

A In section 42 of the principal Act in sub-section (2), for the words "company or any co-operative society," the words "company or body or co-operative society" shall be substituted

Amend- ment of section 42

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1993

substituted to new word

No. 68 OF 1993

Amend- ment of section 42

17th December, 1993.]

Amend- ment of section 42

An Act further to amend the Merchant Shipping Act, 1958.

Enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1993.

Short title and commencement.

(2) It shall be deemed to have come into force on the 27th day of October, 1993.

44 of 1958.

2. In section 21 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), for clauses (b) and (c), the following clauses shall be substituted, namely:—

Amend- ment of section 21.

(b) a company or a body established by or under any Central or State Act which has its principal place of business in India; or

2 of 1912.

(c) a co-operative society which is registered or deemed to be registered under the Cooperative Societies Act, 1912, or (any other law relating to co-operative societies for the time being in force in any State."

Amend- ment of section 42.

3. In section 42 of the principal Act,

(i) in sub-section (1), after the words "interest therein", the words, brackets and figures "at any time during which the security of India or of any part of the territory thereof is threatened by war or external aggression and during which a Proclamation of Emergency issued under clause (1) of article 352 of the Constitution is in operation" shall be inserted;

Amend- ment of section 42.

48 of 1958

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

Amend- ment of section 42.

"(2A) No transfer or acquisition of any Indian ship shall be valid unless

(a) all wages and other amounts due to seamen in connection with their employment on that ship have been paid in accordance with the provisions of this Act;

(b) the owner of the ship has given notice of such transfer or acquisition of the ship to the Director General."

Amendment of section 45.

4. In section 45 of the principal Act, in sub-section (2), for the words "company or any co-operative society", the words "company or body or co-operative society" shall be substituted.

Substitution of new section for section 51.

5. For section 51 of the principal Act, the following section shall be substituted, namely:—

Rights of mortgagee.

"51. (1) Where there is only one registered mortgagee of a ship or share, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged ship or share without approaching the High Court:

Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due in the High Court as provided in sub-section (2).

(2) Where there are two or more registered mortgagees of a ship or share they shall be entitled to recover the amount due under the mortgage in the High Court, and when passing a decree or thereafter the High Court may direct that the mortgaged ship or share be sold in execution of the decree.

(3) Every registered mortgagee of a ship or share who intends to recover the amount due under the mortgage by selling the mortgaged ship or share under sub-section (1) shall give an advance notice of fifteen days relating to such sale to the registrar of the ship's port of registry.

(4) The notice under sub-section (3) shall be accompanied with the proof of payment of the wages and other amounts referred to in clause (a) of sub-section (2A) of section 42."

Omission of section 412.

6. Section 412 of the principal Act shall be omitted.

Amendment of section 414.

7. In section 414 of the principal Act, in sub-section (2), clauses (b) and (c) shall be omitted.

Repeal and saving.

8. (1) The Merchant Shipping (Amendment) Ordinance, 1993 is hereby repealed.

Ord. 34 of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.