

ACT No. XIX OF 1838<sup>1</sup>.

## [THE "COASTING-VESSELS ACT, 1838]

[27th August, 1838]

1. [Repeal of enactments.] Rep. by the Repealing Act, 1870 (XIV of 1870).

2. \* \* \* The following rules shall be in force with respect to vessels belonging to any '[citizen of Pakistan] residing within '[Sind], and employed on the coasts of '[Sind], or in trading coast-wise, as also with respect to fishing-vessels and harbour-craft belonging to any '[Such citizen].

Rules as to coasting and other vessels belonging to citizen of Pakistan.

3. \* \* \* Every such vessel employed as aforesaid, fishing-vessels and harbour-craft shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorized to make such registry as is hereinafter mentioned;

Marking or branding vessels with name of place and number.

and the owner or owners of such vessel employed as aforesaid, fishing-vessel and harbour-craft shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing-vessel and harbour-craft, in English figures and letters, each figures and letter being six inches in length.

Owner to paint name and number.

4. \* \* \* The name and number of every such vessel employed as aforesaid, fishing-vessel and harbour-craft, and her burthen, and also the name or names of the owner or owners, thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry.

Registry of name, number and burthen.

'[Such registry shall be made at Karachi by the Principal Officer of the Mercantile Marine Department at Karachi hereinafter referred to as "the Principal Officer", and at other places within '[Sind] by the Collector of Sea-Customs at such places respectively or by such other person as shall be appointed by the "[Federal Government] to act at such places respectively, in the

Registry by whom to be made.

1. Short title given by the Sind Short Titles Act, 1921 (Sind Act 2 of 1921). This Act has been declared by notification No. 1254, dated 30th November, 1889 issued under the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Province of Sind. See Gazette of India, 1889, Pt. I, 672.
2. The word "Bombay" omitted by G.G.O., 4 of 1949 Sch.
3. The words and figure, "And it is hereby enacted, that from the said first day of November, 1838," rep. by the Repealing Act, 1874 (16 of 1874).
4. Subs. by P.O. No. 1 of 1961, Sch. for "of his Majesty's subjects".
5. Subs. by G.G.O. 4 of 1949, Sch., for "The Presidency of Bombay" and the words "the Province of " omitted by Ord., XXI of 1960, Sch. II.
6. Subs. ibid., for "the territories subject to the Government of Bombay" and subs. by Ord., XXI of 1960, Sch. II to read as above.
7. Subs. by P.O. No. 1 of 1961, Sch., for the words "of the same Her Majesty's subjects".
8. The word "And it is hereby enacted, that" rep. by the repealing Act, 1874 (16 of 1874).
9. Subs. by G.G.O. 4 of 1949, Sch., for "At Bombay such registry shall be made by the Master-Attendant, and at other places within the said territories".
10. Subs. by P.O. No. 4 of 1975, for "Central Government" which was previously subs. by the A.O., 1937, for "Government of Bombay".

Fresh registration.

execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing-vessel or harbour-craft, or in the name or names of the owner or owners thereof, such registry shall be made again:

Provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing-vessel or harbour-craft, other than that by which she was first registered.

Owners to apply for registry.

5. \* \* \* The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid.

Information of registry at subordinate port.

And whenever such vessel employed as aforesaid, fishing-vessel or harbour-craft is registered at [a place other than Karachi], information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to [the Principal Officer].

Officers to perform duty of marking and branding.

6. \* \* \* The duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft, [at Karachi], shall be performed by [The Principal Officer]; and at all other places [within [Sind]], the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft shall be performed by the Collector of Sea-Customs at such places respectively, or by such other person as shall be appointed by the [Federal Government] to act at such places respectively, in the execution of this Act.

Owner to obtain certificate of Registry. Replacing lost certificate.

7. \* \* \* The owner or owners of every such vessel employed as aforesaid fishing-vessel and harbour-craft shall apply for and obtain a certificate of registry from the person authorised to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

Sealings certificate.

8. \* \* \* Such certificate of registry shall be sealed with the seal of the [Federal Government] and shall be signed by the person authorised to make such registry.

1. The words "And is hereby enacted, that" rep. by the Repealing Act, 1874 (16 of 1874).
2. Subs. by G.G.O. 4 of 1949, Sch., for "a subordinate port."
3. Subs. *ibid.* for "the Master Attendant at Bombay".
4. Subs. *ibid.* for "at Bombay".
5. Subs. *ibid.* for "the Master-Attendant".
6. Subs. *ibid.* for "within the territories subject to the Government of Bombay."
7. Subs. by P.O. No. 4 of 1975 for "Central Government" which was previously subs. by the A.O., 1931 for "Government of Bombay."
8. Subs. by P.O. No. 4 of 1975, for "Central Government" which was previously subs. by G.G.O. 4 of 1949, Sch. for "East India Company".
9. Subs. by Order XXI of 1960, Sch. II, for the words "the said Province."

9. [Dates for commencement of certificate and registration.]  
Rep. by the Repealing Act, 1876 (XII of 1876).

10. \* \* \* The owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted) on being registered as aforesaid, shall pay—

for each certificate of registry for a vessel not exceeding 2½ tons burthen, the fee of	..	1 rupee.
for each certificate for a vessel exceeding 2½ tons burthen, and not exceeding 3½ tons burthen	..	5 rupees.
for each certificate for a vessel exceeding 4½ tons burthen and not exceeding 5½ tons burthen	..	7 rupees.
and for each certificate for a vessel of 100 tons or greater burthen, per ton	..	13 paise.

Fees for certificates.

Fees to be credited to Government.

11. \* \* \* The person or persons so authorized to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as the [Federal Government] shall appoint; the same to be carried to the credit of the [Federal Government]:

[Provided that any such fees as immediately before the commencement of Part III of the Government of India Act, 1935, were, under this Act as then in force to be carried to the credit of the Local Government shall be paid to such officer as the Provincial Government may appoint and be carried to the credit of that Government.]

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12. \* \* \* The owner or owners or commander of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall produce, on demand thereof by any officer of the Customs within [the Sind], or by any officer of the \*Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing-vessel or harbour-craft, as above mentioned.

Production of certificate on demand.

13. \* \* \* In case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so marked or branded in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing-vessel or harbour-craft, in all respects as hereinbefore directed;

Penalty for neglect to comply with rules.

or in case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be furnished with such certificate as

1. The words "And it is hereby enacted, that" rep. by the Repealing Act, 1874 (16 of 1874).
2. Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and Sch., III, for "20 such Khandis."
3. Subs. by G.G.O. 4 of 1949, Sch. for "100 Khandis."
4. Subs. by Act XXVI of 1951, s. 4 and Sch., III for "100 such Khandis."
5. Subs. by G.G.O. 4 of 1949, Sch., for "400 Khandis."
6. Subs. by P.O. No. 4 of 1975, for "Central Government" which was previously subs. by the A.O., 1937, for "Governor of Bombay in Council."
7. Subs. by P.O. No. 4 of 1975, for "Central Government" which was previously subs. by A.O., 1937, for "Government of Bombay."
8. Proviso ins. by A.O., 1937.
9. The word "Indian" rep. by the Repealing Act, 1876 (12 of 1876).
10. Subs. by Ordinance XXI, of 1960, Sch., II, for the words "the said Province," the word "Province" was previously subs. by G.G.O. 4 of 1949, Sch., for "territories."

hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not produce such certificate on demand thereof as hereinbefore directed;

the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing-vessel or harbour-craft shall be subject to a fine of ten rupees;

Recovery of penalties.

which fines may be recovered on conviction before any Magistrate \* \* \* having jurisdiction within [the Sind] by sale of such vessel, fishing-vessel or harbour-craft, her furniture, ammunition, tackle and apparel;

Penalty on repetition of default.

and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall make such default as aforesaid: Provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

Power to direct compensation for trouble in seizing.

14. \* \* \* \* The [Federal Government] may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing-vessel or harbour-craft, guns, furniture, tackle, ammunition and apparel, as last mentioned, to be made, out of the proceeds of such seizure to the person or persons who shall have seized the same, to such amount, in such manner and in such shares or proportions, as to the said [Federal Government] shall seem meet.

1. The words "Justice of the Peace or Person exercising the powers of a Magistrate" rep. by the Repealing Act, 1876 (12 of 1876).
2. Subs. by Ord. XXI of 1960, Sch., II, for the words "the said Province," the word "province" was previously subs. by G.G.O. 4 of 1949, Sch., for "territories".
3. The words "And it is hereby enacted, that" rep. by the Repealing Act, 1874 (16 of 1874).
4. Subs. by P.O. No. 4 of 1975, for "Central Government" which were previously subs. by the A.O., 1937, for "Governor of Bombay in Council".
5. Subs. by P.O. No. 4 of 1975, for "Central Government" which were previously subs. by A.O., 1937, for "G. in C."

'14-A. All references in this Act to the [Federal Government], the Principal Officer and the Collector of Sea-customs shall, in relation to coastal shipping confined to ports within the Province of West Pakistan, be construed respectively as references to the Government of West Pakistan and to such officer or officers as that Government may, by notification in the *Official Gazette*, appoint in this behalf.]

References to Federal Government etc. to be construed as references to Government of West Pakistan, etc. in certain cases.

15. [Port-clearance.] Rep. by the Repealing Act, 1876 (XII of 1876).

### SCHEDULE

(See Section 7)

This is to certify that (*here insert the names, occupation and residence of the owners*) having declared that (*he or they*) are sole owner or owners of the vessel (fishing-vessel or harbour-craft) called (*the name*) which is of the burthen of [(tons gross and tons net)] and that the said vessel (fishing-vessel or harbour-craft) was (*where and when built*, the said vessel (fishing-vessel or harbour-craft) has been duly registered at the port of (*name of port*).

Certified under my hand.

(*Signature of Officer*)

1. Added by P.O. No. 1 of 1964, Art. 2 (1) and Sch.
2. Subs. by P.O. No. 4 of 1975, for "Central Government".
3. Now, Govt. of Sind.
4. Subs. by G.G.O. 4 of 1949, Sch., for "(number of Bombay Khandis)".