

Marine (1898) Department.

G.O., No. 511 Mar

DATED 16 June

Q 7 756-57 Mar
6-9-95

[Despatch Abstract.]

Liability of a Key West vessel carrying passengers to the payment of port dues.

The question of the — referred to the Advocate General for opinion.

Extra Desk
16/6/95

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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7969/98							

Marine Dept.

C. No 567
No. 511 dated 16 June 1898

In the correspondence
referred above, the question is
raised whether a Ceylon
Government vessel carrying
passengers is liable to the
payment of port dues under
Act 7 of 1889, the Indian
Ports Act. It is observed
that under Section 1 (4)(i)
of the Act all vessels
"belonging to, or in the
service of Her Majesty" are
exempt, but it is not
clear whether these words
include vessels belonging
to, or in the service of
Her Majesty's Colonies or
Dependencies. Seeing that
they are followed by the
words "or the Government
of India". The question
will be referred for the
opinion of the Advocate
General.

To issue at Antwerp

The Government Solicitor
with papers in original to be
returned (2 enclosures)
Copy to the P.S.O.

H. B. 16/6/98
H. B. 16/6/98

H. B. 16/6/98

C. No. 567 of 1898.

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE SIR HENRY BLYSS, K.C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Question of levying port dues on Ceylon Government vessels carrying passengers.

FOR ORDERS.

The question seems to turn on the meaning of the words "belonging to or in the service of Her Majesty" in S. 1 (4) (i) of X of 1889 - Do these words include vessels belonging to or in the service of Her Majesty's Colonies or Dependencies? I should say not, for, if they do, why soon and say "or the Govt. of India"? This is a legal question - ask the Adv. Genl.

HS
7/6/98

In the letter read above, the Presidency Port Officer raises the question whether a Ceylon Government vessel carrying passengers is liable to the payment of port dues. In para 2 of the letter it is assumed ^{that} Immigration vessels are exempted from the provisions of the Indian Ports Act only while carrying bona fide Immigrants. There seems, however, no authority for this assumption. It is clear from Section I(4) (i) of the Indian Ports Act No. X of 1889 that all --- vessels belonging to, or in the service of, Her Majesty are exempt from the operation of the Act in question. In this connection attention is invited to the note for orders attached to G.O. 486 Marine dated 16th November 1889 - Flag C in which it is pointed out that the exemption of a Government vessel is absolute "even though it should be used as an ordinary trader

H.M. 6.6 98 Aug. 6.98

trader or passenger ship".

There has been some delay in obtaining previous papers from Madras to make up this file, and it is incomplete even now, but the missing papers may not perhaps be wanted for the disposal of the question raised. The case is therefore submitted in its present state.

The P.O.O says the vessel hail Port Dues at Colombo.

If this is the case, I do not see why she should be exempted from dues there on first vessels

at Sambar. I think inquiry should be made on this point, as it seems to show that the vessel has, temporarily, not of Port - simply

L. Beal

u. G. R.

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Marine (1898) Department.

CURRENT No. 567

From

The Presidency Port Office
Madras

Order

No. $\frac{942}{169}$ 4

Dated 4th May 1898

Received } 6th May 1898
Registered }

Enclosures 1

Spare copies

SUBJECT.

Reporting for orders whether port dues may be charged on a vessel engaged in the Ceylon Government Immigration service.

Regulation sent to
Madras for Rs. 190/00

31-3-98
2/7/98

BACK PAPERS.

FURTHER PAPERS.