

THE
PAKISTAN CODE
VOLUME I

[THE 2* COASTING-VESSELS ACT, 1838]

ACT No. XIX OF 1838

[27th August, 1838]

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

2. 3* * * The following rules shall be in force with respect to vessels belonging to any 4[citizen of Pakistan] residing within 5[Sind], and employed on the coasts of 6[Sind], or in trading coastwise, as also with respect to fishing-vessels and harbour-craft belonging to any 7[such citizen].

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

3. 8** * * Every such vessel employed as aforesaid, fishing-vessel 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 figure and letter being six inches in length.

Owner to paint name and number.

¹Short title given by the Bombay Short Titles Act, 1921. (Bom. Act 2 of 1921).

This Act has been declared, by notification under the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Province of Sind—see Gazette of India, 1880, Pt. I, p. 672.

The provisions of this Act have been applied to the territory of Gwadur subject to certain modifications (with effect from the 16th June, 1959) by the West Pakistan (Gwadur) Extension of Laws Ordinance, 1959 (W. Pak. Ord. 36 of 1959), section 2.

This Act has been extended to the whole of Pakistan (with effect from the 14th October, 1955) by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch.

²The word "Bombay" omitted by A. O., 1949, Sch.

³The words and figures " And it is hereby enacted, that from the said first day of November, 1838, " rep. by the Repealing Act, 1874 (16 of 1874).

⁴Subs. by A. O., 1961, Art. 2 and Sch., for " of Her Majesty's subjects" (with effect from the 23rd March, 1956).

⁵The original words " the Presidency of Bombay " were first subs. by A. O., 1949, Sch., and then amended by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

⁶Subs. by Ordinance 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the said Province" which had been subs. by A. O., 1949, Sch., for " the territories subject to the Government of Bombay".

⁷Subs. by A. O., 1961, Art. 2 and Sch., for " of the same Her Majesty's subjects " (with effect from the 23rd March, 1956).

⁸The words "And it is hereby enacted, that" rep. by Act 16 of 1874.

repealed
by 2007
Merchant
Shipping
Ord.

Registry of name, number and burthen.

4. 1* * * The name and number of every such vessels 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 by whom to be made.

²[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 ³[Sind]] by the Collector of Sea-customs at such places respectively, or by such other person as shall be appointed by the ⁴[Federal Government] to act at such places respectively, in the 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 :

Fresh registration.

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. 1* * * 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 ⁵[a place other than Karachi], information thereof, and of the number there assigned to her, shall, immediately be given by the registering officer to ⁶[the Principal Officer].

Officers to perform duty of marking and branding.

6. 1* * * The duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft, ⁷[at Karachi], shall be performed by ⁸[the Principal Officer]; and at all other places ⁹[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 persons as shall be appointed by the ⁴[Federal Government] to act at such places respectively, in the execution of this Act.

¹See foot-note 8, on page 1, *supra*.

²Subs. by A. O., 1949, Sch., for "At Bombay such registry shall be made by the Master-Attendant, and at other places within the said territories".

³Subs. by Ordinance 21 of 1960, s. 3 and 2nd Sch., for "the said Province" (with effect from the 14th October, 1955).

⁴Subs. by F. A. O., 1975 (P. O. 4 of 1975), Art. 2 and Table, for "Central Government" which was previously subs. by A. O., 1937, for "Government of Bombay".

⁵Subs. by A. O., 1949, Sch., for "a subordinate port".

⁶Subs. *ibid.* for "the Master-Attendant at Bombay".

⁷Subs. *ibid.* for "at Bombay".

⁸Subs. *ibid.*, for "the Master-Attendant".

⁹The original words "within the territories subject to the Government of Bombay" have successively been amended by A. O., 1949, Sch., and the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

7. 1* * * 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 authorized 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.

Owner to obtain certificate of registry.

Replacing lost certificate.

8. 1* * * Such certificate of registry shall be sealed with the seal of the ²[Federal Government], and shall be signed by the person authorized to make such registry.

Sealing certificate.

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

10. 1* * * The owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted), on being registered as aforesaid, shall pay—

Fees for certificates.

for each certificate of registry for a vessel not exceeding ³ [5 tons] burthen, the fee of ..	1 rupee.
for each certificate for a vessel exceeding ⁴ [5 tons] burthen, and not exceeding ⁵ [25 tons] burthen ..	5 rupees.
for each certificate for a vessel exceeding ⁶ [25 tons] burthen and not exceeding ⁷ [100 tons] burthen ..	7 rupees.
and for each certificate for a vessel of 100 tons or greater burthen, per ton ..	2 annas.

11. 1* * * 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 ⁸[Federal Government] shall appoint; the same to be carried to the credit of the ⁹[Federal Government] :

Fees to be credited to Government.

¹⁰[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.]

6 Geo.
c. 2.

¹ See foot-note 8, on page 1, *supra*.

²Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which was previously subs. by A.O., 1949, for "East India Company".

³Subs. by A. O., 1949, for "20 Bombay Khandis".

⁴Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., for "20 such Khandis".

⁵Subs. by A. O., 1949, Sch., for "100 Khandis".

⁶Subs. by Act 26 of 1951, s. 4 and III Sch., for "100 such Khandis".

⁷Subs. by A. O., 1949, Sch., for "400 Khandis".

⁸Subs. by F.A.O., 1975 Art. 2 and Table, for "Central Government" which was previously subs. by A. O., 1937, for "Governor of Bombay in Council".

⁹See foot-note 4 on page 2, *supra*.

¹⁰Proviso, *ins.* by A. O., 1937.

Production
of certificate
on demand.

12. 1* * * 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 ²[Sind], or by any officer of the ³* 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.

Penalty for
neglect to
comply with
rules.

13. 1* * * 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 or such vessel employed as aforesaid, fishing-vessel or harbour-craft, in all respects as hereinbefore directed ;

or in case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be furnished with such certificate as 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 ⁴* * * having jurisdiction within ²[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.

¹See foot-note 8, on page 1, *supra*.

²The original words " the said territories " have successively been amended by A. O., 1949, Sch., and the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

³The word " Indian " rep. by the Repealing Act, 1876 (12 of 1876).

⁴The words " Justice of the Peace or person exercising the powers of a magistrate " rep. by the Repealing Act, 1876 (12 of 1876).

14. 1* * * The ²[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 ³[Federal Government] shall seem meet.

Power to
direct compensation
for trouble
in seizing.

⁴[14A. All references in this Act to the ⁵[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 Govern-
ment of
West
Pakistan,
etc., in
certain cases.

15. [*Port-clearance.*] Repealed by the Repealing Act, 1876 (12 of 1876).

SCHEDULE

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 ⁷{(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*)

¹See foot-note 8, on page 1, *supra*.

²Subs. by F.A.O., 1975, Art.2 and Table for "Central Government", which was previously subs. by A.O., 1937, for " Governor of Bombay in Council".

³Subs. *ibid.*, for " Central Government", which was subs. by A.O., 1937, for "G. in C".

⁴S. 14A, ins. by A. O., 1964, Art. 2 and Sch.

⁵Subs. by F.A.O., 1975, Art. 2 and Table, for " Central Government".

⁶See section 7, *supra*.

⁷Subs. by A. O., 1949, Sch., for "(*number of Bombay Khardis*)".