

**THE COASTING – VESSELS ACT, 1838.**

27th August

1838. Repeated in part, by Acts 14 of 1870; 16 of 1874; 12 of 1876. Adapted and modified by the Adaptation of Indian Laws Order in Council. Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order 1948.

1. [Repeal of enactments] Rep. Act XIV of 1870.

2. The following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects and employed on the coasts of or in trading coastwise, as also with respect to fishing-vessels and harbour-craft belonging to any of the same Her Majesty's subjects. Rules as to costing and other vessels belonging to Queen's subjects.

3. Every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall be or branded with the name of the place to which she belongs and also with a number assigned for the same by the officer authorised to make such registry as is hereinafter mentioned; Marking of 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 aforesaid, fishing-vessel and harbour-craft, in English figure and letters, each figure 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 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. At Bombay such registry shall be made by the Master attendant and at other places by the Collector of Sea-Customs at such places respectively or by such other person as shall be appointed by the Central Registry by whom to be made. This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs:-

(1) The Parvi of Kathi.

(4) The Walwi of Caohalli.

(2) The Parvi of Nal.

(5) The Wassawa of Chikhli.

(3) The Parvi of Singpur.

(6) The Parvi of Nawalpur. The words and figures "And it is hereby enacted, that from the said first day of November, 1838" and the words "And it is hereby enacted that" were repealed by the Repealing Act, 1874 (16 of 1874). The words "Province" and "said Province" were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948. The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874). This word was substituted for the original word by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948. The words "Central Government" were substituted for the words "Government of Bombay" by the Adaptation of Indian Laws Order in Council. 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.

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. Owner to apply for registry. And whenever such vessel employed as aforesaid, fishing-vessel or harbour-craft is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the P.P.M.M.D. Information of registry at subordinate port.

6. The duty of marking or branding and of ascertaining the burthen of such vessel employed as aforesaid, fishing- vessel and harbour-craft, at Bombay, shall be performed by the P.P.M.M.D.; and at all other places the duty of marking or branding and of ascertaining the burthen of such vessel employed as aforesaid, fishing- vessel and harbour-craft shall be performed by the Collector of Sea-Customs as such places respectively, or by such other persons as shall be appointed by the [Central Government] to act at such places respectively, in the execution of this Act. Officer to perform duty of marking and branding.

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 renewal 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. Such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorised to make such registry. Sealing certificate.

9. (Dales for commencement of certificate and registration.) Rep. Act XII of 1876.

10. The owner or owners of such vessel employed as aforesaid, (fishing-vessel and harbour-craft being excepted), on being registered as aforesaid, shall pay - for each certificate of registry for a vessel not exceeding 20

Bombay khandis burthen, the fees of 1 rupee. for each certificate for a vessel exceeding 20 such khandis burthen, and not exceeding 100 khandis burthen 5 rupees. for each certificate for a vessel exceeding 100 such khandis burthen, and not exceeding 400 khandis burthen 7 rupees. And for each certificate for a vessel of 100 tons or greater burthern, per ton 2 annas.

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 Central Government]. Fees to be credited to Central 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 is the Provincial Government may appoint and be carried to the credit of that Government.

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 officers of the Customs 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 abovementioned. 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 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 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 restoration 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; Which fines may be recovered on conviction before any Magistrate having jurisdiction by sale of such vessel, fishing vessel or harbour-craft, her furniture, ammunition, tackle and apparel; Recovery of penalties. 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. Certify on repetition of default. The [Central 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 [Central Government] shall seem meet. Power to direct compensation for trouble in seizing.

15. [Port-clearance] Rep. Act XII 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 ( number of Bombay Khandis) 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) (6th March, 1952) An Act further to amend the Bombay Coasting-vessels Act, 1838. BE it enacted by Parliament as follows:-

1. Short title:- This Act may be called the Bombay costing-vessels (Amendment) Act, 1952.
2. Substitution of certain words for the words "master-Attendant" in Act

**XIX of 1838:-** Throughout the Bombay Coasting-vessels Act, 1838 (hereinafter referred to as the Principal Act), for the words "Master-Attendant", wherever they occur, the words "Principal Officer, Mercantile Marine Department" shall be substituted.

**3. Amendment of short title, Act XIX of 1838:-** In the short title of the principal Act, the word "Bombay" shall be omitted.

**4. Insertion of new section 1 in Act XIX of 1838:-** The following section shall be inserted as section 1 of the principal Act, namely:- "1.Extent:- This Act extends in the first instance to the States of Bombay, Saurashtra and Kutch, but the Central Government may, by notification in the Official Gazette, extend it to any other State which has a sea-coast."

**5. Amendment of section 2, Act XIX of 1838:-** In section 2 of the principal Act,:(a) the words "residing within the State of Bombay" shall be omitted; and(b) for the words "the said State" the words "any State to which this Act extends"shall be substituted.

**6.Amendment of sections 4, 12 and 13, Act XIX of 1838:-** In the secondparagraph of section 4 and in sections 12 and 13 of the principal Act, the words "within the said State" shall be omitted

**.7. Amendment of section 6, Act XIX of 1838: -** In section 6 of the principal act, the words "within the State of Bombay " shall be omitted.

**8. Substitution of new section for section 10 in Act XIX of 1838: -** For section 10 of the principal Act, the following section shall be substituted, namely: - "10.

**Fees for certificates: -**

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 5 tons burthen, the fee of .... 1 rupee;

for each certificate for a vessel exceeding 5 tons burthen and not exceeding 25 tons burthen, the fee of .... for each certificate for a vessel exceeding 25 tons burthen and not exceeding 100 tons burthen, the fee of ... 7 rupees;

and for each certificate for a vessel of 100 tons or greater burthen, per ton, the fee of ... 2 annas."

**9. Amendment of the Schedule, Act XIX of 1838:-** In the Schedule to the principal Act, for the words "Bombay Khandis" the word "tons" shall be substituted.

**10. Repeal and saving:-** If immediately before the commencement of this Act there is in force in the State of Kutch, any law corresponding to the principal Act, that law shall, on such commencement, stand repealed:Provided that notwithstanding such repeal, anything done or any action taken (including any certificate of registration issued in the exercise of any power conferred by or under such corresponding law shall be deemed to have been issued, done or taken in the exercise of the power conferred by or under the principal Act as so amended was in force in the said locate on the day on which thing was in force in the said on the say on which any such thing was done or action was taken.