

ACT No. XXV OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st
September, 1933.)

An Act further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

WHEREAS an International Convention for the Safety of
Life at Sea was signed in London on the 31st day of May,
1929, for promoting safety of life at sea by establishing in
common agreement uniform principles and rules directed thereto;

AND WHEREAS an International Load Line Convention was
signed in London on the 5th day of July, 1930, for promoting
safety of life and property at sea by establishing in common
agreement uniform principles and rules with regard to the
limits to which ships on international voyages may be loaded;

AND WHEREAS the Government of India by its representatives
was a signatory to the said Conventions;

AND WHEREAS in order to give effect to the said Conventions
and in order in certain other respects to make better provision
for Merchant Shipping it is expedient to amend the Indian
Merchant Shipping Act, 1923, for the purposes hereinafter
appearing;

I of 1923.

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Merchant Shipping
(Second Amendment) Act, 1933.

Short title and
commence-
ment.

(2) This section shall come into force at once: the rest of
this Act or any section thereof shall come into force on such
date as the Governor General in Council may, by notification
in the Gazette of India, appoint in this behalf.

I of 1923.

2. In section 2 of the Indian Merchant Shipping Act, 1923
(hereinafter referred to as the said Act),—

Amendment of
section 2, Act
XXI of 1923.

(a) in clause (5), for the figures "1894—1921" the figures
"1894—1932" shall be substituted;

(b) in

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(b) in clause (6), after the word "servants" the following words shall be added, namely:—

" , but does not include any persons on-board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which neither the master nor the owner could have prevented or forestalled";

(c) after clause (6), the following clause shall be inserted, namely:—

"(6A) 'passenger steamer' means a steamship carrying more than twelve passengers;".

Amendment of section 90, Act XXI of 1923.

3. For sub-section (1) of section 90 of the said Act, the following sub-section shall be substituted, namely:—

"(1) Every place in a British ship which is occupied by seamen or apprentices engaged under this Act and appropriated for their use shall have for each seaman or apprentice a space of not less than twelve superficial feet and not less than seventy-two cubic feet."

Amendment of section 121, Act XXI of 1923.

4. In section 121 of the said Act, after clause (xiii) the following clauses shall be added, namely:—

"(xiv) the times of closing and opening the hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings which are required by any rules made under this Act to be kept closed during navigation;

(xv) a record of all drills and inspections required by any rules made under this Act with an explicit record of any defects disclosed; and, if boat-drill is not practised on board the ship in any week, the reasons why boat-drill was not practised in that week."

Amendment of section 134, Act XXI of 1923.

5. In section 134 of the said Act,—

(a) in clause (b), after the word "equipments" the brackets and words "(including life-saving appliances and wireless telegraphy installation)", and after the word "engine-driver" the words "and of the wireless telegraphy operators and watchers" shall be inserted; and

(b) for

(b) for clause (d) the following clause shall be substituted, namely:—

“(d) the voyages or class of voyages on which, as regards construction, machinery and equipments, the steamship is in the surveyor’s judgment fit to ply;”.

6. In section 139 of the said Act, the word “or” at the end of clause (b), and the whole of clause (c) shall be omitted. Amendment of section 139, Act XXI of 1923.

7. After section 139 of the said Act the following section shall be inserted, namely:— Insertion of new section 139A in Act XXI of 1923.

“139A. (1) The owner or master of a steamship in respect of which a certificate of survey has been granted under this Part, shall, as soon as possible after any alteration is made in the steamship’s hull, equipments or machinery which affects the efficiency thereof or the sea-worthiness of the steamship, give written notice to such person as the Governor General in Council may direct containing full particulars of the alteration. Alterations in steamships subsequent to grant of certificate of survey, and additional surveys.

(2) If the owner or master of a steamship, without reasonable cause, neglects to give the notice required by this section, he shall be liable to a fine which may extend to five hundred rupees.

(3) If the Governor General in Council has reason to believe that since the making of the last declaration of survey in respect of a steamship—

(a) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamship; or

(b) the hull, equipments or machinery of the steamship have sustained any injury or are otherwise insufficient,

the Governor General in Council may require the steamship to be again surveyed to such extent as he may think fit, and, if such requirement is not complied with, may cancel any certificate of survey issued under this Part in respect of the said steamship.”

8. After section 143 of the said Act the following section shall be inserted, namely:— Insertion of new section 143A in Act XXI of 1923.

“143A. (1) No steamship for which a certificate of survey is required by this Part shall carry as ballast or as cargo any goods which by reason of their nature, Prohibition of carriage of dangerous cargo.

quantity

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quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or the safety of the ship.

(2) The Governor General in Council may, subject to the condition of previous publication, make rules determining what goods are to be considered dangerous goods and prescribing the precautions which must be taken in the package and stowage thereof.

(3) If goods are carried in any steamship in contravention of the provisions of this section or of the rules made thereunder, the owner or master shall for each offence be liable to a fine which may extend to three thousand rupees and the steamship shall be deemed for the purpose of section 232 to be unsafe by reason of improper loading."

Amendment of section 144, Act XXI of 1923.

9. In section 144 of the said Act,—

(a) in sub-section (1), the words "attested by a British Consular Officer at the port where the survey was made" shall be omitted; and

(b) in sub-section (2), the words "and duly attested by the British Consular Officer at that port" shall be omitted.

Amendment of section 145, Act XXI of 1923.

10. After clause (a) of sub-section (2) of section 145 of the said Act the following clause shall be inserted, namely:—

"(aa) declare the requirements as to construction, machinery, equipments (including life-saving appliances and wireless telegraphy installation) and marking of subdivision load lines, which are to be fulfilled before a declaration of survey may be granted;"

Insertion of new section 145A in Act XXI of 1923.

11. After section 145 of the said Act the following section shall be inserted, namely:—

Power of Governor General in Council to make rules as to safety of life.

"145A. (1) The Governor General in Council may, subject to the condition of previous publication, make rules in respect of steamships for which a certificate of survey is required by this Part, regulating the provisions to be made for the safety of life at sea.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate—

(a) the control of hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings;

(b) the

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- (b) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire;
 - (c) the provision of means of making signals of distress and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;
 - (d) the provision of boats, life-boats, life-rafts and buoyant apparatus, their equipment, and the specifications with which they shall comply, and the marking of these so as to show the dimensions thereof and the number of persons that may be carried thereon;
 - (e) the manning of boats and life-boats and the qualifications and certificates of life-boat men;
 - (f) the provision to be made for mustering the passengers and crew and for embarking them in the boats and life-boats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);
 - (g) the practising of boat drills; and
 - (h) the assignment of specific duties to each member of the crew in the event of an emergency.
- (3) In making a rule under this section the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues."

12. In Part IV of the said Act, in the headings and elsewhere wherever the expressions occur, for the expressions "native passenger", "native passengers", "native passenger ship" and "native passenger ships", respectively, the expressions "unberthed passenger", "unberthed passengers", "unberthed passenger ship" and "unberthed passenger ships", shall be substituted.

Amendment
of Part IV,
Act XXI of
1923.

13. In section 147 of the said Act,—

(a) in sub-section (2),—

Amendment
of section 147
Act XXI of
1923

(i) for clause (a) the following clause shall be substituted, namely:—

"(a) to any steamship not carrying more than sixty unberthed passengers;" and

(ii) for

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(ii) for clause (b) the following clause shall be substituted, namely:—

“(b) to any ship not intended to carry unberthed passengers to or from any port in British India; or”; and

(b) in sub-section (3), for the words “carrying as passengers more than fifteen natives of Asia or Africa” the words “carrying more than fifteen unberthed passengers” shall be substituted, and for the words “carrying as passengers more than thirty such persons” the words “carrying more than thirty such passengers” shall be substituted.

Amendment of section 149, Act XXI of 1923.

14. For clause (1) of section 149 of the said Act the following clause shall be substituted, namely:—

“(1) ‘unberthed passenger’ means a passenger of the age of twelve years or upwards for whom no separate accommodation in any cabin, State room or saloon is reserved; but it does not include either a passenger in attendance on a person who is not an unberthed passenger or a child under one year of age; and, in the computation of passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one unberthed passenger;”.

Amendment of section 155, Act XXI of 1923.

15. In section 155 of the said Act,—

(a) in clause (e), for the words “propelled principally by steam” the words “propelled principally by machinery” shall be substituted; and

(b) in clause (g), for the words “propelled principally by steam” the words “propelled principally by machinery” shall be substituted, and for the words “steam power” the word “power” shall be substituted.

Amendment of section 160, Act XXI of 1923.

16. In sub-section (1) of section 160 of the said Act, for the words “unless he is satisfied that the ship has not” the words “if he has reason to believe that the ship has” shall be substituted.

Amendment of section 177, Act XXI of 1923.

17. To the proviso to section 177 of the said Act the following words shall be added, namely:—

“but shall obtain from the certifying officer an endorsement on the certificate B showing the number of passengers taken on board, and the number of passengers discharged, at that port or place.”

Amendment of section 179, Act XXI of 1923.

18. In sub-section (2) of section 179 of the said Act, for the word “steam”, in both places where it occurs, the word “machinery” shall be substituted.

19. In

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19. In sub-section (1) of section 183 of the said Act, for the word "steam" the word "machinery" shall be substituted.

Amendment of section 183, Act XXI of 1923.

20. In sub-section (1) of section 184 of the said Act, the words "from or to any port in British India to or from any port in the Red Sea" shall be omitted.

Amendment of section 184, Act XXI of 1923.

21. In sub-section (1) of section 200 of the said Act, for the words "propelled principally by steam" the words "propelled principally by machinery" shall be substituted, and for the words "steam-power" the word "power" shall be substituted.

Amendment of section 200, Act XXI of 1923.

22. In clause (l) of sub-section (1) of section 213 of the said Act, for the words "steam-power" the word "power" shall be substituted.

Amendment of section 213, Act XXI of 1923.

23. In Part V of the said Act, after the main heading "SAFETY" and before the heading "*Prevention of Collisions*", preceding section 214, the following section shall be inserted, namely:—

Insertion of new section 213A in Act XXI of 1923.

"213A. In this Part the expressions 'Country to which the International Convention respecting Load Lines, 1930, applies' and 'Country to which the International Convention for the Safety of Life at Sea, 1929, applies', mean—

Definition.

- (i) a country which has been declared by Order in Council made by His Majesty under section 65 or section 37 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to have ratified or acceded to the Convention specified in the expression and has not been so declared to have denounced the Convention;
- (ii) any colony or overseas territory of, or any protectorate or territory under suzerainty or mandate of a country so declared, in respect of which a declaration under the said section of the said Act has been made that the Convention specified in the expression has been applied to such colony, territory or protectorate, and no declaration has been made that the said Convention has ceased to apply."

24. After section 216 of the said Act, the following heading and sections shall be inserted, namely:—

Insertion of new sections 216A and 216B in Act XXI of 1923.

"Life-saving Appliances.

216A. (1) The Governor General in Council may, subject to the condition of previous publication, make rules prescribing

Power of Governor General in Council to make rules as to life-saving appliances.

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prescribing the life-saving appliances to be carried by every British ship going to sea from any port in British India.

- (2) In making a rule under this section, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Inspection of provision of life-saving appliances.

216B. (1) A surveyor appointed under section 129 of this Act may, at any reasonable time, inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with the rules made under this Act.

- (2) If the said surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

- (3) Every notice so given shall be communicated in the manner directed by the Governor General in Council to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance, and the ship shall be detained until a certificate signed by such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with the said rules.

- (4) Such fees may be charged for the grant of the certificate referred to in sub-section (3) as the Governor General in Council may prescribe."

Substitution of new sections 217-224M for sections 217-224, Act XXI of 1923.

25. For the heading to sections 217 to 224 of the said Act and for those sections the following headings and sections shall be substituted, namely:—

'Load Lines.

Operation of provisions relating to load lines.

217. (1) Sections 218 to 224M inclusive (hereinafter referred to as 'the provisions of this Part relating to load lines') shall have effect only from such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

- (2) Notwithstanding the provisions of sub-section (1) the power to make rules conferred by section 219 and by sub-section (1) of section 224M may be exercised, and a load-line certificate may

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may be issued in accordance with the rules made under section 219, at any time before such appointed date as if the provisions of this Part relating to load lines were already in force; and where a load-line certificate is so issued in respect of any ship, or where before such appointed date a certificate granted under section 223 of this Act as in force prior to its amendment by the Indian Merchant Shipping (Second Amendment) Act, 1933, ceases to be in force in respect of any ship, the provisions of this Part relating to load lines shall be deemed to have come into force with respect to such ship as from the date on which the said load-line certificate is issued or the said certificate granted under section 223 ceases to be in force, as the case may be.

218. (1) The provisions of this Part relating to load lines shall not apply to—

Ships exempt from provisions relating to load lines.

- (i) any sailing ship of less than 150 tons gross tonnage employed in plying coastwise between ports situated in India and Ceylon;
- (ii) any ship solely engaged in fishing;
- (iii) any pleasure yacht.

(2) The Governor General in Council may, on such conditions as he may think fit, exempt from the provisions of this Part relating to load lines—

- (i) any ship plying between the near neighbouring ports of two or more countries if the Governor General in Council and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply to ships so plying the provisions of this Part relating to load lines;
- (ii) any ship plying between near neighbouring ports of the same country if the Governor General in Council is satisfied as aforesaid;
- (iii) wooden ships of primitive build if the Governor General in Council considers that it would be unreasonable or impracticable to apply the said provisions to them;
- (iv) any class of steamships of less than 150 tons gross tonnage which are employed in plying coastwise between ports situated in India and Ceylon and do not carry cargo.

219. The

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Power of
Governor
General in
Council to
make rules as
to load lines.

219. The Governor General in Council may, subject to the condition of previous publication, make rules (hereafter in this Act referred to as 'the load-line rules') regulating the survey of ships for the purpose of assignment and marking of load lines and prescribing the conditions (hereafter in this Act referred to as 'the conditions of assignment') on which load lines may be assigned.

Marking of
deck line and
load lines.

220. (1) No British ship registered in British India, being a ship of which the keel was laid after the 30th day of June, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

- (i) the ship has been surveyed in accordance with the load-line rules;
- (ii) the ship complies with the conditions of assignment;
- (iii) the ship is marked on each side with a mark (hereafter in this Act referred to as a 'deck line') indicating the position of the uppermost complete deck as defined by the load-line rules, and with marks (hereafter in this Act referred to as 'load lines') indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load-line rules;
- (iv) the deck line and load lines are of the description required by the load-line rules, the deck line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and
- (v) the load lines are in the position required by such of the load-line rules as are applicable to the ship.

(2) No British ship registered in British India, being a ship of which the keel was laid before the first day of July, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

- (i) the ship has been surveyed and marked in accordance with clauses (i), (iii) and (iv) of sub-section (1);
- (ii) the ship complies with the conditions of assignment in principle and also in detail so far as, in the opinion of the Governor General in Council, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(iii) the

(iii) the load lines are either in the position required by clause (v) of sub-section (1) or in the position required by the tables used by the Board of Trade on the 31st day of December, 1906, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof as were in force immediately before the 5th day of July, 1930.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine which may extend to one thousand rupees.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 232.

221. (1) A British ship registered in British India (not being exempt from the provisions of this Part relating to load lines) shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded.

Submersion of
load line.

(2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

(4) In any proceedings against an owner or master for a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(5) Without

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(5) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Offences in relation to marks.

222. If—

- (i) the owner or master of a British ship registered in British India, which has been marked in accordance with the foregoing provisions of this Part, fails without reasonable cause to keep the ship so marked, or
- (ii) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part, except with the authority of a person entitled under the load-line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine which may extend to one thousand rupees.

Inspection of ships with respect to load-lines.

223. A surveyor authorised in this behalf by the Governor General in Council may inspect any British ship registered in British India for the purpose of seeing that the provisions of this Part relating to load lines have been complied with and for this purpose may go on board the ship at all reasonable times and do all things necessary for the proper inspection of the ship and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the ship.

Certificates.

Issue of load-line certificates and effect thereof.

224. (1) Where a British ship registered in British India has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—

- (i) in the case of a ship of 150 tons gross tonnage or upwards which carries cargo or passengers, a certificate to be called 'an international load-line certificate'; and

(ii) in

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(ii) in the case of any other ship, a certificate to be called 'a British India load-line certificate'.

(2) Every such certificate shall be issued either by the Governor General in Council or by such other person as may be authorised in that behalf by the Governor General in Council and shall be issued in such form and manner as may be prescribed by the load-line rules.

(3) The Governor General in Council may request the Government of a country to which the International Convention respecting Load Lines, 1930, applies, to issue a load-line certificate in the form of an international load-line certificate under that Convention in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by the Governor General in Council.

(4) Where a load-line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purposes of the foregoing provisions of this Part, be deemed to have been surveyed as required by those provisions, and, if the deck line and load lines on the ship are of the number and description required by the load-line rules and the position of the deck line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

224A. (1) Every load-line certificate issued by or under the authority of the Governor General in Council shall, unless it is renewed in accordance with the provisions of sub-section (2), expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

Duration,
renewal and
cancellation of
certificates.

(2) Any such load-line certificate may, after a survey not less effective than the survey required by the load-line rules before the issue of the certificate, be renewed from time to time by the Governor General in Council or by any person authorised by the Governor General in Council to issue a load-line certificate, for such period (not exceeding five years on any occasion) as the Governor General in Council or the person renewing the certificate thinks fit.

(3) The Governor General in Council shall cancel any such load-line certificate in force in respect of a ship if he has reason to believe that—

(i) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or

(ii) the

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- (ii) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should, having regard to sub-section (3), remain in force, and if the ship is not so surveyed, the Governor General in Council shall cancel the certificate:

Provided that the Governor General in Council, if he thinks fit in any particular case, may extend the said period of one year.

(5) Where any such load-line certificate has expired or been cancelled, the Governor General in Council may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine which may extend to one hundred rupees.

(6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

Ships not to proceed to sea without certificate.

224B. (1) No British ship registered in British India shall proceed to sea unless there is in force in respect of the ship a load-line certificate issued under the provisions of section 224.

(2) The master of every British ship registered in British India shall produce to the officer of Customs, from whom a port clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted, and the ship may be detained, until that certificate is so produced.

(3) The master of any ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine which may extend to one thousand rupees.

224C. (1) When

224C. (1) When a load-line certificate has been issued in pursuance of the foregoing provisions of this Part in respect of a British ship registered in British India other than a home-trade ship not exceeding 300 tons burden—

Publication of load-line certificate and particulars relating to depth of loading.

(i) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and

(ii) the master of the ship, before making any other entry in any official log-book, shall enter or cause to be entered therein the particulars as to the position of the deck line and load lines specified in the certificate.

(2) Before any such ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

(i) enter or cause to be entered in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Governor General in Council may by rules made in this behalf prescribe; and

(ii) cause a notice, in such form and containing such of the said particulars as may be required by the said rules, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the Governor General in Council may by the said rules exempt home-trade ships or any class of home-trade ships from the requirements of clause (i) of this sub-section.

(3) If the master or owner of any British ship registered in British India fails to comply with the provisions of this section, he shall for each offence be liable to a fine which may extend to two hundred rupees.

224D. (1) Before an agreement with the crew of any British ship registered in British India, in respect of which a load-line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck line and load lines specified

Insertion of particulars as to load lines in agreements with crew.

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in the certificate, and if he fails to do so, he shall for each offence be liable to a fine which may extend to two hundred rupees.

(2) In the case of a British ship registered in British India, being a foreign-going ship, the shipping master shall not proceed with the engagement of the crew until—

- (i) there is produced to him a load-line certificate for the time being in force in respect of the ship; and
- (ii) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Special provisions as to ships not registered in British India.

Load-line certificates of ships not registered in British India.

224E. (1) The Governor General in Council may, at the request of a country to which the International Convention respecting Load Lines, 1930, applies, issue an international load-line certificate in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that he can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention respecting Load Lines, 1930, in respect of ships not registered in British India, the Governor General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions hereafter contained in this Part relating to ships not registered in British India, the expression 'a valid international load-line certificate' means a certificate complying with such of those rules as are applicable in the circumstances.

Inspection and control of ships not registered in British India.

224F. (1) A surveyor authorised in this behalf by the Governor General in Council may, at any reasonable time, go on board any ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, when such ship is within any port in British India, for the purpose of demanding the production of any load-line certificate for the time being in force in respect of the ship.

(2) If a valid international load-line certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting

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inspecting the ship with respect to load line shall be limited to seeing—

- (i) that the ship is not loaded beyond the limits allowed by the certificate;
- (ii) that the position of the load lines on the ship corresponds with the position specified in the certificate;
- (iii) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;
- (iv) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and the provisions of section 238 shall apply.

(4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in clauses (iii) and (iv) of sub-section (2) that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section 232 (in the case of a British ship) or for the purpose of section 238 (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Governor General in Council shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid international load-line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship,

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for the purpose of seeing that the provisions of this Part relating to load lines have been complied with, as if the ship were a British ship registered in British India.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded.

Certificate of ship not registered in British India to be produced to Customs.

224G. The master of every ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers, and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded—

- (i) in a case where port clearance is demanded in respect of a voyage to a port or place outside British India, a valid international load-line certificate;
- (ii) in a case where port clearance is demanded in respect of any other voyage, either a valid international load-line certificate or a valid British India load-line certificate;

and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Marking of deck line and load lines of ships not registered in British India.

224H. The provisions of section 220 shall apply to ships not registered in British India proceeding or attempting to proceed to sea from ports in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

- (i) the said section shall not apply to a ship not registered in British India if a valid international load-line certificate is produced in respect of the ship; and
- (ii) subject to the provisions of clause (i) of this section a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section 220 shall be deemed to be unsafe for the purpose of section 238.

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224I. The provisions of section 221 shall apply to ships not registered in British India, while they are within any port in British India as they apply to ships registered in British India subject to the following modifications, namely:—

Submerston of
load line of
ships not re-
gistered in
British India.

- (i) no ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load-Lines, 1930, applies, shall be detained and no proceedings shall be taken against the owner or master thereof by virtue of the said section except after an inspection by a surveyor as provided by section 224F; and
- (ii) the expression 'the appropriate load line' in relation to any ship not registered in British India shall mean—
 - (a) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded;
 - (b) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded, or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

224J. The provisions of section 223 shall apply, in the same manner as they apply to British ships registered in British India, to all other ships while they are within any port in British India, except ships to which the provisions of section 224F apply.

Inspection of
ships not
registered in
British India.

224K. (1) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of British India load-line certificates shall apply to ships not registered in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

Load-line
certificates
of ships
not registered
in British
India.

- (i) any such certificate may be issued in respect of any such ship as in respect of a ship registered in British India, provided that any such certificate issued in respect of a ship of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall

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shall only be valid so long as the ship is not plying on voyages from or to any place in British India to or from any place outside British India and shall be endorsed with a statement to that effect and shall be cancelled by the Governor General in Council if he has reason to believe that the ship is so plying; and

(ii) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Governor General in Council.

(2) If the Governor General in Council is satisfied--

(i) either--

(a) that by the law in force in any part of His Majesty's dominions outside British India provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions, or

(b) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising British India load-line certificates as having the same effect in ports of that country as certificates issued under the said provision, and

(ii) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part relating to load lines and is equally effective,

he may, by notification in the Gazette of India, direct that load-line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part as British India load-line certificates:

Provided that such direction shall not apply to ships of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to countries to which the International Convention respecting Load Lines, 1930, applies, if such ships are engaged in plying on voyages from or to any place in British India to or from any place outside British India.

224L. The

224L. The master of every ship not registered in British India other than ships to which the provisions of section 224G apply shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded, either a British India load line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Certificates to be produced to Customs by ships not registered in British India.

Loading of Timber.

224M. (1) The Governor General in Council shall, subject to the condition of previous publication, make rules (hereafter in this section referred to as the 'timber cargo rules') as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any ship.

Power of Governor General in Council to make rules as to timber cargo.

(2) The timber cargo rules may prescribe a special load line to be used only when the ship is carrying timber as cargo on deck and the conditions on which such special load line may be assigned, and may further prescribe either generally or with reference to particular voyages and seasons the manner and position in which such timber is to be stowed and the provisions which are to be made for the safety of the crew.

(3) If any provision of the timber cargo rules is contravened in the case of any British ship registered in British India, the master of the ship shall be liable to a fine which may extend to five thousand rupees:

Provided that in any proceedings against a master in respect of a contravention of the timber cargo rules it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(4) Any surveyor authorised in this behalf by the Governor General in Council may, at any reasonable time, inspect any ship carrying timber as cargo in any uncovered space on her deck for the purpose of seeing whether the timber cargo rules have been complied with.

(5) The foregoing provisions of this section and the timber cargo rules shall apply to ships not registered in British India, while they are within any port in British India as they apply to British ships registered in British India."

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Substitution of new sections for sections 227 and 228, Act XXI of 1923.

26. For the heading to sections 227 and 228 of the said Act and for those sections the following heading and sections shall be substituted, namely:—

"Subdivision Load Lines.

Submerison of subdivision load lines in case of British passenger steamer registered in British India.

227. (1) Where—

- (a) a British passenger steamer registered in British India has been marked with subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers, and
- (b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of this Part to be loaded,

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submerison.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Application of section 227 to steamers not registered in British India.

228. The provisions of section 227 shall apply to passenger steamers not registered in British India while they are within any port in British India as they apply to British passenger steamers registered in British India."

27. In

27. In section 234 of the said Act, after the word "unsafe," the following words shall be inserted, namely:—

Amendment of section 234, Act XXI of 1923.

"or if a ship is detained in pursuance of any provision of this Part which provides for the detention of a ship until a certain event occurs,".

28. In section 238 of the said Act, after the word "unsafe" the following words shall be inserted, namely:—

Amendment of section 238, Act XXI of 1923.

"by reason of the defective condition of her hull, equipments or machinery, or".

29. Section 241 of the said Act shall be omitted.

Repeal of section 241, Act XXI of 1923.

30. After section 242 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 242A and 242B in Act XXI of 1923.

"242A. (1) On and after such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf every British ship registered in British India being a passenger steamer of 5,000 tons gross tonnage or upwards shall be provided with a wireless direction-finding apparatus of the prescribed description.

Wireless direction-finding apparatus.

(2) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be liable in respect of each offence to a fine which may extend to two hundred rupees.

242B. (1) Every ship compulsorily equipped under the provisions of section 242 with a wireless telegraph installation shall maintain in the wireless telegraph room a wireless telegraph log in which shall be entered such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service as may be prescribed.

Wireless telegraph log.

(2) The provisions of section 122 shall apply to the wireless telegraph log kept under this section as if it were an official log-book."

31. To sub-section (2) of section 243 of the said Act the following proviso shall be added, namely:—

Amendment of section 243, Act XIX of 1923.

"Provided that if a valid Safety Convention Certificate is produced in respect of any ship not registered in British India, the inspection shall be limited to seeing that the ship is provided with a wireless telegraph installation and that the number of certified

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certified operators and watchers corresponds substantially with the particulars stated in the certificate."

Amendment of section 245, Act XXI of 1923.

32. In clause (a) of sub-section (2) of section 245 of the said Act,—

- (a) after the word "installation" the words "and wireless direction-finding apparatus" shall be inserted;
- (b) after the word "maintained" the words "the form of the wireless log and the particulars to be entered therein" shall be inserted; and
- (c) the proviso shall be omitted.

Insertion of new sections 245A—245M in Part V, Act XXI of 1923.

33. In Part V of the said Act, after section 245 the following headings and sections shall be inserted, namely:—

"Signalling Lamps.

Signalling lamps.

245A. (1) Every British ship registered in British India being a ship of over 150 tons gross tonnage shall, when proceeding to sea from any port or place in British India to any port or place outside British India, be provided with a signalling lamp of the type approved by the Governor General in Council.

(2) If any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine which may extend to two hundred rupees.

Safety Certificates, Radio-telegraphy Certificates and Exemption Certificates.

Operation of provisions relating to Safety Certificates and Exemption Certificates.

245B. The provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates, that is to say, the provisions of section 245C to section 245M inclusive, shall have effect only from such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Safety Certificates and Qualified Safety Certificates.

245C. (1) Upon receipt of a declaration of survey granted under Part III in respect of a steamship for which a certificate of survey is required by that Part, the Governor General in Council shall, if satisfied that the steamship complies with all the provisions as to construction, machinery and equipments (including life-saving appliances, and wireless telegraphy installation) applicable to such steamship under this Act, cause
a certificate

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a certificate, to be called a Safety Certificate or a Qualified Safety Certificate as the case may be, to be prepared and delivered through such officer as the Governor General in Council may appoint in this behalf to the owner or master of the steamship.

(2) The Safety Certificate shall be in the prescribed form and shall state that the steamship complies with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

(3) The Qualified Safety Certificate shall be in the prescribed form and shall state in what respects the steamship complies with the requirements of the International Convention for the Safety of Life at Sea signed in London on the 31st day of May, 1929.

245D. (1) The owner or master of any British ship registered in British India which is not a passenger steamer but which is required by the provisions of section 242 to be provided with a wireless telegraphy installation and which is intended to ply on voyages from or to any place in British India to or from any place outside British India shall, if the Governor General in Council is satisfied that the ship complies with all the provisions as to wireless telegraphy applicable to such ship under this Part, receive a certificate to be called a Safety Radio-telegraphy Certificate, to be prepared and delivered through such officer as the Governor General in Council may appoint in this behalf.

Safety Radio-
telegraphy
Certificate.

(2) The Safety Radio-telegraphy Certificate shall be in the prescribed form and shall state that the ship complies in respect of wireless telegraphy installation with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

245E. The owner or master of any British ship registered in British India which is intended to ply on voyages from or to any place in British India to or from any place outside British India and in regard to which the Governor General in Council has made a declaration under section 126 or an order of exemption under the proviso to sub-section (1) of section 242 shall on application to the officer appointed in this behalf by the Governor General in Council receive from such officer a certificate in the prescribed form to be called an Exemption Certificate.

Exemption
Certificate.

245F. (1) A Safety Certificate, Qualified Safety Certificate, Safety Radio-telegraphy Certificate or Exemption Certificate issued under the provisions of section 245C, 245D or 245E, shall not remain in force for more than one year from the date of its issue,

Duration of
Certificates.

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issue, nor after notice is given by the authority issuing it to the owner or master of the ship in respect of which it has been issued, that that authority has cancelled the certificate.

(2) If the ship in respect of which any such certificate has been issued is absent from British India at the date when the certificate expires, the authority issuing the certificate, or any person authorised by that authority for the purpose, may, if it appears proper and reasonable so to do, grant such extension of the certificate as will allow the ship to return to British India, but no such extension shall have effect for more than five months from the said date.

(3) If the ship in respect of which a Safety Certificate issued under section 245C is in force has on board in the course of a particular voyage a total number of persons less than the number stated in the certificate to be the number for which the life-saving appliances on the ship provide, the owner or master of the ship may obtain from the authority issuing the certificate, or any person authorised by that authority for the purpose, a memorandum to be attached to the certificate stating the total number of persons carried on the ship on that voyage, and the modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate.

Issue of Certi-
ficates to ships
of foreign
countries.

245G. (1) The Governor General in Council may, at the request of the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, cause a Safety Certificate or Safety Radio-telegraphy Certificate to be issued in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that such a certificate can properly be issued, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention for the Safety of Life at Sea, 1929, in respect of ships not registered in British India, the Governor General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions of this Act the expression 'a valid Safety Convention Certificate' means a certificate or certificates complying with such of those rules as are applicable in the circumstances.

(3) Where

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(3) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India and there is attached to the certificate a memorandum which—

- (a) has been issued by or under the authority of the Government of the country to which the steamer belongs, and
- (b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificates with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

245H. (1) No British ship registered in British India being a passenger steamer shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship either—

Prohibition on proceeding to sea without certificates.

- (a) a Safety Certificate issued under section 245C, or
- (b) a Qualified Safety Certificate issued under section 245C and an Exemption Certificate issued under section 245E,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(2) No sea-going British ship registered in British India being a ship of 1,600 tons gross tonnage or upwards other than a passenger steamer, shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship—

- (a) such certificate or certificates as would be required in her case by the provisions of sub-section (1) if she were a passenger steamer, or
- (b) a Safety Radio-telegraphy Certificate issued under section 245D, or
- (c) an Exemption Certificate, issued under section 245E, relating to the wireless telegraphy equipment,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(3) If

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(3) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section--

(a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under this Act, be liable for each offence to a fine which may extend to one hundred rupees for every passenger carried on board the steamship; and

(b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.]

(4) The master of every ship to which this section applies shall produce to the officer of Customs from whom a port clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted and the ship may be detained until the said certificate or certificates are so produced.

(5) Where an Exemption Certificate issued under section 245E in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

Recognition of
certificates
issued outside
British India.

245I. (1) Where there is produced in respect of any steamship not registered in British India a valid Safety Convention Certificate, such certificate shall be accepted as having the same force as the corresponding certificate issued in respect of a ship registered in British India by the Governor General in Council.

(2) The master of every ship not registered in British India being a passenger steamer or being a ship of 1,600 tons gross tonnage or upwards belonging to a country to which the International Convention for the Safety of Life at Sea, 1929, applies, shall produce a valid Safety Convention Certificate to the officer of Customs from whom a clearance for the ship is demanded in respect of a voyage from a place in British India to a place outside British India, and a clearance shall not be granted and the ship may be detained until such a certificate is so produced.

(3) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India
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the steamer shall not be deemed to be unsafe for the purposes of section 238 of this Act by reason of the defective condition of her hull, equipments or machinery unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the ship does not correspond substantially with the particulars stated in the certificate.

245J. (1) The Governor General in Council may, subject to the condition of previous publication, make rules to carry out the purposes of the provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates.

Power of Governor General in Council to make rules as to certificates.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the form of the certificates referred to in sub-sections (2) and (3) of section 245C; sub-section (2) of section 245D; and section 245E, the charging of fees for the grant of such certificates, the amount of such fees, and the manner in which they shall be recoverable.

(3) The Governor General in Council may delegate to any person the functions assigned to the Governor General in Council by sections 245C, 245D and 245G of granting a Safety Certificate, a Qualified Safety Certificate or a Safety Radio-telegraphy Certificate in respect of any ships or classes of ships.

245K. The provisions of sections 139, 139A, 140 and 142 of this Act shall apply to and in relation to every certificate issued by the Governor General in Council under sections 245C, 245D and 245E in the same manner as they apply to and in relation to a certificate of survey.

Application of sections 139, 139A, 140 and 142 of Act to certificates.

245L. The Governor General in Council may request the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, to issue a Safety Certificate or a Safety Radio-telegraphy Certificate in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Governor General in Council.

Issue by Foreign Government of certificate to ships registered in British India.

245M. Where any foreign ship is detained under this Part in any case to which the provisions of section 238 do not apply, or where any proceedings are taken under this Part against the master or owner of any such ship, notice shall forthwith be served on the Consular officer for the country to which the ship belongs at or nearest to the port where the

Detention of foreign ships in cases not referred to in section 238.

ship

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ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken."

Insertion of
new Part VA
in Act XXI of
1923.

34. After Part V of the said Act the following Part and sections shall be inserted, namely:—

"PART VA.

NAVIGATION.

Method of
giving helm
orders.

245N. (1) No person on any British ship registered in British India shall when the ship is going ahead give a helm or steering order containing the word 'starboard' or 'right' or any equivalent of 'starboard' or 'right', unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word 'port' or 'left' or any equivalent of 'port' or 'left', unless he intends that the head of the ship shall move to the left.

(2) Any person who contravenes the provisions of this section shall for each offence be liable to a fine which may extend to five hundred rupees.

Duty to report
dangers to
navigation.

245O. (1) The master of any British ship registered in British India on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by all means of communication at his disposal and in accordance with such rules as the Governor General in Council may make in this behalf to ships in the vicinity and to such authorities on shore as may be prescribed by these rules.

(2) If the master of a ship fails to comply with the provisions of this section, he shall be liable for each offence to a fine which may extend to five hundred rupees.

(3) For the purposes of this section the expression 'tropical storm' means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in the vicinity.

Obligation to
render assis-
tance on receiv-
ing signal of
distress.

245P. (1) The master of a British ship registered in British India on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or,

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in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

(2) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(3) Any master failing to comply with the provisions of sub-section (1) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(4) Any master failing to comply with the provisions of sub-section (2) shall be liable to a fine which may extend to one thousand rupees.

245Q. (1) The Governor General in Council may, subject to the condition of previous publication, make rules prescribing—

Power of
Governor
General in
Council to
make rules as
to signals.

- (a) the manner of communicating information regarding dangers to navigation, and the authorities on shore to whom such information is to be communicated,
- (b) the signals which shall be signals of distress and of urgency, respectively,
- (c) the circumstances in which and the purposes for which any such signal is to be used, and the circumstances in which it is to be revoked, and
- (d) the speed at which any message sent by wireless telegraphy in connection with such signal is to be transmitted.

(2) In making any rule under this section the Governor General in Council may direct that the breach of it shall be punishable with fine which may extend to five hundred rupees."