

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 14.

16. No court inferior to that of a Magistrate of the second class shall try an offence under this Ordinance.

17. All Census Officers, and all persons performing the duties of a Census Officer or giving assistance towards the taking of the census, while acting in pursuance of an order made under this Ordinance, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

18. The Central Government may, by notification in the official Gazette, direct that all or any of the powers conferred upon it by or under this Ordinance shall, subject to such conditions, if any, as may be specified in the notification be exercisable also by the Provincial Government.

19. The Central Government may make rules for carrying out the purposes of this Ordinance.

20. The Census Act, 1949, is hereby repealed.

### THE CONTROL OF SHIPPING ORDINANCE, 1959

ORDINANCE NO. XIII OF 1959

[31st March, 1959]

An Ordinance to repeal, and re-enact with certain amendments the provisions of, the Control of Shipping Act, 1947.

WHEREAS it is expedient to repeal, and re-enact, with certain amendments the provisions of, the Control of Shipping Act, 1947, providing for more effective Control of Shipping;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the President of Pakistan is pleased to make and promulgate the following Ordinance:—

1.—(1) This Ordinance may be called the Control of Shipping Ordinance, 1959.

(2) It extends to the whole of Pakistan and applies also to, and to persons on, ships registered in Pakistan, or owned or

chartered by a citizen of Pakistan or a company, wherever they may be.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "coasting trade" means the carriage by sea of passengers or goods from any port or place in Pakistan to any port or place in the Indo-Pakistan sub-continent.

(b) "master" and "passenger" have the meanings respectively assigned to them in the Merchant Shipping Act, 1923 ;

(c) "owner" includes the agent of an owner,

(d) "prescribed" means prescribed by rules made under this Ordinance;

(e) "ship" means a sea-going ship fitted with mechanical means of propulsion and of not less than one hundred and fifty tons gross or of such other tonnage as the Central Government may, by notification in the official Gazette, fix;

(f) "Shipping Authority" means the Controller of Shipping, and includes a Deputy Controller of Shipping, an Assistant Controller of Shipping and any other officer authorized by the Central Government, by notification in the official Gazette, to perform the functions of Shipping Authority under this Ordinance.

3.—(1) No ship registered in Pakistan or owned or chartered by a citizen of Pakistan or a company shall be taken to sea from a port or place within or outside Pakistan except under a licence granted in this behalf by the Shipping Authority:

Licences for taking ships to sea.

Provided that the Central Government may, by notification in the official Gazette, exempt any ship owned or chartered by a citizen of Pakistan or a Company from the provisions of this sub-section.

(2) A Licence granted under this section may, in the discretion of the Shipping Authority, be—

(a) a general licence; or

(b) a specified period or specified voyage licence.

(3) A general licence shall remain valid until it is revoked or cancelled by the Central Government or the Shipping Authority,

Act  
XLV  
of  
1860.

XXI  
of  
1923.

VII  
of  
1950.

*Repealed by  
Merchant  
Shipping  
Ord  
2001*

tion.

Census Officers  
and persons  
assisting them  
to be public  
servants.

Delegation of  
Power.

Rules.

Repeal.

Short title,  
extent and  
commencement.

136 Control of Shipping : Ord. XIII  
and a specified period or specified voyage licence shall be valid only for the particular period or voyage for which it is granted.

(4) A licence granted under this section may contain such limitations and conditions as the Shipping Authority may think fit to impose with respect to the trades in which the ship may engage and the voyages which it may undertake, and such limitations and conditions may be imposed so as to apply to the ship wherever it may be, or while in such waters or engaged in such trades or on such voyages, as may be specified.

4.—(1) No ship which is not registered in Pakistan or which is not owned or chartered by a citizen of Pakistan or a company shall be engaged in coasting trade except under a licence granted in this behalf by a Shipping Authority.

(2) A licence under this section may be for the whole or any part of the coasting trade and subject to such conditions as may be specified by the Shipping Authority.

(3) The Central Government or the Shipping Authority may, at any time, if the circumstances of the case so require, revoke, cancel or modify a licence granted under this section.

Return of licences  
ceasing to be  
valid.

5. When a licence granted under section 3 or section 4 is revoked, cancelled or otherwise ceases to be valid, the person to whom it was granted shall, without unreasonable delay, return it or cause it to be returned to the Shipping Authority.

No port clearance  
until licence is  
produced.

6. Without prejudice to the provisions of section 127 of the Merchant Shipping Act, 1923, no officer of Customs shall grant a port clearance to a ship required to take a licence under this Ordinance until after the production by the owner or master thereof of the requisite licence in respect of the ship.

XXI  
of  
1923.

Power to give  
directions.

7. The Central Government or the Shipping Authority may, from time to time, while the licence granted under this Ordinance is valid, by order in writing, give,—

(a) in the case of a ship which has been granted a licence under section 3, directions with respect to all or any of the following matters, namely:—

(i) the ports or places, whether in or outside Pakistan, to which and the routes by which, the ship shall proceed for any particular purpose;

(ii) the diversion of any ship from one route to another for any particular purpose;

(iii) the classes of passengers or cargo which may be carried in the ship;

(iv) the order of priority in which passengers or cargo may be taken on or put off the ship at any port or place, whether within or outside Pakistan;

(v) the kind of cargo which may be carried in the ship and the quantity in which such cargo may be put on board by any shipper specified in the order;

(vi) the person or persons to whom passages may be given; and

(b) in the case of any ship which has been granted a licence under section 4, and is about to proceed from a port or place in Pakistan to any port or place in the Indo-Pakistan sub-continent, general or special directions with respect to all or any of the matters mentioned in sub-clauses (iv), (v) and (vi) of clause (a):

Provided that no direction under clause (b) shall apply to any such ship which is not taking on passengers or cargo at a port or place in Pakistan for discharge at any port or place in the Indo-Pakistan sub-continent.

8. The Central Government may, from time to time, by order published in the official Gazette, fix in the prescribed manner the rates at which any ship, registered in Pakistan may be hired, and the rates which may be charged for the carriage of passengers or cargo taken on any ship, whether registered in Pakistan or not, at a port or place in Pakistan for discharge at any port or place in the Indo-Pakistan sub-continent.

Power to fix  
shipping rates.

9.—(1) The Shipping Authority may, by notice served personally or by post, require—

Power to call for  
information.

(a) the master or owner of any ship in respect of which a licence granted under this Ordinance is in force, or

(b) the master or the agent in Pakistan of the owner of any ship in respect of which any directions have been or may be given under clause (b) of section 7,—

to furnish, within the period specified in the notice, information regarding any of the following matters, namely:—

(i) the classes of passengers and cargo which the ship

is about to carry or is capable of carrying or has carried during any period specified in this behalf in the notice;

- (ii) the rates of passenger fares and freight charges applicable to the ship;
- (iii) any other matter which may be prescribed.

(2) Where the Shipping Authority has reasons to suspect that the directions given under this Ordinance are not being complied with, it may enter or cause to be entered on board any ship in respect of which a licence has been granted and ask for relevant documents of the ship for examination.

Penalties and procedure.

10.—(1) If the provisions of sub-section (1) of section 3 or of an order under section 8 or, without reasonable excuse, any limitations or conditions contained in a licence granted under this Ordinance or any directions given under section 7, are contravened, the master and the owner (or in the case of a ship registered outside Pakistan, the agent in Pakistan of the owner) of the ship in respect of which the contravention has taken place shall each be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) If any person on whom a notice has been served under section 9 fails to furnish the information required within the specified time or, in furnishing such information, makes any statement which he knows to be false in any material particular, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) If any licence required to be returned under section 5 is not so returned, the person to whom it was granted shall be punishable with fine which may extend to one hundred rupees.

(4) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this section.

(5) If the person committing an offence punishable under this section is a company or other body corporate, every managing director, manager, secretary or other officer or agent thereof shall, unless he proves that he exercised all due diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

Power to set up Shipping Allocation Board.

11. The Central Government may, by notification in the official Gazette, set up a Shipping Allocation Board to advise the Shipping Authority, with respect to the direction to be given under section 7.

12.—(1) [The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.]

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any of the following matters, namely:—

- (a) the forms of licences under this Ordinance;
- (b) the manner in which rates shall be fixed under section 8 including the constitution and functions of a Board to advise the Central Government in respect of such rates;
- (c) the matters regarding which information may be required to be furnished under section 9; and
- (d) such other matters as the Central Government may consider necessary to provide for in the rules.

[12A. In this Ordinance, the powers of the Central Government shall, in relation to coastal shipping confined to one Province, be the powers of the Provincial Government.]

Powers of the Provincial Government.

13. [Repeal.] Rep. by the Repealing and Amending Ordinance, 1956 (X of 1965), s. 2 and 1st Sch.

## THE GENERAL CLAUSES (AMENDMENT) ORDINANCE, 1959.

ORDINANCE NO. XIV OF 1959

[31st March, 1959]

An Ordinance further to amend the General Clauses Act, 1897

WHEREAS it is expedient further to amend the General Clauses Act, 1897, for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1.—(1) This Ordinance may be called the General Clauses (Amdt.) Ordinance, 1959.

Short title and commencement.

(2) It shall come into force at once.

1 Section 12A was ins. by A. O., 1964, Art. 2 and Sch.