

Indian Ports Act, 1908

Section 41 - Ascertainment of Tonnage of Vessel Liable to Port-dues

In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely:--

(1)(a) If the vessel is a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841), Amendment Act, 1850, or under any other law for the time being in force for the registration of vessels in ¹[India] the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.

(b) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservators as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(2) If the vessel is not a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act 1850, or under any other law for the time being in force for the registration of vessels in a[India] and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

(3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clause (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.

1. Substituted for the words "the States", by the Part B States (Laws) Act, 1951 (3 of 1951), Section 3 and Schedule (1-4-1951).

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