-vessel”

- (b) by reason of any casualty happening to, or on board of, any <sup>1</sup>[mechanically propelled vessel], loss of life has ensued; or
- (c) any <sup>1</sup>[mechanically propelled vessel] has caused loss or material damage to any other vessel,

the master of the <sup>2</sup>[mechanically propelled vessel] shall forthwith give notice of the wreck, abandonment, damage, casualty, or loss to the officer in charge of the nearest police-station.

**33. Power for Provincial Government to appoint Court of investigation.**— (1) If a formal investigation into the facts of any case reported under section 32 appears to the <sup>3</sup>[Provincial Government] to be expedient, the <sup>3</sup>[Provincial Government] may—

- (a) appoint a special Court and direct the Court to make the investigation at such place as the <sup>3</sup>[Provincial Government] may fix in this behalf; or
- (b) direct any principal Court of ordinary criminal jurisdiction or the Court of any District Magistrate to make the investigation.

(2) A special Court appointed under clause (a) of sub-section (1) shall consist of not less than two nor more than four persons, of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of <sup>4</sup>[mechanically propelled vessels], and the other or others (if any) shall be conversant with either maritime or mercantile affairs, or with the navigation of <sup>4</sup>[mechanically propelled vessels].

**34. Power of Court of investigation to inquire into charges of incompetency or misconduct.**— (1) Any Court making an investigation under section 33 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty, or loss referred to in section 32.

(2) In every case in which any such charge arises against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or of any statement of the case upon which the investigation has been directed.

**35. Power for Provincial Government to direct investigation otherwise than under section 33.**— (1) If the <sup>3</sup>[Provincial Government] has reason to believe that there are grounds for charging any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, with incompetency or misconduct, otherwise than in the course of an investigation under section 33, it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(2) Before commencing an investigation under sub-section (1), the Court shall cause the person charged to be furnished with a copy of the statement of the case sent by the <sup>3</sup>[Provincial Government].

<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “inland steam-vessel”.

<sup>2</sup>Subs. *ibid.*, for “steam-vessel”.

<sup>3</sup>Subs. by A. O., 1937, for “L. G”.

<sup>4</sup>Subs. by Act 25 of 1951, s. 2, for “inland steam-vessels”.

**36. Person charged to be heard.** For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

**37. Assessors.**— (1) When, in the opinion of the Court making an investigation under this Chapter, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court shall appoint as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of <sup>1</sup>[mechanically propelled vessels].

(2) In every other investigation the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of <sup>1</sup>[mechanically propelled vessels] and willing to act as assessor.

(3) Every person appointed as an assessor under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings.

**38. Powers of courts as to evidence and regulation of proceedings.** For the purpose of any investigation under this Chapter, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and the Production of documents and the regulation of the proceedings, have—

- (a) if the Court is a special Court the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made; or
- (b) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

**39. Power of Court to effect arrest of witnesses by entry and detention of vessels.**— (1) If any Court making an investigation under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, but subject to any general or special instructions issued by the <sup>2</sup>[Provincial Government] in this behalf, authorise any officer to enter any vessel.

(2) An officer so authorised to enter any vessel may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860).

(3) No person shall be detained under this section for more than forty-eight hours.

**40. Power of Court to commit for trial and to bind over witnesses.** Whenever, in the course of an investigation under this Chapter, it appears to the Court making the investigation that any person has committed, within <sup>3</sup>[Pakistan], an offence punishable under any law in force in <sup>3</sup>[Pakistan], the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, make in this behalf)—

<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.). Act, 1951 (25 of 1951), s. 2. for “inland steam-vessels”.

<sup>2</sup>Subs. by A. O., 1937, for “L.G.”.

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and Ind Sch. (s), for “the Provinces and the Capital of the Federation which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “British India”.

- (a) cause such person to be arrested;
- (b) commit him or hold him to bail to take his trial before the proper Court;
- (c) bind over any other person to give evidence at such trial; and
- (d) exercise, for the purposes of this section, all the powers of a Magistrate of the first class <sup>1</sup>\* \* \*.

**41. Depositions of absent witnesses.**— (1) Whenever, in the course of a trial referred to in section 40, the evidence of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject matter before any Court making an investigation under this Chapter shall, if authenticated by the signature of the Magistrate or presiding Judge of such Court, be admissible in evidence on proof—

- (a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and
- (b) that the deposition was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(2) A certificate signed by such Magistrate or presiding Judge that the deposition was made in the presence of the accused, and that he had an opportunity of cross-examining the witness shall, unless the contrary be proved, be sufficient evidence that it was so made and that the accused had such opportunity.

**42. Report by court to provincial Government.** The Court shall, in the case of every investigation under this Chapter, transmit to the <sup>2</sup>[Provincial Government] a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor.

**43. Court to exercise its powers independently of the assessors.** Notwithstanding the appointment under section 37 of an assessor or assessors by a Court making an investigation under this Chapter, the exercise of all powers conferred on such Court by this Act shall rest with the Court alone.

**44. Power for Provincial Government to direct investigation into causes of explosions on mechanically propelled vessels.**— (1) Whenever any explosion occurs on board any <sup>3</sup>[mechanically propelled vessel], the <sup>2</sup>[Provincial Government] may direct that an investigation into the cause of the explosion be made by such person or persons as it may appoint in this behalf.

(2) The person or persons so appointed may, for the purpose of the investigation, enter into and upon the <sup>4</sup>[mechanically propelled vessel], with all necessary workmen and labourers, and remove any portion of the <sup>4</sup>[mechanically propelled vessel] or of the machinery thereof, and shall report to the <sup>5</sup>[Provincial Government] what, in his or their opinion, was the cause of the explosion.

(3) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Pakistan Penal Code<sup>6</sup> (XLV of 1860).

<sup>1</sup>The words “or of a Presidency Magistrate” omitted by A. O., 1949; Sch.

<sup>2</sup>Subs. by A. O., 1937 for “L. G.”)

<sup>3</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), a. 2, for “inland steam-vessel”.

<sup>4</sup>Subs. ibid., for “steam-vessel”

<sup>5</sup>Subs. by A. O., 1937 for “L. G.”)

<sup>6</sup>A new section 44A has been inserted after section 44 in the application of this Act to the Province of Sind, see Inland Steam-vessels (Sindh Amdt.) Act, 1941 (Sind Act 21 of 1941).



CHAPTER V  
SUSPENSION AND CANCELLATION OF  
CERTIFICATES GRANTED UNDER THE ACT

**45. Power for Provincial Government to suspend or cancel certificate in certain cases.**

<sup>1</sup>[Any certificate granted or any endorsement made under Chapter III may be suspended or cancelled by the Government of the Province in which the certificate was granted or, as the case may be, in respect of which the endorsement was made, in the following cases, namely]:—

- (a) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct; or
- (b) if the holder of such certificate is proved to have been convicted of any non-bailable offence; or
- (c) if, in the case of a person holding a certificate of competency or service as second-class master or serang, or as engine-driver, such person is or has become, in the opinion of the <sup>2</sup>[Provincial Government], unfit to act as a second-class master or serang, or as an engine-driver, as the case may be:

Provided that a certificate <sup>3</sup>[or endorsement] shall not be suspended or cancelled under clause (a), unless the <sup>2</sup>[Provincial Government] is satisfied that the holder of the certificate has, before the commencement of the investigation, been furnished with a copy of the report or statement of the case as required by section 34 or section 35, as the case may be.

**46. Obligation to deliver up suspended or cancelled certificate.** Every person whose certificate is suspended or cancelled under this Chapter shall deliver it up to such person as the <sup>2</sup>[Provincial Government] which suspended or cancelled it may direct.

**47. Report to other Provincial Government.** <sup>4</sup>[If a Provincial Government suspends or cancels an endorsement under this Chapter, it] shall report the proceedings and the fact of suspension or cancellation to the <sup>2</sup>[Provincial Government] by which, or under authority from which <sup>5</sup>[the certificate] was granted.

**48. Power for Provincial Government to revoke suspension or cancellation and to grant new certificate.**— (1) Any <sup>2</sup>[Provincial Government] may, at any time, revoke any order of suspension or cancellation which it may have made under this Chapter, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate.

(2) A certificate so granted shall have the same effect as a certificate of competency granted under this Act after examination.

<sup>1</sup>Subs. by A. O., 1937, for “Any certificate granted under Chapter III, may be suspended or cancelled by the L.G. by which, or under authority from which, it was granted, or by any other L. G. in the following cases, namely”.

<sup>2</sup>Subs. by A. O., 1937, for “L. G.”.

<sup>3</sup>Ins., ibid.

<sup>4</sup>Subs. by A. O., 1937, for “if the L. G. which suspends or cancels a certificate under this Chapter is not the L. G. by which or under authority from which, such certificate was granted, the L. G. so suspending or cancelling the certificate”.

<sup>5</sup>Subs. ibid., for “such certificate”.



CHAPTER VI  
PROTECTION OF, AND CARRIAGE OF PASSENGERS IN,  
<sup>1</sup>[MECHANICALLY PROPELLED VESSELS].

**49. Power for Provincial Government to declare dangerous goods.** The <sup>2</sup>[Provincial Government] may, by notification<sup>3</sup> in the <sup>4</sup>[official Gazette], declare what shall, for the purposes of this Act, be deemed to be dangerous goods.

**50. Carriage of dangerous goods.**— (1) No person shall—

- (a) take with him on board a <sup>5</sup>[mechanically propelled vessel] any dangerous goods without giving notice of their nature to the owner or master of the <sup>6</sup>[mechanically propelled vessel]; or
- (b) deliver or tender for carriage on such <sup>1</sup>[mechanically propelled vessel] any dangerous goods without giving such notice, and without distinctly marking their nature on the outside of the package containing the goods.

(2) If the owner or master of an <sup>7</sup>[mechanically propelled vessel] suspects, or has reason to believe, that any luggage or parcel taken, delivered, or tendered for carriage on the <sup>1</sup>[mechanically propelled vessel] contains dangerous goods, he may—

- (i) refuse to carry it upon the <sup>1</sup>[mechanically propelled vessel]; or
- (ii) require it to be opened to ascertain the nature of its contents; or
- (iii) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.

**51. Power of owner or master of mechanically propelled vessel to throw overboard dangerous goods.** Where any dangerous goods have been taken or delivered on board any <sup>7</sup>[mechanically propelled vessel] in contravention of section 50, the owner or master of the <sup>8</sup>[mechanically propelled vessel] may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard, be subject to any liability, civil or criminal, in any Court.

**52. Power for provincial government to make rules for protection of mechanically propelled vessels from accidents.**— (1) The <sup>9</sup>[Provincial Government] may make rules for the protection of <sup>5</sup>[mechanically propelled vessels] against explosion, fire, collision and other accidents.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

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<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951) s., 2 for “INLAND STEAM VESSELS”.

<sup>2</sup>Subs. by A. O., 1937, for “G. G. in C.”

<sup>3</sup>For notification declaring certain articles to be dangerous goods, *see* Gen. R. & O.

<sup>4</sup>Subs. by A. O., 1937, for “Gazette of India”

<sup>5</sup>Subs. by Act 25 of 1951, s. 2 for “inland steam-vessel”.

<sup>6</sup>Subs. *ibid.*, for “steam-vessel”

<sup>7</sup>Subs. *ibid.*, for “inland steam-vessel”.

<sup>8</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for “steam-vessel”.

<sup>9</sup>Subs. by A. O., 1937, for “L. G.”.

- (a) prescribe the conditions on, and subject to, which dangerous goods may be carried on board <sup>1</sup>[mechanically propelled vessels];
- (b) prescribe precautions to be taken to prevent explosions or fires on board <sup>1</sup>[mechanically propelled vessels];
- (c) prescribed the apparatus which is to be kept on board <sup>2</sup>[mechanically propelled vessels], for the purpose of extinguishing fires;
- (d) regulate the making of sound signals;
- (e) regulate the carriage and exhibition of lights by <sup>1</sup>[mechanically propelled vessels];
- (f) regulate the carriage and exhibition of lights by other vessels on specified inland waters on which <sup>3</sup>[mechanically propelled vessels] ply;
- (g) prescribe the steering rules to be observed;
- (h) regulate the towing of vessels astern or alongside;
- (i) prescribe the speed at which <sup>2</sup>[mechanically propelled vessels] may be navigated in specified areas; and
- (j) regulate the navigation of <sup>2</sup>[mechanically propelled vessels] to prevent danger to other vessels, or to the banks, channels, navigation marks or any property, moveable or immovable, in or abutting on navigable channels.

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**53. Power for Provincial Government to make rules as to carriage of passengers in mechanically propelled vessels.**—(1) The <sup>4</sup>[Provincial Government] may make rules to regulate the carriage of passengers in <sup>2</sup>[mechanically propelled vessels].

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the cases in which passengers may be refused admission to, or may be required to leave, <sup>2</sup>[mechanically propelled vessels],
- (b) provide for the payment of fares, and the exhibition of tickets or receipts (if any) showing the payment of their fares, by passengers in <sup>2</sup>[mechanically propelled vessels]; and
- (c) regulate generally the conduct of passengers in <sup>2</sup>[mechanically propelled vessels.]

<sup>1</sup>Subs. by Act 25 of 1951, s. 2, for “inland steam vessels”.

<sup>2</sup>Subs. by the Inland Steam-vessels (Armdt.) Act, 1951 (25 of 1951) S., 2 for “Inland steam vessels”.

<sup>3</sup>Subs. *ibid.*, for “steam-vessels”.

<sup>4</sup>Subs. by A. O., 1937, for “L. G.”.

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(4) The master or any other officer of an <sup>1</sup>[mechanically propelled vessel], and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section if the name and address of such person are unknown to the master or such other officer.

(5) The procedure prescribed by section 59 of the Code of Criminal Procedure, 1898 (V of 1898), in the case of arrest by private persons shall apply to every arrest made under this section.

**54. Power for Provincial Government to make rules for protection of passengers.—**(1) The <sup>2</sup>[Provincial Government] may also make rules for the protection of passengers in <sup>1</sup>[mechanically propelled vessels], and may by such rules require—

- (a) the prices of passenger tickets to be printed or otherwise denoted on such tickets; and
- (b) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

**<sup>3</sup>[54A. Power of Provincial Government to fix maximum and minimum rates for passenger fares and freight for goods.—**(1) The <sup>4</sup>[Provincial Government] may, by notification in the <sup>5</sup>[official Gazette], after such inquiry as <sup>6</sup>[it] May consider necessary, in respect of any system of inland waterways, or of any stretch of inland waterway, or of the run between any two stations on an inland waterway,—

- (a) fix the maximum or minimum rate per mile which may be charged for passenger fares for passengers of any class travelling on <sup>1</sup>[mechanically propelled vessels];
- (b) fix the maximum rate per mile which may be charged for freight on goods of any description carried in <sup>7</sup>[mechanically propelled vessels];
- (c) fix the minimum rate per mile which may be charged for freight on goods of any description carried in <sup>7</sup>[mechanically propelled vessels]; and
- (d) declare what shall be deemed to be the distance between any two stations on an inland waterway for the purpose of calculating passengers' fares or freight on goods where maximum or minimum rates have been fixed under this section.

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<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2 for "inland steam-vessels".

<sup>2</sup>Subs. by A. O., 1937, for "L. G.".

<sup>3</sup>Ins. by the Inland Steam-vessels (Amdt.) Act, 1930 (13 of 1930), s. 2.

<sup>4</sup>Subs. by A. O., 1937, for "G. G. in C.".

<sup>5</sup>Subs. *ibid.*, for "Gazette of India"

<sup>6</sup>Subs. *ibid.*, for "he".

<sup>7</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s.2, for "inland steam-vessels".

<sup>8</sup>Sub-section (2) omitted *ibid.*, s. 11.

<sup>1</sup>[**54AA. Publication of times of sailing fares and freights.** The owner of a mechanically propelled vessel shall publish as often as may be necessary (i) tables showing the times of sailing and fares, and (ii) tariffs showing freights, and shall put the same on sale to the public.]

<sup>2</sup>[**54B. Power to make rules providing for the appointment of advisory Committees.** The <sup>3</sup>[Provincial Government] may make rules providing for the appointment, constitution, procedure and functions of Committees to advise the owners, agents and charterers of <sup>4</sup>[mechanically propelled vessels] on questions affecting the interests of passengers and shippers of goods.]

## CHAPTER VII PENALTIES AND LEGAL PROCEEDINGS

**55. Penalty for making voyage without certificate of survey.**—(1) If any <sup>5</sup>[mechanically propelled vessel] proceeds on a voyage in contravention of section 3, the owner and the master of the <sup>6</sup>[mechanically propelled vessel] shall each be punishable with fine, which may extend to one thousand rupees.

(2) If the master or any other officer on board on <sup>5</sup>[mechanically propelled vessel] which proceeds on voyage in contravention of section 3 is a licensed pilot he shall be liable to have his licence as a pilot suspended or cancelled, for any period, by the <sup>3</sup>[Provincial Government].

**56. Penalty for neglect to affix certificate of survey in mechanically propelled vessel.** If the certificate of survey is not kept affixed in an <sup>4</sup>[mechanically propelled vessel] as required by section 10, the owner and the master of the <sup>6</sup>[mechanically propelled vessel] shall each be punishable with fine which may extend to one hundred rupees.

**57. Penalty for neglect or refusal to deliver up certificate of survey.** If the owner or master of an <sup>4</sup>[mechanically propelled vessel], without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under section 14 so to do, he shall be punishable with fine which may extend to one hundred rupees.

**58. Penalty for carrying excessive number of passengers on board.** If an <sup>4</sup>[mechanically propelled vessel] has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the vessel or the part thereof is, in the judgement of the surveyor, fit to carry, the owner and the master shall each be punishable with fine which may extend to ten rupees for every passenger over and above that number.

**59. Penalty for serving or engaging a person to serve as master or engineer without certificate.** If any person—

- (a) proceeds on any voyage in an <sup>4</sup>[mechanically propelled vessel] as the master or engineer of such vessel without being at the time entitled to, and possessed of, a master's or serang's or an engineer's or engine-driver's certificate <sup>2</sup>[or a master's or engine-driver's licence] as the case may be, as required under this Act; or

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<sup>1</sup>Ins. By the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 2, for "inland steam-vessels".

<sup>2</sup>Ins. by the Inland Steam-vessels (Amdt.) Act, 1930 (6 of 1930), s. 2.

<sup>3</sup>Subs. by A. O 1937, for "L. G

<sup>4</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s.2, for "inland steam-vessels".

<sup>5</sup>Subs. by Act 25 of 1951, s. 2 for "inland steam-vessel".

<sup>6</sup>Subs. *ibid.*, for "steam-vessel



- (b) employs as the master or engineer of an <sup>1</sup>[mechanically propelled vessel] any person without ascertaining that he is at the time entitled to, and possessed of, such certificate <sup>4</sup>[or licence],

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

**60. Penalty for master failing to give notice of wreck or casualty.** If any master wilfully fails to give notice, as required by section 32, of any wreck, abandonment damage, casualty, or loss, he shall be punishable with fine which may extend to five hundred rupees, and, in default of payment of such fine, with simple imprisonment for a term which may extend to three months.

**61. Penalty for failing to deliver up suspended or cancelled certificate.** If any person, whose certificate is suspended or cancelled under this Act, fails to deliver up the certificate as required by section 46, he shall be punishable with fine, which may extend to five hundred rupees.

**62. Penalty for talking or delivering or tendering for carriage dangerous goods on board mechanically propelled vessel without notice.** If any person, in contravention of section 50, takes with him on board any <sup>1</sup>[mechanically propelled vessel] any dangerous goods, or delivers or tenders any such goods for carriage on any <sup>1</sup>[mechanically propelled vessel], he shall be punishable with fine which may extend to two hundred rupees, and the goods shall be forfeited to Government.

**63. Penalty for misconduct or neglect endangering mechanically propelled vessel or life or limb.** If any person employed or engaged in any capacity on board an <sup>1</sup>[mechanically propelled vessel], by wilful breach, or by neglect of duty, or by reason of drunkenness –

- (a) does any act tending immediately to wreck, destroy or materially damage the vessel, or to endanger the life or limb of any person on board, or belonging to the vessel; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any such person from immediate danger to life or limb; he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

**64. Levy of fine by distress of mechanically propelled vessel.** Where the owner or master of an <sup>1</sup>[mechanically propelled vessel] is convicted of an offence under this Act or any rule made thereunder committed on board, or in relation to, that <sup>2</sup>[mechanically propelled vessel], and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the <sup>2</sup>[mechanically propelled vessel] and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

**65. Jurisdiction of Magistrate.** Except in the case of an offence against any rule made under section 53, no Magistrate shall try an offence under this Act, or any rule made thereunder, unless he is a <sup>3</sup>\* \* \*Magistrate whose powers are not less than those of a Magistrate of the first class.

<sup>1</sup>Subs. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s.2, for “inland steam-vessels”.

<sup>2</sup>Subs. ibid., for “steam-vessel”.

<sup>3</sup>The words “Presidency Magistrate or” omitted by A. O., 1949, Sch.

<sup>4</sup>Ins. By the Inland Steam-vessels (Amdt.) Act, 1920 (60 of 1920), s. 10.



## CHAPTER VIII SUPPLEMENTAL

**66. Place of trial.** If any person commits an offence against this Act or any rule made thereunder, he shall be triable for the offence in any place in which he may be found or which the <sup>1</sup>[Provincial Government], by notification in the <sup>2</sup>[official Gazette], appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force.

**67. Power for Provincial Government to make general rules.**— (1) The <sup>1</sup>[Provincial Government] may make rules to carry out the purposes of this Act not otherwise specially provided for.

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**68. Power for Provincial Government to modify application of Act to certain mechanically propelled vessels.** The <sup>1</sup>[Provincial Government] may, <sup>3</sup>\* \* \* by notification<sup>4</sup> in the <sup>2</sup>[official Gazette], declare that all or any of the provisions of Chapters II and III shall not apply in the case of any specified class of <sup>2</sup>[mechanically propelled vessels], or shall apply; to them with such modifications as may be specified in the notification.

**69. Exemption of His Majesty's and Government vessels.** Save in so far as the <sup>6</sup>[Provincial Government] may, by notification<sup>7</sup> in the <sup>8</sup>[official Gazette] otherwise direct, nothing in this Act, or any rule made thereunder, shall apply to any <sup>9</sup>[mechanically propelled vessel] belonging to, or in the service of, <sup>10</sup>[the Federal Government or any Provincial Government]:

<sup>11</sup>[Provided that no such vessel shall be used for any commercial purpose unless the registry fee prescribed under section 6 has been paid in respect of her.]

**70. Power for Provincial Government to define tidal water.** The <sup>1</sup>[Provincial Government] may, by notification in the <sup>12</sup>[official Gazette], define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act:

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<sup>1</sup>Subs. by A.O., 1937, for "L.G."

<sup>2</sup>Subs. by A.O., 1937, for "local official Gazette."

<sup>3</sup>The words "with the previous sanction of the G. G. in C." rep. *ibid.*

<sup>4</sup>The vessels belonging to the Karachi Port Trust and plying within the limits of the Port of Karachi have been exempted for a certain period, from the provisions of Chapter III of this Act, by the Chief Commissioner of Karachi, see Gazette of Pakistan, 1954, Pt. V, p. 138.

The steam vessels belonging to the Karachi Port Trust and plying within the limits of the Port of Karachi, shall be exempted from the provisions of Chapter III of the said Act, for a further period of 1 year w.e. f. 18th January, 1954, see Gazette of Pakistan, 1954, Pt. VI, p. 138.

The provision of section 27 (b) of this Act shall not apply to the "Motor Launches of the Karachi Port Trust having engines of 44 Brake Horse Power for the period of 2 years w.e. f. 3. 2. 54, see Gazette of Pakistan, 1955, Pt. VI, p. 3.)

<sup>5</sup>The following portions of this Act (1 of 1917) in so far as certificate of registry is concerned shall, in addition to the portions already applied by notfn. No. 538-D, dated the 17th Nov., 1917, issued from the Deptt. of Commerce and Industry, Govt. of India, also apply to inland mechanically propelled vessels belonging to, or in the service of Her Majesty or the Central Govt. or Provincial Govt., namely :-

Chapter II-Sections 3, 4, 5, 6, 19, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H, 19I, 19J, 19K, 19L, 19M, 19N, 19O, 19P, and 19Q.  
Chapter VII-Section 55.

<sup>6</sup>Subs. by A. O., 1937, for "G. G. in C."

<sup>7</sup>For such notification, see Gen. Rules and Orders.) (Subs. by A. O., 1937, for "Gazette of India"

<sup>8</sup>Subs. by A. O., 1937., for "Gazette of India"

<sup>9</sup>Subs. by Act 25 of 1951, s. 2, for "inland steam-vessel".

<sup>10</sup>The original words "His Majesty or the Government of India" have successively been amended by A. O., 1937, A. O., 1949, Sch., A. O., 1961, Art. 2 and A. O., 1964, Art. 2 and Sch., has been subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government". to read as above.

<sup>11</sup>Added by act 25 of 1951, s.13.

<sup>12</sup>Subs. *ibid.*, for "local official Gazette".

<sup>1</sup>[Provided that no such notification shall be made after the end of March, 1937.]

**71. Fees recoverable as fines.** All fees payable under this Act may be recovered, as fines under this Act.

**72. Certificated master of mechanically propelled vessels to be deemed pilots under section 31 of Act XV of 1908.**— (1) Subject to the provisions of section 31, every master of an <sup>2</sup>[mechanically propelled vessel] who possesses a master's certificate granted under this Act and in force shall, in posts to which section 31 of the Posts Act, 1908, has been extended, be deemed, for the purpose of that section, to be the pilot of the <sup>2</sup>[mechanically propelled vessel] of which he is in charge.

(2) Nothing in this section shall be deemed to affect that provisions of Sindh Act I of 1863 (*An Act for the registry of vessels and Levy of pilotage fees on the river Indus*), which require persons in charge of vessels passing through any of the channels or tidal channels at the mouths of the river Indus to pay fees for pilotage.

**73.** *[Application of Act to vessels propelled by electricity or other mechanical power.] Omitted by the Inland Steam-vessels (Amendment) Act, 1951 (XXV of 1951), s. 14.*

**74. Publication of rules.**— (1) The power to make rules conferred on a <sup>3</sup>[Provincial Government] by this act is subject to the condition of the rules being made after previous publication.

(2) All such rules shall, when made, be published in the <sup>4</sup>[Official Gazette], and shall thereupon have effect as if enacted in this Act.

**<sup>5</sup>[74A. Appointment of inland waterways control Board in emergency]**— <sup>6</sup>[If the Provincial Government is of the opinion] that an emergent necessity has arisen rendering it essential to control the movement of goods and passengers and to provide for the allocation of routes, <sup>7</sup>[it may] appoint an Inland Waterways Control Board consisting of:—

- (1) A nominee of the <sup>8</sup>[Federal Government],
- (2) A nominee of the Provincial Government, and
- (3) A representative of the Steamer Companies operating in the Province.

**<sup>5</sup>74B. Control on vessels as to routes and traffic.** The Board shall have the power to issue an order to the owner of a mechanically propelled vessel registered under this Act:—

- (i) that his vessel shall ply on any route or routes specified in the order, and
- (ii) that preference shall be given to any traffic or class of traffic to be carried in the vessel.

<sup>1</sup>Proviso ins. *Ibid.*

<sup>2</sup>Subs. by Act 25 of 1951, s. 2, for “inland steam-vessel”.

<sup>3</sup>Subs. by A.O., 1937, for “L.G.”.

<sup>4</sup>Subs. *ibid.*, for “local official Gazette”.

<sup>5</sup>Sections 74A to 74E ins. by Act 25 of 1951, s. 15.

<sup>6</sup>Subs. by F.A.O., 1975, Art. 2 and Sch. for certain words

<sup>7</sup>Subs. *ibid.*, for “the Provincial Government shall”.

<sup>8</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

**<sup>1</sup>74C. Rules of business of Board.** The rules of business of the Board shall be framed by the Provincial Government <sup>2</sup>\* \* \* \* \*

**<sup>1</sup>74D. Obligation of the owner of vessels.** The owner of a mechanically propelled vessel to which this Act applies—

- (a) shall afford all reasonable facilities for the receiving, forwarding and delivering of traffic to be carried by the vessel and for interchanging traffic with other transport organisations with which interchange arrangements have been entered into, and
- (b) shall not give any undue or unreasonable preference or advantage to any particular person or commercial concern or any particular description of traffic or subject any particular person or commercial concern or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

**<sup>1</sup>74E. Penalties.** Any person contravening an order under section 54A or section 74B or any provision of section 74D shall be liable for each offence to a fine not exceeding one thousand rupees.]

**75.** [Repeals and savings.] *Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.*

**SCHEDULE I**  
**<sup>3</sup>[RATES OF SURVEY FEES]**  
**[See sections <sup>4</sup>[6] and 19 (d)]**

		Tons	Rs.
For <sup>5</sup> [mechanically propelled vessels] of less than	-	100	25
“ “ “ “ “ 100	Tons and upto	200	40
“ “ “ “ “ 200	“ “ “	350	50
“ “ “ “ “ 350	“ “ “	700	60
“ “ “ “ “ 700	“ “ “	1000	80
“ “ “ “ “ 1000	“ “ “	1500	100
“ “ “ “ “ 1500	“ and upwards	..	120

**SCHEDULE IA**  
**RATES OF REGISTRATION FEES**  
**[See sections 6 and 19(d)]**

		Tons	Rs.
For mechanically propelled vessels of less than	---	100	50

<sup>1</sup> Sections 74A to 74E ins. by the Inland Steam-vessels (Amdt.) Act, 1951 (25 of 1951), s. 15.

<sup>2</sup> Certain words omitted by F.A.O, 1975, Art. 2 and Sch.

<sup>3</sup> Subs. ibid., s. 16, for “RATES OF FEES”.

<sup>4</sup> Subs. ibid., for “6(a)”.

<sup>5</sup> Subs. ibid., s. 2, for “steam-vessels”.

<sup>1</sup>[SCHEDULE IA

“ “ “ “ “ 100	Tons and upto	200	80
“ “ “ “ “ 200	“ “ “	350	100
“ “ “ “ “ 350	“ “ “	700	120
“ “ “ “ “ 700	“ “ “	1000	160
“ “ “ “ “ 1000	“ “ “	1500	200
“ “ “ “ “ 1500	“ and upwards	..	240

*SCHEDULE II.—[ENACTMENTS REPEALED.] Rep. by the Repealing Act, 1927 (XII of 1927).*



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<sup>1</sup>Ins by the Inland Steam-vessels (Amdt) Act, 1951, (25 of 1951), s. 16.