

Indian Lighthouse Act, 1927

Section 12 - Ascertainment of Tonnage

1[(1) For the purposes of levy of light-dues, the tonnage of a ship or sailing vessel shall be reckons as under the Merchant Shipping Act, 1953 for dues payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilised for carrying cargo.]

(2) In order to ascertain the tonnage of any ship for the purpose of levying light-dues, the2[Proper officer] may--

3[(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958(44 of 1958), and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or]

(b) If the ship is not a registered ship and the owner or master fails to satisfy the2[proper officer] as to the true tonnage thereof according to the mode of measurement prescribed by the law for the time being in force for regulating the measurement of registered ships, cause the ship to be measured and the tonnage thereof to be ascertained according to such mode.

(3) If any person refuses or neglects to produce any register or other papers or otherwise to satisfy the2[proper officer] as to the true tonnage of any ship when required to do so under this section, such person shall be liable to pay the expenses of the measurement of the ship and of the ship and of the ascertainment of the tonnage, and if the ship is registered ship, shall further; on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in the port where the ship lies or in any port to which she may proceed, be punishable with fine which may extend to one thousand rupees.

1. Substituted for "(1) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under the Merchant Shipping Acts for dues payable on a ship's tonnage, with the addition required under section 85 of the Merchant Shipping Act, 1894, with respect to deck cargo." By the Lighthouse (Amendment) Act, 1985, w.e.f. 01-02-1986.

2. Substituted for "Customs-collector" by the Indian Lighthouse (Amendment) Act, 1976, w.e.f. 15-04-1976.

3. Substituted for "(a) If the ship is registered under any law for the time being in force in { Subs. by the A.O.1950 for "the Provinces". } [India] or under the law of any foreign country in respect of which an Order in Council has been made under section 84 of the Merchant Shipping Act, 1894, that ships of that country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers (any such ship being hereafter in this section referred to as a registered ship), require the owner or master or other

papers denoting her tonnage to produce the same for inspection and if such owner master or other person refuses or neglects to produce the register or paper, as the case may be or otherwise to satisfy the Customs-collector as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or" by the Indian Lighthouse (Amendment) Act, 1976, w.e.f. 20-03-1976.

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