

Marine (1899) Department.

G.O., No. 707 Marine

DATED 28th July 1899.

R

[Despatch Abstract.]

Bill for the registration of British Ships in
British India:

Ordered that copies of the ———
and the statement of objects & reasons be forwarded
to the Honble the Judges of the High Court, the
Honble the Advocate Genl, the Collector of Madras,
the Presy. Port Officer, and the Chairman of the
Chamber of Commerce for favour of opinion
on the provisions of the Bill & that they
be published in the Fort St George Gazette
in English

Ordered that copies of the — and the Statement of Objects and Reasons be forwarded to the Honourable the Judges of the High Court, the Honourable the Advocate-General, the Collector of Madras, the Presidency Port Officer, and the Chairman of the Chamber of Commerce, for favour of opinion on the provisions of the Bill, and that they be published in the *Fort St. George Gazette* in English.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

From J. M. MACPHERSON, Esq., C.S.I., Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, Marine Department, dated Simla, 15th July 1899, No. 1404.

I am directed to forward herewith 40 copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the

A Bill to make better provision for the Registration of British Ships in British India, with Statement of Objects and Reasons.

Honourable the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th October next.

ORDER—No. 707, Marine, dated 28th July 1899.

Copies of the Bill, with Statement of Objects and Reasons, received with the foregoing letter, will be forwarded to the Honourable the Judges of the High Court, the Honourable the Advocate-General, the Collector of Madras, the Presidency Port Officer and the Chairman of the Chamber of Commerce, with the request that they will favour Government with their opinion on the provisions of the Bill by the 30th September 1899.

2. The Bill and Statement will be published in the *Fort St. George Gazette* in English.

(True Extract.)

Under Secretary to Government.

To the Honourable the Chief Justice, with C.L.,
 " Government Solicitor,
 " Collector of Madras,
 " Presidency Port Officer,
 " Chairman, Chamber of Commerce,
 " Superintendent, Government Press,

with Bill and Statement of
 Objects and Reasons.

Exd. T. K. Narayana Aiyangar.

MARINE DEPARTMENT.

READ the following:—

Letter from the Government of India, Legislative Department, No. 1404

dated 15th July 1899.

Circulated to

ORDER.

No. 707 Mar of 28-7-99

Copies of the Bill, with Statement of Objects and Reasons, received with the foregoing letter, will be forwarded to the Honourable the Judges of the High Court, the Honourable the Advocate-General, the Collector of Madras, the Presidency Port Officer and the Chairman of the Chamber of Commerce, with the request that they will favour Government with their opinion on the provisions of the Bill by the 30th September 1899.

2. The Bill and Statement will be published in the *Fort St. George Gazette* in English.

Note for Orders.

Orders are requested whether

Bill & Statement of objects & Reasons.

P. W. 42-A.

1,000-2-3-99

26/7/99

the Bill should be translated
into the Vernaculars and published
in those languages

2. It will be seen that the
Government of India expect a
reply by the 15th October next.

ES.

h. h. h. / m. 7. 99

*I should hardly think it necessary to
publish this Bill in the Vernaculars.
Most of those concerned in it know English.*

MS 26.7.99

MS 27.7.99

Marine

Import
(1899)

Department.

CURRENT No. 1003

Order

From The Govt of India
(Legislative Dept.)

No. 1404

Dated 15 July 99,

Received 22 July 99

Enclosures Plans
Others 2

Spare copies 39.

SUBJECT.

Registration of British
Ships.

Forwarding copy of
a Bill to make better
provision for the
in British India, with
Statement of objects &
Reasons.

BACK PAPERS.

No.	Date.
10.42	June 95-1-91
10.150-91	June 92.1-91

FURTHER PAPERS.

No.	Date.

707 m

STATEMENT OF OBJECTS AND REASONS.

The Indian Registration of Ships Act, 1841 (X of 1841), and the amending Act XI of 1850 were passed in pursuance of the Statute 3 & 4 Vict., c. 56. The provisions of that Statute were expressly saved by section 108 of the Merchant Shipping Act, 1854 (17 & 18 Vict., c. 104), but the saving was not repeated when the latter Act was recently repealed by Parliament and replaced by the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60). Section 2 of the Statute of 1894 provides that every British ship shall, unless exempted, be registered thereunder, and that, if a ship so required to be registered is not duly registered, she shall not be recognized as a British ship and shall not be entitled to any of the benefits, privileges, advantages or protection enjoyed by a British ship. Section 745, sub-section (1), clause (e), then declares that ships registered under the Merchant Shipping Act, 1854, or duly registered before the passing of that Act, shall be deemed to have been registered under the new Act. The result, apparently, is that, as the law now stands, registration under the Indian Acts of 1841 and 1850 effected after the passing of the Statute of 1854 is not sufficient to give a ship the status of a British ship; and that that status can be acquired only by registration in accordance with the provisions of the Statute of 1894. But by virtue of section 735 of the latter statute the legislature of any British possession may, by an Act confirmed by Her Majesty in Council, repeal, wholly or in part, any of its provisions and enact others in the place thereof. The necessity for legislation in exercise of the power so conferred has been brought to the notice of the Government of India, and it has been decided that it should be undertaken without further delay. The present Bill originally formed Part II of the general Merchant Shipping Bill which, though introduced in the Governor General's Council in 1892, is still pending before the Council. In connection with that Bill various legal and technical difficulties have been raised, and it has been found impossible to proceed with it as a whole at present; but no such difficulties appear to exist in connection with the Part above referred to, and it has, therefore, been extracted and thrown into the form of a separate Bill with a view to its early introduction and passage into law.

The 28th June, 1899.

T. RALEIGH.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to make better provision for the Registration of British ships in British India.

(Statement of Objects and Reasons.)

A
BILL
TO

Make better provision for the Registration of British Ships in British India.

The marginal references are to the Indian Merchant Shipping Bill, 1890.

WHEREAS it is enacted in section 735 of the Merchant Shipping Act, 1894, that "the legislature of any British possession may, by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships) relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose;"

And whereas it is expedient that certain provisions of the said Merchant Shipping Act, 1894, should be repealed in so far as they relate to the registration of British ships in British India, and that other provisions should be enacted in place thereof:

It is hereby enacted as follows:—

[6.] 1. (1) This Act may be called the Indian Short title, extent and commencement. Registration of Ships Act, 1899.

(2) It extends to the whole of British India; and

(3) It shall come into force on the day on which Her Majesty's approval thereof is proclaimed by notification in the Gazette of India.

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

(a) the expression "British ship" has the meaning assigned to it by section 1 of the Merchant Shipping Act, 1894; 57 & 58 Vict., c. 60.

[3 (3).] (b) the expression "home-trade ship" means a ship employed in trading between any ports in British India, or between any port in British India and any port or place on the Continent of India, or in the Maldives and Laccadive Islands, or in the Straits Settlements, or in the Island of Ceylon;

[3 (6).] (c) the expression "native coasting-ship" means a home-trade ship, being a sailing ship of not more than two hundred tons burden, which is owned by one or more native Indian subjects of Her Majesty; and

[3 (7).] (d) the expression "seaman" includes every person (except masters, pilots, harbour-masters and duly indentured apprentices) employed or engaged in any capacity on board any ship.

3. (1) Any British ship registered under Act XIX of 1838, or under the ships registered under Indian Registration of Ships Act, 1841, and the Indian Registration of Ships Act, (1841) Amendment Act, 1850, may,—

(a) within a period of twelve months after the commencement of this Act, or,

(b) if the ship is not within a port of registry in British India at any time before the expiration of the said period, then within one month after her next return to a port of registry in British India,

be re-registered under the Merchant Shipping Act, 1894, as amended by this Act.

57 & 58 Vict.,
c. 60.

(2) No fee shall be payable for the measurement of the tonnage of any ship for the purposes of re-registration under sub-section (1).

(3) If any such ship as aforesaid is not re-registered as provided by sub-section (1), she shall not be recognised as a British ship:

Provided that this sub-section shall not apply in the case of any ship referred to in section 4.

57 & 58 Vict.,
c. 60.

4. (1) Notwithstanding anything in section 2 of the Merchant Shipping Act, 1894, it shall not be obligatory on any person to register under that Act any native coasting-ship which is for the time being registered under Act XIX of 1838 or any British ship which is for the time being registered under Bombay Act I of 1863 (*an Act for the registry of vessels and levy of pilotage fees on the river Indus*) or any other British ship which plies solely on inland water.

(2) The expression "inland water" means any canal, river, lake or navigable water in British India.

(3) The Local Government may, by notification in the local official Gazette, define how much of any tidal water shall be deemed to be inland water for the purposes of this section.

5. (1) So far as regards any ship the tonnage of which is measured, ascertained and marked in accordance with rules made under sub-section (2), the rules and orders on the same subjects prescribed by or under the Merchant Shipping Act, 1894, or under any other Act repealed by that Act, are hereby repealed.

57 & 58 Vict.,
c. 60.

(2) The Local Government may make rules to provide for measuring and ascertaining, whether for the purpose of registry or otherwise, the tonnage of native coasting-ships, and for marking the tonnage on such ships; and it shall be optional to the owner of any such ship to have her tonnage measured, ascertained and

[9.]

[9.]

[10.]

1.e. not "Home built ships."

marked in accordance either with rules made under this sub-section or with the rules and orders referred to in sub-section (1).

(3) Rules made under sub-section (2) may provide, among other matters, that if any alteration be made in a native coasting-ship after she has been registered in pursuance of the said rules, the certificate of registry shall be cancelled and the ship re-measured in accordance with the said rules.

(4) The word "alteration" in sub-section (3) means any change, whether temporary or permanent, either in the structure of a native coasting-ship or in the use to which any part of a native coasting-ship is put, by which the capacity of the ship for carrying cargo is, either directly or indirectly, increased.

[11.]

6. (1) Clauses (d) and (e) of section 4 of the Merchant Shipping Act, 1894, are hereby repealed.

57 & 58 Vict.,
c. 60.

(2) The following persons shall be registrars of British ships in British India, namely:—

(a) at the ports of Calcutta, Madras, Bombay, Karachi, Aden and Rangoon, the Port Officer or any other person appointed by the Local Government in this behalf by notification in the official Gazette, and

(b) at any other port which has been approved under section 89 of the Merchant Shipping Act, 1894, for the registry of ships, any person appointed by the Local Government in this behalf by a like notification.

57 & 58 Vict.,
c. 60.

[12.]

7. In the application of the Merchant Shipping Act, 1894, to British India—

(a) sections 7, 47, 77 (2), 78, 80, 85, 86 and 724 (4) and clause 5 of rule 1 of the second schedule shall be read and construed as if the Local Government were therein named instead of the Board of Trade, and

(b) section 89 shall be read and construed as if the Local Government were therein named instead of the Governor of a British Possession.

[13.]

8. (1) The following portions of the Merchant Shipping Act, 1894, namely, sections 64 (1) and 77 (2), so far as they relate to fees, and sections 83 and 210 (3), and clauses (6), (7) and (8) of the sixth schedule, are hereby repealed.

(2) The fees payable in British India in respect of the matters mentioned in the first schedule to this Act shall be such sums, not exceeding those specified in that schedule, as the Local Government, with the previous sanction

of the Governor General in Council, may, by notification in the local official Gazette, appoint.

9. Sections 31 to 46 (both inclusive) of the Merchant Shipping Act, 1894, are hereby repealed so far as regards native coasting-ships. [14.]

57 & 58 Vict.,
c. 60. Mortgage and sale
of native coasting-ships.

10. (1) Clauses (2), (3), (4) and (5) of the sixth schedule to the Merchant Shipping Act, 1894, are hereby repealed. [15]

57 & 58 Vict.,
c. 60. Deduction from re-
gister tonnage on ac-
count of crew space.

(2) No place in any British ship registered in British India which is occupied by seamen or apprentices engaged under any law for the time being in force and appropriated to their use shall authorize a deduction from register tonnage, unless there is in the ship one or more properly constructed privy or privies for the use of the crew, such privy or privies to be of such number and of such construction as may be approved by a surveyor appointed under section 727 of the Merchant Shipping Act, 1894.

(3) Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered in British India, be inspected by a surveyor appointed as aforesaid, who shall, if satisfied that the same is in all respects such as is required by any law for the time being in force, give to the registrar a certificate to that effect; and if such certificate is obtained, but not otherwise, such space shall be deducted from the register tonnage.

(4) No such deduction shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen".

(5) Upon any complaint concerning any place so occupied and appropriated as aforesaid, any surveyor appointed as aforesaid may inspect the same, and, if he finds that any of the provisions of any law for the time being in force with respect thereto are not complied with, he shall report the fact to the registrar at the port where the ship is registered, and thereupon the register tonnage shall be altered, and the deduction aforesaid disallowed, unless and until it is certified by the same surveyor, or by some other surveyor appointed as aforesaid, that the provisions of such law as aforesaid with respect to such place are fully complied with.

11. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof. [17.]

Repeal.

THE FIRST SCHEDULE.

MAXIMUM FEES FOR PURPOSES CONNECTED WITH THE REGISTRY OF BRITISH SHIPS.

[See section 8, sub-section (2).]

1. For measurement of tonnage of British ships.

	Rs.
For a ship under 50 tons register tonnage	15
" " from 50 to 100 tons register tonnage	22
" " " 100 to 200 "	30
" " " 200 to 500 "	45
" " " 500 to 800 "	60
" " " 800 to 1,200 "	75
" " " 1,200 to 2,000 "	90
" " " 2,000 to 3,000 "	105
" " " 3,000 to 4,000 "	120
" " " 4,000 to 5,000 "	135
" " " 5,000 tons and upwards register tonnage	150

2. For altering the name of the ship in the register book in pursuance of section 47, sub-section (4) or sub-section (5), of the Merchant Shipping Act, 1894, as amended by section 7 of 57 & 58 Vict., c. 60. this Act—

Half the fee which would be payable under clause 1 of this Schedule.

3. For inspection of places in British ships which are occupied by seamen or apprentices engaged under this Act, and appropriated to their use—

For each visit to the ship . Rs. 5

Provided as follows:—

(a) the aggregate amount of the fees for any such inspection shall not exceed ten rupees, whatever be the number of separate visits;

(b) when the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

4. For inspection of a register-book . Rs. A. 0 8

5. For re-measurement of a British ship in pursuance of section 77, sub-section (2), of the Merchant Shipping Act, 1894—

For each transverse section . 5 0

57 & 58 Vict.,
c. 60.

THE SECOND SCHEDULE.
ENACTMENTS REPEALED.
(See section 11.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1841	X	The Indian Registration of Ships Act, 1841.	In the title, the words "belonging to ports within the territories under the Government of the East India Company or" and the words "under a proclamation of the Governor General of India in Council made". In the preamble the words from "that it shall be lawful" to "the same Statute", the words "be deemed British ships, or," and the words "under such proclamation as aforesaid". Sections 1 to 12 and 14 to 23 so far as they have not been repealed. In section 25, the words "certificate or" and the words "registering or". Section 26. In section 27 (inserted by Act VII of 1891, section 9), the final letter of the word "expressions" and the words "Local Governments of India" and "Government of the Presidency". The proclamation appended to the Act. The schedule.
1850	XI	The Indian Registration of Ships Act, (1841) Amendment Act, 1850.	In section 3, the words and figures "owned by British subjects entitled to registry under Act X of 1841, or," the words "be registered and," and the words "and the tonnage may be marked." Section 4.
1883	V	The Indian Merchant Shipping Act, 1883	Section 38.
1891	VII	The Indian Registration of Ships Act (1841) Amendment Act, 1891.	Sections 2 to 7 so far as they have not been repealed.
"	XII	The Repealing and Amending Act, 1891.	The first schedule, in so far as it relates to sections 5 and 6 of Act VII of 1891, and the second schedule, in so far as it relates to that Act.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO
Make better provision for the Registration
of British Ships in British India.

(Mr. Raleigh.)

FROM

J. M. MACPHERSON, Esq., C. S. I.,
Secretary to the Government of India,
Legislative Department,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras.

Dated Simla, the 15th July, 1899.

SIR,

I AM directed to forward herewith ⁴⁰ copies of the
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publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th October next.

I have the honour to be,

SIR

Your obedient Servant,

J. M. Macpherson
Secretary to the Government of India.