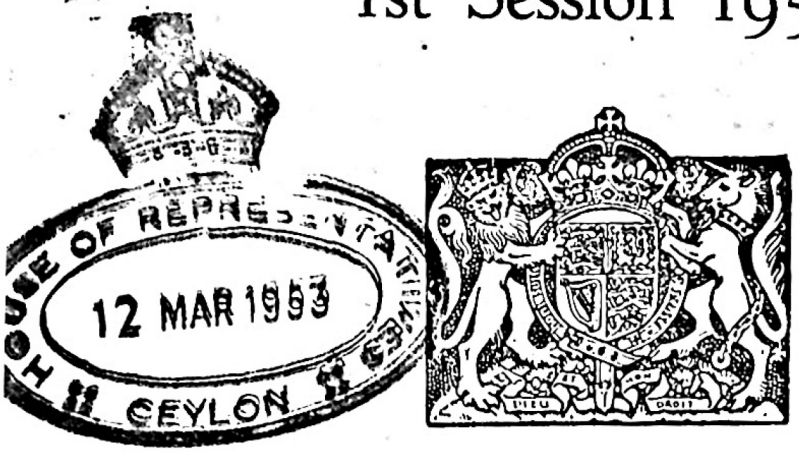
PARLIAMENT OF CEYLON

1st Session 1953



Merchant Shipping Act, No. 7 of 1953

Date of Assent : March 4, 1953

Printed on the Orders of Government

Printed at the CEYLON GOVT. PRESS, COLOMBO. To be purchased at the GOVT. PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price : Rs. 3·50. ***Postage : 30 cents.***

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO MERCHANT SHIPPING.

TABLE OF CONTENTS

PART I.

SHORT TITLE AND DATE OF OPERATION.

Section

1. Short title and date of operation.

PART II.

MASTERS AND SEAMEN.

Definitions and application.

2. Definitions of " Commonwealth ship " and " Ceylon ship ".
3. Application of Part II to fishing boats.
4. Partial application of Part II to pleasure yachts.

Certificates of competency.

5. Certificates of competency to be held by officers of ships.
6. Grades of certificates of competency.
7. Examinations for certificates of competency.
8. Fees on examinations.
9. Grant of certificates.
10. Certificates of service for naval officers.
11. Form and record of certificate.
12. Loss of certificate.
13. Recognition of certificates of competency granted in any country of the British Commonwealth.
14. Certificate to be returned for cancellation on death of holder.
15. Production of certificates of competency.
16. Forgery, etc., of certificate of competency.

Apprenticeship to the sea service.

17. Assistance to be given by Registrar of Shipping and Seamen and shipping masters as to sea service.
18. Special provisions as to apprenticeship to the sea service.
19. Production of indentures to shipping master before voyage in foreign going ship.

Licences to supply seamen and maintain lodging houses.

20. Licences for supply of seamen and maintenance of lodging houses.
21. Penalty for engaging seamen without licence.
22. Penalty for receiving remuneration for seamen for engagement.

Section

Engagement of seamen.

23. Agreements with crew and identity cards.
24. Form, period, and conditions of agreement with the crew.
25. Special provisions as to agreements with crews of foreign-going ships.
26. Special provisions as to agreements with crews of home-trade ships.
27. Fees payable on engagements.
28. Changes in crew of foreign-going ship to be reported.
29. Certificate as to agreement with crew of foreign-going ship.
30. Certificate as to agreement with crew of home-trade ship.
31. Copy of agreement to be made accessible to crew.
32. Forgery, etc., of agreements with crew.
33. Alterations in agreements with crew.
34. Seamen not to be bound to produce agreement.

Engagement of Asian seamen who are British subjects.

35. Agreements with Asian seamen to contain special stipulations.
36. Master of foreign ship engaging Asian seamen to give bond for payment of expenses of repatriation to be determined by the Director.
37. Inspection of foreign ships in connection with engagement of Asian seamen.

Rating of seamen.

38. Rating of seamen. Grant of certificates of service.

Discharge of seamen.

39. Discharge before shipping master.
40. Certificate of discharge and return of certificate to officer on discharge.
41. Reports of seamen's characters.
42. Fees payable on discharge.
43. False or forged certificate of discharge or report of character.

Payment of wages.

44. Payment of wages before shipping master.
45. Master to deliver account of wages.
46. Deductions from wages of seamen.
47. Notice of disrating of seamen.
48. Time of payment of wages for foreign-going ships.
49. Time of payment of wages for home-trade ships.
50. Settlement of wages.
51. Decision of questions by shipping masters.

Section

52. Power of shipping master to require production of ship's papers.
53. Rule as to payment of British seamen in foreign money.

Advance and allotment of wages.

54. Advances restricted.
55. Regulations as to allotment notes.
56. Allotments in favour of savings banks.
57. Master to give facilities to seamen for remitting wages.
58. Right of suing on allotment notes.
59. Time for payment of allotment notes.

Rights of seamen in respect of wages.

60. Right to wages, etc., when to begin.
61. Right to recover wages and salvage not to be forfeited.
62. Wages not to depend on freight.
63. Wages not to accrue during refusal to work or imprisonment.
64. Forfeiture of wages, etc., of seaman where illness caused by his own default.
65. Costs of procuring punishment may be deducted from wages.
66. Compensation to seamen improperly discharged.
67. Restriction on sale of, and charge upon, wages.

Mode of recovering wages.

68. Summary proceedings for wages.
69. Restrictions on suits for wages.
70. Remedies of master for wages, disbursements, etc.
71. Powers of court in case of unreasonable delay in paying master's wages.

Powers of courts to rescind contracts.

72. Power of court to rescind contract between owner or master and seaman or apprentice.

Property of deceased seamen.

73. Property of seamen who die during voyage.
74. Dealing with and account of property of seamen who die during voyage.
75. Penalty for non-compliance with provisions as to property of deceased seamen.
76. Property of deceased seaman left in Ceylon, but not on board ship.
77. Recovery of wages, etc., of seamen lost with their ship.
78. Property of seamen dying at home.
79. Payment over of property of deceased seamen by Director.

Section

80. Dealing with deceased seaman's property when he leaves a will.
81. Claims by creditors.
82. Dealing with unclaimed property of deceased seaman.

Leaving seamen behind.

83. Penalty for forcing seamen on shore.

Provisions, health, and accommodation.

84. Complaints as to provisions or water.
85. Inspection of provisions and water.
86. Allowance for short or bad provisions.
87. Weights and measures on board.
88. Regulations respecting medicines, etc.
89. Inspection of medicines, etc.
90. Expenses of medical attendance in case of injury or illness.
91. Recovery of expenses from owner.
92. Accommodation for seamen.

Facilities for making complaint.

93. Facilities for making complaint.

Protection of seamen from imposition.

94. Assignment or sale of salvage invalid.
95. No debt exceeding Rs. 2.50 recoverable till end of voyage.
96. Penalty for overcharges by lodging-house keepers.
97. Penalty for detaining seamen's effects.
98. Penalty for solicitations by lodging-house keepers.
99. Penalty for being on board ship without permission before seamen leave.

Provisions as to discipline.

100. Misconduct endangering life or ship.
101. Desertion and absence without leave.
102. Provisions as to failure to join ship and desertion.
103. Conveyance of deserter on board ship.
104. Power of court to order offender to be taken on board ship.
105. Seaman imprisoned for desertion may be sent on board before term of imprisonment completed.
106. General offences against discipline.
107. Summary remedies not to affect other remedies.
108. Penalty for false statement as to last ship or name.
109. Entry of offences in official log.
110. Facilities for proving desertion in proceedings for forfeiture of wages.
111. Application of forfeitures.
112. Decision of questions of forfeiture and deductions in suits for wages.

Section

113. Ascertainment of amount of forfeiture out of wages.
114. Deductions of fines from wages and payment to shipping master.
115. Penalty for enticing to desert and harbouring deserters.
116. Penalty on stowaways.

Official logs.

117. Official logs to be kept and to be evidence.
118. Entries required in official log book.
119. Offences in respect of official logs.
120. Delivery of official logs to shipping master.
121. Official logs to be sent home in case of transfer of ship, and in case of loss.

Shipping masters.

122. Appointment of Chief Shipping Master, etc.
123. Duties of shipping masters and fees payable to shipping master.
124. Register of deserters.
125. Statement of fees to be posted in shipping office.
126. Power to dispense with transaction of certain matters at shipping offices.
127. Prohibition of taking of unauthorized remuneration by shipping masters and deputy shipping masters.

Registration of and returns respecting seamen.

128. Appointment of Registrar of Shipping and Seamen.
129. Register of seamen.
130. Returns of births and deaths in Ceylon ships.
131. Transmission of documents to Registrar of Shipping and Seamen by shipping masters and other officers.
132. Documents to be handed over to successor on change of master.

PART III.

PASSENGER SHIPS.

I.—Passenger Steamers.

Survey of passenger steamers.

133. Annual survey of passenger steamers.
134. Mode of survey and declaration of survey. Application of provisions where valid Safety Convention certificate is produced.
135. Transmission of declarations.
136. Issue of passenger steamer's certificate, etc.
137. Appeal to court of survey.

Section

138. Transmission of certificate.
139. Fees for certificate.
140. Duration of certificate.
141. Alteration of ships and additional surveys.
142. Cancellation of certificates.
143. Fees for survey, etc., under sections 141 and 142.
144. Delivery up of certificate.

General equipment of passenger steamers.

145. Equipment of passenger steamers with compasses, means of making signals, deck shelters, and safety appliances.
146. Prohibition of increasing weight on safety-valve.

Miscellaneous provisions relating to passenger steamers.

147. Offences in connection with passenger steamers.
148. Power to exclude drunken passengers on home-trade passenger steamers.
149. Foreign-going passenger steamers to carry medical practitioners.

2.—Passenger Sailing Ships.

150. Passenger sailing ship not to sail without licence, or licence and certificate.
151. Contents and duration of licence.
152. Cancellation of licence.
153. Survey of passenger sailing ships.
154. Delivery up of licence.
155. Recognition of licences and certificates of seaworthiness issued out of Ceylon.
156. Contents of certificate.
157. Power to withhold certificate where cargo prejudicial to health or safety of passengers.
158. Power of Minister to make regulations relating to passenger sailing ships.

3.—General Provisions relating to Passenger Ships.

159. Passenger ships to sail only from appointed ports. Passengers not to be embarked or disembarked at other ports.
160. Posting up of passenger steamer's certificate or passenger sailing ship's licence.
161. Master of passenger ship to furnish particulars of passengers carried to Ceylon, if required.
162. Owner or agent of passenger ship to furnish particulars of passengers carried from Ceylon, if required.
163. Penalty on master or owner for non-compliance with provisions as to passenger ships.
164. Penalty for carrying passengers in excess.
165. Passengers landed or embarked by means of tenders

PART IV.

SAFETY.

Prevention of collisions.

Section

166. Inspection as to lights and fog signals.

Report of accidents and loss of ship.

167. Reports to the Director of accidents to ships.

168. Notice of loss of Ceylon ship to be given to the Director.

Life-saving appliances.

169. Regulations as to life-saving appliances.

170. Duties of owners and masters as to carrying life-saving appliances.

171. Penalty for breach of rules or regulations.

172. Survey of ship with respect to life-saving appliances.

173. Production of entry in log book of boat drill, etc.

174. Application of regulations as to life-saving appliances to foreign ships in Ceylon waters.

General equipment.

175. Adjustment of compasses.

Load Lines.

176. Duty of Minister to make regulations for determining the validity of Load Line Convention certificates, Definitions.

177. Ships exempt from provisions relating to load lines.

178. Definition of " load line ships ".

179. Duty of Minister to make " load line regulations ".

180. Marking of deck lines and load lines.

181. Submersion of load line.

182. Miscellaneous offences in relation to marks.

183. Inspection of ships with respect to load lines.

184. Issue of load line certificates and effect thereof.

185. Duration, renewal, and cancellation of certificates.

186. Ships not to proceed to sea without certificate.

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

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

189. Survey, marking, and conditions of assignment in the case of ships not registered in Ceylon.

190. Submersion of load line on ships not registered in Ceylon.

191. Inspection of ships not registered in Ceylon.

192. Inspection and control of Load Line Convention ships.

193. Load line certificate of ships not registered in Ceylon.

194. Certificate to be produced to customs by ships not registered in Ceylon.

Section

Deck cargo.

195. Power of Minister to make regulations as to loading of deck cargo.

Wireless telegraphy.

196. Wireless telegraphy requirements. Offence and penalty.
197. Inspection of ships by wireless telegraphy surveyors.
198. Application of sections 196 and 197 to ships not registered in Ceylon.
199. Wireless telegraphy provisions applicable to ships holding Safety Convention certificates.
200. Ship may be detained until deficiency in wireless telegraphy equipment is remedied.
201. Duty of Minister to make regulations.
202. Obligations in respect of wireless telegraphy to be in addition to those imposed by the Telecommunications Ordinance, No. 50 of 1944.

Unseaworthy ships.

203. Power to detain unsafe ships, and procedure for detention.
204. Liability for costs and damages.
205. Power to require from complainant security for costs.
206. Application to foreign ships of provisions as to detention.
207. Safety Convention passenger steamer not to be detained if condition of steamer corresponds substantially with certificate.
208. Survey of ships alleged by seamen to be unseaworthy.

PART V.

SPECIAL SHIPPING INQUIRIES AND COURTS.

Jurisdiction of District Courts in respect of shipping casualties, etc.

209. Authority of District Courts to make inquiries into shipping casualties and conduct of officers.
210. Shipping inquiries to be subject to the provisions of Part VI of the Merchant Shipping Act, 1894, of the United Kingdom.

Investigations and inquiries as to shipping casualties.

211. Shipping casualties.
212. Preliminary investigation into shipping casualties.
213. Formal inquiry as to shipping casualties.
214. List of assessors.

Power as to certificates of officers.

215. Power of Director to cause inquiry into conduct of certificated officer.
216. Power of District Court as to certificates.
217. Delivery of certificate cancelled or suspended.

Section

Supplemental provisions as to formal inquiries.

218. Rules as to formal inquiries.
219. Definition.

Courts of survey.

220. Constitution of court of survey.
221. Power and procedure of court of survey.
222. Rules for procedure of court of survey, etc.

Scientific referees.

223. Reference in difficult cases to scientific persons.

Payments to officers of courts.

224. Payments to officers of courts.

PART VI.

WRECK AND SALVAGE.

Vessels in distress.

225. Definitions.
226. Duty of receiver where vessel in distress.
227. Powers of the receiver in case of vessels in distress.
228. Power to pass over adjoining lands.
229. Power of receiver to suppress plunder and disorder by force.
230. Exercise of powers of receiver in his absence.
231. Examination in respect of ships in distress.

Dealing with wreck.

232. Rules to be observed by persons finding wreck.
233. Penalty for taking wreck at time of casualty.
234. Notice of wreck to be given by receiver.
235. Claims of owners to wreck.
236. Immediate sale of wreck by receiver in certain cases.

Unclaimed wreck.

237. Unclaimed wreck to be sold and proceeds paid into the Consolidated Fund.
238. Delivery of unclaimed wreck by receiver not to prejudice title.

Removal of wrecks.

239. Removal of wreck by Master Attendant.
240. Powers of removal to extend to tackle, cargo, etc.
241. Powers to be cumulative.

Section

Offences in respect of wreck.

242. Removing wreck outside territorial limits.
243. Interfering with wrecked vessel or wreck.
244. Summary procedure for concealment of wreck.

Salvage.

245. Salvage of cargo or wreck within territorial limits.
246. Valuation of property by receiver.
247. Detention of property liable for salvage by a receiver.
248. Sale of detained property by receiver.
249. Apportionment of salvage under Rs. 2,000 by receiver.
250. Apportionment of salvage by court.

Appointment of receivers of wreck.

251. Appointment of receivers of wreck.

Fees of receivers of wreck.

252. Receivers' fees.

Duties on wreck.

253. Provisions as to duties on wrecked goods, etc.

PART VII.

LIGHTHOUSES.

Offences in connection with lighthouses, etc.

254. Injury to lighthouses.
255. Prevention of false lights.

PART VIII.

LEGAL PROCEEDINGS.

Prosecution of offences.

256. Prosecutions, by whom to be instituted.
257. Trial in Ceylon of offences under the Merchant Shipping Acts of the United Kingdom.
258. Limitation of time for summary proceeding.

Jurisdiction.

259. Provision as to jurisdiction in case of offences.
260. Jurisdiction over ships lying off the coasts.

Damage occasioned by a foreign ship.

261. Power to arrest foreign ship that has occasioned damage.

Section

Inquiries into deaths.

262. Inquiry into cause of death on board ship.

Depositions.

263. Depositions to be received in evidence when witness cannot be produced.

Detention of ship and distress on ship.

264. Enforcing detention of ship.
265. Notice to be given to consular officer where proceedings taken in respect of foreign ship.
266. Cost of detaining ship.
267. Sums ordered to be paid leviable by distress on ship.

Evidence and service of documents.

268. Proof of attestation not required.
269. Admissibility of documents in evidence.
270. Service of documents.

Protection of officers, etc.

271. All officers, etc., to be public servants.
272. Protection of public servants.

PART IX.

SUPPLEMENTAL.

General control by Director.

273. The Director of Merchant Shipping to administer Act. Exercise of powers by deputies and assistants.

Appointment of officers, etc., and shipping offices.

274. Appointment of officers, etc.
275. Power of Director to appoint places to be shipping offices.

Documents and forms.

276. Proof of documents.
277. Power of Director to prescribe forms.
278. Exemption from stamp duty.
279. Offences in respect of use of forms.

Powers for enforcing compliance with Act.

280. Powers for seeing that Act is complied with.

Surveyors of ships and wireless telegraphy surveyors.

281. Appointment of surveyors of ships.
282. Power of surveyor of ships for purpose of survey of ships.
283. Appointment of wireless telegraphy surveyors.
284. Powers of wireless telegraphy surveyors for purposes of survey.

Section

Inspectors.

285. Appointment of inspectors to report on accidents, etc.

286. Powers of inspectors.

287. Penalty for obstructing inspectors in the execution of their duty.

Safety Convention certificates.

288. Duty of Minister to make regulations for determining the validity of Safety Convention certificates. Definitions. Modifications of Safety Convention certificates.

Regulations.

289. Power of Minister to make regulations, etc., in certain cases.

290. Approval of regulations, etc., by Senate and House of Representatives.

Transmission of documents.

291. Notices, etc., to be in writing and provision as to sending by post.

Exemption of Her Majesty's ships.

292. Exemption of Her Majesty's ships.

Exemption of other ships from provisions of the Act.

293. Foreign, etc., ships to be exempted under certain conditions from certain requirements of this Act.

294. Dispensing powers of Minister.

Miscellaneous provisions as to passenger ships, etc.

295. Certain provisions of the Masters Attendant Ordinance not to apply to passenger ships.

296. Certain provisions of the Boats Ordinance not to apply to passenger ships.

Interpretation and provisions as to application of Act.

297. Interpretation.

298. Application of Act to ships propelled by electricity, etc.

299. Tonnage of foreign ships.

300. Application of Merchant Shipping Acts of the United Kingdom.

Repeals.

301. Repeals.

SCHEDULES.

L. D.—O. 78/29.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO MERCHANT SHIPPING.

[Date of Assent: March 4, 1953]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

SHORT TITLE AND DATE OF OPERATION.

Short title and date of operation.

1. This Act may be cited as the Merchant Shipping Act, No. 7 of 1953 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

PART II.

MASTERS AND SEAMEN.

Definitions and application.

Definitions of "Commonwealth ship" and "Ceylon ship".

2. For the purposes of this Part of this Act—

"Commonwealth ship" means a sea-going British ship registered outside Ceylon and the expressions "Commonwealth foreign-going ship" and "Commonwealth home-trade ship" shall be construed accordingly;

"Ceylon ship" means a sea-going British ship registered in Ceylon and the expressions "Ceylon foreign-going ship" and "Ceylon home-trade ship" shall be construed accordingly.

Application of Part II to fishing boats.

3. The provisions of this Part of this Act shall not apply to fishing boats of not more than fifty tons gross tonnage and under exclusively employed in fishing within the territorial jurisdiction of the Government of Ceylon or in the seas adjacent thereto, or to the owners, masters, or crews thereof.

Partial application of Part II to pleasure yachts.

4. The following provisions of this Part of this Act shall not apply to pleasure yachts, or to the owners, masters, or crews thereof, namely, the provisions relating to—

(*a*) the requirement of officers to hold certificates of competency, and the production of those certificates;

(*b*) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;

(*c*) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;

(*d*) the engagement or supply of seamen or apprentices by or through unlicensed persons;

(*e*) agreements with the crew;

(*f*) the compulsory discharge and payment of seamen's wages before a shipping master and the compulsory delivery of an account of wages;

(*g*) the accommodation for seamen;

(*h*) the deduction and payment of fines imposed under stipulations in the agreement; or

(*i*) official log books.

Certificates of competency.

Certificates of competency to be held by officers of ships.

5. (1) Every Commonwealth foreign-going ship, and every Commonwealth home-trade passenger ship. and every Commonwealth home-trade ship of three hundred tons gross tonnage or upwards, and every Ceylon ship of fifty tons gross tonnage and upwards, when going to sea from any place in Ceylon, and every foreign ship carrying passengers between places in Ceylon shall be provided with duly certificated officers according to the following scales:—

(*a*) In any case with a duly certificated master.

(*b*) If the ship is of one hundred tons net register tonnage or upwards with at least one officer, besides the master, holding a certificate not lower than that of—

(i) mate in the case of a home-trade passenger ship;

(ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons net register tonnage; and

(iii) first mate in the case of any other foreign-going ship.

(*c*) If the ship is a foreign-going ship and carries more than one mate, with at least the first and second mates duly certificated.

(*d*) If the ship is a foreign-going steamer of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated.

(*e*) If the ship is a foreign-going steamer of less than one hundred nominal horse-power, or a sea-going home-trade passenger steamer, with at least one engineer who is a first-class or second-class engineer duly certificated.

(2) If any person—

(*a*) having been engaged as one of the officers specified in sub-section (1) of this section goes to sea as such officer without being duly certificated; or

(*b*) in any case in which a duly certificated officer is, by sub-section (1) of this section, required to be employed, employs a person other than a duly certificated officer,

the first mentioned person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

(3) Subject to the provisions of section 13, an officer shall not be deemed to be duly certificated, within the meaning of this section, unless he is the holder of a certificate of competency or of a certificate of service, granted to him under this Act and in force for the time being, of a grade appropriate to his station in the ship, or of a higher grade.

Grades of certificates of competency.

6. (1) Certificates of competency shall be granted, as hereafter in this Act provided, for each of the following grades:—

Master of a foreign-going ship.
First mate of a foreign-going ship.
Second mate of a foreign-going ship.
Master of a home-trade ship.
Mate of a home-trade ship.
First-class engineer.
Second-class engineer.

(2) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home-trade ship and shall entitle the person to whom it has been granted to go to sea in the corresponding grade in a home-trade ship; but a certificate for a home-trade ship

shall not entitle the person to whom it has been granted to go to sea as master or mate of a foreign-going ship.

(3) A certificate of competency as master or mate of a home-trade ship shall not entitle the person to whom it has been granted to go to sea as master or mate, as the case may be, of any ship which is of more than one thousand five hundred tons net register tonnage or which proceeds at any point in the course of its voyage to a distance of more than fifty miles from the nearest coast.

Examinations for certificates of competency.

7. (1) For the purpose of granting certificates of competency as masters, mates, or engineers to persons desirous of obtaining such certificates, examinations shall be held at such places as the Director directs.

(2) The Director may—

(*a*) appoint times for the examinations;

(*b*) appoint examiners to conduct the examinations;

(*c*) after consultation with the Minister determine the remuneration of the examiners;

(*d*) regulate the conduct of the examinations and the qualifications of the applicants;

(*e*) do all such acts and things as he thinks expedient for the purpose of the examinations.

Fees on examinations.

8. An applicant for examination, whether as master, mate, or engineer, shall pay such fees, not exceeding those specified in Part I of the First Schedule to this Act, as the Director directs.

Grant of certificates.

9. (1) Subject to the provisions of sub-section (2) of this section, the Director shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory proof of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.

(2) The Director may, in any case in which further inquiry or examination appears to him desirable, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

Certificate of service for naval officers.

10. (1) A person who has attained the rank of lieutenant in Her Majesty's Navy, or of lieutenant in the Royal Ceylon Navy or in the naval forces raised

in any country forming part of the British Commonwealth specified in any notification made by the Governor-General, shall, if he gives satisfactory proof to the Director of his sobriety, experience, ability, and general good conduct on board ship, be entitled without examination to a certificate of service as master of a foreign-going ship registered in Ceylon.

(2) A person who has attained the rank of lieutenant (E) or sub-lieutenant (E) in Her Majesty's Navy or of engineer lieutenant or engineer sub-lieutenant in the naval forces raised in any country forming part of the British Commonwealth specified in any notification made by the Governor-General shall, if he gives satisfactory proof to the Director of his sobriety, experience, ability, and general good conduct on board ship, be entitled without examination, if a lieutenant (E) or an engineer lieutenant to a certificate of service as first-class engineer, and if a sub-lieutenant (E) or an engineer sub-lieutenant, to a certificate of service as second-class engineer.

(3) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Director shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4) Any reference to a certificate of competency in sections 11, 12, 14, 15, 16 and 40 shall be deemed to include a reference to a certificate of service issued under this section.

(5) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as a master or mate of a home-trade passenger ship shall apply only to officers of the Royal Ceylon Navy who possess certificates of service.

(6) There shall be payable in respect of the grant of a certificate of service under this section such fee, not exceeding the fee specified in Part II of the First Schedule to this Act as the Director may determine.

11. (1) Every certificate of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.

Form and record of certificate.

(2) The part of the certificate mentioned last in subsection (1) of this section shall be preserved, and a record of certificates of competency and of the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept by the Registrar of Shipping and Seamen.

(3) Any certificate of competency and any record under this section shall be admissible in evidence in the manner provided by this Act.

Loss of certificate.

12. If a master, mate, or engineer proves to the satisfaction of the Director that he has, without fault on his part, lost or been deprived of a certificate of competency already granted to him under this Act, the Director shall, and in any other case may, upon payment of a fee of five rupees, cause a copy of the certificate to which, by the record kept in pursuance of this Act, such master, mate, or engineer appears to be entitled, to be certified by the Registrar of Shipping and Seamen and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original:

Provided that no fee shall be payable under this section in respect of the certification and delivery of a copy of a certificate of competency in any case in which the master, mate, or engineer applying for such copy proves to the satisfaction of the Director that the original was lost through fire or shipwreck.

Recognition of certificates of competency granted in any country of the British Commonwealth.

13. Every holder of a certificate of competency or of a certificate of service as a master, mate, or engineer granted to him under the provisions of the Merchant Shipping Acts of the United Kingdom and for the time being in force, and every holder of a certificate of competency as a master, mate, or engineer (which expression shall be deemed to include a certificate granted under the like conditions as a certificate of service granted under section 10) for the time being in force and granted to him by or under the authority of the government of any country forming part of the British Commonwealth, the legislature of which has provided for the examination of, and the grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships and the certificates of competency issued in which have been declared by Order in Council under section 102 of the Merchant Shipping Act, 1894 of the United Kingdom, to be of the same force as if they had been granted under the said Act, shall, if his certificate is

57 & 58 Vict. c. 60.

of a grade appropriate to his station in the ship, or of a higher grade, be deemed for the purpose of section 5 to be duly certificated.

Certificate to be returned for cancellation on death of holder.

14. Every person into whose hands any certificate of competency, or any copy of any such certificate, granted or delivered under the provisions of this Act shall come after the death of the lawful holder of such certificate or copy shall forthwith deliver or transmit it to the Registrar of Shipping and Seamen; and any person who is found in possession of any such certificate or copy after the death of the lawful holder thereof shall, unless he is able to account satisfactorily for his possession of such certificate or copy and for his not having delivered or transmitted it to the Registrar of Shipping and Seamen as required by this section, be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Production of certificates of competency.

15. The master of a ship to which section 5 applies shall, if he is required by the proper officer of customs or by any prescribed officer to do so, produce for the inspection of that officer the certificates of competency which the master, mates, and engineers of the ship are by the provisions of that section required to hold; and the ship may be detained until the said certificates are so produced.

Forgery, etc., of certificate of competency.

16. (1) Any person who—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency granted or purporting to have been granted, or any copy of any such certificate delivered or purporting to have been delivered, under this Act; or

(*b*) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency granted under this Act; or

(*c*) fraudulently uses a certificate of competency or a copy of a certificate of competency granted or delivered, or purporting to have been granted or delivered, under this Act which has been forged, altered, cancelled, or suspended, or to which he is not entitled; or

(*d*) fraudulently lends any certificate of competency granted or delivered under this Act of which he is the lawful holder, or allows such certificate to be used by, any other person,

shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months:

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI. of the Criminal Procedure Code in respect of an offence under this sub-section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

(2) Any certificate of competency or certificate of service the holder of which is, under section 13 and subject as therein provided, to be deemed to be duly certificated for the purpose of section 5 shall, for the purposes of this section, be deemed to be a certificate of competency granted under this Act.

Apprenticeship to the sea service.

Assistance to be given by Registrar of Shipping and Seamen and shipping masters as to sea service.

17. The Registrar of Shipping and Seamen and every shipping master shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service such assistance as may be in his power, and may receive from those persons such fees as the Minister may prescribe.

Special provisions as to apprenticeship to the sea service.

18. (1) Every indenture of apprenticeship to the sea service made in Ceylon shall be executed in duplicate in a form approved by the Director, and shall be exempt from stamp duty.

(2) Every indenture of apprenticeship to the sea service made as aforesaid, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion, shall be recorded.

(3) For the purpose of the record—

(*a*) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture take or transmit to the Registrar of Shipping and Seamen, or to a shipping master, the indenture

executed in duplicate, and the Registrar of Shipping and Seamen or shipping master shall keep and record the one indenture and shall endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice;

(*b*) the master shall notify any assignment or cancellation of the indenture, or the death or desertion of the apprentice, to the Registrar of Shipping and Seamen, or to a shipping master, within seven days of the occurrence, if it occurs in Ceylon, or as soon as circumstances permit, if it occurs elsewhere.

(4) If any person fails to comply with any requirement of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(5) There shall be payable in respect of the recording under this section by the Registrar of Shipping and Seamen or by a shipping master of any indenture of apprenticeship to the sea service such fee, not exceeding the fee specified in Part III. of the First Schedule to this Act as the Director may determine.

Production of indentures to shipping master before voyage in foreign going ship.

19. (1) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in Ceylon, cause the apprentice to appear before the shipping master before whom the crew are engaged, or, if the crew are engaged otherwise than before a shipping master, cause the apprentice to appear before a shipping master, and shall produce to such shipping master the indenture by which the apprentice is bound and every assignment thereof.

(2) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew.

(3) If the master fails without reasonable cause to comply with any requirement of this section he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Licences to supply seamen and maintain lodging houses.

Licences for supply of seamen and maintenance of lodging houses.

20. (1) The Director may grant to such persons as he thinks fit licences to engage or supply seamen or apprentices for merchant ships in Ceylon, and any such licence shall continue for such period and may be granted and revoked on such terms and conditions as the Director thinks proper.

(2) No person shall maintain a seaman's lodging house except under the authority of a licence issued in that behalf by the Director and except in accordance with such terms and conditions as may be specified in the licence.

Penalty for engaging seamen without licence.

21. (1) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in Ceylon, unless that person either holds a licence from the Director for the purpose, or is the owner or master or mate of the ship, or is *bona fide* the servant and in the constant employment of the owner, or is a shipping master.

(2) A person shall not employ any other person for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in Ceylon, unless that other person either holds a licence from the Director for the purpose, or is the owner or master or mate of the ship, or is *bona fide* the servant and in the constant employment of the owner, or is a shipping master.

(3) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4) Any person who acts in contravention of this section in respect of any seaman or apprentice shall be guilty of an offence in respect of each seaman or apprentice in respect of whom he has acted in contravention of this section and shall, upon conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees, and shall further, if he is a person to whom a licence to engage or supply seamen has been granted by the Director under section 20, forfeit his licence.

Penalty for receiving remuneration from seamen for engagement.

22. (1) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a

person on his behalf, any remuneration whatever for providing him with employment other than any fees authorized by the Minister.

(2) If a person acts in contravention of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Engagement of seamen.

Agreements with crew and identity cards.

23. (1) The master of every ship, except home-trade steamers of less than eighty tons gross tonnage and home-trade sailing ships of less than three hundred tons gross tonnage, shall enter into an agreement (in this Act referred to by the expression " agreement with the crew ") in accordance with the provisions of this Act with every seaman whom he carries to sea as one of his crew from any port in Ceylon:

Provided, however, that a master of a ship shall not be required to enter into an agreement in accordance with the provisions of this Act if the seaman has entered into an agreement with the master or owner outside Ceylon and such agreement has been duly registered by the Registrar of Shipping and Seamen.

(2) If the master of a ship carries any seaman to sea without entering into an agreement with him in accordance with the provisions of this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home-trade ship, shall be guilty of an offence in respect of each seaman so carried to sea, and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

(3) No Ceylon seaman shall be carried to sea from any port in Ceylon unless he has a document of identity issued by the shipping master of that port.

(4) (*a*) Every document of identity issued by a shipping master shall be valid for a period of five years.

(*b*) It shall be lawful for a shipping master to refuse to renew, or to suspend or cancel, a document of identity issued by him. Any seaman who is dissatisfied with any such refusal, suspension or cancellation may appeal therefrom to the Director and the decision of the Director on any such appeal shall be final and conclusive.

Form, period, and conditions of agreement with the crew.

24. (1) Every agreement with the crew shall be in a form approved by the Director, and shall be dated at the time of the first signature thereof, and shall be signed by the master before it is signed by a seaman.

(2) Every agreement with the crew shall contain as terms thereof the following particulars:—

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman;

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct, which have been approved by the Minister as regulations proper to be adopted and which the parties agree to adopt.

(3) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages, the supply of warm clothing, or otherwise, as are not contrary to law.

(4) Where the master of any ship other than a Ceylon ship engages a single seaman at any port in Ceylon, such seaman may, if there is an agreement between the master and the crew of that ship made in due form according to the law of the place to which that ship belongs, sign with the consent of the shipping master of that port such agreement, and it shall not then be necessary for the master of the ship to enter into an agreement with such seaman in the form approved by the Director.

(5) Where the master of any ship other than a Ceylon ship engages a single seaman on the condition that the service of such seaman shall terminate at any port outside Ceylon, the agreement between the master of the ship and such seaman shall contain a stipulation for providing such seaman on the termination of his

service a passage free of charge in some other ship bound to the port at which that seaman was engaged, and every such stipulation shall be signed by the master and shall be binding upon such master.

Special provisions as to agreements with crews of foreign-going ships.

25. The following provisions shall have effect with respect to the agreements with the crew made in Ceylon in the case of Ceylon foreign-going ships:—

(*a*) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a shipping master.

(*b*) The shipping master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(*c*) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping master, and the other shall be delivered to the master and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.

(*d*) Where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within the period of twenty-four hours immediately preceding the ship's putting to sea, lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a shipping master, and, when this is not practicable, the master shall, if practicable before the ship puts to sea and if not as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature.

(*e*) The agreement may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and

agreements so made to extend over two or more voyages are in this Act referred to as " running agreements ".

(*f*) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in Ceylon after that date, or the discharge of cargo consequent on that arrival.

(*g*) On every return to a port in Ceylon before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

(*h*) The master shall deliver the running agreement so endorsed in accordance with paragraph (*g*) to the shipping master, and the shipping master shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master.

(*i*) The duplicate running agreement retained by the shipping master on the first engagement of the crew shall either be transmitted to the Registrar of Shipping and Seamen immediately or kept by the shipping master till the expiration of the agreement, as the Director directs.

Special provisions as to agreements with crews of home-trade ships.

26. The following provisions shall have effect with respect to the agreements made in Ceylon with the crews of home-trade ships for which agreements with the crew are required under this Act.

(*a*) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement.

(*b*) Crews or single seamen may, if the master thinks fit, be engaged before a shipping master in the same manner as they are required to be engaged for foreign-going ships; but if the engagement is not so made, the master shall, if practicable before the ship puts to sea and if not as soon after as possible, cause the agreement to be read and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature.

(*c*) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly.

(*d*) Agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in Ceylon after that date or the discharge of cargo consequent on that arrival:

Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Director with individual seamen to serve in any one or more ships belonging to such owner, and those agreements need not expire on the thirtieth day of June or the thirty-first day of December, and a duplicate of every such agreement shall be sent by the owner or his agent to the Registrar of Shipping and Seamen within forty-eight hours after it has been entered into.

Fees payable on engagements.

27. (1) There shall be payable upon all engagements of seamen effected in the presence of a shipping master under section 25 or section 26 such fees as may be fixed by the Director not exceeding those specified in Part IV of the First Schedule to this Act and a shipping master may refuse to proceed with any such engagement unless the fees payable have been first paid by the master or owner of the ship.

(2) All fees recovered under sub-section (1) shall be paid and applied as follows, that is to say, one half to the Consolidated Fund and the other half to the Director.

Changes in crew of foreign-going ship to be reported.

28. (1) The master of every foreign-going ship whose crew has been engaged, whether under this Act or under the Merchant Shipping Acts of the United Kingdom before a shipping master shall, before the final departure of the ship from Ceylon, sign, and send to the nearest shipping master, a full and accurate statement, in a form approved by the Director of every change which has taken place in his crew before the final departure of the ship from Ceylon, and that statement shall be admissible in evidence in the manner provided by this Act.

(2) If the master of a foreign-going ship fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Certificate as to agreement with crew of foreign-going ship.

29. (1) In the case of a Ceylon foreign-going ship, on the due execution of an agreement with the crew in accordance with the provisions of this Act, and also, where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the shipping master shall grant the master of the ship a certificate to that effect.

(2) The master of every Ceylon foreign-going ship shall, before proceeding to sea, produce to the proper officer of customs the certificate granted to him under sub-section (1) of this section, and any such ship may be detained until such certificate is produced.

(3) The master of every Ceylon foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in Ceylon or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to a shipping master, and such shipping master shall give the master of the ship a certificate of that delivery; and an officer of customs shall not clear a Ceylon foreign-going ship inwards until a certificate of delivery under this sub-section is produced, and if the master of a Ceylon foreign-going ship fails without reasonable cause so to deliver the agreement with the crew he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Certificate as to agreement with crew of home-trade ship.

30. (1) The master or owner of a Ceylon home-trade ship other than a home-trade steamer of less than eighty tons gross tonnage or a home-trade sailing ship of less than three hundred tons gross tonnage shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, deliver or transmit to a shipping master in Ceylon every agreement with the crew made for the ship within six months next preceding those days respectively.

(2) The shipping master on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the master of the ship shall, before proceeding to sea, produce such certificate to the proper officer of customs, and the ship shall be detained until such certificate is so produced.

(3) If the master or owner of a Ceylon home-trade ship fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Copy of agreement to be made accessible to crew.

31. (1) The master of a Ceylon ship to which the provisions of section 23 apply shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew (omitting the signatures) to be posted in some part of the ship which is accessible to the crew.

(2) If a master of a Ceylon ship referred to in subsection (1) of this section fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Forgery, etc., of agreements with crew.

32. If any person—

(*a*) fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew; or

(*b*) assists in fraudulently altering, making a false entry in, or delivering a false copy of, any such agreement; or

(*c*) procures the fraudulent alteration of, the making of a false entry in, or the delivery of a false copy of, any such agreement,

he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not

exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months :

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of an offence under this section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

Alterations in agreements with crew.

33. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation, if in Her Majesty's dominions, of a shipping master, superintendent, justice of the peace, officer of customs, or other public functionary, or, elsewhere, of a British consular officer or, where there is no such officer, of two respectable British merchants.

Seamen not to be bound to produce agreement.

34. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case without producing, or giving notice to produce, the agreement or any copy thereof.

Engagement of Asian seamen who are British subjects.

Agreements with Asian seamen to contain special stipulations.

35. Every agreement with the crew entered into under section 23 with any Asian seaman who is a British subject shall contain, in addition to any stipulations adopted at the will of the master and seaman under sub-section (3) of section 24, such further stipulations as the Minister may prescribe.

Master of foreign ship engaging Asian seaman to give bond for payment of expenses of repatriation.

36. (1) Every master of a foreign ship who engages any Asian seaman who is a British subject at any port in Ceylon to proceed to any port out of Ceylon shall give and execute a bond, with some approved person resident in Ceylon as surety, in a sum to be determined by the Director and conditioned for the repayment by such master to the Government of Ceylon of all expenses which the Government of Ceylon may incur in respect of any such seaman so

engaged by such master who may be discharged or left behind at any port out of Ceylon and become distressed.

(2) If any master of a ship fails to comply with the requirement of sub-section (1) of this section in respect of any Asian seaman who is a British subject engaged by him at any port in Ceylon to proceed to any port out of Ceylon, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

Inspection of foreign ships in connection with engagement of Asian seamen.

37. A shipping master may go on board any foreign ship for the purpose of ascertaining that the requirements of section 36 have been complied with in respect of any Asian seaman who is a British subject and who has been engaged at any port in Ceylon to proceed in such ship to any port out of Ceylon, and for such purpose such shipping master shall have all the powers of an inspector under this Act.

Rating of seamen.

Rating of seamen. Grant of certificates of service.

38. (1) A seaman shall not be entitled to the rating of A. B., that is to say, of an able-bodied seaman, upon a Ceylon ship unless he has served at sea for three years before the mast; and in the case of persons employed as fishermen in decked vessels registered under the Merchant Shipping Acts of the United Kingdom such employment shall count as sea service only up to the period of two years thereof, and the rating A. B. shall be granted only after at least one year's sea service in a trading vessel in addition to two or more years' sea service on board of decked fishing vessels so registered.

(2) Service at sea may be proved for the purpose of sub-section (1) of this section by certificates of discharge, by a certificate of service granted by the Registrar of Shipping and Seamen under the provisions of this Act or by the Registrar-General of Shipping and Seamen in the United Kingdom under section 126 of the Merchant Shipping Act, 1894 of the United Kingdom or by other satisfactory proof.

57 & 58 Vict. c. 60.

(3) A shipping master before whom a seaman is engaged for service in a Ceylon ship shall refuse to enter the seaman as A. B. on the agreement with the crew unless the seaman gives such satisfactory proof as is required by this section of his title to be so rated; and if any seaman, for the purpose of obtaining a rating as A. B., makes any false statement or false

representation, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

(4) The Registrar of Shipping and Seamen shall grant a certificate of service to any person applying therefor upon payment of such fee not exceeding fifty cents as the Director may determine, and every such certificate so granted shall specify whether the service to which it relates was rendered in whole or in part in a steamer or in a sailing ship.

Discharge of seamen.

Discharge before shipping master.

39. (1) Where a seaman serving in a Ceylon ship other than a home-trade steamer of less than eighty tons gross tonnage or a home-trade sailing ship of less than three hundred tons gross tonnage is on the termination of his engagement discharged in Ceylon, he shall be discharged in the manner provided by this Act in the presence of a shipping master.

(2) If the master or owner of a ship acts in contravention of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Certificate of discharge and return of certificate to officer on discharge.

40. (1) Where a seaman is discharged from a Ceylon ship in Ceylon the master thereof shall sign and give to him, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Director, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(2) The master of a Ceylon ship shall also, upon the discharge in Ceylon of a certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and, if without reasonable cause he fails so to do, he shall be guilty of an offence and shall on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Reports of seamen's characters.

41. (1) Where a seaman is discharged from a Ceylon ship in Ceylon, the master of the ship shall make and sign, in a form approved by the Director, a report of such seaman's conduct, character, and qualifications, or may state in that form that he declines to give any opinion upon such particulars, or upon any of them, and the shipping master before whom the

discharge is made shall, if the seaman so desires, give to him or endorse upon his certificate of discharge a copy of such report (in this Act referred to by the expression " report of character ").

(2) The shipping master before whom any seaman is discharged from a Ceylon ship shall transmit such seaman's report of character to the Registrar of Shipping and Seamen, to be recorded.

Fees payable on discharge.

42. (1) There shall be payable upon all discharges of seamen effected in the presence of a shipping master under section 39 such fees as may be fixed by the Director not exceeding those specified in Part V of the First Schedule to this Act and a shipping master may refuse to proceed with any such discharge unless the fees payable have been first paid by the master or owner of the ship.

(2) All fees recovered under sub-section (1) shall be paid and applied as follows, that is to say one-half to the Consolidated Fund and the other half to the Director.

False or forged certificate of discharge or report of character.

43. If any person—

(*a*) makes a false report of character under this Act knowing the same to be false; or

(*b*) forges or fraudulently alters any certificate of discharge signed and given, or purporting to have been signed and given, or any report of character made and signed, or purporting to have been made and signed, under this Act, or any copy of any such report of character; or

(*c*) assists in making any such false report of character or in forging or fraudulently altering any such certificate of discharge or any such report of character or a copy of any such report of character, or procures any such false report of character to be made or any such certificate of discharge or any such report of character or a copy of any such report of character to be forged or fraudulently altered; or

(*d*) fraudulently uses any such certificate of discharge or any such report of character or any copy of any such report of character which is forged or altered or does not belong to him,

he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months:

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of an offence under this section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

Payment of Wages.

Payment of wages before shipping master.

44. Where a seaman is discharged before a shipping master in Ceylon, he shall receive his wages through or in the presence of the shipping master, unless a competent court otherwise directs, and if in any such case the master or owner of a ship pays the seaman's wages in Ceylon in any other manner he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Master to deliver accounts of wages.

45. (1) The master of every Ceylon ship and the master of every Commonwealth ship trading with or being at any port in Ceylon shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Director, of the seaman's wages and of all deductions to be made therefrom on any account whatever.

(2) The account referred to in sub-section (1) of this section shall be delivered—

(*a*) where the seaman is not to be discharged before a shipping master, to the seaman himself not less than twenty-four hours before his discharge or payment off; or

(*b*) where the seaman is to be discharged before a shipping master, either to the seaman himself at or before the time of his leaving the ship, or to the shipping master not less than twenty-four hours before the discharge or payment off.

(3) If the master of a ship fails without reasonable cause to comply with the requirements of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Deductions from wages of seamen.

46. (1) A deduction from the wages of a seaman belonging to a Ceylon ship or to a Commonwealth ship trading with or being at any port in Ceylon shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.

(2) The master of any such ship referred to in subsection (1) of this section shall during the voyage enter the various matters in respect of which deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Notice of disrating of seamen.

47. (1) Where the master of a Ceylon ship or the master of a Commonwealth ship trading with or being at any port in Ceylon disrates a seaman while the ship is within the territorial jurisdiction of the Government of Ceylon, he shall forthwith enter or cause to be entered in the official log book a statement of the disrating and furnish the seaman with a copy of the entry; and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.

(2) Any reduction of wages consequent on disrating shall be deemed to be a deduction from wages within the meaning of sections 45 and 46.

Time of payment of wages for foreign-going ships. 57 & 58 Vict. c. 60.

48. In the case of a British foreign-going ship registered at, trading with, or being at, any port in Ceylon (other than a ship to which section 134 of the Merchant Shipping Act, 1894, of the United Kingdom applies or a ship employed on a voyage for which the seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

(*a*) the master or owner of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, twenty rupees or one-fourth of the balance of wages due to him, whichever is less, and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday or public or bank holiday) after he so leaves the ship;

(*b*) if the seaman consents in writing, the final settlement of his wages may be left to a shipping master, to be effected under such regulations as may be made by the Minister in that behalf, and the shipping master's receipt shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act; and

(*c*) in the event of the seaman's wages or any part thereof not being paid or settled in accordance with the foregoing requirements of this section, then, unless the delay is due to any act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Time of payment of wages for home-trade ships.

49. (1) The master or owner of every home-trade ship registered at, trading with, or being at, any port in Ceylon shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2) If a master or owner fails, without reasonable cause, to make payment of any seaman's wages within or at the time specified in sub-section (1) of this section, he shall pay to such seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond that time, but so that the sum payable to any seaman under this sub-section shall not exceed ten days' double pay.

(3) Any sum payable under this section may be recovered as wages.

Settlement of wages.

50. (1) Where a seaman is discharged from a Ceylon ship or from a Commonwealth ship trading with or being at any port in Ceylon, and the settlement of such seaman's wages is completed, before a shipping master, he shall sign in the presence of the shipping master a release, in a form approved by the Director, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship and attested by the shipping master.

(2) The release, signed and attested in accordance with sub-section (1) of this section, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be retained by the shipping master, and on production from his custody shall be admissible in evidence in the manner provided by this Act.

(4) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a shipping master, no payment, receipt, or settlement made otherwise than in accordance with the provisions of this Act or, in the case of a Commonwealth ship to which the provisions of the Merchant Shipping Acts of the United Kingdom apply otherwise than in accordance with the provisions of the Merchant Shipping Acts of the United Kingdom, shall operate as, or be admitted as evidence of, the release or satisfaction of any claim.

(5) Upon any payment being made by a master of a Ceylon ship or of a Commonwealth ship trading with or being at any port in Ceylon before a shipping master, the shipping master shall, if required, sign and give to the master a statement of the whole amount so paid; and such statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

(6) Notwithstanding anything heretofore in this section contained, a seaman may except from the release signed by him under this section any specified claim or demand against the master or owner of the ship; and a note of any claim or demand so excepted shall be entered upon the release, and the release shall not operate as a discharge or settlement of any claim or demand so noted, nor shall the provisions of sub-section (4) of this section apply to any payment, receipt, or settlement made with respect to any such claim or demand or, in the case of a Commonwealth ship to which the Merchant Shipping Act, 1906, of the United Kingdom applies with respect to any claim or demand excepted from a release under the provisions of section 60 of that Act. 6 Edw 7 c. 48.

Decision of questions by Shipping masters.

31. (1) Where in the case of a Ceylon ship or of a Commonwealth ship a question as to wages is raised before a shipping master between the master or owner

of the ship and a seaman or apprentice, and the amount in question does not exceed fifty rupees, the shipping master may, on the application of either party, adjudicate, and the decision of the shipping master in the matter shall be final; but if the shipping master is of opinion that the question is one which ought to be decided in a court of law, he may refuse to decide it.

(2) Where any question, of whatever nature and whatever the amount in dispute, between the master or owner of a Ceylon ship or of a Commonwealth ship as aforesaid and any of his crew is raised before a shipping master, and both parties agree in writing to submit the same to him, the shipping master shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

Power of shipping master to require production of ship's papers.

52. (1) In any proceeding under this Act before a shipping master relating to the wages, claims, or discharge of a seaman, the shipping master may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.

(2) If any person whose attendance is required under sub-section (1) of this section fails, without reasonable cause, to comply with the requisition, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Rules as to payment of seamen in foreign money.

53. Where a seaman has agreed with the master of a Ceylon ship or of a Commonwealth ship trading with or being at any port in Ceylon for payment of his wages in the currency of Ceylon or in any other currency, any payment of, or on account of, his wages, if made in any other currency than that specified in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the currency specified in the agreement for the time being current at the place where the payment is made.

Advance and allotment of wages.

Advances restricted.

54. (1) Where, under the provisions of this Act, an agreement with the crew is required to be made in a form approved by the Director.—

(*a*) the agreement may contain a stipulation for payment to or on behalf of any seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to such seaman under the agreement; and

(*b*) stipulations for the allotment of a seaman's wages may be made in accordance with the provisions of this Act.

(2) Save as aforesaid, an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in Ceylon shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

55. (1) Any stipulation made by a seaman at the commencement of a voyage, under the last preceding section, for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

(2) Any stipulation referred to in sub-section (1) of this section may provide for the allotment, by means of an allotment note, of any part (not exceeding one-half) of the seaman's wages in favour either of a near relative or of a savings bank:

Provided that by agreement with the master a stipulation may be inserted in the agreement with the crew for the allotment as aforesaid of a greater sum than one-half of the seaman's wages.

(3) Allotment notes shall be in a form approved by the Director.

(4) For the purposes of the provisions of this Act with respect to allotment notes—

(*a*) the expression "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman; and

(*b*) the expression "savings bank" means the Ceylon Savings Bank or the post office savings bank constituted under the Post Office Ordinance, and continued under the provisions of the Ceylon Post Office Savings Bank Ordinance, No. 18 of 1941.

Cap. 146.

(5) Every shipping master before whom any seaman is engaged under the provisions of this Act shall, after the seaman has signed the agreement with the crew, enquire of the seaman whether he requires a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation shall insert the stipulation in the agreement with the crew; and any such stipulation so inserted (being a stipulation for the allotment of not more than one-half of the seaman's wages) shall be deemed to have been agreed to by the master.

Allotments in favour of savings banks.

56. (1) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations made in that behalf by the Minister.

(2) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made, through a shipping master or the Director, by the seaman himself, or in the case of his death, by some person to whom his property, not exceeding one thousand rupees in value, may be paid under this Act.

Master to give facilities to seamen for remitting wages.

57. (1) Where the balance of wages due to a seaman belonging to a Ceylon ship is more than one hundred rupees, and the seaman expresses to the master of the ship, while the ship is within the territorial jurisdiction of the Government of Ceylon, his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note may be made, the master shall give the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in excess of one hundred rupees, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship.

(2) If the master of a ship fails to comply with the provisions of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Right of suing on allotment notes.

58. (1) The person in whose favour an allotment note is made under this Act may, unless the seaman is shown, in the manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorized the allotment, in the same court and manner in which wages of seamen not exceeding five hundred rupees may be recovered under this Act:

Provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

(2) In any proceeding for such recovery as is referred to in sub-section (1) of this section it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

(*a*) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or

(*b*) by a certified copy of some entry in the official log book to the effect that he has left the ship, or

(*c*) by a credible letter from the master of the ship to the same effect, or

(*d*) by such other evidence as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Time for payment of allotment notes.

59. A payment under an allotment note shall begin at the expiration of one month, or by agreement with the master of the ship at the expiration of a period of less than one month, from the date of the agreement with the crew, and shall be paid at the expiration of every subsequent month after the first month, or by agreement with the master of the ship at intervals more frequent than one month, and shall be paid only in respect of wages earned before the date of payment.

Rights of seamen in respect of wages.

Right to wages etc., when to begin.

60. The right of a seaman belonging to a Ceylon ship to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement with the crew for his commencement of work or presence on board, whichever first happens.

Right to recover wages and salvage not to be forfeited.

61. (1) A seaman belonging to a Ceylon ship shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provisions of this Act or of the Merchant Shipping Acts of the United Kingdom shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any Ceylon ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

Wages not to depend on freight.

62. (1) The right of a seaman or apprentice belonging to a Ceylon ship to wages shall not depend on the earning of freight; and every such seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the wages, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim to wages.

(2) Where a seaman or apprentice belonging to a Ceylon ship who would, but for death, be entitled by virtue of this section to demand and recover any wages dies before the wages are paid, the wages shall, where the ship is within the territorial jurisdiction of the Government of Ceylon, be paid and applied in the manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

Wages not to accrue during refusal to work or imprisonment.

63. A seaman or apprentice belonging to a Ceylon ship shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the

agreement with the crew for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Forfeiture of wages, etc., of seaman where illness caused by his own default.

64. Where a seaman belonging to a Ceylon ship is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Costs of procuring punishment may be deducted from wages.

65. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice belonging to a Ceylon ship has in the course of the voyage been convicted of an offence by a competent tribunal and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to such seaman or apprentice, not exceeding thirty rupees, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensation to seamen improperly discharged.

66. If a seaman, having signed an agreement to serve in a Ceylon ship, is discharged from such ship otherwise than in accordance with the terms of the agreement before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge, and may recover that compensation as if it were wages duly earned.

Restriction on sale of, and charge upon, wages.

67. (1) As respects wages due or accruing to a seaman or apprentice to the sea service belonging to a Ceylon ship—

(*a*) such wages shall not be subject to seizure or sequestration on the order of any court;

(*b*) an assignment or sale of such wages made prior to the accruing thereof shall not bind the person making the same;

(*c*) a power of attorney for the receipt of such wages shall not be irrevocable; and

(*d*) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any seizure, sequestration, or encumbrance thereof.

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Mode of recovering wages.

Summary proceedings for wages.

68. A seaman or apprentice to the sea service, or a person duly authorized on behalf of a seaman or apprentice to the sea service, may, as soon as any wages due to such seaman or apprentice, not exceeding five hundred rupees, become payable, sue for the wages, in the manner provided in the Civil Procedure Code, for actions by summary procedure on liquid claims, in the Court of Requests established for the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, notwithstanding any limitation of the ordinary jurisdiction of that court; and the order made by the court in the matter shall be final, notwithstanding anything to the contrary in any written law.

Cap. 86.

Restriction on suits for wages.

69. A proceeding for the recovery of wages not exceeding five hundred rupees shall not be instituted in Ceylon by or on behalf of any seaman or apprentice to the sea service in the Colonial Court of Admiralty or as an admiralty proceeding in any District Court appointed by the Minister of Justice by Order under section 3 of the Ceylon Courts of Admiralty Ordinance to have admiralty jurisdiction, except—

Cap. 7.

(*a*) where the owner of the ship is adjudged insolvent; or

(*b*) where the ship is under arrest or is sold by the authority of any court; or

(*c*) where a Court of Requests acting under the authority of this Act refers the claim to the Colonial Court of Admiralty; or

(*d*) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Remedies of master for wages, disbursements, etc.

70. (1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If in any admiralty proceeding in any court having admiralty jurisdiction touching the claim of a master of a ship in respect of wages, or of such disbursements or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Powers of court in case of unreasonable delay in paying master's wages.

71. In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the court may, if it appears to the court that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as it thinks just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.

Power of courts to rescind contracts.

Powers of court to rescind contract between owner or master and seaman or apprentice.

72. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case it thinks it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of deceased seamen.

Property of seamen who die during voyage.

73. (1) If any seaman or apprentice to the sea service belonging to a Ceylon or Commonwealth ship (whether a foreign-going or home-trade ship) the crew

of which are to be discharged, or the final port of destination of which is, in Ceylon dies during the voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2) The master may, if he thinks fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3) The master shall enter in the official log book the following particulars:—

(*a*) statement of the amount of the money and a description of the effects;

(*b*) in case of a sale, a description of each article sold and the sum received for each;

(*c*) a statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5) The said money, effects, proceeds of sale of effects, and balance of wages are in this Act referred to as the property of the seaman or apprentice.

Dealing with and account of property of seamen who die during voyage.

74. (1) Where a seaman or apprentice dies as aforesaid, the master shall, within forty-eight hours after the arrival of the ship at its port of destination in Ceylon, deliver and pay the property of such seaman or apprentice to the shipping master at that port.

(2) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the shipping master to whom delivery and payment is made as aforesaid such account as he requires of the property of the deceased, in such form as the Minister may prescribe.

(3) A deduction claimed by the master in the account given under sub-section (2) of this section shall not be allowed unless verified, if an official log book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the shipping master to whom the account is given.

(4) A shipping master shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination,

a certificate to that effect; and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

Penalty for non-compliance with provisions as to property of deceased seamen.

75. (1) If the master of any Ceylon or Commonwealth ship the crew of which are to be discharged, or the final port of destination of which is, in Ceylon fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice to the sea service, or to making in the official log book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Director and shall pay and deliver the same accordingly and shall in addition be guilty of an offence and liable, on conviction thereof after summary trial, to a fine not exceeding treble the value of the property not accounted for or, if such value is not ascertained, not exceeding five hundred rupees.

(2) If any property referred to in sub-section (1) of this section is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for such property and it shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same he shall, in addition to his liability for the same, be guilty of an offence and liable, on conviction thereof after summary trial, to a fine not exceeding treble the value of the property not accounted for, not delivered, or not paid over or, if such value is not ascertained, not exceeding five hundred rupees.

(3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

Property of deceased seaman left in Ceylon, but not on board ship.

76. If any seaman or apprentice to the sea service belonging to a Commonwealth ship the crew of which are to be discharged, or the final port of destination of which is in, Ceylon or the United Kingdom, or who has within the period of six months next preceding his death belonged to any such ship, dies at any place in Ceylon leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the Registrar of Shipping and Seamen shall claim and take charge of such money and effects, and such money and effects shall be deemed to be the property of a deceased seaman or apprentice within the meaning of this Part of this Act.

Recovery of wages, etc., of seamen lost with their ship.

77. (1) Where a seaman or apprentice belonging to a Ceylon or Commonwealth ship the crew of which are to be discharged, or the final port of destination of which is, in Ceylon is lost with the ship to which he belongs, the Director may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which the wages of seamen are recoverable under this Act, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

(2) In any proceeding for the recovery of the wages referred to in sub-section (1) of this section, if it is shown by some official return produced out of the custody of the Registrar of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time when she was last heard of or at such later time as the court hearing the case may think probable.

(3) Any duplicate agreement made out, or statement of a change of the crew delivered, under this Act or under the Merchant Shipping Acts of the United Kingdom, at the time of the last departure of the ship from Ceylon, or a certificate purporting to be a certificate from a consular or other public officer at any port out of Ceylon stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar of Shipping and Seamen or of the Director, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

Property of seamen dying at home.

78. If a seaman or an apprentice to the sea service belonging to a Ceylon or Commonwealth ship the crew of which are or are to be discharged, or the final port of destination of which is, in Ceylon dies in Ceylon, and is at the time of his death entitled to claim from the master or owner of the ship any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the shipping master at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Director, or as the Director directs.

Payment over of property of deceased seamen by Director.

79. (1) Where any property of a deceased seaman or apprentice belonging to a Ceylon or Commonwealth ship the crew of which are or are to be discharged, or the final port of destination of which is, in Ceylon comes into the hands of the Director, or of any person on behalf of the Director, the Director, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as the Director thinks proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows:—

(*a*) If the property exceeds in value one thousand rupees, he shall pay and deliver the residue to the legal personal representative of the deceased.

(*b*) If the property does not exceed in value one thousand rupees, the Director may—

(i) if he thinks fit, pay or deliver the residue to any claimant who is proved to his satisfaction to be the widow or a child of the deceased, or to be entitled to the movable property of the deceased either under his will (if any) or under any law relating to inheritance *ab intestato* or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall upon such payment or delivery be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(ii) if he thinks fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2) Every person to whom any residue referred to in sub-section (1) of this section is so paid or delivered shall apply it in due course of administration.

Dealing with deceased seaman's property when he leaves a will.

80. (1) Where a deceased seaman or apprentice belonging to a Ceylon or Commonwealth ship the crew of which are or are to be discharged, or the final port of destination of which is, in Ceylon has left a will, the Director may refuse to pay or deliver any residue under the last preceding section—

(*a*) if the will was made on board ship, to any person claiming under the will, unless the

will is in writing and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship; and

(*b*) if the will was not made on board ship, to any person claiming under the will and not being related to the testator by blood or marriage, unless the will is in writing and is signed or acknowledged by the testator in the presence of, and is attested by, five witnesses, one of whom is a shipping master, or a superintendent, or a minister of religion officiating in the place where the will is made, or, where there are no such persons, a justice of the peace, British consular officer, or officer of customs.

(2) Where the Director refuses under this section to pay or deliver any residue under the last preceding section to a person claiming under a will, such residue shall be dealt with as if no will had been made.

Claims by creditors.

81. (1) A creditor shall not be entitled to claim from the Director the property of a deceased seaman or apprentice received by the Director under this Act or any part thereof, by virtue of representation obtained as creditor.

(2) Notwithstanding anything in any written or other law to the contrary, a creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property of a deceased seaman or apprentice as aforesaid, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after the death.

(3) The demand shall be made by the creditor delivering to the Director an account in writing in a form approved by the Director, stating the particulars of his demand and the place of his abode, and signed by him and verified by an affidavit.

(4) If before the demand is made any claim to the property of the deceased made by any person has been allowed, the Director shall give notice to the creditor of the allowance of such claim.

(5) If no claim has been allowed, the Director shall investigate the creditor's account, and may for that purpose require him to prove the debt, and to produce all books, accounts, vouchers, and papers relating thereto; and if by means of them the creditor satisfies

the Director of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property then in the hands of the Director will extend for that purpose, and the Director shall thereby be discharged from all further liability in respect of money so paid; but if the Director is not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(6) In any case whatever the Director may delay the investigation of any demand made by a creditor under this section for the payment of his debt for a period of one year from the time of the first delivery of the demand; and if in the course of that period a claim to the property of the deceased is made by any person as widow, next of kin, or legatee, and allowed by the Director under this Act, the Director may pay and deliver the property to that person.

(7) Where the property of a deceased seaman or apprentice has been paid and delivered by the Director to any person as widow, next of kin, or legatee of the deceased, whether before or after a demand has been made by a creditor under this section, any creditor of the deceased shall have the same rights and remedies against such person as if such person had received the property as the legal personal representative of the deceased.

Dealing with unclaimed property of deceased seaman.

82. (1) Where no claim to the property of a deceased seaman or apprentice received by the Director under this Act is substantiated within one year from the date of the receipt of the property by the Director, the Director shall pay the property, or the proceeds thereof, into the Consolidated Fund.

(2) If, after the property, or the proceeds thereof, has or have been paid into the Consolidated Fund as aforesaid, any claim is made thereto and is substantiated to the satisfaction of the Director, the amount paid into the Consolidated Fund under sub-section (1) of this section, or so much thereof as appears to be due to the claimant, shall be paid to him from the Consolidated Fund:

Provided that no such claim shall be entertained after the expiration of six years from the date of the receipt of the property by the Director, except with the Minister's sanction.

(3) Any person who is aggrieved by the decision of the Director in respect of any matter under this section may appeal to the Minister, whose decision in respect of such matter shall be final.

Leaving seamen behind.

Penalty for forcing seamen on shore.

83. A person belonging to a Ceylon ship shall not wrongfully force a seaman or apprentice to the sea service on shore and leave him behind or otherwise cause a seaman or apprentice to the sea service to be wrongfully left behind at any place, either on shore or at sea, and if he does so he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months:

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of an offence under this section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

Provisions, health, and accommodation.

Complaints as to provisions or water.

84. (1) If three or more members of the crew of a Ceylon ship, where such ship is within the territorial jurisdiction of the Government of Ceylon, consider that the provisions or water for the use of the crew are of bad quality, unfit for use, or deficient in quantity they may complain thereof to a shipping master or a chief officer of customs, and such shipping master or chief officer of customs may either examine or cause the examination of the provisions or water complained of.

(2) If the shipping master or chief officer of customs or other person making the examination finds that the provisions or water are or is of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality

and unfit for use, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

(3) The shipping master or chief officer of customs directing, or the person making, the examination shall enter a statement of the result of the examination in the official log book of the ship, and shall send a report thereof to the Director and that report shall be admissible in evidence in the manner provided by this Act.

(4) If the shipping master or chief officer of customs directing, or the person making, the examination certifies in the statement entered in the official log book that the complaint was frivolous, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Inspection of provisions and water.

85. (1) An inspecting officer may inspect (either on board the ship or before shipment) any provisions (other than provisions provided by the crew themselves) or water intended for the use of the crew of any British ship which is going from any port in Ceylon and for which an agreement with the crew is required either under this Act or under the Merchant Shipping Acts of the United Kingdom and if he finds that the provisions or water are in any respect deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction:

Provided that any inspection of provisions or water under this section shall be made before shipment whenever practicable, and if the owner, agent, or master of a ship gives notice to the inspecting officer that any provisions or water for the ship are ready for inspection, the inspecting officer shall not have power to inspect any such provisions or water under this section, if they are at a convenient place for inspection, except within forty-eight hours after the notice is given, without prejudice to the power of the inspecting officer to inspect any provisions or water not specified in the notice or, without unnecessarily delaying the ship, to proceed on board the ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship, or otherwise.

(2) Where any provisions or water are found deficient in quality under this section, the master of the ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees, unless the court before which the case is tried thinks that the finding of the inspecting officer was not justified; but if the master of the ship shows to the satisfaction of the court that the responsibility for the defects in the provisions or water rests either with the owner of the ship, or any agent of the owner of the ship, or with the person who has supplied the provisions or water, that owner, agent, or person shall be liable to conviction for the offence instead of the master, and the master shall be exempt.

(3) The master of the ship and any other person having charge of any provisions or water liable to inspection under this section shall give the inspecting officer every reasonable facility for the purpose of his inspection under this section, and, if he refuses or fails to do so, shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(4) Where any provisions are inspected under this section either before shipment or on board a ship, there shall be payable in respect of such inspection the fees specified in Part VI of the First Schedule to this Act:

Provided that, where provisions which have been inspected and sealed by an inspecting officer are found on board any ship within such time as may be prescribed by the Director as the time for which the seals are to hold good, no fee shall be charged for the verification of the seals.

(5) There may be appointed officers for the purposes of any inspection under this section, and the expression "inspecting officer", wherever used in this section, means an officer so appointed.

Allowance for short or bad provisions.

86. In either of the following cases, that is to say—

(i) if during a voyage of a Ceylon ship, where such ship is within the territorial jurisdiction of the Government of Ceylon, the allowance of any of the provisions for which a seaman has by his agreement

stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or

(ii) if it is shown that any of those provisions are or have been, during a voyage of a Ceylon ship as aforesaid, bad in quality and unfit for use,

the seaman may complain in writing to the Director and it shall be the duty of the Director to inquire into such complaint forthwith. If the Director is satisfied that the allowance of any of the provisions has been reduced or that any of those provisions has been bad in quality and unfit for use, the Director may order that such sum not exceeding the prescribed sum shall be payable to the seaman as compensation; but if it is shown to the satisfaction of the Director that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the Director shall take those circumstances into consideration and may order that either no compensation shall be payable, or that a sum less than the prescribed sum shall be payable as compensation, to the seaman.

Weights and measures on board.

87. (1) The master of a Ceylon ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2) If the master of a Ceylon ship fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Regulations respecting medicines, etc.

88. (1) The Director shall issue scales of medicines and of medical stores and appliances suitable for different classes of ships and voyages.

(2) The owner or master of every British ship of more than fifty tons net register tonnage which begins its voyage from any port in Ceylon (other than a ship to which sub-section (2) of section 200 of the Merchant Shipping Act, 1894, of the United Kingdom, applies) shall provide and cause to be kept on board a supply of medicines and of medical stores and appliances according to the scale issued under sub-section (1) of this section appropriate to the ship and the intended voyage.

57 & 58 Vict. c. 60.

(3) If any requirement of sub-section (2) of this section is not complied with in the case of any ship, the owner or master of the ship shall, unless he can prove that the non-compliance was not due to his inattention, neglect, or wilful default be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Inspection of medicines, etc.

89. (1) Any Port Health Officer may inspect any medicines or medical stores or appliances with which any ship is under the provisions of this Part of this Act required to be provided, and for the purposes of such inspection shall have all the powers of an inspector under this Act.

(2) If the Port Health Officer is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper receptacles, he shall give notice in writing to the chief officer of customs of the port where the ship is lying, and also to the master, owner, or consignee of the ship, and the master of the ship, before proceeding to sea, shall produce to the chief officer of customs a certificate under the hand of the Port Health Officer that the default found by him has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is produced, and if the ship proceeds to sea, the owner, master, or consignee of the ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Expenses of medical attendance in case of injury or illness.

90. (1) If the master of, or a seaman or apprentice belonging to, a Ceylon ship receives any hurt or injury in the service of the ship, or suffers from any illness (not being an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses

of the maintenance of the master or seaman or apprentice until he is cured, or dies, or is returned either to the port at which he was shipped or to a port in the country to which he belongs, and of his conveyance to such port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2) If a master or seaman or apprentice as aforesaid is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in the aforesaid manner.

(3) The expense of all medicines, surgical and medical advice, and attendance given to a master or seaman or apprentice as aforesaid whilst on board his ship shall be defrayed in the aforesaid manner.

(4) In all other cases any reasonable expenses duly incurred by the owner of a Ceylon ship, which for any seaman or apprentice in respect of illness, and also any reasonable expenses duly incurred by the owner of a Ceylon ship as aforesaid in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

Recovery of expenses from owner.

91. (1) If any of the expenses attendant on the illness, hurt, or injury of a seaman or apprentice, which are to be paid under this Act by the master or owner of the ship to which such seaman or apprentice belongs, are paid by any authority on behalf of the Government of Ceylon, or if any other expenses in respect of the illness, hurt, or injury of any seaman or apprentice belonging to a Ceylon ship, whose wages are not accounted for under this Act to that authority, are so paid, those expenses shall be repaid to that authority by the master or owner of the ship.

(2) If any expenses are not repaid as required by sub-section (1) of this section, the amount thereof, with costs, shall be a charge upon the ship and shall be recoverable from the master or from the owner of the ship for the time being, or where the ship has been lost from the person who was the owner of the ship at the time of the loss, or, where the ship has been

transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt due to the Government of Ceylon, either by ordinary process of law or in the court and in the manner in which wages may under this Act he recovered by seamen and apprentices to the sea service.

(3) In any proceeding for the recovery of any amount under sub-section (2) of this section, a certificate of the facts, signed by the authority mentioned in sub-section (1) of this section together with such vouchers (if any) as the case requires, shall be sufficient proof that the expenses in respect of which the proceeding has been instituted were duly paid by that authority.

Accommodation for seamen.

92. (1) Every place in any Ceylon ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than one hundred and twenty cubic feet and of not less than fifteen superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Second Schedule to this Act, and those regulations shall have effect as part of this section; and if any of the foregoing requirements of this section is not complied with in the case of any Ceylon ship, the owner of the ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees :

Provided that nothing in this sub-section shall be construed as requiring the giving for each seaman or apprentice of a space exceeding seventy-two cubic feet and twelve superficial feet measured on the deck or floor in the case of any place in any Ceylon ship occupied solely by lascars and appropriated to their use or in the case of any place occupied by seamen or apprentices and appropriated to their use in any such ship which was registered before the twenty-first day of December, 1906, or was in course of construction on the first day of January, 1907, or in any such ship which is of not more than three hundred tons net register tonnage.

(2) Every place occupied and appropriated as aforesaid shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not

so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of fifty cents for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(3) In estimating the space available for the proper accommodation of seamen and apprentices in any Ceylon ship of more than three hundred tons net register tonnage which was registered after the twenty-first day of December, 1906, or the construction of which was begun after the first day of January, 1907, there may be taken into account the space occupied by any mess rooms, bath rooms, or washing places appropriated exclusively to the use of those seamen and apprentices, so, however, that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than seventy-two cubic feet and twelve superficial feet for each seaman or apprentice.

(4) Such fees as the Director may determine, not exceeding the fees specified in the Second Schedule to this Act, shall be paid in respect of an inspection for the purposes of this section.

Facilities for making complaint.

Facilities for making complaint.

93. (1) If a seaman or apprentice whilst on board a Ceylon ship states to the master of the ship his desire to make a complaint to a shipping master or a Magistrate against the master or any of the crew, the master shall, as soon as the service of the ship will permit—

(*a*) if the ship is then at a place where there is a shipping master or a Magistrate, as the case may be, after such statement; and

(*b*) if the ship is not then at such a place, after her first arrival at such a place,

allow the complainant to go ashore or send him ashore in proper custody, so that he may be enabled to make his complaint.

(2) If the master of a ship fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Protection of seamen from imposition.

Assignment or sale of salvage invalid.

94. Subject to the provisions of this Act, an assignment or sale of salvage payable to a seaman or apprentice to the sea service belonging to a Ceylon

ship made prior to the accruing thereof shall not bind the person making the assignment; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

No debt exceeding Rs. 2.50 recoverable till end of voyage.

95. A debt exceeding in amount two rupees and fifty cents incurred by any seaman belonging to a Ceylon ship after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house keepers.

96. If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than that during which the seaman or apprentice has actually resided or boarded therein, that person shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Penalty for detaining seamen's effects.

97. (1) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the money or effects or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(2) Notwithstanding any limitation of the ordinary jurisdiction of any court by which an offence under sub-section (1) of this section is tried—

(*a*) the court may, besides inflicting a fine, make order directing the amount of the money, or the value of the effects, subject to such deduction as aforesaid (if any), or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice; and

(*b*) if the person to whom such order is addressed makes default in complying therewith, he may, in the discretion of the court, be ordered to pay a sum (which shall be deemed to be a fine imposed by the court) not exceeding ten rupees for every day during which he is in default, or to be imprisoned until he has remedied his default, but so that he shall not, for non-compliance with such order, be liable under this section to imprisonment for a

period or periods amounting in the aggregate to more than two months, or to the payment of any sums exceeding in the aggregate two hundred rupees.

Penalty for solicitations by lodging-house keepers.

98. If within twenty-four hours after the arrival of a ship at a port in Ceylon a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Penalty for being on board ship without permission before seamen leave.

99. Where a Ceylon ship is about to arrive, is arriving, or has arrived at any port in Ceylon, and any person not being duly authorized by law for the purpose—

(*a*) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement or are discharged (whichever last happens); or

(*b*) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by a shipping master or an officer of customs,

that person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees or, at the discretion of the court, to imprisonment of either description for any term not exceeding six months; and the master of the ship or any shipping master may take him into custody, and deliver him up forthwith to a police officer to be taken before a court having jurisdiction in respect of the offence.

Provisions as to discipline.

Misconduct endangering life or ship.

100. If a master, seaman, or apprentice belonging to a Ceylon ship by wilful breach of duty or by neglect of duty or by reason of drunkenness—

(*a*) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months:

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of an offence under this section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupess or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

Desertion and absence without leave.

101. If a seaman lawfully engaged, or an apprentice to the sea service, belonging to a Ceylon ship commits any of the following offences, he shall, on conviction thereof after summary trial, be liable to be punished as follows:—

(*a*) if he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board and of the wages which he has then earned, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate at which wages have been stipulated to be paid to him; and he shall also be liable to imprisonment, which may be of either description, for a term not exceeding twelve weeks;

(*b*) if he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within the period of twenty-four hours next before the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from

his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute; and he shall also be liable to imprisonment, which may be of either description, for a term not exceeding ten weeks.

Provisions as to failure to join ship and desertion.

102. (1) Where a seaman belonging to a Ceylon ship, who has been lawfully engaged and has received under his agreement an advance note, after negotiating his advance note wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees, or, at the discretion of the court, to imprisonment, which may be of either description, for a term not exceeding twenty-one days; but nothing in this section shall take away or limit any remedy by action or otherwise which any person would otherwise have in respect of the negotiation of the advance note, or which an owner or master would otherwise have for breach of contract.

(2) Where it is shown to the satisfaction of a shipping master that a seaman belonging to a Ceylon ship and lawfully engaged has wilfully or through misconduct failed to join his ship, the shipping master shall report the matter to the Director, and the Director may order that any of the seaman's certificates of discharge shall be withheld for such period as he may think fit, and while a seaman's certificate of discharge is so withheld the Registrar of Shipping and Seamen, and any other person having the custody of the necessary documents, may, notwithstanding anything in this Act or any other law, refuse to furnish copies of any of the seaman's certificates of discharge or certified extracts of any particulars of service or character.

Conveyance of deserter on board ship.

103. (1) If in Ceylon a seaman or apprentice belonging to a Ceylon ship is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master or any mate, or the owner, agent, or consignee, of the ship may, with or without the assistance of the

local police officers, convey him on board his ship, and those officers are hereby directed to give assistance if required:

Provided that if the seaman or apprentice so requires he shall first be taken before some court having jurisdiction in respect of the matter, to be dealt with according to law.

(2) If it appears to the court before which the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, that court may, notwithstanding any limitation of its ordinary jurisdiction, inflict on the master, mate, owner, agent, or consignee, as the case may be, a fine not exceeding two hundred rupees; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

Power of court to order offender to be taken on board ship.

104. (1) Where a seaman or apprentice belonging to a Ceylon ship is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so requires, may, in lieu of committing him to prison, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned or by virtue of his then existing engagement may afterwards earn.

(2) If in Ceylon a seaman or apprentice as aforesaid intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of that notice being given, the court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship if the grounds for his absence as set out in the notice appear to the court to be reasonable.

Seaman imprisoned for desertion may be sent on board before term of imprisonment completed.

105. Where a seaman or apprentice belonging to a Ceylon ship has been imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before

his engagement is at an end his services are required on board his ship, any Magistrate may, except where such seaman or apprentice has given notice under subsection (2) of the last preceding section, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

General offences against discipline.

106. (1) If a seaman lawfully engaged, or an apprentice to the sea service, belonging to a Ceylon ship, commits any of the following offences (in this Act referred to as " offences against discipline "), he shall, on conviction thereof after summary trial, be liable to be punished as follows:—

(*a*) if he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

(*b*) if he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay;

(*c*) if he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for every twenty-four hours' continuance of disobedience or neglect either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute;

(*d*) if he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks;

(*e*) if he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks;

(*f*) if he wilfully damages his ship, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of, or wilfully damages, any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks;

(*g*) if he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to the master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2) Any imprisonment under this section may be of either description.

Summary remedies not to affect other remedies.

107. Nothing in the last preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or otherwise which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

Penalty for false statement as to last ship or name.

108. (1) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

(2) The fine may be deducted from any wages which the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to any reimbursement under section 221 of the Merchant Shipping Act, 1894, of the United Kingdom, of any loss and expenses occasioned by any desertion previous to the engagement, be paid into the Consolidated Fund.

57 & 58 Vict. c. 60.

Entry of offences in official log.

109. If on or in respect of any Ceylon ship any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is

committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine—

(*a*) an entry of the offence or act shall be made in the official log book and signed by the master and also by the mate or one of the crew; and

(*b*) the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and

(*c*) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in the manner aforesaid; and

(*d*) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in its discretion, refuse to receive evidence of the offence or act of misconduct.

Facilities for proving desertion in proceedings for forfeiture of wages.

110. (1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited under this Part of this Act for desertion from a Ceylon ship it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and that he left the ship before the completion of the voyage or engagement, and that an entry of his desertion has been duly made in the official log book.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeitures.

111. (1) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and

effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid into the public revenue.

(2) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Decision of questions of forfeiture and deductions in suits for wages

112. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice under this Act may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Ascertainment of amount of forfeiture out of wages.

113. If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share as a month or any other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Deductions of fines from wages and payment to shipping master.

114. (1) Every fine imposed on a seaman belonging to a Ceylon ship for any act of misconduct for which his agreement imposes a fine shall be deducted as follows:—

(*a*) if the offender is discharged in Ceylon, and the offence, and the entry in the log book required by the Merchant Shipping Acts of the United Kingdom or by this Act, as the case may be, in respect of the offence, are proved to the satisfaction of the shipping master before whom the offender is discharged, the master or owner shall deduct the fine from the wages of the offender;

(*b*) if the offender enters Her Majesty's naval service at any place in Ceylon, and the offence and the entry as aforesaid are proved to the satisfaction of the officer

in command of the ship he so enters, the fine shall be deducted as aforesaid and an entry made in the official log book of the ship and signed by the officer to whose satisfaction the offence is proved.

(2) Every fine deducted under sub-section (1) of this section shall be paid to the shipping master before whom the offender is discharged, or to the shipping master at or nearest to the place at which the offender enters Her Majesty's naval service, as the case may be.

(3) If a master or owner of a ship fails without reasonable cause to pay any fine as required by this section, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding six times the amount of the fine not so paid.

(4) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punished under this Act.

Penalty for enticing to desert and harbouring deserters.

115. (1) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in, or to desert from, his ship, or otherwise to absent himself from his duty, he shall be guilty of an offence in respect of each seaman or apprentice whom he persuades or attempts to persuade as aforesaid and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(2) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted from, his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall be guilty of an offence in respect of every seaman or apprentice so harboured or secreted and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Penalty on stowaways.

116. If a person secretes himself in any ship from any port in Ceylon intending to go to sea in such ship without the consent either of the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a

fine not exceeding two hundred rupees or, in the discretion of the court, to imprisonment, which may be of either description, for a period not exceeding four weeks.

Official logs

Official logs to be kept and to be evidence.

117. (1) An official log shall be kept in every Ceylon ship in the appropriate form for that ship approved by the Director.

(2) The Director shall approve forms of official log books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

(3) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log book be duly filled up.

(4) An entry required by this Act in an official log book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that of the occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5) Every entry in the official log book shall be signed by the master and by the mate or some other member of the crew, and also—

(*a*) if it is an entry of illness, injury, or death shall be signed by the surgeon or medical practitioner on board (if any); and

(*b*) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and

(*c*) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorized to receive the seaman into that service.

(6) Every entry made in an official log book in the manner provided by this Act shall be admissible in evidence.

Entries required in official log book.

118. The master of a Ceylon ship shall enter or cause to be entered in the official log book the following matters, that is to say—

(*a*) every conviction by a legal tribunal of a member of his crew, and the punishment inflicted;

(*b*) every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act or by the Merchant Shipping Acts of the United Kingdom, as the case may be, required;

(*c*) every offence for which punishment is inflicted on board and the punishment inflicted;

(*d*) a statement of the conduct, character, and qualifications of each member of his crew, or a statement that he declines to give an opinion of those particulars;

(*e*) every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any);

(*f*) every marriage taking place on board, with the names and ages of the parties;

(*g*) the name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof;

(*h*) the wages due to any seaman who enters Her Majesty's naval service during the voyage;

(*i*) the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom;

(*j*) the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it;

(*k*) every collision with any other ship, and the circumstances under which it occurred;

(*l*) every accident sustained or caused by the ship which has occasioned any loss of life or any serious injury to any person or any material damage to the ship affecting her

seaworthiness or her efficiency in her hull, equipments, or machinery, and every grounding of the ship; and

(*m*) any other matter directed by this Act or by the Merchant Shipping Acts of the United Kingdom to be entered.

Offences in respect of official logs.

119. (1) If an official log book required by this Act to be kept is not kept in the manner required by this Act, or if an entry directed by this Act or by the Merchant Shipping Acts of the United Kingdom to be made therein is not made at the time and in the manner directed by this Act or by the Merchant Shipping Acts of the United Kingdom, as the case may be, the master of the ship shall be guilty of an offence in respect of each such failure to keep an official log book or to make an entry as aforesaid and shall, on conviction thereof after summary trial, be liable to the specific fine in this Act mentioned in respect of such offence or, where there is no such specific fine, to a fine not exceeding fifty rupees.

(2) If any person makes, or procures to be made, or assists in making, any entry in an official log book as aforesaid, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge, more than twenty-four hours after that arrival, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding three hundred rupees.

(3) If any person wilfully destroys or mutilates or renders illegible any entry in an official log book required by this Act to be kept, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from any such official log book, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months:

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of an offence under this sub-section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

Delivery of official logs to shipping master.

120. (1) The master of every Ceylon foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in Ceylon or upon the discharge of the crew, whichever first happens, deliver the official log book of the voyage to the shipping master before whom the crew is discharged.

(2) The master or owner of every Ceylon home-trade ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log book for the preceding half-year to some shipping master.

(3) Upon the delivery or transmission of an official log book to a shipping master under the provisions of this section the shipping master shall give to the master or owner of the ship a certificate of such delivery or transmission, and any Ceylon foreign-going ship or Ceylon home-trade ship may be detained until a certificate given under the provisions of this sub-section is produced, and an officer of customs shall not clear a Ceylon foreign-going ship until a certificate as aforesaid is produced.

(4) If the master or owner of a ship fails without reasonable cause to deliver or transmit any official log book as required by this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Official logs to be sent home in case of transfer of ship, and in case of loss.

121. (1) Where by reason of transfer of ownership or change of employment of a Ceylon ship the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in Ceylon, within one month, and if she is elsewhere within six months, after the cessation deliver or transmit to the shipping master at the port to which the ship belonged the official log book duly made out to the time of the cessation.

(2) If a Ceylon ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged the official log book duly made out to the time of the loss or abandonment.

(3) If the master or owner of a ship fails without reasonable cause to comply with any requirement of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Appointment of chief shipping master, etc.

122. (1) There may be appointed—

(*a*) a chief shipping master,

(*b*) a shipping master for each port, and
(*c*) such number of deputy shipping masters and assistant shipping masters as may be necessary for each port.

(2) The chief shipping master may exercise, perform or discharge all or any of the powers, duties or functions, conferred or imposed on or assigned to a shipping master by or under this Act.

(3) A shipping master shall exercise, perform or discharge the powers, duties or functions conferred, imposed or assigned by or under the Act, subject to the control of the chief shipping master.

(4) A deputy shipping master or assistant shipping master shall in the exercise of his powers and performance of his duties be subject to the general direction and control of the chief shipping master.

Duties of shipping masters and fees payable to shipping master.

123. (1) It shall be the duty of a shipping master—

(*a*) to afford facilities for engaging seamen by keeping registers of their names, characters and sea service;

(*b*) to superintend and facilitate the engagement and discharge of seamen in the manner provided in this Act;

(*c*) to facilitate the making of apprenticeships to the sea service; and

(*d*) to perform such other duties relating to seamen, apprentices and merchant ships as are by or in pursuance of this Act or any other law relating to merchant shipping, committed to them.

(2) Any act done by, to or before a deputy shipping master shall have the same effect as if done by, to or before a shipping master.

(3) The fees specified in the Third Schedule to this Act shall be payable by the masters or owners of ships to the shipping masters in respect of the matters specified therein.

Register of deserters.

124. A shipping master shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

Statement of fees to be posted in shipping office.

125. A statement of the fees from time to time payable under this Act in respect of engagements and discharges of seamen shall be kept posted up in a conspicuous place in every shipping office, so as to be legible to all persons concerned.

Power to dispense with transaction of certain matters at shipping offices.

126. The Director may dispense with the transaction in a shipping office, or before a shipping master, of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such office or before a shipping master.

Prohibition of taking of unauthorized remuneration by shipping masters and deputy shipping masters.

127. If a shipping master or deputy shipping master demands or receives, save as provided by this Act or authorized by the Director, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Registration of and returns respecting seamen.

Appointment of Registrar of Shipping and Seamen.

128. There may be appointed for the purposes of this Act a person, whether by name or by office, to be or to act as the Registrar of Shipping and Seamen.

Register of seamen.

129. (1) The Registrar of Shipping and Seamen shall by means of documents transmitted to him in pursuance of this Act and by any other means in his power, keep at his office a register—

(*a*) of all persons who serve in Ceylon ships, and
(*b*) of all Ceylon seamen who produce discharge certificates in proof of service in British and foreign ships.

(2) The Registrar of Shipping and Seamen shall cause copies of the certificates produced by Ceylon seamen under sub-section (1) to be kept at his office.

(3) Where any seaman proves to the satisfaction of a shipping master that he has, without fault on his part, lost, or been deprived of, a certificate of discharge granted to him, the Registrar of Shipping and Seamen shall, if the name of such seaman has been registered, issue to him a certified copy of such certificate on payment of a fee of fifty cents in respect of each voyage.

Returns of births and deaths in Ceylon ships. 57 & 58 Vict. c. 60.

130. (1) The master of every Ceylon ship and of every British sea-going ship the managing owners of which are resident in Ceylon and which is exempt from registration under section 3 of the Merchant Shipping Act, 1894, of the United Kingdom, shall, as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his log book or otherwise the fact of the birth or death, and the particulars required by the Fourth Schedule to this Act to be registered concerning the birth or death, or such of them as may be known to him.

(2) The master of every ship as aforesaid, upon its arrival at any port in Ceylon, shall deliver or transmit, in such form as the Director may direct, a return of the facts recorded by him in respect to the birth of a child or the death of a person on board such ship, to the Registrar of Shipping and Seamen.

(3) The Registrar of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths to the Registrar-General of Births and Deaths appointed under the Births and Deaths Registration Ordinance, who shall cause such copy to be filed and preserved, or the contents thereof to be copied, in a book to be kept by him for the purpose and to be called the marine register book; and the said marine register book shall, for the purposes of section 41 of the aforesaid Ordinance, be deemed to be a book kept under that Ordinance.

Cap. 94.

(4) If the master of any ship fails to comply with any requirements of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding fifty rupees.

Transmission of documents to Registrar of Shipping and Seamen by shipping masters and other officers.

131. All shipping masters and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in the manner provided by this Act, and they

shall, on payment of a moderate fee to be fixed by the Minister, or without payment if the Minister so directs, be open to the inspection of any person.

Documents to be handed over to successor on change of master.

132. If during the progress of a voyage of a Ceylon ship the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees; and his successor shall immediately on assuming the command of the ship enter in the official log book a list of the documents so delivered to him.

PART III.

PASSENGER SHIPS.

1.—Passenger Steamers.

Survey of Passenger Steamers

Annual survey of passenger steamers.

133. (1) Subject to the provisions of this section—

(*a*) every passenger steamer which carries more than twelve passengers shall be surveyed once at least in each year in the manner provided in this Part of this Act; and

(*b*) no passenger steamer as aforesaid shall ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the owner or master has a certificate from the Director as to survey under this Part of this Act, the same being in force and applicable to the voyage or excursion on which the steamer is about to proceed.

(2) A passenger steamer as aforesaid attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of customs.

(3) Notwithstanding anything in the preceding sub-sections of this section—

(*a*) while a steamer is an emigrant ship or a ship carrying steerage passengers on a colonial voyage, within the meaning of Part III of the Merchant Shipping Act, 1894, of the United Kingdom, and the provisions

57 & 58 Vict.

of the said Part of the said Act as to the survey of the hull, machinery, and equipments of emigrant ships have been complied with in respect of such steamer, such steamer shall not require a survey or certificate under this section; and

(*b*) (i) where the owner or master of a steamer has a certificate as to survey granted in respect of such steamer either in the United Kingdom under Part III of the Merchant Shipping Act, 1894, of the United Kingdom or by the government of any country forming part of the British Commonwealth (other than that of the United Kingdom or Ceylon) the certificates granted in which under the provision made by the legislature thereof for the survey of, and grant of certificates for, passenger steamers have been declared by Her Majesty in Council under section 284 of the aforesaid Act to be of the same force as if granted under that Act, if such certificate is in force and applicable to the voyage or excursion on which the steamer is about to proceed; or

57 & 58 Vict. c. 60.

(ii) where a foreign steamer is a passenger steamer within the meaning of this Act and the Director is satisfied by the production of a foreign certificate of survey issued at a port out of Her Majesty's dominions (not being a port in respect of official surveys at which Her Majesty in Council has under the proviso to section 363 of the Merchant Shipping Act, 1894, of the United Kingdom ordered that that section of the said Act shall not apply) that the ship has been officially surveyed at that port and that such foreign certificate is to the like effect and has been granted after a like survey as, and in such manner as to be equally efficient with, the certificates granted for the same purpose under this Act, if such certificate is in force and applicable to the voyage or excursion on which the steamer is about to proceed,

57 & 58 Vict. c. 60.

such certificate shall be of the same force as if it were a passenger steamer's certificate issued under this Part of this Act.

134. (1) Subject to the provisions of the last preceding section, the owner, agent, or master of every passenger steamer which carries more than twelve passengers shall cause the steamer to be surveyed by a surveyor of ships and, in the case of a sea-going passenger steamer required by this Act to be provided with a wireless telegraph installation, by a wireless telegraphy surveyor.

Mode of survey and declaration of survey. Application of provisions where valid Safety Convention certificate is produced.

(2) The surveyor shall if satisfied on the survey that he can with propriety do so, deliver to the owner, agent, or master, as the case may be, a declaration of survey in a form approved by the Director.

(3) The declaration of the surveyor of ships shall contain statements of the folowing particulars:—

(*a*) that the hull of the steamer is sufficient for the service intended and in good condition;

(*b*) that the life-saving appliances, lights, signals, compasses, and shelter for deck passengers are such, and in such condition, as are required by, or by any rules or regulations made under, the Merchant Shipping Acts of the United Kingdom, or, in respect of any matter regarding which no such requirements as aforesaid exist in respect of the ship, such, and in such condition, as are required by this Act;

(*c*) the time (if less than one year) for which the hull and equipments will be sufficient;

(*d*) the voyages or class of voyages on which, as regards construction and equipment, the steamer is in the surveyor's judgment fit to ply;

(*e*) the number of passengers which the steamer is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; those numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires;

(*f*) that the certificates of the master and mate or mates are such as are required by this Act;

(*g*) that the machinery of the steamer is sufficient for the service intended, and in good condition;

(*h*) the time (if less than one year) for which the machinery will be sufficient;

(*i*) that the safety valves and appliances for the prevention, detection, and extinction of fire are such, and in such condition, as are required by, or by any rules made under, the Merchant Shipping Acts of the United Kingdom, or, in respect of any matter regarding which no such requirements as aforesaid exist in respect of the ship, such, and in such condition, as are required by this Act;

(*j*) the limit of the weight to be placed on the safety valves;

(*k*) the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply;

(*l*) that the certificates of the engineer or engineers of the steamer are such as are required by this Act.

(4) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars:—

(*a*) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply;

(*b*) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy regulations;

(*c*) that the certificates of the wireless telegraph operators and watchers are such as are required by those regulations.

(5) Notwithstanding anything in the foregoing sub-sections of this section, where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer—

(*a*) the provisions of this section as to the survey of passenger steamers by wireless telegraphy surveyors shall be deemed to have been complied with in the case of such steamer;

(*b*) the survey by the surveyor of ships shall be limited to ascertaining the number of passengers which the ship is fit to carry, and it shall not be necessary for the declaration made by that surveyor to contain a statement of any further particulars than those set out in paragraph (*e*) of sub-section (3) of this Act:

Provided that where there is produced in respect of any Safety Convention passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country to which the steamer belongs showing the number of passengers which the steamer is fit to carry, and the Director is satisfied that the number has been determined substantially in the same manner as in the case of a British steamer registered in Ceylon, the Director may if he thinks fit dispense with the survey of the steamer mentioned in paragraph (*b*) of this sub-section and direct that the last mentioned certificate shall have effect as a passenger steamer's certificate for the purposes of this Act.

Transmission of declarations.

135. (1) The owner, agent, or master of a passenger steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Director.

(2) If an owner, agent, or a master of a passenger steamer fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding five rupees for every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Issue of passenger steamer's certificate, etc.

136. (1) Subject to the provisions of sub-sections (3) and (4) of this section, the Director shall, on receipt of the declarations of survey and if he is satisfied that the requirements of this Part of this Act have been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations—

(*a*) the limits (if any) beyond which the steamer is not fit to ply; and

(*b*) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

(2) Notwithstanding anything in the foregoing provisions of this Part of this Act, the Director may accept for the purposes of sub-section (1) of this section, in lieu of any statement required under this Act to be contained in any declaration of survey in respect of any matter, a certificate of partial survey granted in any prescribed country if such certificate relates to such matter and is substantially to the same effect as the statement which would otherwise under this Act be required to be contained in such declaration of survey, and if it is for the time being in force.

(3) On receipt of a declaration made by a surveyor of ships under paragraph (*b*) of sub-section (5) of section 134, the Director shall issue a certificate containing only a statement of the particulars set out in paragraph (*b*) of sub-section (1) of this section, and a certificate so issued shall have effect as a passenger steamer's certificate for the purposes of this Act.

(4) Where a declaration of survey in respect of any steamer transmitted under section 135 states only that the hull of the steamer is sufficient for the service intended and in good condition and (where the hull will be sufficient for less than one year) the time for which the hull will be sufficient, the Director may, on receipt of such declaration of survey, issue a docking certificate in respect of the steamer in accordance with the terms of the declaration of survey; but such docking certificate shall have effect only as a certificate in respect of the matters to which it relates, and shall not have effect as a passenger steamer's certificate for the purposes of this Act.

Appeal to court of survey.

137. (1) If the owner, agent, or master of a steamer feels aggrieved by the declaration of survey of a surveyor of ships or of a wireless telegraphy surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey for the district within which the steamer for the time being is, in the manner directed by the rules of that court.

(2) On any such appeal the judge of the court of survey shall report to the Director on the question raised by the appeal and the Director, when satisfied

that the requirements of the report and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate.

(3) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.

(4) A surveyor of ships or wireless telegraphy surveyor, in making a survey of a steamer for the purposes of a declaration of survey, shall, if the owner, agent, or master of the steamer so requires, be accompanied on the survey by some person appointed by the owner, agent, or master, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

Transmission of certificate.

138. (1) The Director shall transmit the passenger steamer's certificate in duplicate, or the docking certificate, as the case may be, to the shipping master or some other public officer at the port mentioned by the owner, agent, or master of the steamer for the purpose, or at the port where the owner, agent, or master, as the case may be, resides, or where the steamer has been surveyed or is for the time lying.

(2) The Director shall cause notice of the transmission of a passenger steamer's certificate or a docking certificate to be given to the owner, agent, or master, and the officer to whom the certificate has been transmitted shall, on the owner, agent, or master applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the passenger steamer's certificate or the docking certificate, as the case may be.

(3) In proving the issue of a passenger steamer's certificate or docking certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, agent, or master.

Fees for certificate.

139. The grantee of a passenger steamer's certificate under the foregoing provisions of this Part of this Act shall pay such fees not exceeding those specified in Part I. of the Fifth Schedule to this Act, and the grantee of a docking certificate under the said provisions shall pay such fees not exceeding those specified in Part II. of the Fifth Schedule to this Act, as the Director may fix.

Duration of certificate.

140. (1) A passenger steamer's certificate or docking certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor after the Director has given notice to the owner, agent, or master of the steamer that he has cancelled the certificate.

(2) If a passenger steamer is absent from Ceylon at the time when her passenger steamer's certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to Ceylon.

Alteration of ships and additional surveys.

141. (1) The owner, agent, or master of every passenger steamer, whether British or foreign, in respect of which any passenger steamer's certificate issued under this Part of this Act is for the time being in force shall, as soon as possible after any alteration is made in the steamer's hull, equipments, or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Director containing full particulars of the alteration and, if notice is not so given, the owner, agent, or master of the steamer shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

(2) If the Director has reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies—

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

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

he may, without prejudice to his powers under the next succeeding section, require the steamer to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any certificate issued in respect of the steamer under this Part of this Act.

(3) For the purposes of this section the expression "alteration" in relation to the hull, equipments, or machinery of a steamer includes the renewal of any part thereof.

Cancellation of certificates.

142. (1) The Director may cancel a passenger steamer's certificate issued under this Part of this Act where he has reason to believe—

(*a*) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or

(*b*) that the certificate has been issued upon false or erroneous information; or

(*c*) that since the making of the declaration, the hull, equipments, or machinery have sustained any injury, or are otherwise insufficient.

(2) In every case where a passenger steamer's certificate is cancelled under sub-section (1) of this section, the Director may require the owner, agent, or master of the steamer to have the hull, equipments, or machinery of the steamer again surveyed, and to transmit further declarations of survey, before he re-issues the certificate or grants a fresh one in lieu thereof.

Fees for survey, etc., under sections 141 and 142.

143. There shall be payable by the owner, agent, or master of a passenger steamer in respect of any survey under section 141, or in respect of any survey and of the re-issue of a passenger steamer's certificate or the grant of a fresh passenger steamer's certificate under section 142, such fees, not exceeding those specified in Part III of the Fifth Schedule to this Act, as the Director may determine; and the foregoing provisions of this Part of this Act relating to declarations of survey, the transmission of declarations of survey, the issue of passenger steamers' certificates, appeals to courts of survey, and the transmission of certificates shall, so far as they are applicable, apply to any such survey and to any such re-issue of a passenger steamer's certificate or grant of a fresh passenger steamer's certificate.

Delivery up of certificate.

144. (1) The Director may require a passenger steamer's certificate or docking certificate issued under this Part of this Act, which has expired or been cancelled, to be delivered up as he directs.

(2) If any owner, agent, or master of a steamer fails without reasonable cause to comply with such requirement, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

General equipment of passenger steamers.

Equipment of passenger steamers with compasses, means of making signals, deck shelters, and safety appliances.

145. (1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of a surveyor of ships and according to such regulations as may be made by the Minister.

(2) A sea-going passenger steamer shall be provided, to the satisfaction of the Director—

(*a*) with means for making, at night, the signals of distress and urgency prescribed by Her Majesty in Council under section 25 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, of the United Kingdom, including means for making flames on the ship which are inextinguishable in water, or such other means of making signals of distress and urgency as the Director may previously approve; and

22 Geo. 5, c. 9.

(*b*) with a proper supply of lights inextinguishable in water, and fitted for attachment to life-buoys.

(3) A home-trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Director, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, requires.

(4) A passenger steamer shall be provided with a safety-valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety-valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(5) If a passenger steamer plies or goes to sea from a port in Ceylon without being equipped as required by this section, then, in respect of each matter in which default is made, the owner (if in fault) shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees, and the master (if in fault) shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

Prohibition of increasing weight on safety-valve.

146. A person shall not increase the weight on the safety-valve of a passenger steamer beyond the limits fixed by the surveyor of ships, and if he does so, he shall, in addition to any other liability he may incur

by so doing, be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

Miscellaneous provisions relating to passenger steamers.

Offences in connection with passenger steamers.

147. (1) In the case of a passenger steamer for which a passenger steamer's certificate issued under this Part of this Act is in force or which, by virtue of sub-section (3) of section 133, does not require a survey or certificate under that section, where such passenger steamer is within the territorial jurisdiction of the Government of Ceylon—

(*a*) if any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer;

(*b*) if any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employment to leave the steamer at any place in Ceylon, at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request;

(*c*) if any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger;

(*d*) if any person, after having been refused admission to the steamer by the owner or any person in his employment on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer;

(*e*) if any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employment to leave the steamer, before it has quitted that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request;

(*f*) if any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof;

(*g*) if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof;

(*h*) if any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer; or

(*i*) if any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare, or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer,

such person shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding twenty rupees, but that liability shall not prejudice the recovery of any fare payable by him.

(2) If any person on board any such steamer as aforesaid wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

(3) The master or other officer of any such steamer as aforesaid, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all convenient despatch before a Magistrate to be dealt with according to law, and such Magistrate shall with all convenient despatch try the case summarily.

(4) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employment of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be

guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees, and the fine shall be paid to the owner of the steamer.

Power to exclude drunken passengers on home-trade passenger steamers.

148. The master of any home-trade passenger steamer, where such steamer is within the territorial jurisdiction of the Government of Ceylon, may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

Foreign-going passenger steamers to carry medical practitioners.

149. (1) Every foreign-going passenger steamer which proceeds from any port in Ceylon on any voyage prescribed under sub-section (2) of this section carrying more than twelve passengers and having on board one hundred persons or upwards in all, shall carry on board as part of her complement a medical practitioner authorized by law to practise as a legally qualified medical practitioner in any country forming part of the British Commonwealth, or, in the case of a foreign passenger steamer, in the country to which the steamer belongs; and if the requirement of this sub-section is not complied with in the case of any passenger steamer, the master of the steamer shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

(2) The Minister may make regulations prescribing the voyages on which foreign-going passenger steamers as aforesaid shall be required to carry a medical practitioner as aforesaid.

(3) Nothing in this section shall be construed as applying to any ship to which either section 209 or section 303 of the Merchant Shipping Act, 1894, of the United Kingdom, applies.

57 & 58 Vict. c. 60.

2.—Passenger Sailing Ships.

Passenger sailing ship not to sail without licence, or licence and certificate.

150. (1) No passenger sailing ship which carries more than twelve passengers shall ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the master of the ship holds—

(*a*) a licence issued in respect of the ship under section 151 (hereafter in this Part of this Act referred to as a " passenger sailing

ship's licence "), the same being in force and applicable to the voyage or excursion on which the ship is about to proceed; and

(*b*) in the case of a voyage to a port out of Ceylon, in addition to such licence as aforesaid, a certificate issued in respect of the ship under section 156 (hereafter in this Part of this Act referred to as a " passenger sailing ship's certificate ").

(2) A passenger sailing ship as aforesaid attempting to ply or go to sea may be detained until such licence and such certificate (where required) as aforesaid is or are produced to the proper officer of customs.

(3) Nothing in this section shall be construed as applying to any ship to which the provisions of the Merchant Shipping Acts of the United Kingdom relating to emigrant ships and ships carrying steerage passengers on colonial voyages apply.

Contents and duration of licence.

151. (1) Every passenger sailing ship's licence shall specify—

(*a*) the name, rig, and tonnage of the ship to which it relates;

(*b*) the names of the owner and of the master;

(*c*) the number of the crew;

(*d*) the number of passengers which the ship is fit to carry;

(*e*) the total space assigned for the accommodation of passengers; and

(*f*) the nature and duration of the voyages on which the ship is to be employed;

and shall certify that the ship is seaworthy and properly equipped, fitted, and ventilated for the said voyages.

(2) Every passenger sailing ship's licence shall be issued by the Director, and shall be in force for one year from the date of issue.

(3) No fee shall be payable by the grantee of a passenger sailing ship's licence in respect of the issue to him of such licence.

Cancellation of licence.

152. Where the Director has reason to believe that any passenger sailing ship in respect of which a passenger sailing ship's licence has been issued under this Part of this Act has ceased to be seaworthy, or to be properly equipped, fitted, and ventilated for the voyages for which it is licensed, he may cancel such licence.

Survey of passenger sailing ships.

153. (1) The owner, agent or master of every passenger sailing ship which carries more than twelve passengers, shall cause the same to be surveyed by a surveyor of ships.

(2) The surveyor shall, if satisfied on the survey that he can with propriety do so, deliver to the owner, agent or master, as the case may be, a declaration of survey in a form approved by the Director.

(3) Where doubts arise whether any passenger sailing ship in respect of which an application has been made for the issue of a passenger sailing ship's licence is seaworthy or properly equipped, fitted, and ventilated for her intended voyages, or where a passenger sailing ship's licence has been cancelled under the last preceding section and application is made for the re-issue of such licence or for the grant of a fresh licence in lieu thereof, the Director may, before issuing or re-issuing such licence, as the case may be, cause the ship in respect of which the application has been made to be surveyed by a surveyor of ships; and if such surveyor of ships reports that the ship is not seaworthy or is not properly equipped, fitted, and ventilated for her intended voyages, such licence shall not be issued or re-issued, as the case may be, until the ship has been rendered seaworthy or equipped, fitted, and ventilated as aforesaid to the satisfaction of the surveyor of ships.

(4) The owner of every passenger sailing ship surveyed under sub-section (1) of this section shall pay in respect of such survey such fees, not exceeding the fees specified in Part IV. of the Fifth Schedule to this Act in respect of ships of the class to which such ship belongs, as the Director may determine.

Delivery up of licence.

154. (1) The Director may require a passenger sailing ship's licence which has expired or been cancelled to be delivered up as he directs.

(2) If any owner or master of a passenger sailing ship fails without reasonable cause to comply with any such requirement, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Recognition of licences and certificates of seaworthiness issued out of Ceylon.

155. Where the master of a passenger sailing ship, not being a ship registered in Ceylon, holds a licence or certificate of seaworthiness issued in respect of such ship by or under the authority of the government of

any country forming part of the British Commonwealth and for the time being in force, and the Director is satisfied that such licence or certificate is to the like effect, and issued under the like conditions, as a passenger sailing ship's licence, such licence or certificate shall for the purposes of this Part of this Act be of the same force as if it were a passenger sailing ship's licence.

Contents of certificate.

156. (1) Every passenger sailing ship's certificate shall be issued by a certifying officer and shall specify—

(*a*) the voyage which the ship is to make and the intermediate ports, if any, at which she is to touch;

(*b*) that the master holds a passenger sailing ship's licence, the same being in force and applicable to the voyage on which the ship is about to proceed;

(*c*) that the ship has the proper complement of officers and a sufficient crew;

(*d*) that food, fuel, and water have been placed on board for the use of the passengers of the quality and in accordance with the scale prescribed by this Act;

(*e*) that the ship is otherwise duly equipped for the voyage as required by, or by any rules or regulations made under, the Merchant Shipping Acts of the United Kingdom, or, in respect of any matter regarding which no such requirements as aforesaid exist in respect of the ship, as required by this Act; and

(*f*) any other particulars required by this Act to be specified in the certificate.

(2) There may be appointed persons to issue passenger sailing ships' certificates for the purposes of this Part of this Act, and the expression " certifying officer ", wherever used in this Part of this Act, means a person so appointed.

Power to withhold certificate where cargo prejudicial to health or safety of passengers.

157. A certifying officer shall not issue a passenger sailing ship's certificate in respect of a passenger sailing ship if he has reason to believe that the ship has on board any cargo likely from its quality, quantity, or mode of stowage to prejudice the health or safety of the passengers.

Power of Minister to make regulations relating to passenger sailing ships.

158. (1) The Minister may make regulations relating to passenger sailing ships carrying more than twelve passengers with respect to any or all of the following matters:—

(*a*) the arranging of such passenger sailing ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried;

(*b*) the number of cubic feet of space, and the number of superficial feet measured on the deck or floor, to be made available for each passenger;

(*c*) the scale on which food, fuel, and water are to be placed on board for the use of the passengers or of any class or classes of passengers during any voyage, and the quality of such food, fuel, and water;

(*d*) the nature and extent of the hospital accommodation and of the medical stores, disinfectants, and other appliances and fittings to be provided on board for maintaining health, cleanliness, and decency, and for the protection of unberthed passengers;

(*e*) the anchors and cables to be provided on board;

(*f*) the instruments to be provided on board for purposes of navigation;

(*g*) the provision of means of making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;

(*h*) the access of between-decks passengers to the upper deck;

(*i*) the nature of the goods that may be carried as cargo on deck or between-decks, and the manner in which such goods may be stowed;

(*j*) the particulars, other than those mentioned in section 156, to be specified in a passenger sailing ship's certificate.

(2) Any contravention of any regulation made under this section may, by regulation made under this section, be made punishable, on conviction after summary trial, with a fine not exceeding five hundred rupees and, where the contravention is a continuing contravention, with a further fine not exceeding fifty rupees for every day after the first day during which the contravention

continues, or with imprisonment, which may be of either description, for a term not exceeding three months, or both with such fine and with such imprisonment.

3.—General Provisions Relating to Passenger Ships.

Passenger ships to sail only from appointed ports.

Passengers not to be embarked or disembarked at other ports.

159. (1) No passenger ship shall ply or proceed to sea or on any voyage or excursion carrying any passengers on board from, or take passengers on board or land or tranship passengers at, any port in Ceylon other than an appointed port.

(2) After any passenger ship has proceeded to sea on any voyage from any port in Ceylon and while such ship is within the territorial jurisdiction of the Government of Ceylon, except in the case of distress or emergency no person shall be taken on board such ship as a passenger, and no passenger shall be landed from such ship, otherwise than at an appointed port.

(3) No vessel which has taken on board any passenger from a passenger ship lying outside the limits of any appointed port shall land such passenger at any such port, and no vessel shall convey any person from any appointed port to any passenger ship lying outside the limits of any such port, for the purpose of putting such person on board such ship as a passenger, without the written sanction, previously obtained, of the Master Attendant, or where there is no Master Attendant of the chief officer of customs, of the port at which such passenger is landed or from which such person is conveyed.

(4) If any passenger ship plies or proceeds to sea or on any voyage or excursion carrying any passengers on board, or takes any passenger on board, or transhipps or lands any passenger, or if any vessel lands any passenger or conveys any person, in contravention of the provisions of this section, the master of such ship or the person in charge of such vessel, as the case may be, shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding fifty rupees, or to imprisonment, which may be of either description, for a term not exceeding one month, for each passenger so carried, taken on board, transhipped, or landed, or for each person so conveyed, or both to such fine and to such imprisonment, but so that the aggregate term of imprisonment awarded under this section in respect of any one transaction shall not exceed six months.

(5) The Director may, by Order published in the *Gazette*, appoint any port in Ceylon to be a port from which passenger ships may ply or proceed to sea or on voyages or excursions carrying passengers on board, or at which passenger ships may take passengers on board or land or tranship passengers, and may in such order define the limits of such port; and the expression " appointed port ", wherever used in this section, means a port so appointed.

Posting up of passenger steamer's certificate or passenger sailing ship's licence.

160. (1) The owner or master of every passenger steamer required by this Part of this Act to have a passenger steamer's certificate, and the owner or master of every passenger sailing ship required by this Part of this Act to have a passenger sailing ship's licence, shall forthwith on the receipt of the certificate or licence by him or his agent cause one of the duplicates of the certificate, or the licence, as the case may be, to be put up in some conspicuous place on board the ship, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate or licence, as the case may be, remains in force and the ship is in use.

(2) If the owner or master fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(3) If a passenger steamer or passenger sailing ship plies or goes to sea with passengers on board, and this section is not complied with, then the owner thereof shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees, and the master shall also be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Master of passenger ship to furnish particulars of passengers carried to Ceylon, if required.

161. (1) The master of every passenger ship which carries passengers to any port in Ceylon from any port out of Ceylon shall, if required by any police officer visiting the ship to do so, furnish to such police officer particulars of the name, nationality, and port of embarkation of any passenger taken on board at the beginning of or during the ship's voyage and not landed at any previous port of call.

(2) If the master of any passenger ship fails to comply with the requirements of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Owner or agent of passenger ship to furnish particulars of passengers carried from Ceylon, if required.

162. (1) The owner or agent of every passenger ship which carries passengers on any voyage from a port in Ceylon to a port out of Ceylon shall, if required so to do by a police officer not below the rank of sergeant at the port of departure of the ship, not later than forty-eight hours after the departure of the ship furnish to such police officer particulars of the name, nationality, and intended port of disembarkation of any passenger taken on board the ship at such port of departure.

(2) If the owner or agent of any passenger ship fails to comply with the requirements of this section, he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Penalty on master or owner for non-compliance with provisions as to passenger ships.

163. If the provisions of this Act which require a passenger steamer to be surveyed and to have a passenger steamer's certificate, or which require a passenger sailing ship to have a passenger sailing ship's licence, are not complied with in the case of any such steamer or sailing ship, the master or owner of such steamer or sailing ship shall, without prejudice to any other remedy or penalty under this Act, be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one hundred rupees for every passenger carried from or to any port in Ceylon; and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer or sailing ship shall also be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a like penalty for every passenger so taken on board or landed.

Penalty for carrying passengers in excess.

164. (1) The owner or master of any passenger steamer or passenger sailing ship shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate or the passenger sailing ship's licence for the time being in force in respect of such passenger steamer or passenger sailing ship, and if he does so, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees, and also to an additional fine not exceeding two rupees and fifty cents for every passenger above the number so allowed, or, if the fare of any passenger on board exceeds two rupees and fifty cents, not exceeding double the amount of

the fares of all the passengers above the number so allowed, reckoned at the highest rate at which fare is payable by any passenger on board.

(2) The chief officer of customs at any port in Ceylon may cause any passengers carried by a passenger steamer or a passenger sailing ship in excess, having regard to the time, occasion, and circumstances of the case, of the number allowed by the passenger steamer's certificate or the passenger sailing ship's licence for the time being in force in respect of such passenger steamer or passenger sailing ship to disembark.

(3) For the purpose of any proceeding under subsection (1) of this section, any list of passengers delivered under the provisions of this Part of this Act shall be admissible in evidence, and every person ascertained to have been on board any passenger steamer or passenger sailing ship as a passenger at any time after such steamer's or sailing ship's departure from her last port of call shall be deemed to be still a passenger on such steamer or sailing ship upon her arrival at any port in Ceylon, whether such passenger is or is not found on board when such steamer or sailing ship is examined upon her arrival.

(4) If a passenger steamer or passenger sailing ship has on board at any port in Ceylon a number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than that allowed by the passenger steamer's certificate or the passenger sailing ship's licence for the time being in force in respect of such passenger steamer or passenger sailing ship, the owner or master of such steamer or sailing ship shall, for the purposes of this section, be deemed to have received those passengers on board at that place.

Passengers landed or embarked by means of tenders.

165. Where a passenger steamer or passenger sailing ship takes on board passengers from a tender, or lands passengers by means of a tender, she shall for the purposes of this Part of this Act be deemed to be taking the passengers on board from, or landing the passengers at, the port from or to which the tender comes or goes, and passengers conveyed in a tender to or from a passenger steamer or passenger sailing ship from or to a port in Ceylon shall for the purposes of this Part of this Act be deemed to be passengers carried by such steamer or sailing ship from or to a port in Ceylon.

PART IV.

SAFETY.

Prevention of collisions.

Inspection as to lights and fog signals.

166. (1) A surveyor of ships may inspect any ship, British or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog signals, in conformity with the collision regulations, and if the 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 what is, in his opinion, requisite in order to remedy the same.

(2) Every notice so given shall be communicated in the manner directed by the Director to the chief officer of customs at any port in Ceylon at which the ship may seek to obtain a clearance or coastwise permit; and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals, in conformity with the collision regulations.

(3) For the purpose of an inspection under this section a surveyor of ships shall have all the powers of an inspector under this Act.

(4) Where the certificate as to lights and fog signals is refused, an owner may appeal to the court of survey for the district where the ship for the time being is, in the manner directed by the rules of that court.

(5) On any such appeal the judge of the court of survey shall report to the Director on the question raised by the appeal, and the Director, when satisfied that the requirements of the report and of the collision regulations as to lights and fog signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by him to grant, the certificate.

(6) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.

(7) A surveyor of ships, in making an inspection under this section, shall, if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and if, in that case, the surveyor of ships and the person so appointed agree, there shall be no appeal under this section to the court of survey.

(8) Such fees as the Director may determine shall be paid in respect of an inspection of lights and fog signals under this section, not exceeding those specified in Part I of the Sixth Schedule to this Act:

Provided that where a ship's lights and fog signals are inspected under this section and its life-saving appliances are inspected under section 172 in the course of one and the same inspection, the fees (if any) payable shall be the fees determined to be paid in respect of an inspection of the lights and fog signals, or the fees determined to be paid in respect of an inspection of the life-saving appliances, whichever may be the greater.

Report of accidents and loss of ship.

Reports to the Director of accidents to ships.

167. (1) Where any British ship, or any foreign ship carying passengers between places in Ceylon, is within the territorial jurisdiction of the Government of Ceylon and has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, as soon as possible after the happening of the accident or damage, transmit to the Director, by letter signed by the owner or master, a report of the accident or damage, and of the probable occasion thereof, stating the name of the ship, her official number (if any), the port to which she belongs, and the place where she is.

(2) If the owner or master of a ship fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

Notice of loss of Ceylon ship to be given to the Director.

168. (1) If the owner or agent of any British ship registered in Ceylon has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Director notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number (if any), and the port to which she belongs.

(2) If the owner or agent of a ship fails without reasonable cause to comply with this section within a reasonable time, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

Life-saving appliances.

Regulations as to life-saving appliances.

169. The Minister may make regulations (in this Act referred to as " regulations for life-saving appliances ") with respect to all or any of the following matters, namely:—

(*a*) the arranging of British ships, where such ships are within the territorial jurisdiction of the Government of Ceylon, into classes, having regard to the services in which they are employed, to the nature and duration of their voyages, and to the number of persons carried;

(*b*) the number, description, and mode of construction of the boats, lifeboats, life-rafts, line-throwing appliances, life-jackets, and life-buoys to be carried by British ships, where such ships are within the territorial jurisdiction of the Government of Ceylon, according to the classes in which they are arranged, and the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water, which methods may include oil for use in stormy weather;

(*c*) the quantity, quality, and description of buoyant apparatus to be carried on board British ships carrying passengers, where such ships are within the territorial jurisdiction of the Government of Ceylon, either in addition to or in substitution for boats, lifeboats, life-rafts, life-jackets, and life-buoys;

(*d*) the marking of boats, lifeboats, life-rafts, and buoyant apparatus so as to show the dimensions thereof and the number of persons authorized to be carried thereon;

(*e*) the manning of boats and lifeboats and the qualifications and certificates of lifeboat men;

(*f*) the provision to be made for mustering the passengers and crew and for embarking them in the boats and lifeboats (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;

(*h*) the assignment of specific duties to each member of the crew in the event of emergency;

(*i*) the methods to be adopted and the appliances to be carried for the prevention, detection, and extinction of fire.

Duties of owners and masters as to carrying life-saving appliances

170. It shall be the duty of the owner or master of every British ship, other than a Safety Convention passenger steamer in respect of which a valid Safety Convention certificate is produced, where such ship is within the territorial jurisdiction of the Government of Ceylon, to see that his ship is provided, in accordance with the rules for life-saving appliances from time to time made under section 427 of the Merchant Shipping Act, 1894, of the United Kingdom, and sections 4 and 5 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, of the United Kingdom (hereafter in this Act referred to as "the United Kingdom rules for life-saving appliances") or, in the case of any ship to which the said rules do not apply, in accordance with the regulations for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

57 & 58 Vict. c. 60.

22 Geo. 5, c. 9.

Penalty for breach of rules or regulations.

171. (1) In the case of any ship, other than a Safety Convention passenger steamer in respect of which a valid Safety Convention certificate is produced, which is required by the United Kingdom rules for life-saving appliances or by the regulations for life-saving appliances to be provided with such appliances, where such ship is within the territorial jurisdiction of the Government of Ceylon—

(*a*) if the ship proceeds on any voyage or excursion without being so provided in accordance with the rules or regulations applicable to the ship; or

(*b*) if any of the appliances with which it is so required to be provided are missing or unfit for service, having been lost or rendered unfit for service in the course of a voyage or excursion through the wilful fault or negligence of the owner or master; or

(*c*) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of any voyage or excursion; or

(*d*) if such appliances are not kept so as to be at all times fit and ready for use; or

(*e*) if any provision of the United Kingdom rules for life-saving appliances or of the regulations for life-saving appliances which applies to the ship is contravened or not complied with,

then the owner of the ship (if in fault) shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees, and the master of the ship (if in fault) shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

(2) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other or higher fine or punishment than is provided by those enactments, provided that a person shall not be punished twice for the same offence.

(3) If the court before which a person is charged with an offence punishable under sub-section (1) of this section thinks that proceedings ought to be taken against him for the offence under any other provision of this Act, or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Survey of ships with respect to life-saving appliances.

172. (1) A surveyor of ships may inspect any ship, other than a Safety Convention passenger steamer in respect of which a valid Safety Convention certificate is produced, for the purpose of seeing that the United Kingdom rules for life-saving appliances or the regulations for life-saving appliances, as the case may be, have been complied with in her case, and for the purpose of any such inspection shall have all the powers of an inspector under this Act.

(2) If the surveyor finds that the United Kingdom rules for life-saving appliances or the regulations for life-saving appliances, as the case may be, have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules or regulations have not been complied with, and what, in his opinion, is required to rectify the matter.

(3) Every notice so given shall be communicated in the manner directed by the Director to the chief officer of customs of any port at which the ship may seek to obtain a clearance or coastwise permit, and a clearance or coastwise permit shall not be granted to the ship

and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified.

(4) There shall be paid in respect of every inspection of a ship under this section such fees, not exceeding those specified in Part II of the Sixth Schedule to this Act as the Director may determine:

Provided that where a ship's life-saving appliances are inspected under this section and its lights and fog-signals are inspected under section 166 in the course of one and the same inspection, the fees (if any) payable shall be the fees determined to be paid in respect of an inspection of the life-saving appliances, or the fees determined to be paid in respect of an inspection of the lights and fog-signals, whichever may be the greater.

Production of entry in log book of boat drill, etc.

173. The master of every British ship registered in Ceylon shall, upon the demand of any person thereto authorized by the Director, produce for the inspection of such person any record kept by him for the purposes of section 9 of the Merchant Shipping Act, 1906, of the United Kingdom (which requires the master of every British ship to keep a record of every occasion on which boat drill is practised on board the ship and on which the life-saving appliances on board the ship are examined), as amended by sub-section (5) of section 5 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, of the United Kingdom, and if he fails to do so he shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

6 Edw. 7, c. 48.

22 Geo. 5, c. 9.

Application of regulations as to life-saving appliances to foreign ships in Ceylon waters.

174. (1) Subject to the provisions of sub-section (2) of this section, sections 169 to 172 shall apply to all foreign ships while such ships are within any port in Ceylon as they apply to British ships.

(2) The said sections shall not apply—

(*a*) to any Safety Convention passenger steamer in respect of which a valid Safety Convention certificate is produced; and

(*b*) to any ship of any foreign country in respect of the ships of which an Order in Council made under the proviso to section 4 of the Merchant Shipping Act, 1906, of the United Kingdom, is for the time being in force, on proof that the provisions in force in that country relating to life-saving appliances are complied with in respect of such ship.

6 Edw. 7, c. 48.

General equipment.

Adjustment of compasses.

175. (1) Every British sea-going steamer, if employed to carry passengers, shall have her compasses properly adjusted from time to time.

(2) If any British sea-going steamer referred to in sub-section (1) plies or goes to sea from any port in Ceylon and the requirement of that sub-section is not complied with, then, the owner (if in fault) shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees, and the master (if in fault) shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

Load lines.

Duty of Minister to make regulations for determining the validity of Load Line Convention certificates. Definitions.

176. (1) The Minister shall make such regulations as appear to him to be necessary for determining the validity in Ceylon of certificates purporting to have been issued, in accordance with the Convention signed on behalf of the Government of the United Kingdom in London on the fifth day of July, 1930, for promoting the safety of life and property at sea by establishing in common agreement uniform principles and rules with regard to the limits to which ships may be loaded (hereafter in this Act referred to as " the Load Line Convention "), in respect of ships of one hundred and fifty tons gross tonnage and upwards belonging to the countries to which the Load Line Convention applies (hereafter in this Act referred to as " Load Line Convention ships "); and the expression " a valid Load Line Convention certificate ", wherever used in this Act, means a certificate complying with such of the rules made under this section as are applicable in the circumstances.

(2) In this section, the expression " countries to which the Load Line Convention applies " means—

(*a*) countries the governments of which have been declared under section 65 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, of the United Kingdom, to have ratified, or acceded to, the Load Line Convention, and have not been so declared to have denounced that Convention;

22 Geo. 5, c. 9.

(*b*) countries to which it has been so declared that the Load Line Convention has been applied under the provisions of Article 21 thereof, not being countries to which it has been so declared that that Convention has ceased to apply under the provisions of that Article.

Ships exempt from provisions relating to load lines.

177. (1) The following ships are exempt from the provisions of this Act relating to load lines, namely:—

(*a*) sailing ships of less than one hundred and fifty tons gross tonnage engaged in plying coastwise between ports situated in Ceylon and India;

(*b*) ships exempted from the provisions of this Act relating to load lines under sub-section (2) of this section;

(*c*) ships solely engaged in fishing;

(*d*) pleasure yachts.

(2) The Director may, on such conditions as he thinks fit, exempt from the provisions of this Act relating to load lines—

(*a*) any ship plying on voyages between near neighbouring ports, if the Director is satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply the said provisions to ships so plying;

(*b*) wooden ships of primitive build, if the Director considers that it would be unreasonable or impracticable to apply the said provisions to them;

(*c*) any class of steamers of less than one hundred and fifty tons gross tonnage engaged solely in plying coastwise between ports situated in Ceylon and India, so long as they do not carry cargo.

Definition of " load line ships ".

178. Ships which are not exempt from the provisions of this Act relating to load lines by virtue of the last foregoing section are hereafter in this Act referred to as " load line ships ".

Duty of Minister to make " load line regulations ".

179. The Minister shall make regulations (hereafter in this Act referred to as " the load line regulations ") regulating the survey of ships for the purpose of the 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-lines and load lines.

180. (1) No British load line ship registered in Ceylon, being a ship the keel of which was laid after the thirtieth day of June, 1932, shall proceed to sea unless—

(*a*) the ship has been surveyed in accordance with the load line regulations; and

(*b*) the ship complies with the conditions of assignment; and

(*c*) 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 in the load line regulations, 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 regulations; and

(*d*) the deck-line and load lines are of the description required by the load line regulations, the deck-line is in the position required by those regulations, and the load lines are of the number required by such of those regulations as are applicable to the ship; and

(*e*) the load lines are in the position required by such of the load line regulations as are applicable to the ship.

(2) No British load line ship registered in Ceylon, being a ship the keel of which was laid before the first day of July, 1932, shall proceed to sea unless—

(*a*) the ship has been surveyed and marked in accordance with paragaphs (*a*), (*c*), and (*d*) of sub-section (1) of this section; and

(*b*) the ship complies with the conditions of assignment in principle and also in detail, so far as, in the opinion of the Director, 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

(*c*) the load lines are either in the position required by paragraph (*e*) of sub-section (1) of this section or in the position required by the tables used by the Board of Trade on the thirty-first day of December, 1906, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section 438 of the Merchant Shipping Act, 1894, of the United Kingdom, as were in force immediately before the fifth day of July, 1930. 57 & 58 Vict. c. 60.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner of the ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding 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 203.

Submersion of load line.

181. (1) A British load line ship registered in Ceylon 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 regulations to be loaded.

(2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees and to such additional fine, not exceeding the amount hereafter in this section 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 reasons 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 in respect of 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 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.

Miscellaneous offences in relation to marks.

182. If—

(*a*) the owner or master of a British load line ship registered in Ceylon, which has been marked in accordance with the foregoing provisions of this Act relating to load lines, fails without reasonable cause to keep the ship so marked; or

(*b*) 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 Act relating to load lines, except with the authority of a person entitled under the load line regulations to authorize the alteration of the mark or except for the purpose of escaping capture by an enemy,

he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

Inspection of ships with respect to load lines.

183. A surveyor of ships may inspect any British load line ship registered in Ceylon for the purpose of seeing that the provisions of this Act relating to load lines have been complied with in the case of such ship, and for the purpose of any such inspection a surveyor of ships shall have all the powers of an inspector under this Act.

Issue of load line certificates and effect thereof.

184. (1) Where a British load line ship registered in Ceylon has been surveyed and marked in accordance with the foregoing provisions of this Act relating to load lines 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 such fee as may be prescribed by the load line regulations a load line certificate (hereafter in this Act referred to as " a Ceylon load line certificate ").

(2) Every Ceylon load line certificate shall be issued either by the Director or by such other person as may be authorized in that behalf by the Director, and shall be issued in such form and manner as may be prescribed by the load line regulations.

(3) A Ceylon load line certificate issued by the Director may be signed on behalf of the Director by any person authorized by him for the purpose.

(4) Where a Ceylon load line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, such ship shall, for the purposes of the foregoing provisions of this Act relating to load lines, 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 regulations 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.

Duration, renewal, and cancellation of certificates.

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

(2) A Ceylon load line certificate may, after a survey not less effective than the survey required by the load line regulations before the issue of the certificate, be renewed from time to time by the Director, or by any person authorized by the Director to issue a Ceylon load line certificate, for such period (not exceeding five years on any occasion) as the Director or other person renewing the certificate thinks fit.

(3) The Director shall cancel a Ceylon load line certificate in force in respect of any ship, if he has reason to believe that—

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

(*b*) 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 in 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 a Ceylon load line certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in such manner as may be prescribed by the load line regulations once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force, having regard to the last foregoing sub-section, and if the ship is not so surveyed, the Director shall cancel the certificate:

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

(5) Where a Ceylon load line certificate has expired or been cancelled, the Director 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 be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding 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 by the load line regulations.

Ships not to proceed to sea without certificate.

186. (1) No British load line ship registered in Ceylon shall proceed to sea unless there is in force in respect of the ship a Ceylon load line certificate.

(2) The master of every British load line ship registered in Ceylon shall produce to the officer of customs from whom any clearance or coastwise permit 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 a clearance or coastwise permit shall not be granted, and the ship may be detained, until that certificate is so produced.

(3) The master of every ship which proceeds or attempts to proceed to sea in contravation of this section shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

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

187. (1) Where a Ceylon load line certificate has been issued in pursuance of the foregoing provisions of this Act relating to load lines in respect of a British load line ship registered in Ceylon—

(*a*) 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

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

(2) Before any British load line ship registered in Ceylon leaves any dock, wharf, harbour, or other place in Ceylon for the purpose of proceeding to sea, the master of such ship shall—

(*a*) enter in the official log book such particulars relating to the depth to which the ship is for the time being loaded as the Minister may by regulations prescribe; and

(*b*) cause a notice, in such form and containing such of the said particulars as may be required by the said regulations, to be posted up in some conspicuous place on board the ship:

Provided that the Minister may by the said regulations exempt home-trade ships or any class of home-trade ships from the requirements of paragraph (*b*) of this sub-section.

(3) If the master or owner of any British load line ship registered in Ceylon fails to comply with the provisions of this section he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

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

188. (1) Before an agreement with the crew of any British load line ship registered in Ceylon, in respect of which a Ceylon 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 in the certificate, and if he fails to do so he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

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

(*a*) there is produced to him a Ceylon load line certificate for the time being in force in respect of the ship; and

(*b*) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Survey, marking, and conditions of assignment in the case of ships not registered in Ceylon.

189. The provisions of section 180 shall apply to load line ships not registered in Ceylon, proceeding or attempting to proceed to sea from ports in Ceylon, as they apply to British load line ships registered in Ceylon, subject to the following modifications, namely:—

(*a*) the said section shall not apply to a Load Line Convention ship, if a valid Load Line Convention certificate is produced in respect of the ship; and

(*b*) subject to the provisions of paragraph (*a*) of this section, a foreign ship which does not comply with the conditions of assignment to the extent required in her case by section 180 shall be deemed to be unsafe for the purpose of section 206.

Submersion of load line on ships not registered in Ceylon.

190. The provisions of section 181 shall apply to load line ships not registered in Ceylon, while they are within any port in Ceylon, as they apply to British load line ships registered in Ceylon, subject to the following modifications, namely:—

(*a*) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of the said section, except after inspection by a surveyor of ships as hereafter in this Act provided; and

(*b*) the expression " the appropriate load line ", in relation to any ship not registered in Ceylon, shall mean—

(i) in the case of a Load Line Convention ship in respect of which there is produced on such an inspection as aforesaid a valid Load Line Convention 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 Load Line Convention to be loaded;

(ii) 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 regulations to be loaded or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Inspection of ships not registered in Ceylon.

191. The provisions of section 183 shall apply to load line ships, other than British ships registered in Ceylon or Load Line Convention ships, while they are within any port in Ceylon, as they apply to British load line ships registered in Ceylon.

Inspection and control of Load Line Convention ships.

192. (1) A surveyor of ships may go on board any Load Line Convention ship, when within any port in Ceylon, 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 Load Line Convention certificate is produced to a surveyor of ships on any demand made under sub-section (1) of this section, such surveyor's power of inspecting the ship with respect to load line shall be limited to seeing—

(*a*) that the ship is not loaded beyond the limits allowed by the certificate;

(*b*) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(*c*) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;

(*d*) 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;

and for the purpose of any such inspection such surveyor shall have all the powers of an inspector under this Act.

(3) If it is found on any inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master or owner thereof under section 190.

(4) If it is found on any 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 a surveyor of ships.

(5) If it is found on any inspection that the ship has been so materially altered in respect of the matters referred to in paragraphs (*c*) and (*d*) of sub-section (2) of this section 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 203 (in the case of a British ship) or for the purpose of section 206 (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Director 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 Load Line Convention certificate is not produced to a surveyor of ships on such demand as aforesaid, such surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Act relating to load lines have been complied with, as if the ship were a British ship registered in Ceylon.

(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 load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

Load line certificate of ships not registered in Ceylon.

193. (1) The provisions of this Act relating to the issue, effect, duration, renewal, and cancellation of Ceylon load line certificates shall apply to load line ships not registered in Ceylon as they apply to British load line ships registered in Ceylon, but so that the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Director.

(2) For the purpose of the provisions of this Act relating to load lines a United Kingdom load line certificate issued under section 47 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 of the United Kingdom shall have the same effect as a Ceylon load line certificate.

22 Geo. 5, c. 9.

(3) Where Her Majesty has by Order in Council under sub-section (2) of section 59 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, of the United Kingdom directed that load line certificates issued in pursuance of the provisions of the law in force in any country forming part of the British Commonwealth other than the United Kingdom or Ceylon, or in any foreign country in which for the time being Her Majesty has jurisdiction, in respect of British ships (or any class or description of British ships) registered in that part of the British Commonwealth or in that foreign country, or in pursuance of the provisions of the law in force in any foreign country in respect of ships (or any class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of Part II of the aforesaid Act as United Kingdom load line certificates, any load line certificate so issued shall have the same effect, for the purposes of the provisions of this Act relating to load lines, as a Ceylon load line certificate.

22 Geo. 5. c. 9.

Certificate to be produced to customs by ships not registered in Ceylon.

194. The master of every load line ship, other than a British ship registered in Ceylon, shall produce to the officer of customs from whom a clearance or coastwise permit for the ship from any port in Ceylon is demanded either a Ceylon load line certificate or a valid Load Line Convention certificate or a certificate having effect under this Act as a Ceylon load line certificate, being a certificate for the time being in force in respect of the ship, and a clearance or coastwise permit shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

Deck cargo.

Power of Minister to make regulations as to loading of deck cargo.

195. (1) The Minister may make regulations prescribing precautions to be taken in loading cargo as deck cargo.

(2) If any cargo is loaded as deck cargo in any ship, whether British or foreign, in contravention of any regulation made under sub-section (1) of this section, the owner, agent, or master of such ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

(3) Without prejudice to any proceedings under sub-section (2) of this section, any ship, whether British or foreign, in which any cargo is loaded as deck cargo in contravention of any regulation made under sub-section (1) of this section may be detained until she ceases to be so loaded.

(4) For the purpose of this section the expression " deck cargo " means any cargo loaded to be carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage.

Wireless telegraphy.

Wireless telegraphy requirements. Offence and penalty.

196. (1) Every sea-going British ship registered in Ceylon being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph installation, which shall be at least sufficient to comply with the wireless telegraphy regulations, and with one or more certified operators or watchers, at least, in accordance with those regulations:

Provided that the Director may exempt any ships or classes of ships from the obligations imposed by this section if he is of opinion that, having regard to the nature of the voyages on which those ships are engaged, or other circumstances of the case, the provision of wireless telegraph apparatus thereon is unnecessary.

(2) If the requirements of sub-section (1) of this section are not complied with in the case of any ship, the master or owner of the ship shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees:

Provided that if in any case the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure

Cap. 16.

Code in respect of an offence under this sub-section, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding five thousand rupees.

Inspection of ships by wireless telegraphy surveyors.

197. (1) A wireless telegraphy surveyor may inspect any ship for the purpose of seeing that such ship is properly provided with a wireless telegraph installation and with certified operators and watchers in conformity with the requirements of this Act, and for the purpose of such inspection shall have all the powers of an inspector under this Act.

(2) If a wireless telegraphy surveyor finds that any ship inspected under sub-section (1) of this section is not provided with a wireless telegraph installation, or with certified operators or watchers, as aforesaid, he shall give to the master or owner of the ship notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.

(3) There shall be paid in respect of every inspection of a ship under this section such fees, not exceeding those specified in Part III of the Sixth Schedule to this Act, as the Director may determine.

Application of sections 196 and 197 to ships not registered in Ceylon.

198. Subject to the provisions of section 199, the provisions of sections 196 and 197 shall apply to ships other than British ships registered in Ceylon, while they are within any port in Ceylon, in like manner as they apply to British ships registered in Ceylon.

Wireless telegraphy provisions applicable to ships holding Safety Convention certificates.

199. (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—

(*a*) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of sections 196 and 197; or

(*b*) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the provisions contained in sub-sections (2) and (3) of this section shall apply to the ship in lieu of the provisions of sections 196 and 197.

(2) A wireless telegraphy surveyor may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.

(3) If upon any such inspection it appears to the wireless telegraphy surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, he shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.

Ship may be detained until deficiency in wireless telegraphy equipment is remedied.

200. Every notice given under sub-section (2) of section 197 or under sub-section (3) of section 199 shall be communicated in the manner determined by the Director to the chief officer of customs of any port at which the ship to which it relates may seek to obtain a clearance or coastwise permit, and, if the ship to which it relates is not a British ship, to the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and a clearance or coastwise permit shall not be granted to the ship and the ship shall be detained, until a certificate under the hand of a wireless telegraphy surveyor is produced to the effect that the deficiency has been remedied.

Duty of Minister to make regulations.

201. (1) The Minister shall make regulations (in this Act referred to as "the wireless telegraphy regulations") in respect of ships to which the provisions of this Part of this Act relating to wireless telegraphy apply—

(*a*) prescribing the nature of the wireless telegraph installation to be provided;

(*b*) prescribing the number, grade, and qualifications of operators and watchers to be carried ; and

(*c*) making provision as to the certificates to be held by operators and watchers.

(2) The wireless telegraphy regulations shall further require that the wireless telegraph installation to be provided on passenger steamers of five thousand tons gross tonnage or upwards shall include an efficient wireless direction finding apparatus capable—

(*a*) of receiving clearly perceptible signals and of taking bearings from which the true bearing and direction may be determined, and

(*b*) of receiving signals on the frequencies prescribed for distress, direction finding, and wireless telegraph beacons by the International Radiotelegraph Convention for the time being in force,

and that efficient communication shall be provided between such apparatus and the bridge or bridges of the ship.

Obligations in respect of wireless telegraphy to be in addition to those imposed by the Telecommunications Ordinance, No. 50 of 1944.

202. The obligations imposed by the provisions of this Part of this Act relating to wireless telegraphy shall be in addition to, and not in substitution for, the obligations as to wireless telegraphy imposed by the Telecommunications Ordinance, No. 50 of 1944, and the rules and regulations made thereunder.

Unseaworthy ships.

Power to detain unsafe ships, and procedure for detention.

203. (1) Where a British ship, being in any port in Ceylon, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of undermanning or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed or for ascertaining the sufficiency of her crew, and either finally detained or released as follows :—

(*a*) The Director, if he has reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed or for ascertaining the sufficiency of her crew.

(*b*) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Director may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to him.

(*c*) The Director, on receiving the report, may either order the ship to be released or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the performance of such conditions

with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship, as he thinks necessary for the protection of human life, and may vary or add to any such order.

(*d*) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner, agent, or master of the ship may appeal to the court of survey for the district within which the ship is detained in the manner directed by the rules of that court.

(*e*) Where a ship has been provisionally detained, the owner, agent, or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner, agent, or master may select out of the list of assessors for the court of survey, and in that case, if the surveyor and assessor agree, the Director shall cause the ship to be detained or released accordingly, but if they differ, the Director may act as if the requisition had not been made, and the owner, agent, and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(*f*) Where a ship has been provisionally detained, the Director may at any time, if he thinks it expedient, refer the matter to the court of survey for the district within which the ship is detained.

(*g*) The Director may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2) Any person authorised under this Act to detain a ship (in this Act referred to as a "detaining officer") shall have the same power as the Director has under this section of ordering the provisional detention of a ship for the purpose of being surveyed or for ascertaining the sufficiency of her crew, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3) A detaining officer shall forthwith report to the Director and order made by him for the detention or release of a ship.

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6) A detaining officer and a person appointed to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

(7) The powers exercisable under or for the purposes of this section shall include power to muster the crew.

Liability for costs and damages.

204. (1) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part of this Act as an unsafe ship, the Government of Ceylon shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this Part of this Act, the owner of the ship shall be liable to pay to the Government of Ceylon its costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purposes of this section the costs of and incidental to any proceeding before a court of survey shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs shall be referred by the Director to the Secretary of the District Court having jurisdiction over the place where the survey is made, for his determination, and the Secretary shall certify the proper amount of those costs.

Power to require from complainant security for costs.

205. (1) Where a complaint is made to the Director or a detaining officer that a British ship is unsafe, the Director or detaining officer may, if he thinks fit, require the complainant to give security to the satisfaction of the Director for the costs and compensation which he may become liable to pay as hereinafter mentioned:

Provided that such security shall not be required where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Director or detaining officer frivolous or vexatious and the Director or detaining officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(2) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Government of Ceylon is liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government of Ceylon all such costs and compensation as the Government of Ceylon incurs or is liable to pay in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

206. Where a foreign ship at a port in Ceylon is unsafe by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, or by reason of undermanning, the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(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 said port;

(ii) where a ship has been provisionally detained, the consular officer, on the request of the owner, agent, or master of the ship, may require that the person appointed to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Director shall cause

the ship to be detained or released accordingly, but if they differ, the Director may act as if the requisition had not been made, and the owner, agent, 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, agent, 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 Director.

Safety Convention passenger steamer not to be detained if condition of steamer corresponds substantially with certificate.

207. Notwithstanding anything in section 203 or in section 206, where a valid Safety Convention certificate is produced in respect of any Safety Convention passenger steamer, such steamer shall not be deemed to be unsafe for the purposes of either of those sections by reason of the defective condition of her hull, equipments, or machinery, unless it appears that such steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

Survey of ships alleged by seamen to be unseaworthy.

208. (1) Whenever in any proceeding, whether under this Act or under the Merchant Shipping Acts of the United Kingdom against any seaman or apprentice belonging to any ship for the offence of desertion or absence without leave, or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in its power to satisfy itself concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence it may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3) For the purposes of this section the court shall require any surveyor of ships, or, if a surveyor of ships cannot be obtained without unreasonable expense or delay or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court and having no interest in the ship, her freight, or cargo, to survey the ship and to answer any question concerning her which the court thinks fit to put.

(4) Such surveyor shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before it in accordance with those opinions.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of an inspector under this Act.

(6) The costs (if any) of the survey shall be determined by the Director according to a scale of fees to be fixed by him, and shall be paid, in the first instance, from the Consolidated Fund.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Director.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Director, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award.

PART V.

SPECIAL SHIPPING INQUIRIES AND COURTS.

Jurisdiction of District Courts in respect of shipping casualties, etc.

Authority of District Courts to make inquiries into shipping casualties and conduct of officers.

209. (1) Subject as hereinafter provided, every District Court shall have jurisdiction to make inquiries as to shipwrecks or other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, (hereafter in this Part of this Act referred to as " formal inquiries "), in the following cases, namely:—

(*a*) where any shipping casualty within the meaning of the next succeeding section has occurred;

(*b*) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Ceylon, or on board a British ship in the course of a voyage to a port in Ceylon;

(*c*) where the incompetency or misconduct has occurred on board a British ship registered in Ceylon;

(*d*) when the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in Ceylon:

Provided that nothing in this sub-section shall be construed as conferring upon any District Court power to make a formal inquiry as to any casualty occurring to a ship registered in the United Kingdom or in any Dominion or in India (other than a casualty occurring on or near the coasts of Ceylon or whilst such ship is wholly engaged in the coasting trade of Ceylon), unless the government of the United Kingdom or of that Dominion or of India, as the case may be, has requested that a formal inquiry be made as to such casualty or consented to the making thereof.

(2) A District Court shall have the same jurisdiction over any such matter as if it had occurred within the

ordinary jurisdiction of such District Court, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

(3) A formal inquiry shall not be made by virtue of this section as to any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.

(4) Where an investigation or inquiry with reference to any matter has been commenced in the United Kingdom, or, in the case of a ship registered in any Dominion or in India, in that Dominion or in India a formal inquiry with reference to the same matter shall not be made by virtue of this section in Ceylon.

Shipping inquiries to be subject to the provisions of Part VI of the Merchant Shipping Act, 1894, of the United Kingdom.

210. A District Court holding an inquiry under the provisions of the preceding section shall have the same power of cancelling and suspending the certificates of masters, mates, and engineers, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom under Part VI of the Merchant Shipping Act, 1894, of the United Kingdom.

Investigations and inquiries as to shipping casualties.

Shipping casualties.

211. For the purpose of investigations and formal inquiries under this Part of this Act a shipping casualty shall be deemed to occur—

(*a*) when on or near the coasts of Ceylon any ship is lost, abandoned, or materially damaged;

(*b*) when on or near the coasts of Ceylon any ship has been stranded or damaged, and any witness is found in Ceylon;

(*c*) when any ship causes loss or material damage to any other ship on or near the coasts of Ceylon;

(*d*) when any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of Ceylon;

(*e*) when in any place any such loss, abandonment, or material damage, or any casualty as last aforesaid, occurs, and any witness is found in Ceylon;

(*f*) when in any place any British ship registered in Ceylon is stranded or damaged, and any witness is found in Ceylon; or

(*g*) when some members of the crew of a ship which has been wrecked or to which a casualty has occurred, who are competent witnesses to the fact, are found in Ceylon.

Preliminary investigation into shipping casualties.

212. (1) When a shipping casualty occurs, a preliminary investigation may be held by the receiver of wreck residing at or nearest to the place at which the casualty occurs or by any person appointed in that behalf by the Minister.

(2) For the purpose of any investigation under subsection (1) of this section the person holding the same shall have all the powers of an inspector under this Act.

Formal inquiry as to shipping casualties.

213. (1) A person authorized as aforesaid to make a preliminary investigation shall in any case where it appears to him requisite or expedient (whether upon a preliminary investigation or without holding such an investigation) that a formal inquiry should be made, and in any case where the Director so directs, apply to a District Court to make a formal inquiry, and such District Court shall thereupon make the formal inquiry.

(2) The District Court making any such formal inquiry shall make the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed, out of a list of persons for the time being approved for the purpose by the Director, in such manner as may be laid down by the rules made under section 218 with regard thereto.

(3) Where a formal inquiry involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or

engineer, the District Court shall make the formal inquiry with the assistance of not less than two assessors having experience in the merchant service.

(4) It shall be the duty of the person who has applied to the District Court to make a formal inquiry to superintend the management of the case, and to render such assistance to the District Court as is in his power.

(5) The District Court may make such order as it thinks fit respecting the costs of the formal inquiry, or any part thereof, and such order shall be enforced by the District Court as though it were an order respecting costs made by it in the exercise of its ordinary jurisdiction.

(6) The Director may, in any case in which he thinks fit to do so, certify that the costs of any such formal inquiry as aforesaid ought to be paid from the public revenue, and in every such case the costs of the formal inquiry shall be so paid.

(7) For the purposes of this section a District Court making a formal inquiry shall have all the powers which it has when acting as a court in the exercise of its ordinary jurisdiction.

(8) Every formal inquiry as to a shipping casualty shall be conducted in such manner that, if a charge is made against any person, that person shall have an opportunity of making a defence.

(9) A formal inquiry made by a District Court as to a shipping casualty shall be made at the place appointed by the Minister of Justice by order under section 52 of the Courts Ordinance, as the place at which such District Court is to be holden.

Cap. 6.

List of assessors.

214. (1) The list of persons approved as assessors for the purpose of formal inquiries as to shipping casualties shall be in force for three years only, but persons whose names are on any such list may be approved for any subsequent list.

(2) The Minister may at any time add or withdraw the name of any person to or from the list.

Power as to certificates of officers.

Power of Director to cause inquiry into conduct of certificated officer.

57 & 58 Vict. c. 60.

215. (1) If the Director has reason to believe that any master, mate, or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required under Part V of the Merchant Shipping Act, 1894, of the United Kingdom in any of the following cases, that is to say—

(*a*) where the incompetency or misconduct has occurred on board a British ship on or

near the coasts of Ceylon or on board a British ship in the course of a voyage to a port in Ceylon; or

(*b*) where the incompetency or misconduct has occurred on board a British ship registered in Ceylon; or

(*c*) when the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in Ceylon,

he may apply to a District Court to make a formal inquiry as to such charge of incompetency or misconduct, and such District Court shall thereupon make the formal inquiry.

(2) The formal inquiry shall be conducted and the results reported in the same manner, and the District Court making the formal inquiry shall have the like powers, as in the case of a formal inquiry as to a shipping casualty made under this Part of this Act:

Provided that, if the Director so directs, it shall be the duty of the person who has brought the charge against the master, mate, or engineer to the notice of the Director to conduct the case, and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

Power of District Court as to certificates.

216. (1) The certificate of a master, mate, or engineer may be cancelled or suspended—

(*a*) by a District Court making a formal inquiry as to a shipping casualty under this Part of this Act, if the District Court finds that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, but so that the District Court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court;

(*b*) by a District Court making a formal inquiry under this Part of this Act as to the conduct of a master, mate, or engineer, if the District Court finds that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under Part V of the Merchant Shipping Act, 1894, of the United Kingdom. 57 & 58 Vict. c. 60.

(2) Where any case before a District Court making a formal inquiry as aforesaid involves a question as to the cancelling or suspending of a certificate, the District Court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending thereof.

(3) A certificate shall not be cancelled or suspended by a District Court under this section, unless a copy of the report, or a statement of the case, on which the formal inquiry has been applied for has been furnished before the commencement of the formal inquiry to the holder of the certificate.

Delivery of certificate cancelled or suspended.

217. A master, mate, or engineer whose certificate is cancelled or suspended by a District Court under the provisions of this Part of this Act shall deliver his certificate to the District Court on demand, and if he fails to do so he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees.

Supplemental provisions as to formal inquiries.

Rules as to formal inquiries Cap. 6.

218. Rules may be made in the manner provided by section 49 of the Courts Ordinance for carrying into effect the enactments relating to formal inquiries made under this Part of this Act and for regulating the re-hearing of such inquiries upon orders made under sub-section (6) of section 478 of the Merchant Shipping Act, 1894, of the United Kingdom and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, and the amount of the fees payable.

57 & 58 Vict. c. 60.

Definition.

219. Any reference to the certificate of a master, mate, or engineer in the foregoing provisions of this Part of this Act shall, unless the context otherwise requires, be construed as a reference to a certificate of competency or a certificate of service granted under this Act or to a certificate the holder of which is, under section 13 and subject as therein provided, to be deemed to be duly certificated for the purpose of section 5.

Courts of survey.

Constitution of court of survey.

220. (1) A court of survey for a district shall consist of a judge, who shall be the District Judge for that district, sitting with two assessors;

Provided that the Governor-General may, in any case, appoint a Judge of the Supreme Court to be the judge of a court of survey.

(2) The assessors shall be persons of nautical, engineering, or other special skill and experience; subject to the provisions of Part IV of this Act as regards foreign ships, one of them shall be appointed by the Director, either generally or in each case, and the other shall be summoned, in accordance with the rules made under this Act with respect to courts of survey, by the registrar of the court out of a list periodically nominated for the purpose by a body of local shipowners or agents of shipowners or merchants approved for the purpose by the Minister or, if there is no such list, shall be appointed by the judge. If the Minister thinks fit at any time to add any persons to any such list, those persons shall be added to the list, and if there is no such list shall form the list.

(3) The secretary of the District Court or such other person as may be appointed for the purpose shall be the registrar of the court and shall, on receiving notice of an appeal or a reference from the Director, immediately summon the court to meet forthwith in the manner directed by the rules relating to courts of survey.

(4) The name of the registrar and his office, together with the rules made as aforesaid with respect to courts of survey, shall be published in the manner directed by the rules.

Power and procedure of court of survey.

221. (1) A court of survey shall hear every case in open court.

(2) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of an inspector under this Act.

(3) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

(4) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle, and any person who wilfully impedes such judge, assessor, or person in the execution of the survey, or fails to comply

with any requisition made by him, shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

(5) The judge of the court shall have the same powers as the Director has to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(6) The owner, agent, and master of the ship and any person appointed by the owner, agent, or master, and also any person appointed by the Director, may attend at any inspection or survey made in pursuance of this section.

(7) The judge of the court shall send to the Director such report as may be directed by the rules relating to courts of survey, and each assessor shall either sign the report or report to the Director the reasons for his dissent.

Rules for procedure of court of survey, etc.
Cap. 6.

222. Rules may be made in the manner provided by section 49 of the Courts Ordinance to carry into effect the provisions of this Act with respect to courts of survey, and in particular with respect to the summoning of, and procedure before, such courts, the requiring on an appeal security for costs and damages, the amount of the fees payable, and the publication of the rules.

Scientific referees.

Reference in difficult cases to scientific persons.

223. (1) If the Director is of opinion that an appeal to a court of survey involves a question of construction or design or of scientific difficulty or important principle, he may refer the matter to such one or more out of a list of scientific referees from time to time approved by the Minister as may appear to possess the special qualifications necessary for the particular case and may be selected by agreement between the Director and the appellant, or in default of any such agreement by the Minister, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

(2) The Minister, if the appellant in any appeal so requires and gives security to the satisfaction of the Director to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

(3) The referee or referees shall have the same powers as a judge of a court of survey.

Payments to officers of courts.

Payments to officers of courts.

224. There may be paid out of the Consolidated Fund to any judge of a court of survey, assessor in any court of survey or in any formal inquiry under this Part of this Act, registrar of a court of survey, scientific referee, or any other officer or person appointed for the purpose of any court of survey or formal inquiry under this Part of this Act, such remuneration (if any) as the Minister may direct.

PART VI

WRECK AND SALVAGE

Vessels in distress

Definitions.

225. In this Part of this Act, unless the context otherwise requires—

" salvage " includes all expenses properly incurred by the salvor in the performance of the salvage services;

" vehicle " includes any vehicle of any description, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise;

" wreck " includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water.

Duty of receiver where vessel in distress.

226. (1) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of Ceylon or any tidal water within the territorial jurisdiction of the Government of Ceylon, the receiver of wreck for the district in which that place is situated shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as " shipwrecked persons ") and of the cargo and apparel of the vessel.

(2) If any person wilfully disobeys the directions of the receiver of wreck, such person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees; but the receiver of wreck shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Powers of the receiver in case of vessels in distress.

227. (1) The receiver of wreck may, with a view to such preservation as aforesaid of shipwrecked persons, or of the vessel, cargo, or apparel—

(*a*) require such persons as he thinks necessary to assist him;

(*b*) require the master, or other person having the charge, of any vessel near at hand to give such aid with his men or vessel as may be in his power;

(*c*) demand the use of any vehicle or of any draught animal that may be near at hand.

(2) If any person refuses without reasonable cause to comply with any requisition or demand made under sub-section (1) of this section that person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

Power to pass over adjoining lands.

228. (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel or of saving the lives of the shipwrecked persons or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without vehicles or draught animals, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.

(3) If the owner or occupier of any land—

(*a*) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open them, or otherwise; or

(*b*) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or

(*c*) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time, until it can be removed to a safe place of public deposit,

he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

Power of receiver to supress plunder and disorder by force.

229. (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver of wreck may cause that person to be apprehended.

(2) The receiver of wreck may use force for the suppression of any plundering, disorder, or obstruction referred to in sub-section (1) of this section, and may command all Her Majesty's subjects to assist him in so using force.

(3) If any person is killed, maimed, or hurt by reason of his resisting the receiver of wreck or any person acting under the orders of the receiver of wreck in the execution of the duties by this Part of this Act committed to the receiver of wreck, then, if the receiver of wreck or any person acting under his orders has not used more force than is necessary to overcome such resistance, neither the receiver of wreck nor the person acting under his orders shall be liable to any punishment, or to pay any damages, by reason of the person being so killed, maimed, or hurt.

Exercise of powers of receiver in his absence.

230. (1) Where a receiver of wreck is not present, the following officers in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of customs, Master Attendant, Government Agent, Assistant Government Agent, Magistrate, Superintendent of Police, Assistant Superintendent of Police or Divisional Revenue Officer, may do anything by this Part of this Act authorized to be done by the receiver of wreck.

(2) An officer acting under this section for a receiver of wreck shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver of wreck is required by this Act, be considered as the agent of the receiver of wreck, and shall place such goods or articles in the custody of the receiver of wreck; but he shall not be entitled to any fees payable to receivers of wreck, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Examination in respect of ships in distress.

231. (1) Where any ship, British or foreign, is or has been in distress on the coasts of Ceylon, a receiver of wreck, or in the absence of a receiver of wreck a Magistrate, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters, that is to say—

(*a*) the name and description of the ship;

(*b*) the name of the master and of the owners;

(*c*) the names of the owners of the cargo;

(*d*) the ports from and to which the ship was bound;

(*e*) the occasion of the distress of the ship;

(*f*) the services rendered; and

(*g*) such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2) The person holding the examination shall take the same down in writing and shall send two copies thereof to the Director; and the Director shall place one of the said copies in some conspicuous situation for the inspection of persons desirous of examining it, and shall otherwise give such publicity thereto as he considers necessary, and shall transmit the other copy to the secretary of Lloyd's in London.

(3) The person holding the examination shall, for the purposes thereof, have all the powers of an inspector under this Act.

Dealing with wreck.

Rules to be observed by persons finding wreck.

232. Where any person finds or takes possession of any wreck within the limits of the territorial jurisdiction of the Government of Ceylon, or finds or takes possession of any wreck outside those limits and brings it within those limits, he shall—

(*a*) if he is the owner of the wreck, give notice to the receiver of wreck for the district, stating that he has found or taken possession of the same, and describing the marks by which the same may be recognized; or

(*b*) if he is not the owner of the wreck, as soon as possible deliver it to the receiver of wreck for the district;

and if any person fails, without reasonable cause, to comply with this section, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees; and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or if it is unclaimed to the Government of Ceylon, double the value thereof.

Penalty for taking wreck at time of casualty.

233. (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of Ceylon or any tidal water within the territorial jurisdiction of the Government of Ceylon, any cargo or other articles belonging to or separated from the vessel which may be washed on shore, or otherwise lost or taken from the vessel, shall be delivered to the receiver of wreck.

(2) If any person, whether the owner or not, secretes or keeps possession of any cargo or article referred to in sub-section (1) of this section or refuses to deliver the same to the receiver of wreck or to any person authorized by the receiver of wreck to demand the same, that person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

(3) The receiver of wreck or any person authorized as aforesaid may take any cargo or article referred to in sub-section (1) of this section by force from the person refusing to deliver it to such receiver or such authorised person.

Notice of wreck to be given by receiver.

234. (1) Where a receiver of wreck takes possession of any wreck, he shall within forty-eight hours—

(*a*) cause to be posted in the custom house nearest to the place where the wreck was found or was seized by him, and otherwise publish in such manner as the Director may direct, a description of the wreck and of any marks by which it is distinguished; and

(*b*) if in his opinion the value of the wreck exceeds two hundred rupees, send a copy of such description to the Director.

(2) The Director shall transmit to the secretary of Lloyd's in London any copy of any description of any wreck sent to him by any receiver of wreck under sub-section (1) of this section.

Claims of owners to wreck.

235. (1) The owner of any wreck in the possession of a receiver of wreck, upon establishing his claim to the wreck to the satisfaction of the receiver of wreck within one year from the time at which the wreck came into the possession of the receiver of wreck, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2) Where any articles belonging to or forming part of a foreign ship which has been wrecked on or near the coasts of Ceylon, or belonging to and forming part of the cargo of any such ship, are found on or near those coasts or are brought into any port in Ceylon, the consular officer of the country to which the ship, or, in the case of cargo, to which the owners of the cargo, may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

Immediate sale of wreck by receiver in certain cases.

236. A receiver of wreck may at any time sell any wreck in his custody, if in his opinion—

(*a*) it is under the value of fifty rupees, or

(*b*) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or

(*c*) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver of wreck for the same purposes and subject to the same claims, rights, and liabilities as those for which and subject to which the wreck would be kept if the wreck had remained unsold.

Unclaimed wreck.

Unclaimed wreck to be sold and proceeds paid into the Consolidated Fund.

237. Where no owner establishes a claim to any wreck which has been found within the limits of the territorial jurisdiction of the Government of Ceylon, or found or taken possession of outside those limits and brought within them, and which is in the possession of a receiver of wreck, within one year after it came into the possession of such receiver of wreck, such receiver of wreck shall sell such wreck and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale and any other expenses incurred by, and the fees payable to, him in respect thereof, and paying thereout to the salvors such

amount of salvage as the Minister may in each case or by any general rule determine) into the Consolidated Fund.

Delivery of unclaimed wreck by receiver not to prejudice title.

238. Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver of wreck, in pursuance of the provisions of this Part of this Act, the receiver of wreck shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck.

Removal of wrecks.

Removal of wreck by Master Attendant.

239. (1) Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water in Ceylon, or in or near any approach to any such harbour or tidal water, in such manner as in the opinion of any Master Attendant to be, or to be likely to become, an obstruction or danger to navigation, such Master Attendant—

(*a*) may take possession of, and raise, remove, or destroy, the whole or any part of the vessel; and

(*b*) may light or buoy any such vessel or part until the raising, removal, or destruction thereof; and

(*c*) subject to the provisions of sub-sections (2) and (3) of this section, may sell, in such manner as he thinks fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him under this section in relation to such vessel or part of a vessel or other property, or in lieu of so reimbursing himself deduct from the said proceeds any sums to which he is by virtue of any written law otherwise entitled on account of any property so recovered, and shall hold the surplus, if any, of the said proceeds in trust for the persons entitled thereto.

(2) A sale shall not, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in some newspaper published in Ceylon and circulating in the district in which the sale is to take place.

(3) At any time before any property is sold under this section, the owner thereof shall be entitled to have it delivered to him on payment to the Master Attendant of the fair market value thereof, to be ascertained by agreement between the Master Attendant and the owner, or failing such agreement by some person to be named for the purpose by the Director, and the sum paid to the Master Attendant as the value of any property under this sub-section shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

Powers of removal to extend to tackle, cargo, etc.

240. The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as those provisions would apply if such articles, things or collection of things were included in the word "vessel", and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Powers to be cumulative.

241. The powers conferred by this Part of this Act upon Masters Attendant for the removal of wrecks shall be in addition to, and not in derogation of, any other powers for a like object.

Offences in respect of wreck.

Removing wreck outside territorial limits.

242. If any person removes from within the limits of the territorial jurisdiction of the Government of Ceylon to any place outside those limits any vessel stranded, derelict, or otherwise in distress found on or near the coasts of Ceylon or any tidal water within the aforesaid limits, or any part of the cargo or apparel of any such vessel, or anything belonging thereto, or any wreck found within the aforesaid limits, that person shall be guilty of an offence and shall, on conviction thereof, be liable to imprisonment, which may be of either description, for a term not exceeding two years or to a fine not exceeding one thousand rupees or both to such imprisonment and to such fine.

Interfering with wrecked vessel.

243. A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver of wreck or a person lawfully acting as such, and if any person acts

in contravention of this enactment, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees, and the master of the vessel may repel him by force.

Summary procedure for concealment of wreck.

244. (1) Where a receiver of wreck suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to any Magistrate for a search warrant, and that Magistrate shall have power to grant such a warrant, and the receiver of wreck, by virtue of such warrant, may enter any house or other place, wherever situate, and also any vessel, and search for such wreck, and seize and detain any such wreck there found.

(2) If any such seizure of wreck is made in consequence of information given by any person to the receiver of wreck, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum, not exceeding in any case fifty rupees, as the receiver of wreck may allow.

Salvage.

Salvage of cargo or wreck within territorial limits.

245. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of Ceylon or any tidal water within the territorial jurisdiction of the Government of Ceylon, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver of wreck in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck a reasonable amount of salvage, to be determined, in case of dispute, and recoverable in manner provided by the Ceylon Courts of Admiralty Ordinance and in this Part of this Act. Cap. 7.

Valuation of property by receiver.

246. (1) Where any dispute as to salvage arises, the receiver of wreck of the district where the property is in respect of which the salvage claim is made may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver of wreck, shall be admissible as evidence in any subsequent proceeding.

(3) There shall be paid in respect of the valuation by the person applying for the same such fee as the Minister may direct.

Detention of property liable for salvage by a receiver.

247. (1) Where salvage is due to any person under this Act, the receiver of wreck shall—

(*a*) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(*b*) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Act, detain the wreck.

(2) Subject as hereinafter mentioned, the receiver of wreck shall detain the vessel and the cargo and apparel or the wreck (hereafter in this Part of this Act referred to as " detained property ") until payment is made for salvage or process is issued for the arrest or detention of the detained property by some competent court having admiralty jurisdiction.

(3) A receiver of wreck may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds two thousand rupees and any question is raised as to the sufficiency of the security, to the satisfaction of the Colonial Court of Admiralty.

(4) Any security given for salvage in pursuance of this section to an amount exceeding two thousand rupees may be enforced by the Colonial Court of Admiralty in the same manner as if bail had been given in that court.

Sale of detained property by receiver.

248. (1) A receiver of wreck may sell any detained property, if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases, namely—

(*a*) where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due; or

(*b*) where the amount is disputed, but no appeal lies from the decision of the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court; or

(*c*) where the amount is disputed and an appeal lies from the decision of the first court to which the dispute is referred to some other court, and within twenty days after the decision of the first court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver of wreck in payment of the expenses, fees, and salvage incurred and payable in respect of such property, and, so far as not required for that purpose, shall be paid to the owners of the property or any other persons entitled to receive the same.

Apportionment of salvage under Rs. 2,000 by receiver.

249. (1) Where the aggregate amount of salvage payable in respect of salvage services rendered within the territorial jurisdiction of the Government of Ceylon has been finally determined, either in the manner provided by the Ceylon Courts of Admiralty Ordinance or by agreement, and does not exceed two thousand rupees, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver of wreck for liberty to pay the same to him; and the receiver of wreck shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid and to his vessel, cargo, apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

Cap. 7.

(2) The receiver of wreck shall with all convenient speed distribute any amount received by him under this section among the persons entitled to it on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3) A distribution made by a receiver of wreck in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

Apportionment of salvage by court.

250. Whenever the aggregate amount of salvage payable in respect of salvage services rendered within the territorial jurisdiction of the Government of Ceylon has been finally ascertained and exceeds two thousand rupees, and whenever the aggregate

amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, any court having admiralty jurisdiction may cause the aggregate amount of salvage payable to be apportioned among the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute it or to bring it into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as the court thinks fit.

Appointment of receivers of wreck.

Appointment of receivers of wreck.

251. (1) The Director shall have the general superintendence in every place within the territorial jurisdiction of the Government of Ceylon of all matters relating to wreck.

(2) There may be appointed a person to be a receiver of wreck in any district, and notice shall be given in the *Gazette* of every such appointment; and the expression " receiver of wreck ", wherever used in this Act, means a person so appointed.

Fees of receivers of wreck.

Receivers' fees.

252. (1) There shall be paid to every receiver of wreck the expenses properly incurred by him in the performance of his duties and also, in respect of the several matters specified in the Seventh Schedule, such fees, not exceeding the amounts mentioned in the said Schedule, as may be directed by the Director, but a receiver of wreck shall not be entitled to any remuneration other than those payments.

(2) A receiver of wreck shall, in addition to all other rights and remedies for the recovery of the expenses and fees aforesaid, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3) Whenever any dispute arises as to the amount payable to any receiver of wreck in respect of expenses or fees, that dispute shall be determined by the Director and the Director's decision shall be final.

(4) All fees received by a receiver of wreck in respect of any services performed by him as receiver of wreck shall be paid into the Consolidated Fund.

Duties on wreck.

Provisions as to duties, etc, on wrecked goods.

253. (1) All wreck, being foreign goods brought or coming into Ceylon, shall be subject to the same duties as those to which such goods would be subject if they were imported into Ceylon, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Principal Collector of Customs may on investigation determine.

(2) The Principal Collector of Customs shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which these were shipped; but the Principal Collector of Customs shall take security for the due protection of the Consolidated Fund in respect of those goods.

PART VII.

LIGHTHOUSES.

Offences in connection with lighthouses, etc.

Injury to lighthouses.

254. (1) A person shall not, within the territorial jurisdiction of the Government of Ceylon, wilfully or negligently—

(*a*) injure or obscure any lighthouse or the lights exhibited therein, or any buoy or beacon;

(*b*) remove, alter, or destroy any buoy or beacon; or

(*c*) run foul of any buoy, or ride by or make fast to any buoy not being a mooring buoy.

(2) If any person acts in contravention of this section, he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding five hundred rupees; and the court trying the case may further, and notwithstanding any limitation of its ordinary jurisdiction, make order for the payment by such person of the expenses of making good any damage occasioned by such contravention, and the sum payable by such person under such order shall be deemed to be a fine imposed by the court.

Prevention of false lights.

255. (1) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the officer in charge of such lighthouse or, where such lighthouse is not in the charge of any officer, any Master Attendant may serve a notice upon the

owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light, and for preventing for the future any similar fire or light.

(2) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the fire or light to which the notice relates.

(3) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall, in addition to any other penalties or liabilities he may incur, be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees.

(4) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the fire or light mentioned in the notice, the officer in charge of the lighthouse or the Master Attendant, as the case may be, by whom the notice has been served may, by his servants or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage; and may recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served in the manner provided in the Civil Procedure Code for actions by summary procedure on liquid claims.

Cap. 86.

PART VIII.

LEGAL PROCEEDINGS.

Prosecution of offences.

Prosecutions, by whom to be instituted.

256. No person shall be charged with any offence under this Act, other than an offence relating to discipline or order on board a ship, except on the complaint of the Director, or of a District Judge, Master Attendant, or officer in charge of any lighthouse, or of the Registrar of Shipping and Seamen, or of a receiver of wrecks, surveyor of ships, wireless telegraphy surveyor, inspector under this Act, chief officer of customs, shipping master, or police officer, or on a complaint sanctioned by the Director.

Trial in Ceylon of offences under the Merchant Shipping Acts of the United Kingdom.

257. (1) Where a person is charged in Ceylon with any offence under the Merchant Shipping Acts of the United Kingdom, such offence shall be triable in the manner following:—

(*a*) if under those Acts the offence is triable summarily, it shall be triable by a Magistrate's Court;

(*b*) if the offence is declared by those Acts to be a misdemeanour, it shall, except in the case of an offence under section 457 of the Merchant Shipping Act, 1894, of the United Kingdom, be triable summarily by a Magistrate's Court, unless the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of it, in which case it shall be triable upon indictment;

57 & 58 Vict. c. 60.

Cap. 16.

(*c*) in any other case it shall be triable upon indictment.

(2) For the purposes of this section—

(*a*) the amount in the currency of Ceylon of any fine prescribed by the Merchant Shipping Acts of the United Kingdom, for any offence shall be estimated and reckoned at the rate of ten rupees to the pound sterling;

(*b*) any provision of those Acts empowering a court to impose a sentence of penal servitude or of imprisonment with hard labour shall be construed as a provision empowering such court to impose a sentence of rigorous imprisonment, and any provision of those Acts empowering a court to impose a sentence of imprisonment or of imprisonment without hard labour shall be construed as a provision empowering such court to impose a sentence of simple imprisonment.

Limitation of time for summary proceeding.

258. (1) Neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any Magistrate's Court, or in any District Court or Court of Requests under the provisions of the Civil Procedure Code relating to summary procedure on liquid claims, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises, as the case may be; or if both or

Cap. 86.

either of the parties to the proceeding happen or happens during that time to be out of Ceylon, unless the proceeding is commenced, in the case of a conviction within two months, and in the case of an order within six months, after they both first happen to arrive, or to be at one time, in Ceylon.

(2) No written law for the time being in force which limits the time within which proceedings may be instituted in any Magistrate's Court, or in any District Court or Court of Requests as aforesaid, shall affect any proceeding under this Act.

Jurisdiction.

Provision as to jurisdiction in case of offences.

259. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which it actually was committed or arose, or in any place in which the offender or person complained against may be.

Jurisdiction over ships lying off the coasts.

260. Where any district or division within which any court has jurisdiction under this Act for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, such court shall have jurisdiction for the purposes of this Act over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as it would have jurisdiction if the vessel or persons were within the limits of the original jurisdiction of the court.

Damage occasioned by a foreign ship.

Power to arrest foreign ship that has occasioned damage.

261. (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found within the territorial jurisdiction of the Government of Ceylon, any District Court may, upon its being shown to such District Court by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of customs or other officer named by such District Court requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given

security, to be approved by such District Court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed beyond the territorial jurisdiction of the Government of Ceylon, any chief officer of customs may, if requested so to do by any person who is entitled to make an application to a District Court under sub-section (1) of this section, detain the ship for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship; and that officer shall not be liable for any costs or damages in respect of the detention, unless the detention is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the District Court made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding.

Inquiries into deaths.

Inquiry into cause of death on board ship- 57 & 58 Vict. c. 60.

262. (1) Where a case of death has happened on board any British ship arriving at any port in Ceylon, other than a ship to which section 690 of the Merchant Shipping Act, 1894, of the United Kingdom applies, the shipping master at such port shall inquire into the cause of the death, and shall make in the official log an endorsement to the effect, either that the statement of the cause of death in the log is in his opinion true, or the contrary, according to the result of the inquiry.

(2) A shipping master shall for the purpose of an inquiry under this section have the powers of an inspector under this Act; and if in the course of any such inquiry it appears to a shipping master that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Director or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

Depositions.

Depositions to be received in evidence when witness cannot be produced.

263. (1) Whenever in the course of any legal proceeding instituted under this Act before any court, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter of that proceeding, then, upon due proof that the witness cannot be found in Ceylon, any deposition that the witness may have previously made on oath in relation to the same subject-matter before any judge or magistrate in any part of Her Majesty's dominions other than Ceylon, or before any British consular officer in any place not within Her Majesty's dominions, shall be admissible in evidence:

Provided that if the proceeding is criminal, a deposition so made shall not be admissible, unless it was made in the presence of the person accused:

Provided also that no deposition so made shall be admissible, unless it is authenticated by the signature of the judge, magistrate, or consular officer before whom it was made, and unless such judge, magistrate, or consular officer has certified, if the fact is so, that the accused was present at the taking thereof.

(2) A deposition made under sub-section (1) of this section shall be deemed to be duly authenticated if it purports to have been signed by the judge, magistrate, or consular officer before whom it was made.

(3) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any deposition referred to in sub-section (1) of this section; and in any criminal proceeding a certificate purporting to have been signed by the judge, magistrate, or consular officer before whom the deposition was made, that the accused was present at the taking of the deposition, shall, unless the contrary is proved, be sufficient evidence of the accused having been present in the manner thereby certified.

(4) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any written or other law.

Detention of ship and distress on ship.

Enforcing detention of ship.

264. (1) Where under this Act a ship is to be or may be detained, any person thereto generally or specially authorized by the Director, or any officer of customs, or any surveyor of ships may detain the

ship and if the ship after detention or after service on the master of any notice of order for detention proceeds to sea before it is released by a competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the master's offence, shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two thousand rupees.

(2) Where a ship proceeding to sea as aforesaid takes to sea when on board thereof there is in the execution of his duty any person authorized to detain the ship, or any surveyor of ships or other officer appointed under this Act, or any officer of customs, the owner and master of the ship shall each be guilty of an offence.

(3) Where an offence has been committed under sub-section (2) of this section, the owner and master of the ship shall each be liable on conviction thereof after summary trial to a fine not exceeding two thousand rupees, or, if the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of the offence, on conviction thereof upon indictment to a fine not exceeding two hundred rupees for every day from the time of the ship's proceeding to sea as aforesaid until the person or surveyor of ships or other officer taken to sea returns, or until the expiry of such time as would enable him after leaving the ship to return, to the port from which he was taken; and the owner and master of the ship shall further each be liable to pay all expenses of and incidental to such person or surveyor or other officer being so taken to sea, and the court trying any offence under sub-section (2) of this section may, notwithstanding any limitation of its ordinary jurisdiction, make order directing the payment by such owner or master of any sum certified by the Director to be the amount of those expenses, and such sum shall be deemed to be a fine imposed by the court. Cap. 16.

(4) Where under this Act a ship is to be detained an officer of customs shall, and where under this Act a ship may be detained an officer of customs may, refuse to clear that ship outwards or to grant a coastwise permit to that ship.

(5) Where any provision of this Act provides that a ship may be detained until any document is produced

to the proper officer of customs, the expression " proper officer of customs " means, unless the context otherwise requires, the officer of customs able to grant a clearance or coastwise permit to such ship.

Notice to be given to consular officer where proceedings taken in respect of foreign ship.

265. Where any foreign ship is detained under this Act, and where any proceedings are taken under this Act 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 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.

Cost of detaining ship.

266. Where a ship is detained in pursuance of any provision of this Act which provides for the detention of a ship until a certain event occurs, sub-section (2) of section 204 shall apply as if the ship had been finally detained within the meaning of that sub-section.

Sums ordered to be paid leviable by distress on ship.

267. Where any court has power under this Act to make an order directing payment to be made of any seaman's wages, fines, or other sums of money, then, if the party so directed to make such payment is the master or owner of a ship, and the same is not paid at the time and in the manner prescribed in the order, the court which made the order may, in addition to any other powers it may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture, and apparel.

Evidence and service of documents.

Proof of attestation not required. Cap. 11.

268. Notwithstanding anything in section 68 of the Evidence Ordinance, where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or attesting witnesses or any of them.

Admissibility of documents in evidence.

269. (1) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

(2) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be a copy or extract made from or compared with the original, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted.

(3) Any person having by law or consent of parties authority to receive evidence shall have the same powers as a court to impound any document to which this section applies and to which a false or counterfeit seal, stamp, or signature has been affixed.

Service of documents.

270. (1) Where for the purposes of this Act any document is to be served on any person, that document may be served—

(*a*) in any case by delivering a copy thereof personally to the person to be served, or by leaving such copy at his last place of abode; and

(*b*) if the document is to be served on the master of a ship, where there is a master, or on a person belonging to a ship, by leaving the document for him on board that ship with the person being or appearing to be in command or charge of the ship; and

(*c*) if the document is to be served on the master of a ship, where there is no master, and the ship is within the territorial jurisdiction of the Government of Ceylon, by delivering the document to the managing owner of the ship, or, if there is no managing owner, to some agent of the owner residing in Ceylon, or where no such agent is known or can be found, by affixing a copy thereof in some conspicuous place in the ship.

(2) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees; and if the owner or master of the ship is party or privy to the obstruction he shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months:

Provided that if the Attorney-General by order under his hand directs that proceedings be taken under Chapter XVI of the Criminal Procedure Code in respect of any such offence as last aforesaid, such offence shall be triable upon indictment, and shall in such case be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years.

Cap. 16.

Protection of officers, etc.

All officers, etc, to be public servants.

271. Every officer appointed under this Act, and every person appointed or authorized under this Act for any purpose of this Act when acting in pursuance of such purpose, shall be deemed to be a public servant within the meaning of the Penal Code.

Cap. 15.

Protection of public servants. Cap. 15.

272. No action shall be maintained against any public servant within the meaning of the Penal Code for or in respect of anything by him in good faith done or omitted to be done in the exercise or performance or in the purported exercise or performance of any power, authority, or duty conferred or imposed on him under this Act.

PART IX.

SUPPLEMENTAL.

General control by Director.

The Director of Merchant Shipping to administer Act. Exercise of powers by deputies and assistants.

273. (1) The Director of Merchant Shipping shall be the officer having the general superintendence of the administration of this Act, and is authorized to carry the provisions of this Act into execution.

(2) Any officer generally or specially authorised in that behalf by the Director may exercise, perform or discharge any power, duty or function vested in, or imposed or conferred upon, the Director by or under this Act, and any act done by, to, or before any such officer shall be as valid for the purposes of this Act as if it were done by, to, or before the Director.

Appointment of officers, &c., and shipping officers.

Appointment of officers, etc.

274. There may be appointed such officers, clerks, and servants, in addition to any officers who are specially appointed under the provisions of this Act, as may from time to time be required for the purpose of giving effect to the provisions of this Act.

Power of Director to appoint places to be shipping offices.

275. The Director may by notification in the *Gazette* appoint any place at any port at which a person has been appointed under this Act to be shipping master to be a shipping office, for the transaction of business under this Act.

Documents and forms.

Proof of documents.

276. All documents purporting to be made, issued, or written by or under the direction of the Director, and to be sealed with the Director's seal, or to be signed by the Director or by a Deputy Director or Assistant Director or by any person on behalf of the Director, shall be admissible in evidence in the manner provided by this Act.

Power of Director to prescribe forms.

277. (1) Subject to any special provisions of this Act, the Director may prepare and sanction forms for any book, instrument, or paper required under this Act, and may from time to time make such alterations in those forms as he thinks fit.

(2) The Director shall cause every such form to be sealed with his seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as he thinks requisite in order to prevent inconvenience.

(3) The Director may cause all such forms to be supplied to all custom houses and shipping offices in Ceylon, free of charge, or at such moderate prices as he may fix.

(4) Every such book, instrument, or paper required under this Act shall be made in the form (if any) approved by the Director, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

(5) Every such book, instrument, or paper, if made in a form purporting to be the proper form and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

Exemption from stamp duty.

278. The following instruments shall be exempt from stamp duty:—

(*a*) any instrument used by or under the direction of the Director in carrying into effect Parts II and IV of this Act; and

(*b*) any instruments which are by those Parts of this Act required to be in a form approved by the Director, if made in that form.

Offences in respect of use of forms.

279. If any person—

(*a*) when a form approved by the Director is, under Part II of this Act, required to be used, uses without reasonable cause a form not purporting to be a form so approved; or

(*b*) prints, sells, or uses any document purporting to be a form approved by the Director under this Act, knowing the same not to be the form approved for the time being, or not to have been prepared or issued by the Director,

that person shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Powers for enforcing compliance with Act.

Powers for seeing that Act is complied with.

280. (1) Where any of the following officers, namely—

any officer authorised in that behalf by the Director; or

any Master Attendant; or
the Registrar of Shipping and Seamen; or
any chief officer of customs; or
any shipping master,

has reason to suspect that any provision of this Act, or any law for the time being in force relating to merchant seamen or navigation, is not complied with, that officer may—

(*a*) require the owner, master, or any member of the crew of any British ship to produce any official log books or other documents relating to the crew or any member thereof in their respective possession or control;

(*b*) require any such master to produce a list of all persons on board his ship, and take copies of the official log books, or documents, or of any part thereof;

(*c*) muster the crew of any such ship; and

(*d*) summon the master to appear and give any explanation concerning the ship or her crew or the official log books or documents produced or required to be produced.

(2) If any person, on beng duly required by an officer authorized under this section, fails without reasonable cause to produce to that officer any such official log book or document as he is required to produce under this section, or refuses to allow it to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees.

Surveyors of ships and wireless telegraphy surveyors.

Appointment of surveyors of ships.

281. (1) There may be appointed at any port as is considered necessary a person, generally or specially to be a surveyor of ships for the purposes of this Act, and the expression " surveyor of ships ", wherever used in this Act, means a person so appointed.

(2) The Minister may make regulations as to the performance of the duties of surveyors of ships, and in particular as to the manner in which surveys of passenger ships are to be made, as to the notice to be given by the owners, agents, or masters thereof when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by such surveyors in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which the payment of those expenses is to be made.

(3) The duties of a surveyor of ships shall be performed under the direction of the Director, and in accordance with the regulations made by the Minister.

Power of surveyor of ships for purpose of survey of ships.

282. A surveyor of ships in the execution of his duties may go on board any ship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mates, or engineers, to which the provisions of this Act or any of the regulations made under this Act apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of

any accident to the ship or for any other reason he considers it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

Appointment of wireless telegraphy surveyors.

283. There may be appointed a person to be a wireless telegraphy surveyor for the purposes of this Act, and the expression "wireless telegraphy surveyor", wherever used in this Act, means a person so appointed.

Powers of wireless telegraphy surveyor for purposes of survey.

284. A wireless telegraphy surveyor, in the execution of his duties, may go on board any ship at all reasonable times and inspect any wireless telegraph installation, or any certificates of the wireless telegraph operators or watchers, to which the provisions of this Act or of the wireless telegraphy regulations apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage.

Inspectors.

Appointment of inspectors to report on accidents, etc.

285. There may be appointed a person to be an inspector to report to the Director—

(*a*) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; or

(*b*) whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with; or

(*c*) whether the hull and machinery of any ship are sufficient and in good condition.

Powers of inspectors.

286. (1) An inspector appointed under section 285 (in this Act referred to as an "inspector") and any person having the powers of such an inspector—

(*a*) may go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage; and

(*b*) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make; and

(*c*) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make; and

(*d*) may require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report; and

(*e*) may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration (which shall be free from stamp duty) of the truth of the statements made by him in his examination.

(2) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on summons to give evidence before the Supreme Court; and in case of any dispute as to the amount of those expenses, the same shall be referred to the Registrar of the Supreme Court, and the Registrar of the Supreme Court shall, on request made to him for that purpose under the hand of the inspector or person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(3) If any person refuses to attend as a witness before an inspector or before any person having the powers of an inspector, after having been required to do so in the manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration which an inspector or person having the powers of an inspector is hereby empowered to require, that person shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred rupees.

Penalty for obstructing inspectors in the execution of their duty.

287. If any person wilfully impedes an inspector or any person having the powers of an inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall be guilty of an offence and shall, on conviction thereof after summary trial, be liable to a fine not exceeding two hundred rupees; and any such person may be seized and detained by

the inspector or person having the powers of an inspector, or by any person or persons whom that inspector or person may call to his assistance, until he can be conveniently taken before a Magistrate.

Safety Convention certificates.

Duty of Minister to make regulations for determining the validity of Safety Convention certificates. Definitions. Modifications of Safety Convention certificates.

288. (1) The Minister shall make such regulations as appear to him to be necessary for determining the validity in Ceylon of certificates purporting to have been issued, in accordance with the Convention signed on behalf of the Government of the United Kingdom in London on the thirty-first day of May, 1929, for promoting safety of life at sea by establishing in common agreement uniform principles and regulations directed thereto (in this Act referred to as " the Safety Convention "), in respect of ships belonging to the countries to which the Safety Convention applies (in this Act referred to as " Safety Convention ships "); and the expression " a valid Safety Convention certificate ", wherever used in this Act, means a certificate or certificates complying with such of the regulations made under this section as are applicable in the circumstances.

(2) (*a*) In this section the expression " countries to which the Safety Convention applies " means—

22 Geo. 5, c. 9

(i) countries the governments of which have been declared under section 37 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, of the United Kingdom, to have ratified, or acceded to, the Safety Convention, and have not been so declared to have denounced that Convention;

(ii) countries to which it has been so declared that the Safety Convention has been applied under the provisions of Article 62 thereof not being countries to which it has been so declared that the Convention has ceased to apply under the provisions of that Article.

(*b*) The expression " Safety Convention passenger steamer " wherever used in this Act, means a passenger steamer belonging to a country to which the Safety Convention applies.

(3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer 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 a particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate 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.

Regulations.

Power of Minister to make regulations etc., in certain cases.

289. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in regard to the following matters:—

(*a*) all matters in respect of which regulations are required or authorised to be made under this Act; and

(*b*) all matters stated in this Act to be prescribed.

Approval of regulations, etc., by Senate and House of Representatives.

290. (1) No regulation made under this Act shall have effect unless it has been approved by the Senate and the House of Representatives. Notice of such approval shall be published in the *Gazette*.

(2) Every regulation made under this Act shall, upon the publication of the approval and ratification of that regulation as provided for in sub-section (1) of this section, be as valid and effectual as if it were herein enacted.

Transmission of documents.

Notices, etc., to be in writing and provision as to sending by post.

291. (1) Where by this Act any notice, authority, order, direction, or other communication is required or authorized to be given or made by the Director to any person not being an officer appointed under this Act, the same shall be given or made in writing.

(2) Where any notice or document is by this Act required to be transmitted or sent, the same may be transmitted or sent by post.

Exemption of Her Majesty's ships.

Exemption of Her Majesty's ships.

292. (1) Subject to the provisions of sub-section (2) of this section, this Act shall not, except where otherwise specially provided, apply to ships belonging to Her Majesty.

(2) The Minister may make regulations applying the provisions of this Act or any of them, with such alterations as he may deem necessary, to government ships under the control of the Government of Ceylon.

(3) In this section the expression " government ships " means ships not forming part of Her Majesty's Navy which belong to Her Majesty, or are held by any person on behalf of or for the benefit of the Crown, and for that reason cannot be registered under the Merchant Shipping Act, 1894, of the United Kingdom.

Foreign, etc., ships to be exempted under certain conditions from certain requirements of this Act. 15 & 16 Geo. 5, c. 37.

Exemption of other ships from provisions of the Act.

293. Where Her Majesty has by Order in Council under section 1 or section 2 of the Merchant Shipping (Equivalent Provisions) Act, 1925, of the United Kingdom directed that any provisions of the Merchant Shipping Acts of the United Kingdom which apply to foreign ships, or to British ships registered in a part of Her Majesty's dominions outside the United Kingdom, or to ships registered in a port of a territory over which Her Majesty exercises jurisdiction, while such ships are in a port of the United Kingdom, but not otherwise, shall not apply to the ships of any foreign country, or to ships registered in any part of Her Majesty's dominions, or to ships registered in any territory as aforesaid, which is specified in such Order in Council while such ships are within any port of the United Kingdom, if it is proved in respect of any such ship that it complies with the corresponding provisions of the law of such foreign country or part of Her Majesty's dominions or territory applicable to it, no provisions of this Act corresponding to any such provisions of the Merchant Shipping Acts of the United Kingdom as aforesaid shall apply to any ship of such foreign country, or to any ship registered in such part of Her Majesty's dominions or territory, while it is within any port in Ceylon, if it is proved that such ship complies with the corresponding provisions of the law of that foreign country, or of that part of Her Majesty's dominions or territory, applicable to it.

Dispensing powers of Minister.

294. The Minister may, if he thinks fit, and upon such conditions (if any) as he thinks fit to impose, exempt any ship from any specified requirement of this Act, or dispense with the observance of any such requirement in the case of any ship, if he is satisfied that that requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of

the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.

Miscellaneous provisions as to passenger ships, etc.

Certain provisions of the Masters Attendant Ordinance not to apply to passenger ships. Cap. 262.

295. Notwithstanding anything in the Masters Attendant Ordinance—

(*a*) port rules for the time being in force under section 3 of the said Ordinance and providing for the periodical inspection of steam boilers on launches as defined by the Launches Ordinance and for prohibiting the use of such steam boilers unless the same have been duly inspected and certified to be in good order; and Cap. 152.

(*b*) section 19 of the Masters Attendant Ordinance, Cap. 262.

shall not apply to any passenger ship carrying more than twelve passengers.

Certain provisions of the Boats Ordinance not to apply to passenger ships. Cap. 151.

296. Notwithstanding anything in the Boats Ordinance—

(*a*) the provisions of Chapter I of the said Ordinance relating to the licensing of boats, shall not apply to any passenger ship carrying more than twelve passengers;

(*b*) no regulation made under section 24 of the aforesaid Ordinance and providing for the safety or comfort of passengers conveyed by boat shall apply to any passenger ship carrying more than twelve passengers;

(*c*) no regulation made under section 24 of the aforesaid Ordinance and providing for the safety or comfort of passengers conveyed by boat which is repugnant to any requirement of this Act shall apply to any passenger ship;

(*d*) no regulation made under section 24 of the aforesaid Ordinance and providing for the issue of licences to the tindals of boats, and for the recalling and taking away of such licences in case of misconduct, shall apply to any ship which is required by

section 5 of this Act to be provided with a duly certificated master within the meaning of that section.

Interpretation.

297. (1) In this Act, unless the context otherwise requires—

"Attorney-General" includes Solicitor-General;

"British possession" means any part of Her Majesty's dominions exclusive of the United Kingdom and of Ceylon, but so that where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are, for the purposes of this definition, deemed to be one British possession;

"buoy" and "beacon" include all other marks and signs of the sea;

"Ceylon" and "the territorial jurisdiction of the Government of Ceylon" include the territorial waters of Ceylon;

"Ceylon seaman" means a seaman who is a citizen of Ceylon;

"chief officer of customs" includes the collector, assistant collector, sub-collector, or other chief officer of customs at each port;

"coastwise permit" means any clearance or permit granted in respect of any ship under any regulations for the time being in force under section 67 of the Customs Ordinance for the carrying coastwise of any goods;

Cap. 185.

"consular officer", where used in relation to a foreign country, means the person for the time being recognized by Her Majesty as the consul, vice-consul, consular agent, or other person authorized to discharge the duties of consul or vice-consul of that foreign country;

"contravention" includes, in relation to any provision, failure to comply with that provision, and the word "contravene", with its grammatical variations shall be construed accordingly;

"court", in relation to any proceeding, includes any court having jurisdiction in the matter to which the proceeding relates;

"Director" means the Director of Merchant Shipping;

"district" means a district established by or under the Courts Ordinance for the purposes of that Ordinance;

Cap. 6.

"Dominion" means any one of the following namely, the Dominion of Canada, the

Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Pakistan;

" effects " includes clothes and documents;

" foreign-going ship " includes every ship employed in trading or going between some place or places in Ceylon and some place or places situate beyond the following limits, that is to say, the coasts of Ceylon, India, Pakistan and Burma (including all dependencies of India, Pakistan and Burma), and the expressions " foreign-going steamer ", " foreign-going sailing ship ", " foreign-going passenger ship ", and " foreign-going passenger steamer " shall be construed accordingly;

" harbour " includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

" home-trade ship " includes every ship employed in trading or going within the following limits, that is to say, Ceylon, India, Pakistan and Burma (including all dependencies of India, Pakistan and Burma), and the expressions " home-trade steamer ", " home-trade sailing ship ", " home-trade passenger ship ", and " home-trade passenger steamer " shall be construed accordingly;

" legal personal representative " means any person constituted executor, administrator, or other representative of a deceased person by any probate, administration, or other instrument;

" legislature ", when used with reference to a British possession, means the authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for that British possession;

" lighthouse ", in addition to the ordinary meaning of the word, includes any floating and other light exhibited for the guidance of ships, and also any apparatus for transmitting fog signals and any radiobeacon, and also any addition to a lighthouse of any improved light, apparatus for transmitting fog signals, or radiobeacon;

"Master" when used in relation to any ship includes every person (except a pilot) having command or charge of the ship;

" Master Attendant " means a Master Attendant within the meaning of the Masters Attendant Ordinance, and includes any person lawfully acting for a Master Attendant;

Cap. 262.

" name " includes a surname;

" naval court " has the same meaning as in the Merchant Shipping Acts of the United Kingdom;

" officer of customs " has the same meaning as in the Customs Ordinance;

" passenger " includes any person carried in a ship other than the master, pilot, and crew, and 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 nor the charterer (if any) could have prevented or forestalled;

" passenger ship " means any ship, whether Brtish or foreign and whether originally proceeding from a port in Ceylon or from a port out of Ceylon, which carries passengers to or from any place, or between any places, in Ceylon; and the expressions " passenger steamer " and " passenger sailing ship " shall be construed accordingly;

" pilot " means any person not belonging to a ship who has the conduct thereof;

" police officer " means a member of an established police force and includes the Inspector-General and any Deputy Inspector-General, Superintendent, Assistant Superintendent, Inspector, Sub-Inspector, sergeant, or constable;

" port " includes place;

" Port Health Officer " means any medical practitioner within the meaning of the Medical Ordinance appointed to carry out the provisions of the Quarantine and Prevention of Diseases Ordinance, and of the regulations made thereunder, in respect of vessels and boats arriving at and leaving any port in Ceylon;

Cap. 90.

Cap. 173.

" prescribed " means prescribed by regulation made under this Act;

" Registrar of the Supreme Court " includes any person acting as Registrar of the Supreme Court and any Deputy Registrar of the Supreme Court;

" representation " means any probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

" salvor " means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

" seaman " includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

" ship " includes every description of vessel used in navigation not propelled by oars;

" shipping master " includes any person lawfully acting for any shipping master or deputy shipping master;

" superintendent " means any officer discharging in any part of Her Majesty's dominions other than Ceylon the duties assigned by this Act, in Ceylon, to shipping masters;

" the Board of Trade " means the Lords of the Committee for the time being of Her Majesty's Privy Council appointed for the consideration of matters relating to trade and foreign plantations;

" the collision regulations " has the same meaning as in the Merchant Shipping Acts;

" the Merchant Shipping Acts " means the Merchant Shipping Acts of the United Kingdom;

" tidal water " means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

" unberthed passenger " means a passenger for whom no separate accommodation in any cabin, state room, or saloon is reserved;

" vessel " includes any ship or boat, or any other description of vessel used in navigation;

" wages " includes emoluments.

(2) Any reference in this Act to failure to do any act or thing shall be deemed to include a reference to refusal to do that act or thing.

(3) Any reference in this Act to the requirements of, or to any matter prescribed by, this Act shall be deemed to include a reference to the requirements of, or to any matter prescribed by, any rule or regulation made under this Act.

(4) For the purposes of this Act a ship shall be deemed to be a British ship if it is a British ship within the meaning of the Merchant Shipping Act, 1894, of the United Kingdom as amended from time to time.

57 & 58 Vict. c. 60.

Application of the Act to ships propelled by electricity, etc.

298. Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Minister may prescribe for the purpose of adaptation.

Tonnage of foreign ships.

299. (1) The tonnage of a foreign ship belonging to a foreign country in respect of which an Order in Council has been made under section 84 of the Merchant Shipping Act, 1894, of the United Kingdom shall, for the purposes of this Act, be the tonnage denoted in such ship's certificate of registry or other national papers.

57 & 58 Vict. c. 60.

(2) Where for any purpose of this Act it is required to ascertain the tonnage of any foreign ship to which the provisions of sub-section (1) of this section do not apply, such tonnage shall be ascertained in accordance with the tonnage regulations of the Merchant Shipping Act, 1894, of the United Kingdom, as though such ship were a British ship requiring to be registered.

57 & 58 Vict. c. 60.

Application of Merchant Shipping Acts of the United Kingdom.

300. Nothing in this Act shall be construed to limit or otherwise affect or prejudice the application of the provisions of the Merchant Shipping Acts of the United Kingdom in respect of or in relation to any matter for which no provision is made in this Act.

Repeals.

Repeals.

301. The Ordinances mentioned in the Eighth Schedule to this Act are repealed:

Provided that—

(*a*) any certificate of competency delivered under the Merchant Shipping Ordinance to any person to the effect that he is competent

Cap. 260.

to act as master or mate of a coastwise ship registered in Ceylon shall be deemed to be a certificate of competency as master of a home-trade ship or a certificate of competency as mate of a home-trade ship, as the case may be, granted to such person under this Act, and shall continue in force accordingly;

(*b*) the Shipping Casualties Rules, 1899, made under section 13 of the Shipping Inquiries Ordinance shall, so far as the same are not inconsistent with the provisions of this Act, be deemed to be rules made under section 218 and shall continue in force accordingly, and for the purpose of the application of the said rules to formal inquiries made under Part V of this Act references in the said rules to the Principal Collector of Customs shall be construed as references to the Director. Cap. 266.

FIRST SCHEDULE.

Sections, 8, 10, 18, 27, 42, 85.

PART I.

Table of maximum fees to be paid by applicants for examination.

For certificates as masters and mates.		Rs.	c.
Foreign-going	Master	30	0
	First Mate	20	0
	Second Mate	15	0
Home-trade	Master	20	0
	Mate	15	0

For certificates as engineers.	Rs.	c.
First-class engineer	30	0
Second-class engineer	20	0

PART II.

Table of maximum fees to be paid for certificates of service.

	Rs.	c.
For a certificate of service as master of a foreign-going ship	10	0
For a certificate of service as a first-class engineer ...	10	0
For a certificate of service as a second-class engineer ...	10	0

PART III.

Maximum fee to be paid in respect of recording of indenture of apprenticeship.

	Rs.	c.
For recording an indenture of apprenticeship to the sea service	2	0

PART IV

Maximum fee to be paid on engagement of seamen.

	Rs.	c.
For every seaman engaged before a shipping master ...	1	0
For every change of master	2	0

PART V

Maximum fee to be paid on discharge of seamen.

	Rs.	c.
For every seaman discharged before a shipping master	1	0

PART VI

Table of fees to be paid in respect of inspection of provisions.

	Rs.	c.
For inspection of provisions in bulk at a warehouse, a fee of	10	0
For inspection of provisions on a ship or alongside a ship, a fee of	15	0

Section 92.

SECOND SCHEDULE.

Regulations to be observed with respect to accommodation on board ships.

1. Every place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by Part II of this Act to contain available for the proper accommodation of the men who are to occupy it, and shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water.

2. Upon any complaint concerning any place so occupied and appropriated as aforesaid, a surveyor of ships may inspect the place, and for the purpose of any such inspection any such surveyor shall have all the powers of an inspector under this Act.

3. The fee for each visit of a surveyor of ships to any ship for the purpose of an inspection under regulation 2 shall not exceed fifteen rupees, and the aggregate amount of the fees for any such inspection shall not exceed sixty rupees, whatever be the number of separate visits: Provided that when an inspection under regulation 2 is made at the same time with a measurement of the tonnage of the ship under the Merchant Shipping Acts, no separate fee shall be charged for such inspection.

Section 123.

THIRD SCHEDULE.

Fees to be paid to shipping masters.

	Rs.	c.
1. For engagement or discharge before a shipping master of the crew from a ship which does not exceed 1000 tons gross	35	0
2. For engagement or discharge before a shipping master of the crew from a ship which exceeds 1000 tons gross, the above fee of Rs. 35 with an additional Rs. 2.50 for every 100 tons gross or part thereof above 1000 tons.		

3. For attendance on any day other than a Sunday or a public holiday in connection with duties other than those specified in items 1 and 2, such amount, not less than Rs. 15 and not exceeding Rs. 25, as the Director may determine according to the nature of the duties.

4. For attendance on a Sunday or a public holiday in connection with duties other than those specified in items 1 and 2, such amount, not less than Rs. 25 and not exceeding Rs. 75, as the Director may determine according to the nature of the duties.

FOURTH SCHEDULE.

Section 180.

Particulars to be registered by master of a ship concerning a birth at sea.

Date of birth.

Name (if any) and sex of the child.

Name and surname, rank, profession, or occupation of the father.

Name and surname, and maiden surname, of the mother.

Were parents married?

Nationality and last place of abode of the father and mother.

Particulars to be registered by master of a ship concerning a death at sea.

Date of death.

Name and surname.

Sex.

Age.

Rank, profession, or occupation.

Names of parents.

Nationality, and last place of abode.

Cause of death.

FIFTH SCHEDULE.

Sections 139. 143, 153.

PART I.

Maximum fees to be paid for survey of passenger steamer and issue of passenger steamer's certificate.

	Rs.	c.
For a steamer not exceeding 50 tons gross ...	60	0
For a steamer exceeding 50 and not exceeding 100 tons gross	120	0
For a steamer exceeding 100 and not exceeding 300 tons gross	180	0
For a steamer exceeding 300 and not exceeding 600 tons gross	225	0
And for every additional 300 tons or part of 300 tons above 600 an additional	45	0

together with additional fees for the supervision of heavy repairs (if any) not exceeding sixty rupees for the first additional visit to the steamer occasioned by such supervision and thirty rupees for each subsequent additional visit so occasioned.

PART II

Maximum fees to be paid for survey of hull of passenger steamer only and issue of docking certificate.

A fee of sixty rupees, together with additional fees for the supervision of heavy repairs (if any) not exceeding sixty rupees for the first additional visit to the steamer occasioned by such supervision and thirty rupees for each subsequent additional visit so occasioned.

PART III

Maximum fees to be paid in respect of survey under section 141, or in respect of survey and re-issue of passenger steamer's certificate or grant of fresh passenger steamer's certificate under section 142.

A fee not exceeding the fee payable under Part I of this Schedule for the survey of, and the issue of a passenger steamer's certificate in respect of, the ship surveyed; or, where only a partial survey is required, a fee of thirty rupees for each visit to the ship involved in such partial survey.

PART IV

Maximum fees to be paid in respect of survey of passenger sailing ship.

	Rs.	c.
For a sailing ship not exceeding 50 tons gross ...	15	0
For a sailing ship exceeding 50 but not exceeding 100 tons gross	30	0
For a sailing ship exceeding 100 but not exceeding 300 tons gross	45	0
And for every additional 300 tons or part of 300 tons above 300 an additional	15	0

Sections 166, 172, 197.

SIXTH SCHEDULE.

PART I.

Maximum fees for inspection of lights and fog signals.

	Rs.	c.
For each visit made to a ship on the application of the owner and for each visit made where the lights or fittings are found defective	10	0

Provided that the aggregate amount of fees for any such inspection shall not exceed forty rupees, whatever may be the number of separate visits:

Provided also that where a ship's lights and fog signals are inspected under section 166 and its life-saving appliances are inspected under section 172 in the course of one and the same inspection, the fees (if any) payable shall be the fees determined to be paid in respect of an inspection of the lights and fog signals, or the fees determined to be paid in respect of an inspection of the life-saving appliances, whichever may be the greater.

PART II.

Maximum fees for inspection of life-saving appliances.

	Rs. c.
For inspection of life-saving appliances on a vessel on or before first registry or re-registry	20 0 for each lifeboat.
For subsequent inspection at the request of the master or owner, or in the case of a vessel found to have defective or deficient life-saving appliances ...	10 0 per visit with a maximum of
	Rs. c. 40 0

Provided that where a ship's life-saving appliances are inspected under section 172 and its lights and fog signals are inspected under section 166 in the course of one and the same inspection, the fees (if any) payable shall be the fees determined to be paid in respect of an inspection of the life-saving appliances, or the fees determined to be paid in respect of an inspection of the lights and fog-signals, whichever may be the greater.

PART III

Maximum fees for inspection of wireless telegraphy equipment.

	Rs. c.
For inspection of a vessel which is found to be not properly provided with a wireless telegraph installation or with certified wireless operators and watchers ...	10 0 per visit with a maximum of
	Rs. c. 40 0

SEVENTH SCHEDULE.

Section 252

Maximum fees and remuneration of receivers of wreck.

	Rs. c.
For every examination on oath instituted by a receiver of wreck with respect to any vessel which may be or may have been in distress, a fee not exceeding ...	15 0
But so that in no case shall a larger fee than twenty-five rupees be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.	
For every report required to be sent by the receiver of wreck to the Director, to be transmitted to the secretary of Lloyd's in London, the sum of	10 0
For wreck taken by the receiver of wreck into his custody, a percentage of five per cent. upon the value thereof.	

But so that in no case shall the whole amount of percentage so payable exceed two hundred and fifty rupees.

In the cases where any services are rendered by a receiver of wreck in respect of any vessel in distress, not being a wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage; that is to say,

If that vessel with her cargo equals or exceeds in value six thousand rupees, the sum of twenty-five rupees for the first, and the sum of fifteen rupees for every subsequent day during which the receiver of wreck is employed in that service, but if that vessel with her cargo is less in value than six thousand rupees, one moiety of the above-mentioned sum.

Section 301.

EIGHTH SCHEDULE.

Ordinances repealed.

Chapter No.		Short Title.
260	...	Merchant Shipping Ordinance.
266	...	Shipping Inquiries Ordinance.
267	...	Wrecks and Salvage Ordinance.
268	...	Coastwise Passenger Traffic Ordinance.
269	...	Passenger Ships Ordinance.