

THE INDIAN LIGHTHOUSE (AMENDMENT) ACT, 1976

No. 37 OF 1976

[20th March, 1976.]

An Act further to amend the Indian Lighthouse Act, 1927.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Lighthouse (Amendment) Act, 1976.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

17 of 1927.

2. In section 1 of the Indian Lighthouse Act, 1927 (hereinafter referred to as the principal Act), in sub-section (1), the words "Indian" shall be omitted.

Amend-
ment of
section 1.

3. Throughout the principal Act, for the expression "Customs-collector", wherever it occurs, the expression "proper officer" shall be substituted.

Substi-
tution of
the words
"Proper
Officer"
for the
word
"Customs-
Collector"

Amend-
ment of
section 2.

4. In section 2 of the principal Act,—

- (i) clause (a) shall be omitted;
- (ii) in clause (h), the word “and” occurring at the end shall be omitted;
- (iii) after clause (h), the following clause shall be inserted, namely:—

‘(hh) “proper officer”, in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;’;

54 of 1963.

(iv) in clause (i), for the words and figures “Indian Merchant Shipping Act, 1923”, the words and figures “Merchant Shipping Act, 1958” shall be substituted.

21 of 1923.
44 of 1958.

Amend-
ment of
section
10.

5. In sub-section (1) of section 10 of the principal Act, for the words “fifty naye paise per ton”, the words “one rupee and fifty paise per ton” shall be substituted.

Amend-
ment of
section
12.

6. In section 12 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purpose of the levy of light-dues, a ship’s tonnage shall be reckoned as under the Merchant Shipping Act, 1958, for dues payable on a ship’s tonnage.”;

44 of 1958.

(ii) in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

“(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958, and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship’s register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or”.

44 of 1958.

7. After section 19 of the principal Act and before the heading "ACCOUNTS", the following section shall be inserted, namely:—

Insertion
of new
section
19A.
Fees.

"19A. Fees may be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels, at such rates as the Central Government may specify in the rules made under this Act."

8. Section 20A of the principal Act and the heading "DELEGATION OF POWERS" occurring before that section shall be omitted.

Omission
of section
20A.

9. In section 21 of the principal Act,—

Amend-
ment of
section 21.

(i) in sub-section (1), for the words "may make rules", the words "may, by notification in the Official Gazette, make rules" shall be substituted;

(ii) in sub-section (2),—

(a) in clause (c), the word "and" occurring at the end shall be omitted;

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

"(cc) the rates of fees for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels;"

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."