Marine

~~Public Works~~ (1899) Department.

G.O., No. 80 Marine

Dated 25th January 99

R.

27/1/99

[Despatch Abstract.]

Fees for Bills of Health granted to Ships

Directing the abolition of the fees now paid by Ships for overtime work. And for a second bill of health under the Quarantine Regulations, and the retention of the Special fees now paid by Port Funds for inspections involving extraordinary risk.

Indexed. 25/1/99

[F. W. 26. 1,000—12-2-98.]

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras.

MARINE.

Recd. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 80, 25th January 1899.

JANUARY.

Fees for Bills of Health granted to Ships

Directing the abolition of the fees now paid by ships for overtime work and for a second bill of health under the Quarantine Regulations, and the retention of the special fees paid by Port funds for inspections involving extraordinary risk.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following paper:—

From the Government of India, Home Department, No. 4233, dated 25th October 1898, and No. 4652, dated 30th November 1898.

Order—No. 80, Marine, dated 25th January 1899.

Under paragraph 3 of G.O., No. 389, Marine, dated 28th April 1897, a special fee of Rs. 15 is recoverable from ships for medical inspection on Sundays and close holidays and after working hours. In February last the Tellicherry agents of the British India Steam Navigation Company raised the question whether Medical officers can claim these fees for plague inspection, even though no bill of health is demanded.

2. The enquiry caused attention to be directed to the general question of fees for medical inspection of ships. It was found that, under orders * in the Public Department of 1887 and 1888, vessels can claim bills of health as a matter of right without payment of a fee; the grant of a bill of health being regarded as a service covered by the port dues. Port Health officers were, however, allowed a special fee, payable not by the ship, but from Port funds, for inspections involving extraordinary risk or trouble.

* G.O., No. 518, Public, dated 11th April 1887.
" " 625, " " 18th June 1888.

3. The principle subsequently adopted † in regard to inspection for plague was that, if a ship required the attendance of the Health officer at unusual times for its own convenience, it should itself pay; but the question arose whether Sundays and close holidays had been rightly included, seeing that port dues were recovered on those days. Before deciding the matter, enquiry was made of the Governments of Bombay and Bengal as to their practice. The replies showed that in those provinces no fees were charged to owners of vessels for the grant of a bill of health—

† G.O., No. 202, Marine, dated 6th March 1897.
" " 318, " " 31st " "
" " 389, " " 28th April "
Regulation 9 in G.O., No. 879, Marine, dated 16th October 1897.

(1) on Sundays and close holidays;
(2) at periods beyond working hours;
(3) when a second bill of health become necessary under the Quarantine Regulations owing to departure being delayed for the vessel's convenience.

4. The Government of Bombay had, however, addressed the Government of India proposing to charge a special fee to ships for a Sunday or holiday inspection.

5. The final reply of the Government of India has now been received. It is to the effect that the law does not authorize the levy of a special fee, and that there is no sufficient reason for altering the law in order to legalize a charge for the grant of bills of health on Sundays and holidays.

6. The following is the scale of special fees now levied:—

A.—Fees for Overtime Work—Paid by Ships.

(1) For every inspection between 6. P.M. and 9 P.M., and on Sundays and close holidays. Rs. 15.

(2) For every second bill of health under the Quarantine Regulations necessitated by departure being delayed for the vessel's convenience. Rs. 5 to Rs. 50 as the Port officer in his sole discretion may order.

B.—For Work involving Extraordinary Risk—Paid from Port Funds.

(3) For every inspection—
(*a*) of vessels lying outside the Madras harbour;
(*b*) of vessels at outports in bad weather, the existence of which is to be certified by the Port officer. } Rs. 15.

7. His Excellency the Governor in Council accordingly directs the abolition of the following fees now paid by ships:—

(1) For overtime work, *A.* (1) above.
(2) For a second bill of health, *A.* (2) above.

8. The special fees under *B.* above now paid by Port funds will be retained.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.
" the Chairman, Harbour Trust Board.
" Collectors, Maritime districts.
" the Accountant-General.
" the Public Department.
" the Local and Municipal Department.

Exd. T. K. Narayana Aiyangar.

Marine DEPARTMENT.

READ the following:—

Letters from the Government of India, Home Department No. 4233 dated 25th October 1898 and No. 4652 dated 30th November 1898.

Circulated to—

ORDER. No: 80 Mar. 25-1-99

20

*Flag R

under para 3 of G.O. 389 Marine dated 28th April 1897, a special fee of Rs 15 is recoverable from ships for medical inspection on Sundays and close holidays and after working hours. In February last the Tellicherry Agents of the B.I.S.N.Co. raised the question whether Medical officers can claim these fees for plague inspection, even though no Bill of Health is demanded.

*Flag F

2. The enquiry caused attention to be directed to the general question of fees for medical inspection of ships. It was found that

[P. W. 4 1,000—14-11-98.]

that, under ×orders in the Public Department of 1887 and 1888, vessels can claim bills of health as a matter of right without payment of a fee; the grant of a bill of health being regarded as a service covered by the port dues. Port Health officers were, however, allowed a special fee, payable not by the ship, but from Port funds, for inspections involving extraordinary risk or trouble.

3. The principle subsequently ×adopted in regard to inspection for plague was that, if a ship required the attendance of the Health officer at unusual times for its own convenience, it should itself pay; but the question arose whether Sundays and close holidays had been rightly included, seeing that port dues were recovered on those days. Before deciding the matter enquiry was made of the Governments of Bombay and Bengal as to

× G.O. 518 Public dy 11-4-87. A
G.O. 625 Public dy 18-6-88 B

× G.O. 202 Marine dy 6-3-97 - D
- 318 - dy 31-3-97 - E
- 389 - dy 28-4-97 - R
Regn. 9 in G.O. 879 Marine dy 16-10-97. K

Flag G.

× M & N

3P

to their practice. The ×replies showed that in those provinces no fees were charged to owners of vessels for the grant of a bill of health

(1) on Sundays & close holidays

(2) at periods beyond working hours

(3) when a second bill of health became necessary under the quarantine regulations owing to departure being delayed for the vessel's convenience.

4. The Government of Bombay had, however, addressed the Government of India proposing to charge a special fee to ships for a Sunday or holiday inspection.

5. The final reply of the Government of India has now been received. It is to the effect that the law does not authorize the levy of a special fee, and that there is no sufficient reason for altering the law in order to legalize a charge for the grant of

Bills

Bills of Health on Sundays and holidays.

6. The following is the scale of special fees now levied:

(A) Fees for overtime work	Paid by ships
(1) For every inspection between 6 P.M. and 9 P.M., and on Sundays and close holidays	Rs 15
(2) For every second Bill of Health under the quarantine regulations necessitated by departure being delayed for the Vessel's convenience	Rs 5 to Rs 50 as the Port officer in his sole discretion may order.
(B) For work involving extraordinary risk	Paid from Port Funds
(3) For every inspection (a) of vessels lying outside the Madras Harbour, (b) of vessels at outports in bad weather, the existence of which is to be certified by the Port officer	Rs 15

7. His Excellency the Governor in Council accordingly directs the abolition of the following fees now paid by ships

(1) for overtime work (A)(1) above

(2) for a second bill of health (A)(2) above

The

8. The Special fees under (B) above now paid by Port Funds will be retained.

To.

The Presidency Port officer
" Chairman Harbour Trust Board
" Collectors Maritime Districts
" Accountant General
" Public Dept
" Local & Munl. Dept.

Marine DEPARTMENT.

28

READ the following:—

Letters from the Government of India, Home Department, No. 4652, dated 30th November 1898 No. 4233, d/ 25.10.98

— Fees for Bills of Health granted to Ships.

Circulated to

H. E. the Governor.

FOR ORDERS.

Flag R

Flag F

G. O. 518, Public, d/11-4-87 A

G. O. 625, Public, d/18-6-88 B

Under para 3 of G. O. 389, Marine, dated 28th April 1897, a special fee of Rs. 15 is recoverable from ships for medical inspection on Sundays and close holidays and after working hours. In February last the Tellicherry Agents of the B. I. S. N. Co. raised the question whether Medical Officers can claim these fees for plague inspection, even though no Bill of Health is demanded.

2. The enquiry caused attention to be directed to the general question of fees for medical inspection of ships. It was found that, under the orders in the Public Department of 1887 and 1888, vessels can claim bills of health as a matter of right without payment of a fee; the grant of a bill of health being regarded as a service covered by the port due. Port Health Officers were, however, allowed a special fee, payable not

by

P. W. 43
500—14-11-98.

by the ship, but from Port funds, for inspections involving extraordinary risk or trouble.

3. The principle subsequently adopted in regard to inspection for plague seems to be that, if a ship requires the attendance of the Health Officer at unusual times for its own convenience, it should itself pay; but the question arose whether Sundays and close holidays had been rightly included, seeing that port dues were recovered on those days. Before deciding, Sir H. Bliss directed enquiry to be made of the Governments of Bombay and Bengal as to their practice. The replies showed that in those provinces no fees were charged to owners of vessels for the grant of a bill of health

(1) on Sundays and close holidays

(2) at periods beyond working hours

(3) when a second bill of health became necessary under the quarantine regulations owing to departure being delayed for the vessel's convenience.

The Government of Bombay had, however, addressed the Government of India proposing to charge a special fee to ships for a Sunday or holiday inspection.

G. O. 202, Marine, d/6-3-97 — D
G. O. 318, Marine, d/31-3-97 — E
G. O. 389, Marine, d/28-4-97 — R
Regn. 9 in G. O. 879, Marine, d/16-10-97 — K

& Note Flagged G.

M & N

12

4. The final reply of the Govt. of India has now been received and is contained in the enclosure to the letter read above. It is to the effect that the law does not authorize the levy of a special fee, and that there is no sufficient reason for altering the law in order to legalize a charge for the grant of Bills of Health on Sundays and holidays. It is further remarked in the case of Bombay that if the Health Officers are overworked under existing conditions, the proper remedy is to reinforce the staff.

5. The effect of these Orders as regards Madras will be the exemption of ships from the payment of any fees for the grant of Bills of Health.

6. The question remains whether Port Health Officers shall continue to receive such fees for overtime work, and work involving extraordinary risk, as at present. If so the charges must be met from Port Funds.

7. The following is the scale of special fees now levied:-

(A) Fees for Overtime work	Paid by ship.
(1) For every inspection between 6 P.M. and 9 P.M., and on Sundays and close holidays	Rs. 15 *

* G.O. 318, d/31-3-97 - E
+389, d/28-4-97 - R

(2) For every second Bill of Health under the quarantine regulations necessitated by departure being delayed for the vessel's convenience } Rs.5 to Rs.50 as the Port Officer in his sole discretion may order

(B) For work involving extraordinary risk--Paid from Port Funds.

(3) For every inspection (a) of vessels lying Outside the Madras Harbour, (b) of vessels at Outports in bad weather the existence of which to be certified by the Port Officer. } Rs. 15

It seems to me that fees under 7(A)(1) of the note will have to be abolished. As Port Funds get no extra remuneration by dues for work at such times there is no reason why Port Health officers should. I certainly think that fees under A(2) should be charged and to the ship, but I do not see how we are to order it under existing rules.

Fees under (B) can remain as at present.

A.C.K
2-1-99
For M.

C.No. 1536 (1534)

Case

Add the following to the Madras Port orders

(1) It seems to me that fees under 7(A)(1) of the note will have to be abolished. As Port Funds get no extra remuneration by dues for work at such times there is no reason why P.H.Os should.

(2) I certainly think that fees under A(2) should be charged to the ship, but I do not see how we are to order it under existing rules.

(3) Fees under (B) can remain as at present.

W.L.
26/2/99

Marine (189) Department.

CURRENT No. 1524

From
The Govt of India
Home Department

No. 4652

Dated 30.11.98
Received 3/-12-98
Registered
Enclosures one
Spare copies -

SUBJECT

Fees for medical inspection of vessels on Sundays & gazetted holidays.

Forwarding copy of their letter to the Govt of Bombay laying down that ~~the~~ Govt not legally be levied on the owners of ship

P. W. 29.
1,000—5-9-98.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 4650

From

R. Nathan, Esq.,

Under Secy. to the Govt. of India.

To

The Secy. to the Govt. of Bombay,

General Department.

Home Department.

(Sanitary)

Simla, the 30th November 1898.

Sir,

I am directed to refer to the correspondence ending with your letter No. 5742, dated the 14th October 1898, on the subject of a proposal made by the Government of Bombay for the levy of a fee for the inspection of vessels on Sundays and certain holidays by the Port Health Officer, Bombay.

2. The Advocate General, Bombay, stated in his Memorandum of the 5th September, a copy of which was forwarded with your letter of the 14th October, that he thinks that it is doubtful whether, in view of the provisions of the existing plague regulations, the imposition of a fee, even when only for inspections on Sundays and other holidays, could be legally made. The Governor in Council has not deemed it necessary to supplement the proposal made in the letter of the Government of Bombay No. 3183, dated the 6th June last, with further remarks as no compulsory fee was contemplated but merely a voluntary payment for service rendered on non-working days.

3. It appears to the Government of India, that the payment of a fee can hardly be regarded as voluntary, considering that the alternative to non-payment would be the detention of the ship entailing inconvenience and expense to the owner or agent. The Governor-General in Council therefore agrees with the Advocate General that the law does not authorise the levy of ~~the~~ a fee, and His Excellency in Council does not think that there is sufficient reason for altering the

the law in order to legalise a charge for the grant of Bills of Health on Sundays and holidays. It would seem to the Government of India that if the Health Officers of the Port of Bombay are overworked under the existing conditions the proper remedy is to reinforce the staff.

I have the honour to be,

Sir,

Your most obedient Servant,

Sd- R. Nathan.

Under Secy. to the Govt. of India.

(True copy)

Registrar, Home Department.

H.I.B.

No. 4652

From

R. Nathan, Esq.,

Under Secy. to the Govt. of India.

To

The Secretary to the Government of Madras,

Marine Department.

Home Department.

(Sanitary)

Simla, the 30th November 1898.

Sir,

In continuation of the letter from this Department No. 4233, dated the 25th October 1898, I am directed to forward for the information of the Governor in Council a copy of a letter addressed to the Government of Bombay, on the subject of a proposal made by that Government for the levy of a fee for the inspection of vessels on Sundays and certain holidays by the Port Health Officer, Bombay.

I have the honour to be,

Sir,

Your most obedient Servant,

R. Nathan

Under Secy. to the Government of India.

W.I.B.

Marine (189) Department.

L.O. 1523

CURRENT No. 1374

From
The Government of India
Home Department
(Sanitary)
No. 4233.

Dated 25-10-98
Received
Registered 31-10-98
Enclosures
Spare copies

SUBJECT
Fees for the inspection of vessels on Sundays & holidays

Stating that the proposal submitted by the Govt. of Bombay for the levy of ——— is still under consideration & that a copy of the orders of the Govt. of India on the subject will in due course be communicated to the Govt. of Madras.

Await the further communication promised by the Govt. of India.

A.P.K. 3-11-98

P.C.

[P. W. 29. 1,000—5-9-98.]

BACK PAPERS.

G.O.	No.	Department.	Date.
852	Mar	7	10-98
598	E	7	10-98
768	E	8	7-98
566	Mar	2	7-98
680-81	Mar	13	6-98
258	Mar	19	6-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
879+879 A	R.	dy	16.10.97 &c
745-46	R.	dy	23.8.97 "
389	R.	dy	28.4.97 "
318	R.	dy	31.3.97 "
202	R.	dy	6.3.97 "
151	R.	dy	23.2.97 "
417	R.	dy	17.11.92 "
13	R.	dy	7.1.91 "
R.	No. 201,	dy	6.7.88.
518	Rev.	dy	11.4.87 &c
453	R.	dy	28.8.85 &c

No. 4233

From

R. Nathan, Esq.,

Under Secy. to the Govt. of India.

To

The Secretary to the Government of Madras,

Marine Department.

Home Department.

(Sanitary)

Simla, the 25th October 1898.

Sir,

With reference to your letters marginally noted, I am directed to state, for the information of the Governor in Council, that the proposal submitted by the Government of Bombay for the levy of a fee for the inspection of vessels on Sundays and certain holidays is still under consideration, and that a copy of the orders of the Government of India on the subject will in due course be communicated to the Government of Madras.

No. 569 (Marine), dated 2nd July 1898.
No. 852 (Marine), dated 7th October 1898.

I have the honour to be,

Sir,

Your most obedient Servant,

R. Nathan

Under Secretary to the Government of India.

R. Nathan 25/10