

ACT NO. XVIII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th
December 1908.)

An Act further to amend the Indian Merchant Shipping Act, 1880.

VII of 1880. **WHEREAS** it is expedient further to amend the Indian Merchant Shipping Act, 1880; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1908: and

Short title
and com-
mencement.

(2) Section 4 shall come into force on such date or dates as the Governor General in Council may, by notification in the Gazette of India, direct either generally for all foreign ships or specially for the ships belonging to any specified foreign countries. The rest of this Act shall come into force on the first day of January 1909.

VII of 1880. 2. (1) In section 3, clause (b), of the Indian Merchant Shipping Act, 1880, after the word "or" the words "to any sailing ship of less than one hundred and fifty tons register employed" shall be inserted.

Amendment
of section 3,
Act VII,
1880.

(2) To the same section the following shall be added, namely:—

"The Governor General in Council may, from time to time, by notification in the Gazette of India, exclude from or bring again within the operation of sections 33 to 43, inclusive, any class of steamships of less than one hundred and fifty tons register which are employed in plying coastwise between ports situate in India and Ceylon, and do not carry cargo."

3. In

Amendment
of section 4
of same Act.

3. In section 4 of the said Act, in the definition of "unsafe", after the word "intended" the following words shall be inserted, namely:—

"and a ship shall be deemed to be unsafe when so loaded as to submerge in perfectly smooth salt water the centre of the disc indicating the load-line."

Substitution
of new sec-
tion 85 of
same Act.

4. For section 85 of the said Act the following shall be substituted, namely:—

Application
of provisions
respecting
overloading
and deck and
load-lines to
foreign
ships.

"85. The provisions of this Act for the prevention of the overloading and improper loading of British ships and for the marking of deck and load-lines on British Indian and British ships shall, with the exception of sub-sections (2) and (3) of section 35, apply to foreign ships also when in ports of British India, unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of a direction of His Majesty in Council under section 445 of the Merchant Shipping Act, 1894:

Provided that nothing in this section shall apply to any foreign ship not bound to a port in British India which comes into any port in British India for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal:

Provided also that in the case of the detention of a foreign ship the application of the provisions of this Act shall be subject to the following modifications, namely:—

(i) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the port in which such ship is detained;

(ii) the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Local Government under section 8 to survey the ship shall be accompanied by such person

person as the consular officer may select, and in that case, if the surveyor and that person agree, the Local Government shall cause the ship to be detained or released accordingly; but, if they differ, the Local Government may act as if the requisition had not been made, and the owner and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and

- (iii) where the owner or master of the ship appeals to the Court of Survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Local Government."