

THE BURMESE STEAMER SURVEY ACT.

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ACT No. XVI OF 1871.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 31st
March 1871).

An Act for the survey of Steam Vessels
plying within British Burma.

Preamble.

WHEREAS it is expedient to provide for the survey of Steam Vessels plying within British Burma; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called “The Burmese Steamer Survey Act:”

Local extent.

It extends only to the territories under the administration of the Chief Commissioner of British Burma; and

Commencement.

It shall come into force at the expiration of one month from the passing thereof.

Interpretation-clause.

2. In this Act—

“Chief Commissioner” means the Chief Commissioner of British Burma, and

“Surveyors” includes any Surveyor acting alone when authorised by the Chief Commissioner under the provisions of this Act.

II.—Survey of Steam vessels.

Certain Steam Vessels liable to be surveyed twice a year.

3. Every Steam Vessel plying on any of the rivers or waters of British Burma, except Steam Vessels plying between some Port within the said Province and some Port not in British India, shall be liable to be surveyed twice in every year, in the manner hereinafter prescribed.

Government to appoint Surveyors.

4. The Chief Commissioner may appoint for the purposes of this Act any Ports in British Burma to be ports

ports of survey, and fit and [proper persons to be Surveyors.

5. The said Surveyors, in the execution of their duties, may go on board any Steam Vessel liable to be surveyed under this Act, as soon as reasonably may be after the arrival of such Steam Vessel in the Port of Rangoon or any other Port of survey, and not so as unnecessarily to hinder the loading or unloading of such Steam Vessel, or to detain or delay her from proceeding on any voyage or service, and may inspect such Steam Vessel or any part thereof, and any of the machinery, equipments, or articles on board thereof.

Authority to Surveyors to go on board for purpose of surveying.

The Owner, Master and Officers serving on board such vessel shall be bound to afford to the Surveyors all reasonable facilities for such inspection or survey, and to afford them all such information respecting such vessel and her machinery and equipments, or any part thereof respectively, as they may reasonably require.

6. When any survey is made under this Act the Surveyors making such survey shall forthwith, if satisfied that they can with propriety do so, and on payment by the Owner or Master of the ship surveyed of the fees hereinafter mentioned, give him a certificate and declaration signed by them and framed as nearly as the circumstances of each case will admit in the form set forth in schedule A hereto annexed.

Surveyors when to grant Certificate and Declaration.

7. No Officer of Customs shall grant a clearance nor shall any Pilot be assigned to any Steam Vessel liable to be surveyed under this Act, which has not been duly furnished with a certificate and declaration under the provisions of this Act applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed.

No clearance to be given to a steamer for a voyage for which she has not got a certificate.

If any Steam Vessel liable to be surveyed under this Act leaves or attempts to leave any Port of survey without such certificate and declaration, any Officer of Customs or any Pilot on board such Vessel may detain her until she is duly furnished with such certificate and declaration.

8. The

Special survey may be ordered by Government on any British Steamer.

8. The Chief Commissioner may give special direction to the Surveyors under this Act for the survey by them of any British Steamer lying in any Port of survey and plying between such Port and any other Port or Ports, and the provisions of this Act shall apply (so far as the same are applicable) to every vessel so specially directed to be surveyed, and the Owner, Master and Officers thereof.

Power to make rules as to mode and time of conducting survey.

9. The Chief Commissioner may frame rules consistent with this Act as to—

(a) the manner in which the surveys shall be made,

(b) the times and places of such surveys, and

(c) the duties of the Surveyors.

Fees to be paid for survey.

10. For every survey made under this Act the Owner or Master of the Steam Vessel surveyed shall pay to each of the Surveyors making the same a fee, calculated on the tonnage of the vessel according to the rates in schedule B hereto annexed.

Certificate to be hung up in vessel.

11. Each certificate and declaration granted by Surveyors under this Act shall be hung up, and remain at all times suspended in some conspicuous part of the vessel for which the same is granted, where the same may be easily read.

Certificates to be in force only six months.

Provision for vessels absent when certificate expires.

12. No certificate or declaration shall be in force for the purposes of this Act after the expiration of six months from the date thereof;

provided that if any Steam Vessel is not in any Port of survey when her certificate and declaration expire, no penalty shall be incurred for the want of a certificate and declaration, until she first begins to ply, or is about to ply after her next subsequent arrival at some Port of survey.

Power to require delivery of expired certificates.

The Chief Commissioner may require any certificate and declaration which has expired or has been revoked or cancelled to be delivered up as may be directed.

Power to cancel certificate and declaration.

13. The Chief Commissioner may revoke and cancel any certificate and declaration granted under this Act in any case in which he has reason to believe—

(1) that

(1) that the certificate and declaration of the sufficiency and good condition of the hull, equipments, and machinery of any Steam Vessel, or either of them, have been fraudulently or erroneously given or made, or,

(2) that such certificate and declaration have otherwise been issued upon false or erroneous information, or,

(3) that since the giving and making of such certificate and declaration the hull, equipments, or machinery of such vessel have sustained any injury or are otherwise insufficient.

And in every such case the Chief Commissioner may, if he thinks fit, require the Owner or Master to have such Steam Vessel again surveyed as herein provided.

14. If any Steam Vessel is surveyed under the provisions of this Act, and if the Surveyors decline to give any certificate or declaration, or give a certificate or declaration with which the Owner or Master of the Steam Vessels is dissatisfied, the Chief Commissioner may, on the application of such Owner or Master, appoint two other competent Surveyors to survey the said Steam Vessel.

Power to
order a second
survey.

The Surveyors so appointed shall forthwith survey the said Steam Vessel, and shall either decline to give any certificate and declaration, or shall give such certificate and declaration as under the circumstances may seem to them proper.

Every survey made under this section shall be made subject to all the provisions and rules, both as to the payment of fees and otherwise, which are applicable to surveys made in ordinary cases under this Act.

If the Surveyors appointed under this section unanimously refuse to give any certificate and declaration, or agree as to the terms of their certificate and declaration, such refusal, or such certificate and declaration, shall be final and conclusive; but if they do not agree, the refusal originally made, or the certificate and declaration originally granted

by

by the Surveyors who surveyed the said Steam Vessel in the first instance, shall remain in force.

Explosions.

Power to investigate causes of explosions.

15. Whenever any explosion occurs on board of any Steam Vessel subject to this Act, the Chief Commissioner may, if he thinks fit, direct that an investigation of the cause of such explosion be made by such person or persons as he thinks fit.

Such person or persons may enter into and upon such Steam Vessel with all necessary workmen and labourers, and remove any portion of such Steam Vessel, or of the machinery thereof, for the purpose of such investigation, and shall report the cause of such explosion.

III.—Examinations and Certificates of Engineers.

Examinations to be instituted for Engineers.

16. Examinations shall be instituted for persons who intend to become Engineers of Steamers, or who wish to procure Certificates of Competency hereinafter mentioned.

Examiners and rules of examination.

17. The Chief Commissioner shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination, and may make rules for the conduct of such examinations, and as to the qualifications to be required, and the fees to be paid by all applicants for examination.

Certificates of competency to be given.

18. The Chief Commissioner shall deliver to every applicant who is reported by the Examiners to have passed the examination satisfactorily, a certificate (hereinafter called a "Certificate of Competency") to the effect that he is competent to act as Engineer.

Certificates of service to be given.

19. Every person who, before the passing of this Act, has served for a period of not less than one year as first or only Engineer in any Steam Vessel, or who has attained or shall attain the rank of First Class Assistant Engineer in the Service of Her Majesty, shall be entitled to a Certificate of Service.

Each of such Certificates of Service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered.

And

And the Chief Commissioner shall deliver such Certificates of Service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid; and, upon their giving a full and satisfactory account of the particulars aforesaid and on payment of such fees as the Chief Commissioner shall, by an order published in the local official Gazette, from time to time direct.

20. No Certificate of Survey under this Act, shall be granted for any Steam Vessel, unless it has as its Engineer an Engineer possessing a Certificate of Competency or a Certificate of Service.

No Certificate of Survey if vessels have not a Certificated Engineer.

21. The Chief Commissioner may exempt from the operation of section twenty any Steamer which does not ply with passengers or goods, or as a Steam Tug for hire.

Power to exempt private Steam Vessels.

22. It shall be lawful for the Chief Commissioner, in case of the misconduct, negligence or incompetency of any Engineer possessing a Certificate of Competency or a Certificate of Service, to cancel such Certificate, or to suspend the same for such time as to him or them seems fit.

Withdrawal of Certificate.

23. Every Engineer's Certificate of Competency or Service, which may be granted by any competent authority in the United Kingdom, shall have, in all respects, the same validity and effect as if the same had been granted under the provisions of this Act.

English Certificates to be available.

24. All Certificates, whether of Competency or Service, shall be made in duplicate, and one part shall be delivered to the person entitled to the Certificate, and the other shall be kept and recorded as the Chief Commissioner directs.

Certificates to be made in duplicate.

A note of all orders made for cancelling, suspending, altering, or otherwise affecting any Certificate in pursuance of the powers herein contained, shall be entered in the record of Certificates.

25. Whenever any Engineer proves to the satisfaction of the Chief Commissioner, that he has, without fault on his part, lost or been deprived of any Certificate already granted to him, a copy of the Certificate to which, by the record so kept as aforesaid,

Copy of Certificate to be delivered.

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he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

IV.—Penalties.

Hindering survey or withholding required information.

26. Any person refusing access to any Surveyors or other persons under this Act, or otherwise hindering them in the performance of their duty, or refusing or neglecting to give any information which may reasonably be required of him, and which he has in his power to give, shall be liable for each offence to fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding one month.

Leaving without Certificate and Declaration.

27. If any Steam Vessel liable to be surveyed under this Act leaves or attempts to leave any port of survey without such Certificate and Declaration as is mentioned in section seven, the Owner or Master of such Vessel shall, for each offence, be punished with fine not exceeding one thousand rupees.

Master or Officer who is a licensed Pilot attempting to take ship out of port without Certificate.

28. If the Commander or any other Officer of a Tug Steamer or of any other Steam Vessel, liable to be surveyed under this Act, is a licensed Pilot and leaves or attempts to leave any Port of survey in such Tug Steamer or Steam Vessel without such Tug Steamer or Steam Vessel being duly furnished with a Certificate and Declaration under the provisions of this Act, applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed, such Commander or other Officer shall be liable to have his license as a Pilot taken away from him entirely or suspended for any period by the Chief Commissioner as the Chief Commissioner may see fit to order.

Receiving unlawful fees for making survey.

29. Any Surveyor demanding or receiving directly or indirectly from the Owner, Master, or Officer of any ship surveyed by him under the provisions of this Act, any fee or remuneration otherwise than as provided by this Act, shall be liable to dismissal, in addition to any other penalty to which he may by law be liable.

Neglect to hang up Certificate and Declaration.

30. The Owner or Master of every Steam Vessel in which the Certificate and Declaration granted under this Act is not hung up and does not remain in manner

manner provided by section eleven, shall, for each offence, be punished with fine not exceeding one hundred rupees.

31. Any Owner or Master or other person who without reasonable cause neglects or refuses to comply with any requirement made under section twelve shall be punished with fine not exceeding one hundred rupees for each offence.

Refusal to comply with requirements of section 12.

32. The Owner, and also the Master, of any Steam Vessel subject to this Act, which plies on any of the rivers or waters in British Burma, without having in charge of the engines thereof an Engineer possessing a Certificate of Service or a Certificate of Competency, shall be liable to a fine not exceeding five hundred rupees.

Plying without Certified Engineer.

33 Any case arising out of this Act may be tried by any Officer having the full powers of a Magistrate within whose jurisdiction the offence may have been committed, or by any Police Magistrate of the town of Rangoon.

Offences under this Act by whom to be tried.

The provisions of section fifty-five of Act XXII of 1855 (*for the regulation of Ports and Port dues*) are hereby extended to all fines imposed under this Act, and all fees due under section ten shall be recoverable as if they were fines.

SCHEDULE.

SCHEDULE A.

(See section 6).

Form of Surveyor's Certificate and Declaration.

Name of Steam Vessel.	Tonnage.	When and where built and material.	Power.	Description of Engines and age.	Description of Boilers and age.	Ground tackle.	Condition of Hull.	General Equipment.	Name of Master and Number of Officers and deck crew and of Engineers and Engine-room crew.	When and where last coppered, repaired or cleaned.	Limits (if any) beyond which the vessel is not fit to ply.	Time if less than six months for which the Hull, Boilers, Engines, or any of the Equipments will be sufficient.

We, the undersigned, declare that we have examined the above-named Steamer, and to the best of our judgment she and her engines, as shown in the above Statement, are fully sufficient for the service on which it is intended to employ the said Steamer, that is to say (as the case may be)

A. B.
C. D.

SCHEDULE B.

(See section 10).

Rates of Fees.

For Steamers of less than	200 tons	Rs.	20	0	0
" "	200 tons and up to	"	25	0	0
" "	350 " " "	"	30	0	0
" "	700 " " "	"	40	0	0
" "	1,000 " " "	"	50	0	0
" "	1,500 " and upwards	"	60	0	0