

Act No. XLI of 1947

[PASSED BY THE DOMINION LEGISLATURE]

(Received the assent of the Governor-General on the 18th December 1947)

An Act further to amend the Indian Merchant Shipping Act, 1923

WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923 (XXI of 1923), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Indian Merchant Shipping (Amendment) Act, 1947.

2. Insertion of new sections in Act XXI of 1923.—After section 289 of the Indian Merchant Shipping Act, 1923, the following sections shall be inserted, namely :—

“289A. Power to restrict transfer of ships.—(1) No person shall transfer or acquire any ship registered in any port of registry in India, or any share or interest therein, without the previous approval of the Central Government.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years with fine or with both.

(3) Any transaction effected in contravention of the provisions of sub-section (1) shall be void and unenforceable.

289B. Power to restrict transfer of registry of ships.—Notwithstanding anything contained in section 53 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), no application made, whether before or after the coming into operation of this section, for the transfer of the registry of a ship from a port of registry in India to a port of registry outside India shall be granted except with the previous approval of the Central Government, and the Central Government may, if it considers necessary or expedient so to do for the purpose of conserving the strength of Indian registered merchant shipping, refuse to give its approval to any such transfer.

289C. Power to exempt ships from provisions of this Act and the Merchant Shipping Acts.—Notwithstanding anything contained in this Act or the Merchant Shipping Acts, the Central Government may, upon such conditions, if any, as it may think fit to impose, exempt any ship from any specified requirement contained in, or prescribed in pursuance of, this Act or the Merchant Shipping Acts, or dispense with the observance of any such requirement, in the case of any ship if it is satisfied that that requirement has been substantially complied with or that compliance with the requirement is unnecessary in the circumstances of the case.”

3. Repeal and saving.—(1) The Indian Merchant Shipping (Restriction of Registry) Ordinance, 1947 (XXVII of 1947), is hereby repealed.

(2) Anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act had commenced on the 31st day of October, 1947.

Price anna 1 or 1½d.