The Pakistan Merchant Shipping Ordinance, 2001

Ordinance No. LII of 2001

An Ordinance to consolidate and amend the law relating to merchant shipping

[Gazette of Pakistan, Extraordinary, Part-I, 3rd October,2001]

F.No.2(1)/2001-Pub. The following Ordinance promulgated by the President is hereby published for general information:---

Whereas it is expedient to consolidate and amend the law relating to merchant shipping and to provide for matters connected therewith and incidental thereto;
Now, Therefore, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No.1 of 1999 read with the Provincial Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:---

PART I

CHAPTER 1.

PRELIMINARY

1. Short title, extent, application and commencement. (1) This Ordinance may be called may be called the Pakistan Merchant Shipping Ordinance, 2001.

(2) It extends to the whole of Pakistan.

(3) Save as otherwise expressly provided, this Ordinance shall apply to (a) all Pakistan ships wherever they may be;

(b) all ships deemed to be registered under this Ordinance wherever they may be; and

(c) all other ships while in a port or place in, or within the territorial waters or within the exclusive economic zone specified in Section 6 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976):---

Provided that the provisions of this Ordinance shall not apply to (i) any ship, commissioned for service, in the Pakistan Navy or, while employed otherwise than for commercial use in the service of Government, any other ship belonging to Government; or

(ii) any ship belonging to any foreign State while employed otherwise than for commercial use in the service of such State.

(4) It shall come into force at once.

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

(1) “apprentice” means person appointed for training to the sea service under this Ordinance, whether called an apprentice or a cadet, or by any other name whatever;

(2) “bareboat or demise charter” means the hiring of a ship for a period where the charter appoints ship’s master and crew and pay all running expenses of a ship and has a right to have the vessel registered in his name;

(3) “cargo ship” means a ship which is not a passenger ship;

(4) “coats” includes coats of creeks and tidal waters;

(5) “coasting ship” means a ship which is exclusively employed in trading coast-wise within Ports or places in Pakistan or any marine areas specified in the Pakistan Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976), or any other law for the time being in force and between such ports or places as the Federal Government, may, from time, notify;

(6) “coasting trade” means the carriage by sea of passengers or goods between ports or places in areas specified in clause (5);

(7) “collision regulations” means the regulations made under Section 411;

(8) “company” means a company as defined in clause (7) of sub-section (1) of Section 2 of the Companies Ordinance, 1984 (XLVII of 1984), and includes,---

(a) a body corporate constituted or established by or under any Pakistan law; and

(b) any partnership or association of persons, whether incorporated or not;

(9) “Customs collector” means any of the officers of Customs appointed under Section 3 of the Customs Act, 1969 (IV of 1969), and for the time being in separate charge of a customs port as defined in Section 2 thereof;

(10) “distressed seaman” means a seaman engaged under this Ordinance who, by reason of having not being property discharged or left behind from or ship-wrecked, in any ship at any port or place outside port of engagement in Pakistan, is in distress there;

(11) “effects”, in relation to a seaman, includes clothes and documents;

(12) “equipment”, in relation to a ship, includes boats, tackle, pumps, apparel, furniture, life saving appliances, of every description, spars, masts, rigging and sails, for signals, lights, shapes and signals of distress, medicines and medical and surgical stores and appliances, charts, radio installations, appliances for preventing detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gears and appliances of all kinds, and all other stores or articles belonging to or to be used in connection with or necessary for the navigation and safety of the ship and pollution prevention;

(13) “fishing vessel” means vessel used commercially for catching fish, whales, seals, walrus or other living resources of the sea;

(14) “foreign-going ship” means a ship, not being a coasting ship or a home-trade ship, employed in trading between any port or place in Pakistan and any other port or place or between ports or places outside Pakistan;

(15) “free board“ means, in the case of any ship which is marked with a deck line, the height from the water to the upper edge of the deck line, and, in the case of any other ship, the height amidships from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured;

(16) “gross”, in relation to tonnage of vessel, means the gross tonnage of the vessel as registered under this Ordinance;

(17) “High Court”, in relation to a vessel means the High Court within the limits of whose appellate jurisdiction,---

(a) the port of registry of the vessel is situated;

(b) the vessel is for the time being; or

(c) the cause of action wholly or in part arises;

(18) “home-trade ship” or “home-trade passenger ship” means ship employed in trading between ports and places in Pakistan or between any port and place in Pakistan to or from an area within the extremities not exceeding five hundred nautical miles from a point on the Pakistani coast and including Gulf of Oman not beyond Ras-ul-Hadd and ports or places in the Gulf;

(19) “Load Line Convention” means the International Convention Load Lines, 1966, as amended from time to time;

(20) “Maritime Board” means a Board convened under Section 481;

(21) “master” includes any person, other than a pilot appointed by the owner, having command or charge of any ship and includes the person who replaces him as master;

(22) “nakhuda” means the person in command or charge of a sailing vessel or modern crafts of primitive build;

(23) “net” in relation to tonnage of a vessel, means the net tonnage of the vessel as registered under this Ordinance;

(24) “nuclear ship” means a ship provided with a nuclear power plant;

(25) “owner” means,---

(a) in relation to a registered ship, the person or persons and companies who are for the time being shown as owners in the Register Book maintained under this Ordinance;

(b) in relation to any other ship, the persons and companies to whom the ship or a share in the ship belongs;

(c) in relation to a sailing vessel or a fishing vessel, the persons or companies to whom the vessel belongs; and

(d) in relation to any ship, in addition to the person who owns the ship, includes also the bareboat charterer and any other person who operates the ship and to whom the owners responsibilities have been formally assigned;

(26) “Pakistan consular officer” means a consul-general, consul, vice-consul, pro-consul or consular agents appointed as such by the Federal Government and includes,---

(a) any person authorised by the Federal government to perform the functions of any of them; and

(b) a seamen’s Welfare Officer performing the functions of a Pakistan Consular Officer under Part IV;

(27) “Pakistani ship” means a ship registered as such under this Ordinance;

(28) “passenger” means any person carried on board a ship except,---

(a) a person employed or engaged in any capacity on board the ship on the business of the ship;

(b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which neither the master nor the charterer, if any, could have prevented or forestalled; or

(c) a child under one year of age;

(29) “passenger ship” means a ship carrying more than twelve passengers;

(30) “pilgrim” means a person going to or returning from the Kingdom of Saudi Arabia for or after performing Hajj, and includes and such passenger who is returning without having actually landed in the Kingdom of Saudi Arabia;

(31) “pilgrim of lowest class” means a pilgrim for whom no separate accommodation in any cabin, smoke-room or saloon is reserved;

(32) “pilgrim ship” means a special trade passenger ship carrying or about to carry pilgrims from or to any port or place in Pakistan to or from any port or place in the Red Sea or any port declared as such by the Federal Government:---

Provided that no ship carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tonnes of the gross tonnage of the ship shall be deemed to be a pilgrim ship within the meaning of this Ordinance;

(33) “port of registry”, in relation to a ship, a sailing vessel or a fishing vessel, means the port at which she is registered or is to be registered;

(34) “prescribed” means prescribed by rules made under this Ordinance;

(35) “proper return port”, in relation to a master, seaman or apprentice discharged of left behind, means the port at which the master, seaman or apprentice was engaged or the port agreed to as such by the master, seaman or apprentice, as the case may be;

(36) “radio installation” means radio equipment, as prescribed;

(37) “ratification” means the act of acceptance of International Convention or instruments relating to merchant shipping including but not limited to safety of life at sea, protection of marine environment etc., and any amendments thereto by the Government of Pakistan and the depositing of instrument of ratification or accession to such Convention with the international body concerned and the expression “ratified shall be construed accordingly;

(38) “sailing vessel” means any description of vessel which is,---

(a) fitted exclusively with sails, or

(b) provided with sufficient sail area for navigation under sails alone and, if fitted with mechanical means of propulsion, such means are meant for auxiliary purposes only;

(39) “safety Convention” means any international safety Conventions, treaty or agreement ratified by Pakistan insofar as it relates to the safety of life at sea;

(40) “safety convention certificate” means,---

(i) a passenger ship certificate;

(ii) a special trade passenger ship safety certificate;

(iii) a special trade passenger ship space certificate;

(iv) a cargo ship safety construction certificate;

(v) a cargo ship safety equipment certificate;

(vi) a cargo ship safety radio certificate;

(vii) an exemption certificate;

(viii) a nuclear passenger ship safety certificate;

(ix) a nuclear cargo ship safety certificate issue under Parts VI, X or, as the case may be, Part XIV;

(x) any other certificates s may be prescribed;

(41) “surveyor” means a person appointed under Section 4 and includes a nautical surveyor, ship surveyor or an engineer surveyor;

(42) “salvage” means the rendering of assistance to ships in danger, to any things on board and to things floating, sunk or washed ashore;

(43) “salvor” means, in the case of salvages rendered by the officers or crew or part of the crew of any ship belonging to the Federal Government, the person in command of that ship;

(44) “sea-going”, in relation to a vessel, means a vessel proceeding to sea beyond such limits as may be specified by the Federal Government by notification in the official Gazette;

(45) “Seaman” means a person employed or engaged, or to be employed or engaged, for service in any capacity on board any ship, but does not include master, pilot of apprentice;

(46) “second hand”, in relation to a fishing vessel, means the person next in authority to the skipper of the vessel;

(47) “ship” includes every description of vessel used in navigation not propelled by. oars;

(48) “skipper” means the person in command of a fishing vessel or in charge of the navigation of such vessel;

(49) “special trade” means the conveyance of large number of special trade passengers by sea on international voyages within the area specified under the Special Trade Agreement;

(50) “Special Trade Agreement” means the Special Trade Passenger Ships Agreement signed at London on the fourth day of October,1971;

(51) “special trade passenger” means a passenger carried in special trades in special trades in spaces on the weather deck, upper deck, or between decks which accommodate more than eight passengers;

(52) “special trade passenger ship” means a mechanically propelled passenger ship carrying more than fifty special trade passengers;

(53) “tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, but does not include a harbour;

(54) “valid international load line certificate” means a certificate purporting to have been issued in accordance with the Load Line Convention in respect of a ship, other than a Pakistani ship, by the competent authority in the country in which the ship is registered;

(55) “valid safety convention certificate” means a certificate purporting to have been issued in accordance with the Safety Convention in respect of a ship, not being a Pakistan ship, by the competent authority in the country in which the ship is registered;

(56) “vessel” includes a ship, boat, sailing vessel, fishing vessel and any other description of vessel used or intended to be used in navigation and includes dynamically supported craft, submersibles and fixed or floating platforms;

(57) “voyage”, in relation to a ship, means the whole distance between the ship’s port or place of departure and her final port or place of arrival;

(58) “wages” includes emoluments;

(59) “wreck” includes the following when found in the sea or in the tidal waters or on the shores thereof, namely:---

(a) goods which have been cast or fall into the sea and then sink and remain under water;

(b) goods which have been cast or fall into the sea and then remain floating on the surface;

(c) goods which are sunk in the sea, but are attached to a floating object in order that they may be found again;

(d) goods which are thrown away or abandoned; and

(e) a vessel abandoned without hope or intention or recovery; and

(60) “young person” means a person under eighteen years of age.

CHAPTER 2

MERCANTILE MARINE DEPARTMENT

3. Office of Mercantile Marine Department. (1) the Federal Government may establish and maintain an office of the Mercantile Marine Department at the port of Karachi and at such other port as may be deemed necessary.

(2) The office of the Mercantile Marine Department at the port of Karachi shall be in the charge of such officer as the Federal Government may appoint in this behalf.

(3) The Principal Officer may, in addition to any other functions, perform all or any of the functions of a surveyor under this Ordinance.

(4) The Federal Government may appoint a Chief Nautical Surveyor and a Chief Engineer and Ship Surveyor to perform such duties under this Ordinance as may be assigned to them by the Federal Government and to supervise the performance of surveyors.

4. Surveyors. (1) The Federal Government may, by notification in the official Gazette, appoint for each office established under Section 3 as many persons, as it may think fit, possessing such qualifications as may be prescribed in this behalf, to be surveyors for the purposes of this Ordinance.

5. Radio Inspectors. (1) The Federal Government may, by notification in the official Gazette, appoint as many Radio Inspectors as it may consider necessary for the purpose of securing that the requirements of this Ordinance and the rules made there under relating to radio installation and radio service are complied with.

(2) The radio inspector shall perform his functions under this Ordinance under the general supervision and control of the Principal Officer.

CHAPTER 3.

SHIPPING OFFICES

6. Shipping Offices. (1) The Federal Government shall maintain a shipping office at every port in Pakistan where there was a shipping office immediately before the commencement of this Ordinance and may establish and maintain such office at any other port as it may deem necessary.

(2) For every shipping office, the Federal Government shall appoint a Shipping Master and may appoint such Deputy Shipping Masters as it may consider necessary possessing such qualifications as may be prescribed.

(3) A Shipping Master and a Deputy Shipping Master shall, in the performance of their functions, be subject to the general supervision and control of the Federal Government or of such authority as the Federal Government may, by general or special order, direct.

(4) All acts done by or before a Deputy Shipping Master shall have the same effect, as if done by or before a Shipping Master.

7. Conduct of business of shipping office at other office. (1) The Federal Government may direct that where at any port there is no shipping office establish, the whole or any part of the business of a Shipping Office shall be conducted at such office and be committed to such officer at that office as the Federal Government may specify; and thereupon such business shall be conducted accordingly.

(2) For the purposes of this Ordinance, an office at which the business of a shipping office is conducted under sub-section (1) shall be deemed to be a shipping office and the officer to whom such business is committed under that sub-section shall be deemed to be a Shipping Master.

8. Duties of the Shipping Master. The duties of a Shipping Master shall, in general in respect of Pakistani ships, be,---

(a) to superintend and afford facilities for engagement and discharge of seamen in the manner provided in this Ordinance and the rules made thereunder;

(b) to perform such other functions relating to seamen, apprentices and ships as are, by or under this Ordinance or by general or special order of the Federal Government, assigned to a Shipping Master.

9. Fees for engagement or discharge of seamen. (1) In respect of all engagements and discharges of seamen, the owner of a ship or master so engaging or discharging shall pay to the Shipping Master such fee as the Federal Government may, by notification in the official Gazette, fix; and the Shipping Master may decline to act in any case until such fee has been paid.

(2) A copy of the scale of fees for the time being payable under sub-section (1) shall be affixed at some conspicuous place in the Shipping Office.

10. Seamen's Welfare Officers. (1) The Federal Government may appoint Seamen's Welfare Officers at such ports or places in Pakistan as it may consider necessary.

(2) A Seamen's Welfare Officer appointed under sub-section (1) shall, under the general supervision and control of the Federal Government or of such other authority as the Federal Government may, by general or special order, direct, perform at any port or place in Pakistan, such functions in relation to welfare of seaman as may be assigned to him by the Federal Government.

Part II

REGISTRATION AND NATIONALITY

CHAPTER 4.

REGISTRATION

11. Application. This Chapter shall not apply to sailing vessels or fishing vessels nor to such ships registered under the Inland Mechanically Propelled Vessels Act, 1917 (I of 1917), as are not sea-going.

12. Restriction on acquisition of ship. (1) No citizen of Pakistan, nor any company shall acquire any ship for registration under Pakistan flag unless qualified to do so under this Ordinance.

(2) No Pakistani ship shall, except with prior permission writing from the Federal Government be converted, modified or altered in such manner so as to change the character of the ship.

(3) Whoever contravenes or attempts to contravene the provisions of sub-section (1) or sub-section (2) shall be liable to a fine which may extend to one hundred thousand rupees and any transaction made in contravention of any such provisions shall be void.

13. Qualification for registration of Pakistan ships. (1) For the purposes of this Ordinance, a ship may be registered as a Pakistani ship if it is owned by persons of the following description, namely,---

(a) citizens of Pakistan by birth or by migration;

(b) persons having acquired citizenship of Pakistan by registration under the Pakistan Citizenship Act, 1951 (II of 1951);

(c) companies having their principal place of business in Pakistan and which conduct operation and management of the ship from Pakistan; or

(d) any individual or company permitted by Federal Government.

(2) A ship on bareboat or demise charter for a period of not less than six months may be registered as a Pakistani ship in the name of a persons provided that such a person falls under any of the description given in clauses (a) to (d) of sub-section (1) and subject to condition as may be prescribed.

(3) A bareboat charter registry may be kept suspended for a period of charter, where Pakistani ships are bareboat chartered out to a person other than Pakistani Nationals on conditions as prescribed.

(4) Citizens of Pakistan by birth or by migration or Companies have their principal place of business in Pakistan which are conducting operation and management of ships from Pakistan or any other individual Company permitted by Federal Government, may obtain Second Registry of ships or other crafts registered abroad in their names provided that this Registry shall be for such period as the Government may prescribe.

14. Obligation to register ships. (1) Ships owned by citizens of Pakistan and companies shall be registered under this Ordinance.

(2) A ship required by this Ordinance to be registered may be detained until the master of the ship, if so required, produces the certificate of registry in respect of the ship.

15. Exemption from registry. The following ships shall be exempted from registry under this Ordinance, namely:---

(a) Ships not exceeding fifteen tones net registered tonnage employed solely in navigation on the rivers or coasts of Pakistan within which the managing owners of the ships are resident;

(b) Ships not exceeding thirty tones net registered tonnage and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Pakistan; and

(c) Ships belonging to Government of Pakistan except where expressly provided by notification in official Gazette.

16. Registrars of Pakistani ships and ports of registry. (1) The following persons shall be registrars of Pakistani ships,---

(a) at the port of Karachi and Part Muhammad Bin Qasim, the Principal Officer of the Mercantile Marine Department, Karachi, or a person duly authorised by the Federal Government; and

(b) at any other port, such authority as the Federal Government may, by notification in the official Gazette, appoint to be the registrar of ships.

(2) A registrar shall not be liable to damages or otherwise for any loss accruing to any person by reason of his any act or default in his capacity of registrar unless the same has happened through his neglect or willful act.

(3) The ports of Karachi, Muhammad Bin Qasim and such other ports in Pakistan as the Federal Government may, by notification in Official Gazette, specify in this behalf, shall be the ports of registry at which Pakistan ships may be registered under this Ordinance.

17. Provisions for entries in register book. Every registrar of Pakistani ships shall keep a book to be called the register book and entries in that book and entries in that book shall be made in accordance with the following provisions, namely:---

(a) The property in a ship shall be divided into sixty-four shares;

(b) Subject to the provisions of this Ordinance with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title or any number of persons or of any company represented by or claiming under or through any registered owner or joint owner;

(c) a person shall not be entitled to be registered as owner of a fractitional part of a share in aa ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any shares therein;

(d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severally of any interest in a ship or in any share therein in respect of which they are registered; and

(e) a company may be registered as owner by its name.

18. Measurement of ships. Every Pakistani ship shall before registry have her tonnage ascertained in the prescribed manner.

19. Marking of ships. Every Pakistani ship shall before registry be marked permanently and conspicuously in the prescribed manner.

20. Entry of particulars in register book. As soon as the requirements of this Ordinance, preliminary to registry, have been complied with the registrar shall enter in the register book, the following particulars respecting the ship, namely,---

(a) the name of the ship and the previous name and registry, if any, and the name of the port to which she belongs;

(b) the details comprised in the surveyor's certificate;

(c) the particulars respecting her origin stated in the declaration of ownership;

(d) the name and description of his registered owner or owner, and if there are more owners than one, the proportions in which they are interested in her; and

(e) international call sign of the ship, if assigned.

21. Port of Registry. The port at which a Pakistani ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

22. Certificate of Registry. On completion of the registry of a Pakistani ship, the registrar shall grant a certificate of registry containing the particulars respecting her entered in the register book with the name of her master.

23. Custody and use of certificate. (1) The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagees, or other person to, on, or in the ship.

(2) No person, whether interested in the ship or not, who has in his possession or under his control the certificate of registry of a ship shall refuse or omit, without reasonable cause, to deliver such certificate on demand to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of customs, or other person entitled by law to require such delivery.

(3) Any Judge or any Court, taking cognizance of the matter, may, by order, summon the person so refusing or omitting to deliver the certificate to appear before such Judge or Court, and to be examined touching such refusal, and unless it is proved tot he satisfaction of such Judge or Court that there was reasonable cause for such refusal, the offender shall be liable to a fine which may extend to one hundred thousand rupees, but if it is shown to such Judge or Court that the certificate is lost, the person summoned shall be discharged, and the Judge or Court shall certify that the certificate of registry is lost.

(4) It the person so refusing is proved to have absconded so that the order of a Judge or process of a Court cannot be served on him, or if he persists in not delivering up the certificate, the Judge or Court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

24. Penalty for use of improper certificate. If the master or owner of a Pakistani ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall be liable to a fine which may extend to one hundred thousand rupees and the ship shall be liable forfeiture.

25. Power to grant duplicate certificate. The registrar of the port of registry of a Pakistani ship may, on the delivery up to him of the defaced or multilated certificate of registry of a ship, grant a duplicate certificate in lieu thereof.

26. Provision for loss of certificate. (1) In the event of the certificate of registry of a Pakistani ship being mislaid, lost or destroyed, the registrar of her port of registry shall grant a duplicate certificate of registry in lieu of her original certificate.

(2) If the port, having a Pakistani registrar or consular officer, at which the ship is at the time of the event referred to in sub-section (1) or first arrives after the event,---

(a) is outside Pakistan, where the ship is registered in Pakistan; or

(b) Where the ship is registered at a Port of registry under this Ordinance, is not that port; than port; then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of

such ship to the best of the declarant's knowledge and belief, and the registrar or consular officer, as the case may be, shall thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

(3) Such registrar of Consular officer shall forward a copy of the certificate at the first convenient opportunity to the registrar of shipping, Mercantile Marine Department, Karachi, who upon receipt will issue a duplicate certificate or registry within thirty days of the receipt. The Master upon receipt of the duplicate certificate of registry within thirty days of the receipt. The Master upon receipt of the duplicate certificate of registry, shall return the provisional certificate to the registrar of the Consular officer.

27. Endorsement of change of master on certificate. Where the master of a Pakistani ship is changed, the registrar, or if there is none the Pakistan consular officer, at the port where the change occurs, shall endorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Registrar of Shipping, Mercantile Marine Department, Karachi, and any officer of customs at any port in Pakistan may refuse to permit any person to do any act there as master of a Pakistani ship unless his name is inserted in or endorsed on her certificate of registry as her last appointed master.

28. Endorsement of change of ownership. (1) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorse on her certificate of registry either by the registrar of the ship's port of registry or by the registrar of any port at which the ship arrives who has been advised of the change by the registrar of the ship's port of registry.

(2) The master shall, for the purpose of such endorsement by the registrar of the ship's port of registrar of the ship's port of registry, deliver the certificate of registry to the registrar, forthwith after the change if the change if the change occurs when the ship is at her port of registry, and if it occurs during her absence from that port and the endorsement under this section is not made before her return, then upon her first return to that port.

(3) The registrar of any port, not being the ship's port of registry, who require to make an endorsement under this section may for that purpose require the master of the ship to deliver to him the ship's certificate of registry so that the ship may not thereby detained and the master shall deliver the same accordingly.

(4) If the master fails to deliver to the registrar the certificate of registry required by this section he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

29. Provisional certificate for ships becoming Pakistani owned abroad. If at a port outside Pakistan, and not being a port of registry established under this Ordinance, a ship becomes the property of persons qualified to own a Pakistani ship, the Pakistan consular officer there may grant to her master, on his application, a provisional certificate, stating,---

(a) the name of the ship;

(b) the time and place of her purchase and the names of her purchasers;

(c) the name of her master; and

(d) the particulars respecting her tonnage, build and description which he is able to obtain.

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar of Shipping, Mercantile marine Department, Karachi, who upon receipt will issue a certificate of registry.

30. Temporary passes in lieu of certificates of registry. Where it appears to the Federal Government that by reason of special circumstances it would be desirable that permission should be granted to any Pakistani ship to pass, without being previously registered, from one port in Pakistan to any other port in Pakistan, the Federal Government may grant a pass accordingly, and that pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry.

31. Transfer of ships or shares. (1) A registered ship or a share therein, when disposed of to any person shall be transferred by bill of sale.

(2) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate or some other description sufficient to identify the ship to the satisfaction of the registrar and shall be executed by the transferor in the presence of and the attested by atleast two witnesses.

32. Declaration of transfer. Where a registered ship, or a share therein, is transferred the transferee shall not be entitled to be registered as owner thereof until he or, in the case of a company, the person authorized by this Ordinance to make declarations on behalf of the company,---

(a) a statement of the qualification of the transferee to own a Pakistani ship, or if the transferee is a company of such circumstances of the constitution and business thereof as prove it to be qualified to own a Pakistani ship; and

(b) a declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

(33) Registry of transfer. (1) Every bill of sale for the transfer of a registered ship, or of a share therein, when duly executed, shall be produced to the registrar or her port of registry with the declaration of transfer and the registrar shall thereupon enter in he register book the name of the transferee as owner of the ship or share, as the case may be, and shall endorse on the bill of sale the effect of that entry having been made with the day and hour thereof.

(2) Bills of sale of a ship, or of a share therein, shall be entered in the register book in the order of their production to the registrar.

34. Transmission of property in ship on death, bankruptcy, marriage, etc. (1) Where the property in a registered ship, or share therein, is transmitted to a person qualified to own a Pakistani ship on the marriage, death, or bankruptcy of any registered owner, or by any lawful means other than by transfer under this Ordinance

(a) that person shall authenticate the transmission by making and signing a declaration, in this Ordinance called a declaration of transmission, identifying the ship and containing statements required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.

(b) if the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of celebration thereof, and shall declare the identity of the female owner;

(c) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by proof of such claim; or

(d) if the transmission is consequent on death, the declaration transmission shall be accompanied by a succession certificate, probate or letters of administration under the Succession Act, 1925 (XXXIX of 1925), or a duly certified copy thereof.

(2) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there are more persons than one, shall enter the names of all those persons but those persons however numerous, shall, for the purpose of the provision of this Ordinance with respect to the number of persons entitled to be registered as owners, be considered as one person.

35. Order for sale on transmission to unqualified person. (1) Where the property in a registered ship, or share therein, is transmitted on marriage, death, bankruptcy or otherwise to a person not qualified to own a Pakistani ship, then,---

(a) if the ship is registered in Pakistan the High Court; or

(b) if the ship is registered in a port of registry established by this Ordinance, the principal Civil Court having jurisdiction,---

may on application by or on behalf of the unqualified person, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the Court may direct.

(2) The Court may require any evidence in support of the application it thinks necessary and may make such order thereon and on such terms and conditions it thinks just or may refuse to make the order.

(3) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place or within such further time, not exceeding one year from the date of the occurrence, as the Court may allow.

(4) If such an application is not made within the time aforesaid, or if the Court refuses an order for sale, the ship or share transmitted shall thereupon be subject of forfeiture under this Ordinance.

36. Transfer of ship on sale by order of Court. Where any Court, whether under the preceding sections or otherwise, orders the sale of any ship or share therein, the order of the Court shall contain a declaration vesting in some person named by the Court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof, and every registrar shall obey the requisition of the person so named in respect of any transfer to the same extent as if such person were the registered owner.

37. Power of Court to prohibit transfer. Where the ship is registered in Pakistan the High Court and in the case of a port of registry established outside Pakistan under this Ordinance, the principal Civil Court having jurisdiction, may if it thinks fit, without prejudice to the exercise of any other power, on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein and the Court may make the order thereon on such terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs and every registrar, without being made a party to the proceeding, shall on being served with the order obey the same.

38. Mortgage of ship or share. (1) registered ship or a share therein may be made a security for a loan or other valuable consideration and upon production of instrument creating the security (in this Ordinance called a mortgage), the registrar of the ship's port of registry shall record it in the register book. The instrument creating the security shall have a summary attached in the prescribed form to be recorded by the registrar.

(2) Mortgages shall be recorded by the registrar in the order in time in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him stating the day and hour of that record.

39. Entry if discharge of mortgage. Where a registered mortgage is discharge, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made the estate if any, which passed to the mortgages shall vest in the person in whom (having regard to intervening acts and circumstances, if any), it would have vested, if the mortgage had not been made.

40. Priority of mortgage. If there are more mortgages than one registered in respect of the same ship or share, the mortgagees shall, notwithstanding any express, implied, or constructive notice, have priority according to the date at which each mortgage is recorded in the register book and not according to the date of each mortgage itself.

41. Mortgagees not treated as owner. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not, by reason of the mortgage, be deemed the owner of the ship or share nor shall the mortgagor be deemed to have ceased to be the owner thereof.

42. Mortgages to have power of sale. Every registered mortgagee shall have power if the mortgage money or any part of it is due or if there is any material breach of the security instrument by mortgagor to sell the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgage shall not, except under the order of a Court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

43. Mortgage not affected by bankruptcy. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order, or disposition, or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

44. transfer of mortgages. A registered mortgage of a ship or share may be transferred to any person and the instrument effecting the transfer shall be in the prescribed form or as near thereto as circumstances permit, and on the production of such instrument the registrar shall record it by entering in the register book the name of the transferees as mortgages of the ship or share, and shall by memorandum under his hand notify on the instrument of transfer that it has been recorded by him stating the day and hour of the record.

45. Transmission of in mortgage by death, bankruptcy or marriage, etc. (1) Where the interest of a mortgagee in a ship or share is transmitted on marriage, death, or bankruptcy, or by any lawful means, other than by a transfer under this Ordinance, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, containing a statement of the manner in which and the person to whom the property has been transmitted, and shall be accompanied by the like evidence as is by this Ordinance required in case of a corresponding transmission of the ownership of a ship or share.

(2) The registrar, on the receipt of the declaration and the production of the evidence, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share.

46. Powers of mortgage and sale. A registered owner, if desirous by way of mortgage or sale of the ship or share in respect which he is registered at any place out of the country in which the port of registry of the ship is situated, may apply to the registrar, and the registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale.

47. Requisites for certificates of mortgage and sale. Before a certificate of mortgage or sale is granted, the applicant shall state to the registrar, and the registrar shall enter in the register book, the following particulars, namely:---

(a) The name of the person by whom the power mentioned in the certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created if it is intended to fix any such

maximum; and in the case of a sale the minimum price at which a sale is to be made if it is intended to fix any such minimum;

(b) the place where the power is to be exercised, or if no place is specified, a declaration that it may be exercised anywhere, subject to the provisions of this Ordinance; and

(c) the limit of time within which the power may be exercised.

48. Restrictions on certificates of mortgage and sale. A Certificate of mortgage or sale shall not be granted so as to authorise any mortgage or sale to be made and if the port of registry of the ship is situated in Pakistan, at any place within Pakistan or if the port of registry is established outside Pakistan, by order under this Ordinance, at that port, or within such adjoining are as is specified in the order; or by any person not named in the certificate.

49. Power of the Federal Government in case of loss of certificate of mortgage or sale. On proof at any time to the satisfaction of the Federal Government that a certificate of mortgage or sale is lost or destroyed, or so obliterated to be useless, and that the power thereby given have never been exercised, or if they have been exercised, then on proof of the several matters and things that have been done there under, the registrar may, with the sanction of the Federal Government either issue a new certificate, or direct such entries be made in the register books, or such other things be done as might have been made or done as if the loss, destruction, or obliteration had not taken place.

50. Revocation of certificates of mortgage and sale. (1) A registered owner of any ship or share therein in respect of which a certificate of mortgage or sale has been granted specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorize the registrar by whom the certificate was granted to give notice to the registrar or Pakistan consular officer at every such place that the certificate is revoked.

(2) Notice shall thereupon be given accordingly and shall be recorded by the registrar or Pakistan consular officer receiving it, and after it is recorded the certificate shall be deemed to be revoked and of no effect so far as respects any mortgage or sale to be thereafter made at that place.

(3) The notice, after it has been recorded, shall be exhibited to every person applying for the purpose of effecting or obtaining a mortgage or transfer under the certificate.

(4) A registrar or Pakistan consular officer on recording any such notice shall state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

51. Registry of alterations, registry anew and transfer of registry. (1) When a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a registrar, that registrar, or if it is made elsewhere, the registrar of the first port having a registrar at which the ship arrives after the alteration, shall, on application being made to him and on receipt of a certificate from the proper surveyor stating

the particulars of the alteration, either cause the alteration to be registered or direct that the ship be registered anew.

(2) On failure to register a new ship or to register an alteration of a ship so altered as aforesaid, that ship shall be deemed not duly registered and shall not be recognised as a Pakistan ship.

52. Provisional certificate and endorsement. (1) When any registrar not being the registrar of the ship's port of registry. On an application as to an alteration in a ship directs the ship to be registered anew, he shall either grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

(2) Every such provisional certificate or certificate provisionally endorsed, shall within ten days after the first subsequent arrival of the ship at her port of discharge in Pakistan, at her port of discharge in or, if she is registered at a port of registry established outside Pakistan under this Ordinance, at that port, be delivered up to the registrar thereof, and that registrar shall cause the ship to be registered anew.

(3) The registrar granting a provisional certificate under this section or provisionally endorsing a certificate shall add to the certificate or endorsement a statement that the same is made provisionally, and shall send a report of the particulars of the case to the registrar of the ship's port of registry, containing a similar statement as the certificate or endorsement.

53. Registry anew on change of ownership. Where the ownership of any ship is changed the registrar of the port at which the ship is registered may, on the application of the owners of the ship, register the ship anew although registration anew is not required under this Ordinance.

54. Restrictions on re-registration of abandoned ships. Where a ship has ceased to be registered as a Pakistani ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transferred to a person not qualified to own a Pakistani ship, the ship shall not be re-registered until she has at the expense of the applicant for registration, been surveyed by a surveyor and certified by him to be seaworthy.

55. Provision for cases of infancy or other incapacity. where by reason of infancy, lunacy, or any other cause any person interested in any ship or any share therein, is incapable of making any declaration or doing anything required or permitted by this Ordinance to be made or done in connection with the registry of the ship or share, the guardian or committee, if any, of that person or, if there is none, any person appointed on application made on behalf of the incapable person, or of any other person interested, to any Court having jurisdiction in respect of the property of such persons, may make such declaration or a declaration as nearly corresponding on behalf of the incapable person; and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

56. Equities not included by Ordinance. The expression "beneficial interest", where used in this part of this Ordinance, includes interests arising under a contract and other equitable interests; and it is hereby declared that without prejudice to the powers of disposition and of giving receipts conferred by this Ordinance on registered owners and mortgagees and without prejudice to the provisions of this

Ordinance relating to the exclusion of unqualified persons from the ownership of Pakistani ships, interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein the same manner as in respect of any other personal property.

57. Liability of owners. Where any person is beneficially interested otherwise than by way of mortgage in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other Ordinance on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties with or without joining the other of them.

58. Ship's managing owner or manger to be registered. (1) The name and address of the managing owner, for the time being of every ship registered at a port in Pakistan, shall be registered at the custom house of that port.

(2) Where there is no managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and person whose name is so registered shall, for the purposes of this Ordinance, be under the same obligations and subject to the same liabilities as if he were the managing owner.

(3) If default is made complying with this section the owner shall be liable, or if there are more owners than one each owner shall be liable in proportion to his interest in the ship, to a fine which may extend to fifty thousand rupees each time the ship leaves any port in Pakistan.

59. Forgery of documents. If any person forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forget or fraudulently altered, any of the following documents, namely, any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration of bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Part of this Ordinance, or any entry or endorsement required by this Part of this Ordinance to be made in or on any of those documents, that person shall in respect of each offence by punishable with imprisonment which shall not be less than three months and with fine which may extend to five hundred thousand rupees.

60. False declaration. (1) If any person in the case of any declaration made in the presence of or produced to a registrar under this Part or in any document or other evidence produced to such registrar,---

(a) willfully makes, or assists in making, or procures to be made any false statement concerning the title to or ownership of, or the interest existing in any ship, or any share in a ship; or

(b) utters, produces, or makes use of any declaration or document containing any such false statement knowing the same to be false, shall, in respect of each offence, be liable to a fine which may extend to fifty thousand rupees.

(2) If any person wilfully makes a false declaration touching the qualification of himself, or of any other person or of any corporation to own a Pakistani ship or any share therein, he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees and the ship or share shall be liable to forfeiture to the extend of the interest therein of the declarant unless it is proved that the declaration was made without authority of any person or corporation on whose behalf the declaration is made.

61. National character of ship to be declared before clearance. (1) An officer of customs, or appropriate designated authority for this purpose, shall not grant a clearance or transpire for any ship until the master of such ship has declared to that officer the name of the country to which he claims that she belongs, and that officer shall thereupon inscribe that name on the clearance or transpire.

(2) If a ship attempts to proceed to sea without such clearance or transpire, she may be detained until the declaration is made.

62. Penalty for concealment of Pakistan character or assumption of foreign character. If the master or owner of a Pakistani ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the Pakistani character of the ship from any person entitled by any law, for the time being in force, to enquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be liable to forfeiture and the master, if he commits or is privy to the commission of the offence, shall in respect of each offence be liable to a fine which may extend to one hundred thousand rupees.

63. Penalty for acquiring ownership if unqualified. If an unqualified person acquires as owner, otherwise than be such transmission as here in before provided, any interest either legal or beneficial in a ship using a Pakistani flag and assuming the Pakistani character, that interest shall be liable to forfeiture.

64. Liabilities of ships not recognized as Pakistan ships. where it is declared by this Ordinance that a Pakistani ship shall not be recognized as a Pakistani ship, that ship shall not be entitled to any benefits, privileges or protection usually enjoyed by Pakistani ships nor to use the Pakistan flag or assume the Pakistani national character, but so far as regards the payment of dues, the liabilities to fines and forfeiture, and the punishment of offence committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognised Pakistani ship.

65. National colours for ships. (1) The Federal Government may, by notification in the official Gazette, declare the proper national colours for Pakistani ships.

(2) If any distinctive colours, other than those declared under sub-section (1), are hoisted on board any Pakistani ship the owner of the ship, unless he proves that they were hoisted without his knowledge or consent, the master of the ship and every person hoisting such colours shall be liable to a fine which may extend to ten thousand rupees.

(3) Any commissioned officer of the Pakistan Navy, Principal Officer, any Customs Collector, or any Pakistan consular officer, may board any ship on which any colours in contravention of this Ordinance are hoisted and seize and take away the colours which shall be forfeited to the Federal Government.

66. Penalty for unduly assuming Pakistan character. (1) If a person uses the Pakistan flag and assumes the Pakistani national character on board a ship owned in whole or in part by any persons not qualified to own a Pakistani ship, for the purpose of making the ship appear to be a Pakistani ship, the ship shall be liable to forfeiture under this Ordinance unless the assumption has been for the purpose of escaping capture by any enemy or by a foreign ship of war on the exercise belligerent right.

(2) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the Pakistani flag and assume the Pakistani national character shall lie upon the person using and assuming the same.

67. Pakistani ships to hoist proper national colours in certain cases. (1) A Pakistani ship shall hoist the proper national colours,---

(a) On a signal being made to her by any vessel of the Pakistan Navy;

(b) on entering or leaving any foreign port; and

(c) if the net tonage is fifty or more, on entering or leaving any Pakistani port.

(2) The master of a ship in respect of which the provisions of sub-section (1) are not complied with, shall be liable to a fine which may extend to ten thousand rupees.

68. Saving for Pakistan Navy. The provisions of this Ordinance with respect to colours worn by merchant ships shall not affect any other powers of the Pakistan Navy in relation thereto.

69. Recognition of tonnage measurement of ships of foreign country. (1) Whenever it appears to the Federal Government that the tonnage regulations applicable in a foreign country are equivalent to those adopted under this Ordinance, the Federal Government may order that the ships of that country shall, without being re-measured in Pakistan, be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry, of a Pakistani ship and any space shown by the certificate of registry, or other national papers of any such ships as deducted from the tonnage shall, where a similar deduction in the case of Pakistani ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions, and to be so evidenced, unless a surveyor of ships certificates to the Federal Government that the construction and the equipment of the ship as respects that space do not come up to the standard which would be required if the ship were a Pakistani ship registered in Pakistan.

(2) The Federal Government may limit the time during which the order shall remain in operation and make the order subject to such conditions and qualifications, if any, as it may deem expedient.

(3) If it is made to appear to the Federal Government that the tonnage of any foreign ship as measured by the rules of the country, to which she belongs, materially differs from the which would be here tonnage if measured under rules applicable in Pakistan, the Federal Government may order that notwithstanding any order for the time being in force under this section any of the ships of that country may, for all or any of the purposes of this Ordinance, be re-measured in accordance with rules applicable in Pakistan.

70. Space occupied by deck cargo to liable to dues. (1) If any Pakistani or foreign ship other than a home-trade ship carries as deck cargo to be liable to dues. (1) If any Pakistani or foreign ship other than a home-trade ship carries as deck cargo, that is to say, in any uncovered space upon deck or in any covered space not included in the cubical contents contents forming the ship's registered tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by those goods at the time at which the dues become payable.

(2) The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by the goods and by straight lines enclosing a rectangular space sufficient to include the goods.

(3) The tonnage of the space shall be declared by the Master, and if misdeclared be ascertained by an officer of the Mercantile Marine Department or of Customs in manner directed and when so ascertained shall be entered by him in a memorandum which he shall deliver to the master and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

(4) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of Pakistan or to deck cargo carried by a ship while engaged in the coasting trade in Pakistan.

71. Surveyors and regulations for measurement of ships. All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships in the prescribed manner.

72. Levy of tonnage rates under local laws on the registered tonnage. Any persons having powers to levy tonnage rates on ships may, if they think fit, with the consent of the Federal Government, levy those tonnage regulations adopted in Pakistan, notwithstanding that any local law under which those rates are levied provides for levying the same upon some different system of tonnage measurement.

73. Close of registry. The owner of registered ship may sell, dispose of or dismantle the ship by following the prescribed procedure for closing the registry otherwise he shall be liable to a fine which may extend to one hundred thousand rupees.

74. Powers to make rules in respect of matters in this Part. (1) The Federal Government may, by notification in the official Gazette, make rules to carry out the purpose of this part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely
(a) the manner in which the tonnage of any ship shall be ascertained, whether for the purpose of registration or otherwise including the mode of measurement;

(b) the recognition for the purpose of ascertaining the tonnage of any ship or for any other purpose, of any tonnage certificate granted in respect of any ship in other country, not being a country with which Pakistan has entered into an agreement in this behalf, including the conditions and restrictions subject to which such recognition may be granted.

(c) the manner in which the surveys of ships shall be conducted and the form of certificates to be issued by a surveyor;

(d) the manner in which ships shall be marked;

(e) the form in which any document or instrument required by or under this Part to be prepared or executed and the particulars which it should contain;

(f) the persons by whom and authorities before which any declaration required by this Part shall be made, and the circumstances in which any such declaration may be waived and other evidence accepted;

(g) the returns that shall be made by registrars to the federal Government or to such other authority as the Federal Government may appoint and the form in which and the intervals at which such returns shall be made;

(h) the procedure for registration, marking, naming or alteration of the names of Pakistani ships;

(i) the fees that may be levied and the actual expenses, if any, incurred by Federal Government in the performance of its functions under this part and the manner in which such fees and expenses shall be collected or recovered;

(j) the manner in which registrars and other authorities may exercise their powers under this part or maintain the register book and other books and registers;

(k) the manner in which ships belonging to Federal Government to which the provisions of this part may be made applicable; and

(l) any other matter which may be or is to be prescribed.

PART III

COASTAL SHIPPING

CHAPTER 5.

CONTROL OF SHIPPING

75. Application. This Part applies only to such sea-going ships propelled by mechanical power as are not less than one hundred and fifty tons gross or of such other tonnage as the Federal Government may, by notification in the official Gazette, fix.

76. International shipping operators. (1) All Pakistani shipping operators shall, subject to the provisions of Section 79, be entitled to participate in the coastal shipping.

(2) The Federal Government may exclude or restrict operators from countries, to be specified in the official Gazette, to participate in the coastal shipping to, and from, Pakistan.

77. Government cargo. The carriage of Government cargo between a foreign and Pakistani port and vice versa may be reserved for Pakistani shipping operators provided Pakistani ships operate from such ports.

78. Requirements for participation in coasted shipping. (1) Pakistani shipping operators, wishing to participate in the coastal shipping, registered as such with the Federal Government.

(2) A foreign shipping operator, wishing to participate in the coastal shipping, shall be adequately insured against all professional liabilities and have an agent in Pakistan.

79. Power to fix shipping rates. (1) The Federal Government may, by order published in the Official Gazette, fix in the prescribed manner, the rates at which any Pakistani ship may be hired and the rates which may be charged for the carriage of passengers or cargo by any ship engaged in the coasting trade of Pakistan.

(2) If the Federal Government considers that with a view to enabling it to fix the rates under sub-section (1) it is necessary or expedient so to do, it may constitute a Shipping Rates Advisory Board in the prescribed manner for the purpose of advising it; and such Board may be constituted either generally or for a particular case or route or in respect of rates for the carriage of passengers or cargo or both.

(3) Where an order fixing the rates to be charged for hire or for the carriage of passengers or cargo has been published under sub-section (1) no owner, master or agent of a ship shall charge rates in excess of the rates so fixed.

(4) The Federal Government may determine a period to be observed between the notification and change which may be different for different shipping services.

(5) The power to make rules conferred by sub-section (1) shall, except on the first occasion of the exercise thereof, be subject to the conditions of previous publication.

79A. Regulation and determination of port charges by Shipping Companies and Shipping Agents etc.—(1) The Federal Government shall regulate and determine port charges and other local charges, other than the charges leviable under the Ports Act, 1908 (XV of 1908), to be levied by the Shipping Companies and Shipping Agents in respect of the cargo handled at ports.

(2) Notwithstanding anything contained in any other law for the time being in force, the licenses to Shipping Companies, Shipping Agents and Non-vessels Operating Carriers and Cargo Consolidations shall only be issued after grant of NOC from the Shipping Rates Advisory Board constituted under sub-section (2) of section 79 or by an authority authorized by the Board.

(3) Only those Shipping Companies and Shipping Agents, Non-Vessels Operating Carriers and Cargo Consolidators who are registered with the Ports and Shipping Wing of Communications Division shall be allowed to work in the ports.

Explanation.- For the purpose of this section "Port" means the port specified in the First Schedule to the Ports Act, 1908 (XV of 1908) or any port which may be notified by the Federal Government for the purpose of this section.

(4) In the case of default under sub-section (1) or sub-section (2), by any Shipping Company, Shipping Agent, Non-Vessel Operating Carrier or Cargo Consolidator, the Federal Government shall have the power to cancel the registration, forfeit the security or impose penalty or fine as may be prescribed".

80. Duty to notify tariffs and other transport conditions. A shipping operator in the coastal shipping shall notify at request freight rates and other transport conditions to the representative shippers' organizations.

81. Duty to provide conference agreement. The shipping operators in the coastal shipping who operate within the framework of a liner conference, shall provide the Federal Government with a copy of the liner conference agreement as soon as possible after it has been concluded or amended.

82. Power to disapprove conference agreement. (1) The Federal Government may disapprove a liner conference agreement or clauses therein, if,---

(a) the agreement or clauses therein contravene obligations contained in Sections 76 or 77;

(b) the agreement has not been provided in accordance with Section 81;

(c) the agreement or clauses therein are not in accordance with obligations contained in international agreements to which the Federal Government is a party; and

(d) the agreement provides for such high rates for the carrying out of the liner service as to seriously jeopardize the interests of the shippers.

(2) The Federal Government shall notify its decision in writing to the shipping operators and the representative shippers' organizations involved stating the grounds for disapproval.

(3) If the Federal Government has disapproved the provisions of any agreement relating to freight rates or other transport conditions, the previous freight rates or conditions shall apply to the agreement.

83. Prohibition on compliance with disapproved agreement. As soon as the Federal Government has notified disapproval of an agreement, or any part thereof, in accordance with sub-section (2) of Section 82, the parties shall not comply with the agreement or, as the case may be the disapproved part thereof.

84. Prohibition to contravene cargo sharing measures. No person shall transport cargo, provide sailing or use ships of tonnage in contravention of rules made under this Ordinance.

85. Representative Organizations. For the purposes of this Ordinance, the Federal Government may, by notification in Official Gazette, designate representative organizations of ship owners and shippers.

86. Power to call for information. (1) The Shipping Authority may, by notice served personally or by post, require the master, owner or agent of any ship to furnish, within the period specified in the notice, information regarding any of the following matters, namely:---

(a) 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; and

(b) any other matter which may be prescribed.

87. Power of Shipping Authority to enter ship. Where, the Shipping Authority is of opinion that directions given under this Ordinance are not being complied with, it may enter or authorize any other person to enter on board any ship and require relevant documents for examination.

88. Penalty. If any person, on whom a notice has been served under Section 86, 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, shall be liable to imprisonment which shall not be less than three months and fine which may extend to five hundred thousand rupees.

89. Power to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Part.

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

(a) the manner in which rates shall be fixed under sub-section (1) Section 79;

(b) the Constitution and functions of the Board constituted under sub-section (2) of Section 79 and the procedure for discharge of its functions;

(c) the matters regarding which information may be required to be furnished under Section 86;

(d) the procedure for determining minimum or maximum number of sailing per year,

(e) the determination of number and type of ships and the amount of tonnage to be used;

(f) the description of government cargo;

(g) cargo sharing and recognition of national shipping line;

(h) the freight rates for the carriage of Government cargo; and

(i) any other matter which may or is to be prescribed.

PART IV

MANNING OF SHIP

CHAPTER 6.

CERTIFICATION OF COMPETENCY

90. Application. This part applies only to sea-going ships propelled by electricity or other mechanical power.

91. Ships to be provided with certificated officers. (1) Every Pakistani ship when going to sea from any port or place shall be provided with minimum number of duly certificated officers and ratings for various categories of ships as may be prescribed by the Federal Government.

(2) The Federal Government may, by order, exempt, subject to such terms and conditions as-it may think fit to impose, any ship or class of ship from any of the manning requirements as set out under sub-section (1).

(3) Nothing in this section which relates to engineers shall apply to any ship to which the provisions of the Inland Mechanically Propelled Vessels Act, 1917 (I of 1917), apply as long as such ship is employed on voyages confined to ports or places within the same province.

(4) If any person,---

(a) having been engaged as one of the officers mentioned in sub-section (1) goes to sea as such officer without being duly certificated or, as the case may be, approved, or

(b) employs a person as an officer without ascertaining the at the person so employed is duly certificated or, as the case may be approved: shall, for each offence, be liable to fine which may extend to fifty thousand rupees.

92. When officers or ratings deems to be certificated. (1) Subject to the provisions of Section 100, an officer or rating shall not be deemed duly certificate under this Ordinance unless he holds a certificate of a grade appropriate to his station in the ship or of a higher grade granted or deemed to have been so granted in accordance with this Ordinance.

(2) The Federal Government may, if it considers ‘necessary or expedient so to do, permit, by order in writing, any person, not being a person otherwise duly certificate who satisfies the prescribed requirements, to act in a capacity higher than that for which he is so certificate, and a person capacity for so long as the order remains in force, but nothing herein shall permit anyone to act as a master unless he holds class Master Mariner Certificate or a certificate of lower grade with suitable endorsements appropriate for the class of ships or as Chief engineer required under this Ordinance to hold a certificate not lower than Class I Chief Engineer Certificate.

93. Grades of certificates of competency. (1) Certificates of competency and other certificates including endorsements to the qualified officers of any description or qualified seamen of any description shall be granted in accordance with this Ordinance for each of the following grades, namely:---

(a) Master of foreign-going ship or certificate of competency (Deck Officer) Class I master Marine;

(b) first Mate of foreign-going ship or certificate of competency (Deck Officer) class II;

(c) second Mate of foreign-going ship or certificate of competency (Deck Officer) class III;

(d) certificate of competency (Deck Officer) class IV;

(e) first class engineer or certificate of competency (Chief Engineer Officer) class I;

(f) second class engineer or certificate of competency (second Engineer Officer) class II;

(g) certificate of competency (Marine Engineer Officer) class III;

(h) certificate of competency (Marine Engineer Officer) class IV.

(i) master home trade endorsement;

(j) master coastal trade endorsement;

(k) tug master endorsement;

(l) certificate of qualification as master of a foreign-going tug;

(m) skipper;

(n) chief engineer officer endorsement;

(o) dangerous cargoes such as crude liquid petroleum or petroleum products or liquid chemical or liquefied gases endorsement; and

(p) certificate or endorsements to seaman as required by the international conventions from time to time.

(2) Certificates of competency specified in clauses (b), (c) and (d) of sub-section (1) may be endorsed in accordance with this Ordinance for all or any of the following, namely,---

(a) master (home trade);

(b) master (coasting ship); or

(c) tug master; and

(d) certificates of competency specified in clauses (f), (g) and (h) of sub-section (1) may be endorsed in accordance with this Ordinance for Chief Engineer Officer endorsement.

(3) A certificate of competency granted for the grade of engineer officer shall state whether it entitles the holder to act as engineer of ships fitted with steam engines or of ships fitted with any other type of engines, or of ships fitted with any other type of engines, and the holder shall not be entitled to act as engineer of a ship fitted with a type of engine not stated in the certificate.

(4) A certificate of competency (Deck Officer) class I shall entitle the lawful holder thereof to go to sea as a master in any class of ship and a certificate of competency suitably endorsed for master (home trade) shall entitle the lawful holder thereof to go to sea in corresponding grade in a coasting ship.

(5) If it appears to the Federal Government that certificates of competency for grades other than those set out in sub-section (1) may be granted, it may, by notification in the official Gazette, specify the other grades in respect of which certificates of competency may be granted.

94. Examinations for certificates. The federal Government, or a person duly authorized by it in this behalf, shall appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency or endorsements under this Ordinance.

95. Grant of certificates on passing examination. The Federal Government or any person authorised by it under Section 94, shall grant to every applicant, who is duly reported by the examiners to have passed the examination satisfactorily and to have passed the examination satisfactory and to have given satisfactory evidence of his sobriety, experience and ability and general good conduct on board ship, such certificate of competency and appropriate endorsements as the case requires:---

Provided that the Federal Government may, in any case in which it has reason to believe that the report has been unduly made, require, before granting a certificate, a re-examination of the applicant or a further inquiry into his testimonials and character.

96. Certificate of competency for Naval Officers. Subject to rules made under Section 105 of this Ordinance a person, not being in Pakistan Naval reserve,---

(a) who has attained the rank of Lieutenant Commander in the Executive Branch of the Pakistan Navy and has completed not less than three and a half years watch-keeping service actually at sea may be granted a certificate of competency (Deck Officer) class I;

(b) who has attained the rank of Lieutenant Commander or Lieutenant in the engineering branch of the Pakistan Navy and has complete, if a Lieutenant Commander not less than three and a half years, and if

a Lieutenant not less than twenty-one months' watch-keeping service at sea, may be granted a certificate of competency (Engineer Officer) Class I and Class II respectively.

97. Form of certificates. Every certificate of competency granted under this Ordinance shallm be in the prescribed form and shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate and the other shall be kept by the Federal Government and recorded in the prescribed manner.

98. Record of orders affecting certificates. A note of all orders made under this Ordinance for suspending, canceling, altering or otherwise affecting any certificate of competency shall be entered on the copy of the certificate kept by the Federal Government.

99. Loss of certificate. Whenever a master, mate, or engineer proves to the satisfaction of the Federal Government that he has, without any fault on his part, lost or been deprived of a certificate of competency granted to him under this Ordinance, the Federal Government shall, on payment of the prescribed fee, if any, cause a copy of the certificate, to which by the record kept in accordance with this Ordinance he appears to be entitled, to be granted to him, and such copy shall have all the effect of the original.

100. Recognition of certificates of competency granted in other countries. Where the law in force in a foreign country provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates or engineers on board ships, and the Federal Government is satisfied that,---

(a) the examinations are so conducted as to be equally efficient with the examinations are so conducted as to be equally efficient with the examinations for the same purpose in Pakistan under this Ordinance;

(b) the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Ordinance;

(c) the certificates are liable to be cancelled or suspended for like reasons and in like manner as those granted under this Ordinance; and

(d) the certificates granted under this Ordinance are accepted or recognised in that foreign country as equivalent to the corresponding certificates granted under the law of that country, the Federal Government may, by notification in the official gazette, declare that any certificate of competency granted under the laws in that foreign country and specified in notification, shall, subject to such conditions, if any, as the Federal Government may think fit to impose, be recognised as equivalent to the corresponding certificates of competency granted under this Ordinance shall apply to such certificates.

101. Restriction on employment of aliens. Notwithstanding the provisions of Section 100, no person, who is not for the time being a citizen of Pakistan, shall be employed to act as master, mate or engineer of any Pakistani ship except with the previous permission in writing of the Federal Government and in

giving such permission the Federal Government may impose such conditions as to duration of employment or otherwise as it may think fit.

102. Production of certificates and other documents of qualifications. Any person serving or engaged to serve in any ship to which this section applies and holding any certificate or other document which is evidence that he is qualified for the purposes of this Ordinance, shall on demand produce it to any shipping master, surveyor or proper officer, and if he is not himself the master, to the master of the ship; and if he fails to do so without reasonable cause he shall be liable on summary conviction to a fine which may extend to ten thousand rupees.

103. Power to cancel or suspend certificates. If it appears to the Federal Government that the holder of a certificate of competency granted under this Ordinance has obtained it on false or erroneous information, it may, without prejudice to any other penalty to which such holder may be liable, cancel or suspend such certificate:---

Provided that no order under this section shall be passed by the Federal Government unless the person concerned has been given an opportunity of making a representation against the proposed order.

104. Penalty. If any person,---

(a) forges or fraudulently alters, or assists in forgoing or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency or an official copy of any such certificate; or

(b) makes, assists in making, or procures to be made any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or

(c) fraudulently uses a certificate of competency, or a copy thereof, which has been forged, altered, cancelled or suspended, or to which he is not entitled; or

(d) fraudulently lends his certificate of competency or allows it to be used by any other person:---

he shall, for each offence, be punishable with imprisonment which shall not be less than three months and fine which may extend to five hundred thousand rupees.

105. Power to make rules as to grant of certificates of competency. The Federal Government may, by notification in the official Gazette, make rules to regulate the grant of certificates of competency and the endorsements thereon under this Ordinance and may be such rules,---

(a) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters, mates, engineers, ratings and the endorsements thereon;

(b) prescribe the qualifications required of persons for the grant of certificates of competency and the endorsements thereon;

(c) fix the fees to be paid by applicants for examinations or for the issue of duplicate certificates;

(d) prescribe the form of such certificates and the manner in which copies thereof are to be kept and recorded; and

(e) any other matter which it is necessary to prescribe.

CHAPTER 7.

APPRENTICESHIP TO SEA SERVICE

106. Assistance for apprenticeship to sea service. All Shipping Masters shall give to persons desirous apprenticing boys not under seventeen years of age for training to the sea service or requiring apprentices not under that age for the sea service, such assistance as may be in their power, and may receive from those persons such fees as may be prescribed.

107. Special provisions as to apprenticeship to sea service. (1) The apprenticeship of any boy to the sea service shall be by contract in writing between the apprentice or, if he is a minor, his guardian on his behalf, and the persons taking the apprentice.

(2) Every contract under sub-section (1) shall be executed in duplicate in such form and in such manner as may be prescribed.

(3) Every such contract made in Pakistan and every assignment or cancellation thereof, and where the apprentice bound deserts or dies the fact of the desertion or death shall be recorded in the manner provided in Section 108.

108. Manner in which contract, etc. is to be recorded. (1) The person to whom an apprentice to the sea service is bound for the purpose of the record, shall,---

(a) transmit to the Shipping-Master both copies of the contract within seven days of the execution thereof and the Shipping Master shall record one copy and endorse the fact that it has been so recorded on the other and return the same to such person; and

(b) notify to the Shipping Master and assignment or cancellation of the contract and the desertion or death of the apprentice, within seven days of its occurrence, if it occurs within Pakistan, or as soon as circumstances permit, if it occurs elsewhere.

(2) If any person fails to comply with any of the requirements of sub-section (1), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

109. Production of contract to persons before voyage in ship. (1) the master of a ship shall, before carrying an apprentice to sea from a port or place in Pakistan, cause the apprentice to appear before the Shipping Master before whom the crew are engaged, and shall produce to him contract by which the apprentice is bound and every assignment thereof.

(2) The name of the apprentice, with the date of the contract and of the assignments thereof, if any, and the names of the ports at which the same have been registered shall be entered on the agreement with the crew.

(3) If a master fails, without reasonable cause, to comply with any of the requirements of this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

CHAPTER 8.

EMPLOYMENT OF YOUNG PERSONS

110. Employment of young persons. No person under fifteen years of age shall be engaged or carried to sea to work in any capacity in any ship except,---

(a) in a school ship, or training ship in accordance with the prescribed conditions;

(b) in a ship in which all persons employed are members of one family; or

(c) where such person is to be employed on nominal wages and shall be under the protection of his father or other adult near male relative.

111. Engagement of young persons as trimmer or stoker. (1) Save as otherwise provided in sub-sections (2) and (3), no young person shall be engaged or carried to sea to work as a trimmer or stoker in any ship.

(2) Sub-section (1) shall not apply,---

(a) to any work of trimming or stoking done by a young person in a school ship or training ship in accordance with the prescribed conditions; or

(b) to any work of trimming or stoking done by a young person in a ship which is mainly propelled otherwise than by steam; or

(c) to the engagement or carrying to sea of a young person over sixteen years of age to work as a trimmer or stoker on a home trade ship in accordance with the prescribed conditions.

(3) Where in any port a trimmer or stoker is required for any ship, other than a home trade ship, other than a home trade ship or coasting ship, and no person over eighteen years of age is available, two young persons over sixteen years of age may be engaged and carried to sea to do the work which would otherwise have been done by one person over eighteen years of age.

(4) There shall be included in every agreement with the crew in ships to which this section applies a short summary of the provisions of this section.

112. Medical examination of young persons. (1) Save as otherwise provided in sub-section (2), no young person shall be engaged or carried to sea to work in any capacity in any ship unless there has

been delivered to the master a certificate granted by a prescribed authority that the young person is physically fit to be employed in that capacity.

(2) Sub-section (1) shall not apply,---

(a) to the employment of a young person in a ship in which all persons employed are members of one family; or

(b) where the Shipping Master, on the ground of urgency, has authorised a young person to be engaged and carried to sea, without certificate required by sub-section (1) being delivered to the master, and young person is not employed beyond the first port at which the ship in which he is so engaged calls except in accordance with the provisions of sub-section (1).

(3) A certificate of physical fitness required by sub-section (1) shall remain in force for two years only from the date on which its is granted.

(4) The Shipping Master may require the master of any ship to produce for inspection any medical certificate delivered to him under sub-section (1).

113. Penalty for false representation by parent or guardian. If any young person is engaged to work in any capacity in a ship in contravention of Section 110, Section 111, or Section 112, on a false representation by his parent or guardian, or any other person, that the young person is of an age at which such engagement is not in contravention of any of those sections, such parent or guardian shall be liable to a fine which may extend to five thousand rupees.

114. Penalty for contravention of Section 110, 111 and 112. If any young person is carried to sea to work in contravention of Section 110, Section 111 or Section 112 or if any master refuses or neglects to produce for inspection and certificate of physical fitness delivered to him, when required so to do, under sub-section (4) of section 112 he shall, for each such offence, be liable to a fine which may extend to five thousand rupees.

115. Maintenance of list or register of young persons in a ship and penalty for failure to maintain or produce for inspection register of such persons. (1) There shall be included in every agreement with the crew of every ship whether a Pakistani ship or not, which engages young persons in Pakistan a list of young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of any ship where there is no agreement, the master shall maintain a register of young person with particulars of the dates of their birth and of the dates on which they became or ceased to be members of the crew.

(2) The shipping Master may required the master of any ship where there is no such agreement as aforesaid to produce for inspection the register maintained under sub-section (1).

(3) If any master fails to maintain the register required to be maintained under sub-section (1), of refuses or neglects to produce such register for inspection when required so to do under sub-section (2), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

116. Power to make rules. The Federal Government may, by notification in the official Gazette, make rules prescribing,---

(a) the conditions of employment of young persons, in any capacity, in school ships and training ships, and the authorities by whom and the manner in which the inspection of their work shall be carried out;

(b) the conditions of employment of young persons as trimmers or stokers in home trade ships and coasting ships;

(c) the authorities whose certificates of physical fitness shall be accepted for the purposes of Section 112; and

(d) the form of the register of young persons to be maintained in ships where there is no agreement with the crew.

CHAPTER 9.

ENGAGEMENT OF SEAMEN

117. Rules relating to engagement of seaman and maritime labour. (1) Subject to the other provisions of this Ordinance, the Federal Government may, by notification in the official Gazette, make rules regulating the engagement of seamen and other matters affecting maritime labour generally so far as they relate to Pakistani ships.

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

(a) the establishment of one or more maritime services and welfare boards and the Constitution, composition and functions thereof;

(b) the registration of seamen, and the fees to be charged by the Shipping Master for the issue of registration books and other forms to them; and

(c) the principles and procedure to be followed by ship owners in engaging and promoting seamen.

118. Supply of seamen in contravention of this Ordinance prohibited. (1) A person shall not engage, supply or employ for the purpose of engaging or supplying a seaman to be entered on board any Pakistani ship unless that person is the owner or master of the ship or is bona fide servant and in the constant employment of owner, or is a shipping Master or Deputy Shipping Master or an agent licensed under Section 119.

(2) A person shall not receive or accept to be entered on board any Pakistani ship any seaman if that person knows that the seaman has been engaged or supplied in contravention of sub-section (1).

(3) If a person contravenes the provisions of sub-section (1) or sub-section (2) he shall, for each offence, be liable to a fine which may extend to one hundred thousand rupees.

119. Manning agent. (1) No person shall act in Pakistan as a manning agent unless it is a company licensed as a manning agent with the Federal Government.

(2) the Federal Government may, by notification in the official Gazette, make rules specifying conditions of the manning agent.

120. Seamen to be in possession of seamen's service book. (1) No person shall engage any Pakistani seaman at any port or place in Pakistan except in a coasting ship of a gross tonnage of less than two hundred so long as such coasting ship is employed on voyages confined to ports of places within the same Province unless the seaman is in possession of a seamen's service book issued in Pakistan by a Shipping Master in a form as may be prescribed, or a valid Pakistan International Passport.

(2) If a person engages any seaman in contravention of sub-section (1), he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

121. Loss of seamen's service book. Whenever a seaman proves to the satisfaction of a Shipping Master that the continuous discharge certificate issued to him has, without any fault on his part, been lost, torn or defaced, or that he has otherwise been deprived of it, the Shipping Master shall, on payment of the prescribed fee, if any issue to the seaman a copy of the certificate to which he may be entitled and such copy shall have all the effect of the original.

122. Cancellation of seamen's service book. (1) Notwithstanding anything contained elsewhere in this Ordinance, the Shipping Master may suspend, cancel, or confiscate the seamen's service book of any seaman who is shown, to the satisfaction of the Shipping Master, to have deserted his ship or is found guilty of smuggling, theft, misbehavior or is in breach of agreement or such other offence as may, in the opinion of the Shipping Master, make him unsuitable for employment on board a ship.

(2) Any person aggrieved by an order under sub-section (1) may, within ninety days from the date of receipt of such order, prefer an appeal to the Federal Government.

(3) An appeal under sub-section (2) shall be preferred and disposed of in such form and manner as may be prescribed.

123. Certificate of physical fitness. (1) No person shall engage any Pakistani seaman other than master and officers at any port or place in Pakistan, nor carry to sea nay such seaman other than Master and officers in any ship officers, are in possession of a certificate in the prescribed from issued by in the capacity in which he is to serve.

(2) The Federal Government may make rules for carrying into effect the provisions of this section and the rules so made may provide for,---

(a) the standard of physical fitness required of seamen or different classes of seamen having regard to the age of the seamen and the nature of duties to be performed by them;

(b) the nature of the medical examination of seamen and the authority by whom the medical examination shall be conducted;

(c) the form and the contents of the certificates of physical fitness and the period of their validity; and

(d) the medical authority by whom a seaman who has been refused a certificate of physical fitness in the first instance may be re-examined, and the fee payable for such re-examination.

(3) If any person engages or carries any seaman in contravention of sub-section (1), he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

(4) An owner, master or agent may, prior to engaging a seaman who is in possession of a valid certificate of physical fitness, have him examined by any registered medical practitioner.

124. Rules relating to safe manning. (1) The Federal Government may, by notification in the official Gazette, make rules regulating the issuance of minimum safe manning certificate to ships of any class or type, provided any shortage of the officers or ratings listed in such certificate owing to unavoidable circumstances of this Ordinance until the voyage is completed.

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

(a) the rating of seamen other than officers;

(b) the minimum and maximum age limits, qualifications and experience required for each rating; and

(c) the number of each rating to be carried on board a ship having regard to her tonnage, mode of propulsion, daily consumption of fuel, number of passengers she is certified to carry and the life saving appliances carried thereon.

125. Agreement with crew. (1) The master of every Pakistani ship, except a coasting ship of a gross tonnage of less than two hundred so long as such coasting ship is employed on voyages confined to ports or places within the same Province, shall enter into an agreement in accordance with this Ordinance with every seaman whom he engages at, and carries to sea as one of his crew from, any port or place in Pakistan.

(2) The master of a ship who neglects or fails to enter into an agreement required by sub-section (1) shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

126. Forms and contents of agreement. (1) An agreement with the crew made under Section 125 shall be in the form approved by the Federal Government, and shall be dated at the time of the first signature thereof, and shall be signed,---

(a) where the ship is at the port of place of engagement, by the master before any seaman signs the same; and

(b) where the ship is not at the port or place of engagement, by the owner or the owner's agent before the master signs it and by the master before the seaman is on board.

(2) An agreement with the crew made under Section 125 shall contain as terms thereof the following particulars, namely,---

(a) the name of the ship or ships with the official number of numbers in which each seaman undertakes to serve;

(b) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or maximum period of the voyage or engagement and the places or ports of the world, if any, to which the voyage or engagement is not to extend;

(c) the time at which each seaman is to be on board or to being work;

(d) the capacity in which each seaman is to serve;

(e) the amount of wages which each seaman is to receive;

(f) a scale of the provisions which are to be furnished to each seaman, such scale being not less than the prescribed scale;

(g) any regulations as to conduct on board and as to fines, short allowance or provision or other lawful punishments for misconduct, which have been sanctioned by the Federal Government as regulations proper to be adopted, and which the parties agree to adopt;

(h) payment of compensation for personal injury or death caused by accident arising out of or in course of employment;

(i) where it is agreed that the services of any Pakistani seaman shall end at any port or place outside Pakistan, a stipulation to provide him either fit employment on board some other ship bound to the port or place at which he was engaged or to such other port or place in Pakistan as may be mutually agreed upon, or a passage free of charge to any such port or place; and

(j) stipulations relating to such other matters as may be prescribed.

(3) the agreement with the crew made under section 125 shall provide that in the event of a dispute arising outside Pakistan in respect of any matter touching the agreement, such dispute shall be referred to the Pakistan consular officer whose decision thereon shall be binding on the parties until the return of the ship to the port or place in Pakistan at which the seaman is to be discharged.

(4) The agreement with the crew made under Section 125 shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seamen in each case respecting the advance of wages or supply of warm clothing and similar other matters, as are not inconsistent with the provisions of any law for the time being in force relating to merchant shipping.

(5) If a master enters into an agreement with any seaman for a scale of provisions less than the prescribed scale he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

127. Engagement in Pakistan of seamen for foreign ships. If the master, owner or agent of a foreign ship engages seamen from any port or place in Pakistan, it shall not be necessary for such seaman to enter into an agreement under Section 125 of this Ordinance.

128. Special provisions with regard to agreements with crew of Pakistan foreign-going ships. (1) The following provisions shall have effect with respect to the agreement with the crew made in Pakistan in the case of Pakistan foreign-going ships, namely:---

(a) The agreement shall, subject to the provisions of this Ordinance, as to substitute, be signed by each seamen in the presence of a Shipping Master;

(b) the Shipping Master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature;

(c) when the crew is first engaged, the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall be the Shipping Master, and the other part shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship;

(d) When a substitute is engaged in the place of a seaman who has duly signed the agreement and whose services are lost, within twenty four hours of the ship's putting to sea by desertion, death, or other unforeseen cause, the engagement shall, if practicable, be made before a Shipping Master, and if not practicable, the master shall, before the ship puts to sea, if practicable, and, if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness who shall attest the signature;

(e) the agreement may be made for a voyage of the ship or, if the voyages of the ship average less than six months in duration, may, subject to the provisions of sub-section (2), be made to extend over two or more voyages; and agreements so made are in this Ordinance referred to as running agreements;

(f) on every return to a port or place in Pakistan before the final termination of a running agreement, the master shall discharge or engage before the Shipping Master at such port or place any seaman whom he is required by law so to discharge or engage, and shall upon every such return endorse on the agreement a statement that no such discharges or engagements have been made or are intended to be made before the ship leaves such port or place or, as the case may be, that all those made have been made as required by law; and

(g) the master shall deliver the running agreement so endorsed to the Shipping Master, and the Shipping Master shall, if the provisions of this Ordinance relating to agreements have been complied with, sign the endorsement and return the agreement to the master.

(2) A running agreement shall not extend beyond the expiration of the period of six months from the date on which it was executed, or beyond the first arrival of the ship at her port or place of destination in Pakistan after the expiration of that period, or beyond the discharge of cargo consequent upon such arrival, whichever of these dates shall be the latest:---

Provided that no such agreement shall continue in force if, after the expiration of the period of six months from the date on which it was executed, the ship proceeds on a voyage form a port or place outside Pakistan to any other such port or place which is not on the direct route or a customary route to her port or place of destination in Pakistan:---

Provided further that every such agreement shall, in addition to any other particulars required by law, contain such stipulations, as the Federal Government may direct, for the discharge of the crew and payment of their wages for securing their return to the port or place at which they were shipped or to some other port or place in Pakistan, and for other purpose, on the termination of the agreement at a port or place outside Pakistan under the foregoing proviso.

(3) If any master wilfully makes a false statement in any such endorsement as is referred to in clause (f) of sub-section (1), he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

129. Renewal of running agreements in certain cases. (1) When a running agreement has been made with the crew of a foreign-going Pakistani ship and the ship arrives after the expiration of a period of six months from the date on which it was executed at port or place of destination in Pakistan which is not the port or place at which the crew have agreed to be discharged, the master may, with the previous sanction of the Shipping Master, renew the agreement with the crew, or may be required by the Shipping Master so to renew the agreement for the voyage from such port or place of destination to the port or place in Pakistan at which the crew have agreed to be discharged.

(2) If the master of the ship is required by the Shipping Master to renew the agreement as aforesaid and refuses so to renew it, any expenses which may be incurred by the Federal Government for the subsistence of the crew and their conveyance to the port or place at which they have agreed to be discharged shall be a charge upon the ship, and shall be recoverable as if they were expenses incurred in respect of distressed seamen under the provisions of this Ordinance.

130. Special provisions as to agreements with crew of home trade or coasting ships. (1) The following provisions shall have effect with respect to the agreements with crew of home trade ships or coasting ships for which an agreement with the crew is required under this Ordinance, namely:---

(a) an agreement for service in a home-trade ship or a coasting ship for which an agreement is required by section 125, not being a ship engaged exclusively on the work of any harbour, pilotage or local authority, shall be made for a single ship and the crew engaged before a Shipping Master as provided in this Ordinance for foreign-going ships; and such agreement may be made to extend over two or more voyages so that it shall terminate either within six months of the date on which it was executed or on the first arrival of the ship at her port or place of destination in Pakistan after the expiry of that period or

on discharge of cargo consequent upon such arrival, whichever of these dates shall be the latest: Provided that if such agreement expires while the ship is not in a port or place in Pakistan, the agreement shall remain in force until the ship is again in such port or place;

(b) an agreement, if any, for service in coasting ship for which an agreement is not required by Section 125 shall not extend beyond the next following the thirtieth day of June or the thirty-first day of December or the first arrival of the ship at her final port or place of destination in Pakistan after such date, or the discharge of cargo consequent on such arrival; and

(c) an agreement for service in two or more coasting ships belonging to the same owner may be made by the owner instead of by a master and the provisions of this Ordinance with respect to the making of the agreement shall apply accordingly.

(2) Notwithstanding anything contained in clause (b) or clause (c), the owner of two or more coasting ships or his agent may enter into time agreements in the from sanctioned by the Federal Government with individual seaman to serve in any one or more such ships belonging to such owner and such agreements may extend beyond the next following the thirtieth day of June or the thirty-first day of December.

131. Changes in crew to be reported. (1) The master of every Pakistani ship the crew of which has been engaged before a Shipping Master shall, before finally leaving Pakistan, sign and send to the nearest Shipping Master a full and accurate statement in the form sanctioned by the Federal Government, of every change which takes place in his crew before finally leaving Pakistan, and that statement shall be admissible in evidence.

(2) Nothing in sub-section (1) shall be construed as enabling the master to engage, except in accordance with the other provisions of this Ordinance, any seaman as an additional member of the crew.

(3) If any master fails without any reasonable cause to comply with the requirements of sub-section (1), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

132. Certificates as to agreements with crew of foreign going and home trade ships. (1) In the case of a Pakistani foreign going ship or a Pakistani home trade ship, on the due execution of an agreement with the crew in accordance with this Ordinance, and also when, in the case of a Pakistani foreign going ship, the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement with the provisions of this Ordinance respecting that agreement, the Shipping Master shall grant the master of the ship a certificate to that effect.

(2) The master of every such ship as aforesaid shall, before proceeding to sea, produce that certificate to the Customs Collector whose duty is to grant a port clearance.

(3) No Customs Collector shall clear any such ship outwards without production of such certificate; and, if any ship attempts to go to sea without a clearance, the Customs Collector may detain her until the certificate is produced.

(4) The master of such ship shall within forty-eight hours after ship's arrival at the port or place where the crew is to be discharged, deliver such agreement to a Shipping Master at that port of place; and the Shipping Master shall thereupon give to the master a certificate to that effect; and no Customs Collector shall clear any such ship in wards without the production of such certificate.

(5) If any master fails, without reasonable cause, to comply with any of the provisions of the provisions of this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

133. Certificate as to agreement with care of coasting ship. (1) The master or owner of a Pakistani coasting ship for which an agreement with the crew is required under this Ordinance shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or, if the ship is not at any port or place in Pakistan within that period, within forty-eight hours of her next arrival at a port or place in Pakistan, deliver to a Shipping Master in Pakistan every agreement made within the six months next preceding such days respectively.

(2) The Shipping Master on receiving such agreement shall give the master or owner of the ship a certificate to that effect; and no Customs Collector shall grant a port clearance for any such ship without production of the certificate, and if any such ship attempts to go to sea without such clearance, the Customs Collector may detain her until the certificate is produced.

(3) Any master of owner who fails, without reasonable cause, to comply with any of the provisions of this section shall, for each offence, be liable to a fine which may extend to five thousand rupees.

134. Copy of agreement with crew to be made accessible to the crew. (1) The master shall, at the commencement of every voyage of engagement, cause a legible copy of the agreement with the crew and, if necessary, a translation thereof in language understood by the majority of the crew (omitting the signatures), to be placed up in such a part of the ship to be accessible to the crew.

(2) Any master who fails, without reasonable cause, to comply with the provisions of sub-section (1) shall, for each offence, be liable to a fine which any extend to five thousand rupees.

135. Alteration in agreement with the crew. Every erasure, interlineations or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineations or alteration by the written attestation, if made interested in such erasure, interlineations or alteration by the written attestation, if made in Pakistan, of some Shipping Master, or, if made elsewhere, of a Pakistan consular officer.

136. List of crew to be furnished to Shipping Master. (1) The master or owner of every Pakistani ship, not being a ship engaged exclusively on the work of any harbour, pilotage or local authority, and the master of every ship, other than a Pakistani ship, while in a port or place in Pakistan, shall make out and sign a list (in this Ordinance referred to as the list of crew) in such form and containing such particulars as may be prescribed and different forms may be prescribed for different classes of ships.

(2) The list of crew relating to a ship, except a Pakistani coasting ship, shall be delivered to the Shipping Master at the port or place where the ship happens to be as soon after arrival as possible and before departure.

(3) The list of crew relating to a Pakistani coasting ship shall be delivered or transmitted by the master or owner to a Shipping Master in Pakistan or within twenty-one days after, the thirtieth day of June and the thirty-first day of December in each year; and the Shipping Master shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained, and shall not be cleared in wards by the Customs Collector until the certificate is produce.

(4) Any master or owner who fails, without reasonable cause, to comply with any of the provisions of this section shall, for each offence, be liable to a fine which may extend to five thousand rupees.

137. Power to prohibit engagement of specified Pakistan seamen. The Federal Government or an officer authorised by it in this behalf may, by order in writing, stating the reasons thereof, prohibit any person from engaging, in Pakistan or in any specified part thereof, any citizen of Pakistan or any person domiciled in Pakistan to serve as a seaman on any ship specified in such order.

138. Power to board ships and muster seamen. (1) For the purpose of preventing seamen from being taken on board any ship at any port inPakistan contrary to the provisions of this Ordinance, any Shipping Master may enter at any time on board any such ship upon which he has reason to believe that seamen have been shipped, and may muster and examine the seamen employed therein.

(2) If the master or any other person obstructs any Shipping Master or Deputy Shipping Master in the execution of his duty under this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

139. Forged seamen's service book. If any person who,---

(a) forges any seamen's service book or certificate of physical fitness, or a copy of any such certificate; or

(b) fraudulently alters any entry in any seamen's service book or a certificate of physical fitness; or

(c) fraudulently alters any entry in any seamen's service book or a certificate of physical fitness which is forged or altered or does not belong to him, he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

CHAPTER 10

DISCHARGE OF SEAMEN

140. Discharge of seamen before Shipping Master. (1) When a seaman serving in a foreign going ship or home trade ship is, on the termination of his engagement, discharged in Pakistan, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in the manner provided by this Ordinance in the presence of a Shipping Master.

(2) The provisions of sub-section (1) shall apply in relation to the discharge of seamen serving in any Pakistani coasting ship for which an agreement is required under this Ordinance as they apply in relation to the discharge of seamen serving in a foreign ship or home trade ship,---

Provided that this sub-section shall not apply where a seaman is discharged from a ship under an agreement made in accordance with Section 128 for service in two or more ships for the purpose of being engaged in another ship to which the agreement relates.

(3) If the master or owner of a Pakistani coasting ship for which an agreement with the crew is not required under this Ordinance so desires, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign going ship or home trade ship.

(4) If any master, owner or owner's agent acts in contravention of any of the provisions of this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

141. Entries to be made in seamen's service book and return of certificates of competency to Officers or discharge. (1) If a seamen is discharged from a ship in Pakistan, either on his discharge or on payment of his wages, the master shall enter in the seamen's service book, discharge of the seaman under his signature and particulars specifying the period of the seaman's service and the date and place of his discharge.

(2) The master shall, upon the discharge of every certificated officer whose certificate of competency has been delivered to, and retained, by him return the certificate to the officer.

(3) If a master acts in contravention of sub-section (1), or fails, without reasonable cause, to return the certificate of competency to the officer concerned as required by sub-section (2), he shall for each offence, be liable to a fine which may extend to ten thousand rupees.

142. Discharge of a seaman aboard. (1) When the master of a Pakistani ship discharges a seaman at any port or place outside Pakistan, except at a port or place in a country in which the seaman was engaged, the provisions of this Ordinance respecting the discharge of seaman in Pakistan shall apply subject to the following modifications, namely:---

(a) at a port or place having a Pakistani consular officer:---

(i) the master shall not discharge a seaman except with the previous sanction of the Pakistan consular officer endorsed on the agreement with the crew nor unless the law in force at such port or place prohibits it, otherwise than in the presence of that officer;

(ii) the Pakistan consular officer to whom an application is made for sanction under clause (i) shall examine the grounds on which the seaman is proposed to be discharged, and may grant or refuse such sanction; and

(iii) if a copy of the report as required by sub-section (1) of Section 141 is endorsed on the seaman's continuous discharge certificate, the Pakistan consular officer shall verify the same; and

(b) at a port or place where there is no Pakistan consular officer the master may himself, if not contrary to any law in force in such port or place, discharge a seaman and shall, if the seaman so desires, endorse on his continuous dis-charge certificate the report as required by sub-section (1) of Section 141.

(2) As soon as may be after a seaman has been discharged under sub-section (1), the master shall sign and send to the Shipping Master before whom the crew was engaged a full and accurate statement in the form sanctioned by the Federal Government of the seaman so discharged.

(3) If a master acts in contravention of this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

143. Discharge of seamen and apprentices on change of ownership. (1) Where a Pakistani ship is transferred or disposed of a t any port or place outside Pakistan, every seaman and apprentice belonging to that ship shall be discharged at that port or place unless the seaman or apprentice consents in writing in the presence of the Pakistan consular officer to complete the voyage of the ship if continued.

(2) Where a seaman or apprentice is so discharged, the provisions of this Ordinance as to continuous discharge certificate and the repatriation of the seaman or apprentice to proper return port shall apply as if the service of the seaman or apprentice had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement.

144. Transmission of documents on transfer of seaman from one ship to another. (1) Where a seaman is transferred under his agreement from one ship to another the master of the ship from which the seaman is transferred shall, as soon as practicable, transmit to the master of the other ship all documents is his possession relating to the seaman.

(2) If the master fails, without reasonable cause, to comply with sub-section (1), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

145. Repatriation of seamen and apprentices on termination of service abroad. (1) When the service of a seaman or apprentice terminates, without the consent of the seaman or apprentice at a port or place outside Pakistan, and before the expiration of the period for which the seaman was engaged or the apprentice was bound, the master or owner of the ship shall, in addition to any other relative obligation imposed on either of them under this Ordinance, make adequate provision for the maintenance of the seaman or apprentice according to his rank or rating, and for the return of that seaman or apprentice to a proper return port.

(2) If the master or owner fails without reasonable cause to comply with sub-section (1), the expenses of maintenance and of the journey to the proper return port shall, if defrayed by the seaman or apprentice, be recoverable as wages due to him, and if defrayed by a Pakistan consular officer, be regarded as expenses falling within the provisions of sub-section (2) of Section 181.

Explanation. Inability to provide the said expenses shall not, for the purposes of this sub-section, be regarded as reasonable cause.

146. Leaving behind in Pakistan a seaman apprentice shipped aboard. (1) The master of a ship shall not discharge at any port or place in Pakistan a seaman or apprentice shipped outside Pakistan unless he previously obtains sanction in writing of a Shipping Master, but such sanction shall not be refused when the seaman or apprentice is discharged on the expiration of the period for which the seaman was engaged or the apprentice was bound.

(2) Subject to the provisions of sub-section (1), the sanction may be given or refused at the discretion of the Shipping Master and whenever it is refused the reasons for so refusing it shall be recorded by him.

147. Leaving behind a seaman or apprentice by masters of Pakistani ships. (1) Master of Pakistani ship shall not leave a seaman or apprentice behind at any port or place outside Pakistan except where the seaman or apprentice is discharged in accordance with this Ordinance, unless he previously obtains from Pakistan consular officer a certificate endorsed on the agreement with the crew and stating the cause of the seaman or apprentice being left behind.

(2) The Pakistan consular officer to whom an application is made, for a certificate under which the seaman or apprentice is to be left behind, may grant or refuse the certificate as he thinks just.

(3) As soon as may be, after a seaman or apprentice is left behind under sub-section (1), the master shall sign and send to the Shipping Master before whom the crew was engaged a full and accurate statement in the form sanctioned by the Federal Government of the seaman or apprentice so left behind.

(4) If a master acts in contravention of any of the provisions of this section, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

148. Wages and other property of seaman or apprentice left behind Pakistani ships aboard. (1) If a seaman or apprentice belonging to a Pakistani ship is left behind at any port or place outside Pakistan, the master of the ship shall enter in the official log book a statement of the amount due to the seaman or apprentice in respect of wages at the time when he was left behind and of all property left on board by him, and shall take such property into his charge.

(2) Within forty-eight hours after the arrival at the port in Pakistan at which the voyage terminates, the master shall deliver to the Shipping Master,---

(a) a statement of the amount due to the seaman or apprentice in respect of wages, and of all property left on board by him; and

(b) a statement, with full particulars, of any expenses that may have been caused to the master or owner of the ship by the absence of the seaman or apprentice, where the absence is an offence punishable under Section 204; and if required by the Shipping Master to do so, shall furnish such vouchers as are reasonably required to verify the statements.

(3) The master shall at the time when he delivers that statements referred to in sub-section (2) to the Shipping Master also deliver to him the amount due to the seaman or apprentice in respect of wages

and the property that was left on board by him, and the Shipping Master shall give to the master a receipt therefore in the prescribed form.

(4) The master shall be entitled to be reimbursed out of the wages or property referred to in clause (a) of sub-section (2) such expenses in the statement referred to in clause (b) of that sub-section as appear to the Shipping Master to be properly chargeable.

CHAPTER 11.

WAGES OF SEAMEN

(A) PAYMENT OF WAGES

149. Master to deliver account of wages. (1) the Master of every ship shall, before paying off or discharging a seaman under this Ordinance, deliver at the time and in the manner provided by this Ordinance a full and true account in a form sanctioned by the Federal Government of the seaman wages and of all deductions to be made therefrom on any account whatever.

(2) The said amount shall be delivered,---

(a) where the seaman is not discharged before Shipping Master, to the seaman himself not less than twenty-four hours before his discharge or payment off; and

(b) where the seaman is to be discharged before the Shipping Master, either to the seaman himself, at or before the time of his leaving the ship, or the Shipping Master not less than twenty-four hours before the discharge or payment off.

(3) If the master of a ship fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

150. Deduction from wages of seamen. (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of this Ordinance except in respect of a matter happening after the delivery.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made, with the amount of the respective deductions as they occur in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

151. Disrating of seamen. (1) Where the master of a ship disrates a seaman, he shall forthwith enter or cause to be entered in the official log-book a statement of the disrating, and furnish the seaman with a copy of the entry, and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections 149 and 150.

152. Deductions on account of provident fund, etc. (1) Notwithstanding anything contained elsewhere in this Ordinance, or in any other law for the time being in force, a deduction may be made from the wages of a seaman either monthly or at the end of a voyage as applicable in each case, on account of provident fund, pension, social insurance, gratuity or any other fund approved by the Federal Government for the purpose.

(2) the Federal Government may make rules with regard to the manner in which the deductions from the wages may be made and the amount of such deductions for the purposes of such fund, and the collection, deposit, withdrawal, administration, disbursement, expenditure and other ancillary matters relating thereto.

153. Payment of wages before Shipping Master. (1) Where a seaman is discharged before a Shipping Master in Pakistan, the master or owner of the ship shall pay the wages of the seaman through, or in the presence of, the Shipping Master unless a competent Court otherwise directs; and in such a case, if the master or owner pays the wages in the other manner, he shall be liable to a fine which may extend to ten thousand rupees.

(2) If the master or owner, of a home-trade ship of a gross tonnage of less than two hundred, so desires he may pay the wages of the seaman of that ship in the same manner as a seaman discharged from a foreign-going ship is paid.

154. Time of payment of wages. (1) The master or owner of every ship discharging a seaman under this Ordinance shall pay to every seaman his wages within five days of the seaman's discharge and the seaman shall at the time of his discharge, be entitled to be paid on this account a sum equal to his balance or wages due to him.

(2) If the seaman consents, the final settlement of his wages may be left to the Shipping Master, and the receipt of the Shipping Master shall in that case operate as if it were a release given by the seaman in accordance with this Chapter.

(3) In the event of the seamen's wages or any part thereof not being settled under sub-section (2), then unless the delay is due to the act or default of the seaman or to any reasonable dispute as to liability or to any other cause not being the wrongful act or default of the owner or master, the seamen's wages shall continue to run and be payable until the time of the final settlement thereof.

(4) If the Master or owner, except in a case where final settlement of wages is left to a Shipping Master under sub-section (2), fails, without reasonable cause, to make payment as required by sub-section (1), he shall pay to the seaman such sum not exceeding the amount of two days' pay for each of the days during which the payment is delayed the Shipping Master may, in each case, decide.

(5) Any sums payable under sub-section (4) may be recovered as wages.

155. Settlement of wages. (1) Where a seaman is discharged and the settlement of his wages completed before a Shipping Master, he shall sign in the presence of the Shipping Master a release in a form sanctioned by the Federal Government of all claims in respect of the past voyage or engagement, and the release shall also be signed by the master or owner of the ship and attested by the Shipping Master.

(2) The release so signed and attested shall be retained by the Shipping Master and shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) A copy of the release, certified under the hand of the Shipping Master to be true copy, shall, on payment of the prescribed fee, be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

(4) Where the settlement of a seamen's wages is by this Ordinance required to be completed through or in the presence of, Shipping Master, no payment, receipt or settlement made otherwise than in accordance with this Ordinance shall operate or be admitted as evidence of the release as satisfaction of any claim.

(5) Upon any payment being made by a master before a Shipping Master, the Shipping Master shall, if required, sign and give to the master a statement of the whole amount so paid, and this statement shall, as between the master and his employer, be admissible as evidence that the master has made the payments therein mentioned.

(6) Notwithstanding anything contained in the preceding sub-sections a seaman may except from the release signed by him, any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release; and the release shall not operate as a discharge and settlement of any claim or demand so noted, not shall sub-section (4) apply to any payment, receipt or settlement made with respect to any such claim or demand.

156. Decision of disputes by Shipping Master. (1) Where under the agreement with the crew any dispute arises at any port in Pakistan between the master, owner or agent of a ship and any of the crew of the ship, it shall be submitted to the Shipping Master,---

(a) where the amount in dispute does not exceed five thousand rupees, at the instance of either party to the dispute; and

(b) in any other case, if both parties to the dispute agree in writing to submit the dispute to the Shipping Master.

(2) The Shipping Master shall hear and decide the dispute so submitted and an award made by him upon the submission shall be conclusive as to the rights of the parties, and any document purporting to be such submission or award shall be prima facie evidence thereof:---

Provided that if, in any case, the Shipping Master is of opinion that any question of law is involved he may refer the case for opinion of the High Court.

(3) an award made by a Shipping Master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by a magistrate under this Ordinance.

(4) Nothing in the Arbitration Act, 1940 (X of 1940), shall apply to any matter submitted to a Shipping Master for decision under this section.

157. Power of Shipping Master to require production of ship's papers. (1) In any proceedings under this Ordinance before a Shipping Master relating to the wages, claims or discharge of a seaman, the Shipping Master may require the owner or his agent or the master or any mate or other member of the crew to produce any log-books, papers, or other documents in his possession or power relating to any matter in question in the proceedings, and may require the attendance of, and examine on the matter, any of those persons being then at or near the place.

(2) If any person so required fails, without reasonable cause, to comply with the requisition, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

158. Rate of exchange for payment of seamen in Pakistan. Where a seaman or apprentice has agreed with the master of a ship for payment of his wages in Pakistan or other currency, and payment of, or on account of, his wages, if made in any currency other than that stated in the agreement shall, notwithstanding anything in the agreement, be made at the rate of exchange for the time being current at the place where the payment is made.

(B) RIGHTS OF SEAMEN IN RESPECT OF WAGES

159. Right to wages and provisions. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

160. Wages not to depend on freight. (1) The right to wages shall not depend on the earning of freight, and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages.

(2) Where a seaman or apprentice who would but for death be entitled by virtue of this section to demand and recover any wages dies before the wages are paid, they shall be paid and applied in manner provided by this Ordinance with respect to the wages of a seaman who dies during a voyage.

161. Wages on termination of service by wreck, illness, etc. (1) Where the service of any seaman engaged under this Ordinance terminate before the date contemplated in the agreement by reason of the wreck, loss or abandonment of the ship or by reason of his being left on shore at any place outside

Pakistan under a certificate granted under this Ordinance of his unfitness of inability to proceed on the voyage, the seaman shall be entitled to receive,---

(a) in the case of wreck, loss or abandonment of this ship,---

(i) wages at the rate to which he was entitled at the date of termination of his service for the period from the date his service is so terminated until he is returned to and arrives at a proper return port, or for a period of one month, whichever be longer; and

(ii) compensation for the loss of his effects,

(a) in the case of a seaman employed on a home-trade ship, of not less than one month's wages; and

(b) in the case of seaman employed on a foreign going ship, of not less that three month's wages; and

(b) in the case of unfitness or inability or proceed on the voyage, wages for the period from the date his service is terminated until he is returned to and arrives at a proper return port subject to such limits as may be prescribed.

(2) A seaman shall not be entitled to receive any wages under sub-clause (i) of clause (a) of sub-section (1) if he declines to avail himself of the repatriation arrangements made by, or on behalf of, the owner and approved by the Pakistan consular officer concerned, nor shall a seaman be entitled to receive such wages in respect of any period during which,---

(a) he was, or could have been suitably employed, or

(b) through negligence he failed to apply to the proper authority for relief as a distressed or destitute seaman.

(3) This section shall apply to every person employed or engaged in any capacity on board any ship and for the time being entered on the ship's articles of agreement and to every master, pilot and apprentice, as it applies to a seaman.

162. Wages not to accrue during refusal or imprisonment. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work when so required nor, unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

163. Compensation to seamen. If a seaman having signed an agreement is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying that discharge and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

164. Restriction on sale of and charges upon wages. (1) As respects wages due or accruing to a seaman or apprentice,---

(a) they shall not be subject to attachment by order of any Court;

(b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(c) a power-or-attorney or authority for the receipt thereof shall not be irrevocable; and

(d) a payment of wages shall be valid in law notwithstanding any previous sale or assignment of those wages or any attachment or encumbrance thereof.

(2) The provisions of clauses (b) and (c) of sub-section (1) shall not apply to so much of the wages of a seaman as have been or are hereafter assigned by way of contribution to any fund approved in this behalf by the Federal Government, the main purpose of which is the provision of benefits for seamen on retirement; and the provisions of clauses (a) and (d) of sub-section (1) shall not apply to anything done or to be done for giving effect to such an assignment.

(3) Nothing in this section shall affect the provisions of this Ordinance or any other law for the time being in force with respect to allotment notes.

165. Summary proceedings for wages. A seaman or apprentice or a person duly authorised on his behalf may, as soon as any wages due to him become payable, use for the same in a summary manner before any magistrate exercising jurisdiction in or near the place at which his service has terminated or at which he has been discharged or at which any person upon whom the claim is made is or resides, and the order made by the magistrate in the matter shall be final.

166. Restrictions on suits for wages. A proceeding for the recovery of wages shall not be instituted by, or on behalf of, any seaman or apprentice in any Civil Court,---

(a) where the owner of the ship is adjudged bankrupt or declared insolvent;

(b) where the ship is under arrest or is sold by the authority of any Court; or

(c) where a Magistrate under the authority of this Ordinance refers a claim to the Court.

(C) ADVANCES AND ALLOTMENT OF WAGES

167. Advances and allotements. (1) Any agreement with the crew may contain a stipulation for payment to a seaman, conditional on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement.

(2) Stipulations for the allotment of a seaman's wages may be made in accordance with this Ordinance.

(3) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or behalf of the seaman, conditional on his going to sea from any port of Pakistan shall be

void, and no money paid in satisfaction or in respect of any such agreement shall be deducted from the seaman's wages and a person shall not have any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

(4) No seaman, who has been lawfully engaged and has received under his agreement an advance payment shall, wilfully or through misconduct, fail to attend his ship or desert therefrom before the payment becomes really due to him.

(5) Where it is shown to the satisfaction of the Shipping Master that a seaman lawfully engaged has wilfully or through misconduct failed to join the ship, the Shipping Master may withhold any of the seaman's certificate of discharge for such period as he may think fit, and while a seaman's certificate of discharge is so withheld, the Shipping Master may refuse to furnish copies of any such certificate or certified extracts therefrom.

168. Stipulations as to allotment notes. (1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

(2) A seaman may require that a stipulation be inserted in the agreement for the allotment, by means of an allotment not, of any part, not exceeding two-thirds, of his wages in favour either of a relative of the seaman, or some member of his family, or a Saving Bank or afund approved by the Federal Government, to be named in the note.

(3) Allotment notes shall be in the form as the Federal Government may prescribe.

169. Payment of sums allotted. (1) The owner or any agent who has authorised the drawing of an allotment note shall pay or remit to the persons nominated in this behalf by the seaman the amount mentioned in such note, and inform the Shipping Master that this has been done.

(2) If any owner or agent fails to pay, or remit as aforesaid, any such amount the Shipping Master shall demand the sums due under the allotment note and if the owner or agent fails to pay such sums to the Shipping Master, the Shipping Master may sue for and recover the same with costs:---

Provided that no such sum shall be recoverable if it is shown to the satisfaction of the Court or Magistrate trying the case that the seaman has forfeited or ceased to be entitled to the wages out of which the allotment was to have been paid, but the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the Court or Magistrate either by the official statement of the change in the crew caused by his absence made and signed by the master as by this Ordinance is required, or by a certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate may consider sufficient.

(3) Shipping Master on receiving any such sum as aforesaid shall pay it over tot the person, bank or fund named in that behalf in the allotment note.

(4) All such receipts and payment shall be entered in a book to be kept for the purpose, and all entries in the said book shall be authenticated by the signature of a Shipping Master.

(5) The said book shall, at all reasonable times be open to the inspection of the parties concerned.

CHAPTER 12.

PROPERTY OF DECEASED SEAMEN

170. Master to take charge of the effects of deceased seaman. (1) If any seaman or apprentice engaged on any ship, the voyage of which is to terminate in Pakistan, dies during that voyage, the master of the ship shall immediately report the death to the Shipping Master at the port of engagement of the seaman and take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2) The master may, if he thinks fit, cause any effects to the sold by public auction.

(3) The master shall enter in the official log-book the following particulars namely,---

(a) A Statement of the amount of money and description of the effects;

(b) in the case of a sale, a description of each article sold and the sum received for each; and

(c) a statement of the sum due to the deceased for wages and of the amount of deduction, if any, to be made from the wages.

(4) The said money, effects, proceeds of sale of effects and balance of wages are in this Ordinance referred to as the property of the seaman or apprentice.

171. Disposal of property of seaman who dies during the voyage. (1) Where a seaman or apprentice dies as aforesaid and the ship, before coming to a port in Pakistan, touches and remains for more than forty-eight hours at some port elsewhere, the master shall report the case to the Pakistan consular officer at such port and shall give to that officer any information he requires as to the destination of the ship and probable length of the voyage.

(2) The Pakistan consular officer may, if he thinks it expedient require the property of the seaman or apprentice to be delivered and paid to him and shall thereupon give to the master a receipt thereof and endorse under this hand upon the agreement with the crew such particulars with respect thereto as the Federal Government may require.

(3) The receipt shall be produced by the master to the Shipping Master within forty-eight hours after his arrival at his port of destination in Pakistan.

(4) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in Pakistan without touching and remaining as aforesaid at a port elsewhere or the Pakistan consular officer does not required the delivery and payment of the property as aforesaid the master shall, within forty-eight

hours after his arrival at his port of destination in Pakistan, pay and deliver the property to the Shipping Master at that port.

(5) A deduction claimed by the master in such account shall not be allowed unless verified by an entry in the official log-book, and also by such vouchers, if any, as may be reasonably required by the Shipping Master.

(6) A Shipping Master in Pakistan shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect.

172. Liability of master in respect of property of deceased seamen, etc. (1) If the master fails to comply with the provisions of this Ordinance with respect to taking charge of the property of a deceased seamen or apprentice, or to making in the official log-book the proper entries relating thereto, or to the payment or delivery of such property, he shall, notwithstanding any penalty to which he may be liable under this Ordinance, be accountable for the property to the Shipping Master as aforesaid and shall pay and deliver the same accordingly; and shall in addition be punishable, for each offence, with fine not exceeding three times the value of the property not accounted for or, if such value is not ascertained, with fine which may extend to ten thousand rupees.

(2) The property may be recovered in the same Court and manner in which the wages of seamen may be recovered under this Ordinance.

173. Property of deceased seamen left abroad but not on board ship. If any seaman or apprentice on a Pakistan ship, or engaged in Pakistan on any other ship, the voyage of which is to terminate in Pakistan, dies at any place outside Pakistan leaving any money or effects not on board the ship, the Pakistan consular officer at or near the place shall claim and take charge of such money and other effects, hereinafter referred to as the property of a deceased seaman or apprentice.

174. Dealing with property of deceased seamen. (1) A Pakistani consular officer or a Shipping Master to whom the effects of a deceased seaman or apprentice are delivered or who takes charge of such effects under this Ordinance may, if he thinks fit, sell the effects and the proceeds of any such sale shall be deemed to form part of the property of the deceased seaman or apprentice.

(2) Before selling any valuable comprised in the said effects, such officer or Shipping Master shall endeavor to ascertain the wishes of the next-of-kin of the deceased seaman or apprentice as to the disposal of such valuable and shall, if practicable and lawfull, comply with such wishes.

(3) A Pakistan consular officer to whom any property of a deceased seaman or apprentice is delivered or who takes charge of any such property under this Ordinance shall remit the property to the Shipping Master at the port of engagement of the deceased seaman or apprentice in such manner and shall render such accounts in respect thereof as may be prescribed.

175. Recovery of wages, etc., of seamen lost with their ship. (1) Where a seaman or apprentice is lost with the ship to which he belongs, the Federal Government or such officer as the Federal Government may appoint in this behalf, may recover the wages and the compensation due to him from the owner,

master or agent of the ship in the same Court and in the same manner in which seaman's wages are recoverable, and shall deal with these wages in the same manner as with the wages and compensation due to other deceased seaman or apprentices under this Ordinance.

(2) In any proceedings for the recovery of the wages and compensation, if it is shown by some official records or by other evidence that the ship has, twelve months or upwards before the institution of the proceeding, left any port, she shall, unless it is shown that she has been heard of within twelve months after the departure, be deemed to have been lost with all hands on board either immediately after the time she was last heart of or at such later time as the Court hearing the case may think probable.

(3) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered under this Ordinance at the time of last departure of the ship from Pakistan, or a certificate purporting to be a certificate from a Pakistan consular officer at any port of Pakistan, stating that certain seamen or apprentices were shipped in the ship from the said part shall be, in the absence of proof to the contrary, sufficient proof that the seaman or apprentices were shipped in the ship from the said part shall be, in the absence of proof to the contrary, sufficient proof that the seamen or apprentices therein named as belonging to the ship were on board at the time of the loss.

176. Property of seamen dying in Pakistan. If a seaman or apprentice dies in Pakistan and is at the time of his death to claim from the master or owner of the ship in which he has served any effects or unpaid wages, the master, owner or agent shall pay and deliver or account for such property to the Shipping master at the port where the seaman or apprentice was discharged or was to have been discharged or to such other officer s the Federal Government may direct.

177. Payment over property of deceased seamen by Shipping Master. Where any property of a deceased seaman or apprentice is paid or delivered to Shipping Master, the Shipping Master, after deducing for expenses incurred in respect of that seaman or apprentice or of his property such sums as he thinks proper to allow, may,---

(a) pay and deliver the residue to any claimants who can prove themselves to the satisfaction of the said Shipping Master shall be thereby entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(b) if he thinks fit so to do, require probate or letters of administration or a certificate under the Succession Act, 1925 (XXXIX of 1925), to be taken out, and thereupon pay and deliver the residue to the legal representative of the deceased.

178. Disposal of unclaimed property of deceased seamen. (1) Where no claim to the property of a deceased seamen or apprentice received by a Shipping Master is substantiated within one year from the receipt thereof by such Shipping Master, the Shipping master shall cause such property to be sold and pay the proceeds of the sale into the public treasury.

(2) If, after any money has been so paid into the public treasury, and claim is made thereto, then if the claim is established to the satisfaction of the Shipping Master, the amount, or so much as shall appear to

be due to the claimant, shall be paid to him and if the claim is not so established, it shall be rejected and the claimant may thereupon apply by petition to the High Court which shall, after taking evidence either orally or on affidavit make such order on the petition as shall same just:---

Provided that, after the expiration of six years from the receipt of such property by the Shipping Master, no claim to such property shall be entertained by the Shipping Master without the sanction of the Federal Government.

CHAPTER 13.

DISTRESSED SEAMEN

179. Application of Chapter to apprentices. This Chapter shall apply to apprentices as it applies to seamen.

180. Power to make rules with respect to distressed seamen. The Federal Government may make rules with respect of the relief, maintenance and return to a proper return port of a shipwrecked relief, maintenance and return to a proper return port of a shipwrecked seamen found in distress at any place in or out of Pakistan, and with respect to the circumstances in which and the conditions subject to which, seamen may be relieved and provided with passages, and generally for carrying out the purposes of this Chapter; and a distressed seaman shall not have any right to be relieved, maintained or sent to a proper return port except in the cases and to the extend and on the conditions as may be prescribed.

181. Relief and maintenance of distressed seamen. (1) The Pakistan consular officer at or near the place outside Pakistan where a seaman is in distress shall, on application being made to him by or on behalf of the distressed seaman, provide in accordance with rules made in this behalf for the return of the seaman to a proper return port and also for his necessary clothing and maintenance until his arrival at such port.

(2) Where any expenses, other than excepted expenses are incurred by or on behalf of the Federal Government on account of a distressed seaman either for his maintenance, necessary clothing, conveyance to a proper return port, or in case of death, for his burial or otherwise in accordance with this Ordinance, those expenses, together with the wages, if any, due to the seaman, shall be a charge upon the ship, whether a Pakistani ship or not, to which the distressed seaman belonged, and shall be a debt due to the Federal Government from the master of the ship or from the owner of the ship for the time being, or, where the ship has been lost, from the person who was the owner of the ship at the time of the loss, or where the ship has been transferred to some person not being a citizen of Pakistan either from the owner for the time being or from the person who was the owner of the ship at the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship be a ship other than a Pakistani ship, from the person, whether principal or agent, who engaged the seaman for service in the ship.

(3) All excepted expenses incurred by, or on behalf, of the Federal Government in accordance with the provisions of this Ordinance shall constitute a debt due to the Federal Government for which the

seaman in respect of whom they were incurred and the owner or agent of the ship to which that seaman belonged at the time of his discharge or other event which resulted in his becoming a distressed seaman shall be jointly and severally liable; and the owner or agent shall be entitled to recover from the seaman any amount paid by the owner or agent to the Federal Government in settlement on part settlement of such debt, and may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seaman.

(4) All excepted expenses incurred in accordance with the provisions of this Ordinance in respect of any distressed seaman by the owner or agent of the ship to which the seaman belong at the time of his discharge or other event which resulted in his becoming a distressed seaman shall constitute a debt due to the owner or agent for which the seaman shall be liable; and the owner or agent may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seaman, but shall not he entitled to recover from the seaman any repatriation expenses other than excepted expenses.

(5) In any proceedings for the recovery of any expenses which in terms of sub-section (3) are a debt due to the Federal Government, the production of an account of the expenses and proof of payment thereof by, or on behalf of, or under the direction of, the Federal Government shall be prima facie evidence that the expenses were incurred in accordance with the provisions of this Ordinance by or on behalf of the Federal Government.

(6) Any debt which may be due to the Federal Government under this section may be recovered by any officer authorised by it in writing in this behalf from the person concerned in the same manner in which wages may be recovered by seaman.

(7) For the purpose of this section, “excepted expenses” and expenses incurred in cases where the certificate of the proper authority obtained on leaving a seaman behind states, or the Federal Government is otherwise satisfied, that the cause of the seaman being left behind is desertion, disappearance, imprisonment for misconduct, or discharge from the ship on the ground of misconduct, or otherwise due to the fault of the seamen.

182. Mode of providing for return of seamen to proper port. (1) A seaman maybe sent to a proper return port by reasonable route either by sea or land or if necessary by air or partly by anyone and partly by any other of these modes.

(2) Provision shall be made for the return of the seaman as to whole of the route if it is by sea, or as to any part of the route which is by sea by placing the seaman onboard a Pakistani ship which is in want of men to make up its complement, or, if that is not practicable, by providing the seaman with a passage in any ship, whether a Pakistani ship or not, or with the money for his passage and, as to any part of the route which is by land or air, by paying the expenses of his journey and of his maintenance during the journey or providing him with means to pay those expenses.

(3) Where the master of a ship is required under this Chapter to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman passage or the expenses of his journey or of providing the seamen with means to pay his passage or those expenses,

deposit with the Pakistan consular officer such sum as that officer considers sufficient to defray the expenses of the return of the seaman to a proper return port.

183. Receiving distressed seamen on ships. (1) The master of a Pakistani ship shall receive on board his ship and afford passage and maintenance to all distressed seamen whom he is required by the Pakistan consular officer or the Shipping Master to take on board his ship, and shall during the passage provide every such distressed seaman with accommodation equal to that normally provided for the crew of the ship and subsistence proper to the rank or rating of the said distressed seaman:---

Provided that the master of the ship shall not be required to receive on board his ship a distressed seaman in terms of this section if the Pakistan consular officer or the Shipping Master is satisfied that accommodation is not and cannot be made available for such seaman.

(2) If the master of any such ship, when required so to do under sub-section (1), fails or refuses to receive on board his ship, or to give a passage or subsistence to, or provide for, a distressed seaman, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

184. Pakistan consular officer or Shipping Master to decide return port to or route by which seaman is to be sent. If in any case question arises as to what return port a seaman is to be sent to or as to the route by which he should be sent, it shall be decided by the Pakistan consular officer or the Shipping Master, as the case may be, supervising the repatriation and in deciding any such question regard shall be made both to the convenience of the seaman and to the expense involved, and also, where that is the case, the fact that a Pakistani ship which is in want of men to make up its complement is about to proceed to a proper return port.

185. Provisions as to taking distressed seamen on ships. (1) Where a distressed seaman is for the purpose of his return to a proper return port placed on board a Pakistani ship, the Pakistan consular officer or the Shipping master by whom the seaman is so placed shall endorse on the agreement with the crew of the ship particulars of the seaman so placed on board.

(2) On the production of a certificate signed by the Pakistan consular officer or the Shipping Master, as the case may be, by whose directions distressed seamen were received on board, specifying the number and the names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master stating the number of days during which each distressed seaman has received subsistence, the full complement of his crew and the actual number of seamen employed on board his ship and every variation in that number, whilst the distressed seamen received maintenance, the master shall be entitled to be paid in respect of the subsistence and passage of every seamen so conveyed and provided for by him, exceeding the number, if any, wanted to make up the complement of his crew, such sum for each day as the Federal Government may, by rules made in this behalf, allow.

186. What shall be evidence of distress. In any proceeding under this Chapter, a certificate of the Federal Government, or of such officer as the Federal Government may specify in this behalf, to the

effect that the seaman named therein is distressed shall be conclusive evidence that such seaman is a distressed seaman within the meaning of this Ordinance.

CHAPTER 14.

PROVISIONS AND ACCOMMODATION FOR SEAMEN AND THEIR HEALTH

187. Ships to have sufficient provisions and water. (1) All Pakistani ships and all ships for which seamen have been engaged in Pakistanshall have on board sufficient provisions and water of good quality and fit for the use of the crew according to the scale specified in the agreement with the crew.

(2) If any person making an inspection under Section 197 finds that provisions or water are of bad quality and unfit for use or deficient in quantity, he shall signify it in writing to the master of the ship, and may, if the thinks fit, detain the ship until the defects are remedied to his satisfaction.

(3) If the master does not thereupon provide other proper provisions or water in lieu of any provisions so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity or uses any provisions or water so liable to a fine which may extend to ten thousand rupees.

(4) The person making the inspection shall enter a statement of the result of the inspection in the official log-book, and shall, if he is not the Shipping Master, send a report thereof to the Shipping master and that report shall be admissible in evidence in any legal proceeding.

(5) If the inspection was made in pursuance of a request by members of the crew and the person making the inspection certifies in the statement of the result of the inspection that there was no reasonable ground for the request, every member of the crew who made the request shall be liable to forfeit to the owner out of his wages a sum not exceeding on week's wages.

(6) If a master fails to furnish provisions to a seaman in accordance with the agreement entered into by him and the Court considers the failure to be due to the neglect or default of the master, or if a master furnishes to a seaman provisions which are bad in quality or unfit for use, such master shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

(7) Nothing in sub-section (6) shall affect any claim for compensation under Section 188.

188. Allowance for short or bad provisions. (1) In either of the following cases,---

(a) if, during the voyage, the allowance of any of provisions for which a seaman has by his agreement stipulated is reduced, or

(b) if it is shown that any of those provisions are or have during the voyage been bad in quality or unfit for use;

the seaman shall receive by way of compensation for that reduction or bad quality according to the time of its continuance such sums as may be prescribed, to be paid to him in addition to, and be recoverable as, wages.

(2) If it is shown to the satisfaction of the Court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantity and equivalent substitutes were supplied in lieu thereof, the Court shall take those circumstances into consideration and modify or refuse the compensation as the justice of the case requires:---

Provided that, if the amount of compensation claimed does not exceed five hundred rupees in respect of any one seaman, the Shipping master may, on application of either party settle the compensation ass if it were a dispute submitted to him under Section 156 and the decision of the Shipping master in the matter shall be final.

189. Pakistani foreign going ships to carry duly certificated cooks. (1) Every Pakistani foreign-going ship going to sea from any port or place in Pakistan shall be provided with and carry a duly certificate cook.

(2) A cook shall not be deemed to be duly certificated within the meaning of this section unless he is the holder of a certificate of competency in cooking granted by or under the authority of, or recognized by, the Federal Government on such terms and conditions as may be prescribed in this behalf.

190. Medicines to be provided and kept on board certain ships. (1) All Pakistani foreign-going ships and all home-trade ships shall have always on board a sufficient supply of medicines and appliances suitable for diseases and accidents likely to happen on sea voyages according to such scale as the Federal Government may, from time to time, by notification in the Official Gazette, fix in respect of a ship or class of ships.

(2) Every such ship shall also carry such medical guide containing instructions for dispensing the medicines and using the appliances as may be approved by the Federal Government.

(3) The Federal Government may, by notification in the Official Gazette, make rules for the proper maintenance and care of medicines chests, their contents and their regular inspection.

(4) The master of a ship in respect of which the provisions of this section or of any rules made thereunder are contravened shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

191. Certain ships to carry medical officers. (1) Every foreign-going ship, on hundred persons (including the crew) or upwards, shall have no board as part of her complement a medical officer possessing such qualifications as may be prescribed.

(2) If any such ship does not carry on board a duly qualified medical officer the ship shall be detained until such medical officer is provided.

(3) Nothing in this section shall apply to any special trade passenger ship including a pilgrim ship.

192. Weights and measures on board. (1) The master of a ship shall keep on board proper weights and measures for determining the qualities of the several provisions and articles served out and shall allow the same to be used at the time of serving out the provisions and articles in the presence of witnesses whenever any dispute arises about the quantities.

(2) If the master of a ship fails, without reasonable cause, to comply with sub-section (1), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

193. Expenses of medical attendance in case of illness. (1) If the master of, or a seaman or apprentice belonging to, a Pakistani ship receives any hurt or injury or suffers from any illness (not being a hurt, injury or illness due to his own wilful act or default or his own misbehavior), resulting in his being discharged or left behind at a place other than his proper return port, the expenses of providing the necessary surgical and medical advice, attendance and treatment and medicine, and also the expenses of the maintenance of the master, seaman or apprentice until he is cured, or dies, or is brought back to the port from which he was shipped or other port agreed upon after receiving the necessary medical treatment, and of his conveyance to that port, and in case of death, the expenses, if any, of his burial or cremation shall be defrayed by the owner of the ship without any deduction on that account from his wages.

(2) If the master, seaman or apprentice is on account of any illness or injury temporarily removed from his ship, at a port other than his proper return port, for the purpose of preventing infection or otherwise for the convenience of the ship, and subsequently returns to his duty, the expenses of removal and of providing the necessary surgical and medical advice, attendance and treatment and medicine and of his maintenance while away from the ship, shall be defrayed in like manner.

(3) The expenses of all medicines and surgical and medical advice, attendance and treatment, given to a master, seaman or apprentice, while on board his ship, shall be defrayed in like manner.

(4) Where any expenses referred to in sub-section (1), (2) and (3) have been paid by the master, seaman or apprentice himself, the same may be recovered as if they were wages duly earned, and, if any such expenses are paid by the Federal Government, the amount shall be a charge upon the ship and may be recovered with full costs of suit by the Federal Government.

194. Power to make rules with respect to crew accommodation. (1) The Federal Government may, by notification in the official Gazette, make rules with respect to the crew accommodation to be provided in ships; and different provisions may be made for different classes of ships and different classes of persons.

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

(a) the minimum space for each person which must be provided in any ship to which the rules apply by way of sleeping accommodation for seamen and apprentices and the maximum number of persons by whom any specified part of such sleeping accommodation may be used;

(b) the position in any such ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;

(c) the submission to such authority as be specified in this behalf of plans and specifications of any works proposed to be carried out for the provisions or alteration of any such accommodation and the authorization of that authority to inspect any such works;

(d) the maintenance and repair of any such accommodation and the prohibition or restriction of the use of any such accommodation for purposes other than those for which it is designed; and

(e) the manner as to how ships registered or under construction at the commencement of any such rules may be dealt with after such commencement.

(3) If any person making an inspection under Section 197 finds that the crew accommodation is unsanitary or is not in accordance with the provisions of this Ordinance, he shall signify it in writing to the master of the ship and may, if he thinks fit, detain the ship until the defects are remedied to his satisfaction.

Explanation. In this section, the expression "crew accommodation" includes sleeping rooms, mess room, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seamen, not being accommodation which is also used by, or provided for the use of passengers.

(4) The Federal Government may exempt any ship or class of ships from the requirements of any rules made under this section either absolutely or subject to such conditions as it may consider fit.

195. Inspection of crew accommodation when a ship is re-registered. Whenever a ship to which the rules made under Section 194 apply, is registered or re-registered in Pakistan, or the crew accommodation of a ship has been substantially altered or reconstructed, or a complaint in respect of crew accommodation has been made in accordance with the rules, and on such other occasions as may be required under the rules, a surveyor shall inspect the crew accommodation and satisfy himself that the requirements of crew accommodation have been duly complied with.

196. Bedding, towels, etc, to be provided. (1) The owner of every Pakistani ship shall supply or cause to be supplied to every seaman for his personal use such clothing, bedding towels, mess utensils and other articles of such quality and according to such scales as may be prescribed.

(2) If any requirement of sub-section (1) is not complied with in the case of any ship the owner thereof, unless he proves that the non-compliance was not caused by his inattention, neglect or willful default, shall be liable to a fine which may extend to five thousand rupees.

197. Inspection of provisions, water and medicines. (1) A Shipping Master, surveyor, Seamen's Welfare Officer, Port Health Officer,Pakistan consular Officer or other officer duly appointed in this behalf by the Federal Government at any port.

(a) in the case of any ship upon which seaman have been shipped at that port, may at any time; and

(b) in the case of a Pakistani ship, may at any time, and, if the master or three or more of the crew so request, shall enter on board the ship and inspect,---

(i) the provisions and water;

(ii) the medicines and appliances;

(iii) the weights and measures; and

(iv) the crew accommodation,

with which the ship is required to be provided by or under this Ordinance.

(2) If any person making an inspection under this section finds that the crew accommodation is unsanitary or is not in accordance with the provisions of this Ordinance, he shall signify it in writing to the master and may, if he thinks fit, detain the ship until the defects are remedied to his satisfaction.

198. Inspection by master of provisions, water and accommodation at sea. The master of every Pakistani ship while at sea shall, at least once in a week, cause an inspection to be made of the provisions and water provided for the use of the seamen and apprentices and the crew accommodation, for the purpose of ascertaining whether the same are being maintained in accordance with the requirements of this Ordinance, and the person making the inspection shall enter a statement of the result of the inspection in a separate book kept for the purpose.

CHAPTER 15.

DISCIPLINE OF SEAMEN AND APPRENTICES

199. Definitions. (i) In this Chapter unless there is anything repugnant in the subject or context,---

(a) “officer means an officer qualified for the purposes of Section 93 of this Ordinance or duly certificate under the Merchant Shipping Law previously in force; and

(b) “seaman” does not include an officer.

200. Master’s power of arrest. The master of any ship registered in Pakistan may cause any person on board the ship to be put under restraint if, and for so long as, it appears to him necessary or expedient in the interest of safety or for the preservation of good order or discipline on board the ship.

201. Maintenance of discipline. The master shall have the power and authority to give any command or order to any officer or seaman or apprentice or other person on board which he considers to be necessary for the maintenance of discipline among seamen on barred generally or for the navigation or safety of the vessel or for the safety of the person or property on board, and every such command or order shall be obeyed and carried out by the person to whom it is given.

202. On change of master, documents to be handed over to successor. (1) The master of any Pakistani ship who, during the progress of a voyage, is removed or superseded or for any other reason quits the ship, and is succeeded in the command by some other person holding appropriate certificate of competency, shall deliver to his successor all documents relating to the navigation of the ship, including the information required to be carried under Section 334 and388, and the crew thereof which are in his custody; and such successor shall, immediately on assuming the command of the ship, enter in the official log-book a list of the document so delivered to him.

(2) It is hereby declared that for the purpose of sub-section (1) the documents relating to the navigation of the ship shall include documents (i) safety certificates; (ii) safety construction certificate; (iii) international load line certificate; (iv) safety equipment certificates; (v) safety radio telegraphy certificate; (vi) safety radio telephony certificate; (vii) exemption certificates, and (viii) certificate of registry or any other documents that may be prescribed.

(3) The master of a ship who fails to deliver the documents as required by sub-section (1) shall be liable to a fine which may extend to ten thousand rupees.

203. Misconduct endangering life or ship. If a master, officer, seaman or apprentice belonging to a Pakistani ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness or under influence of drug,---

(a) does any act tending to the immediate loss or destruction of; or serious damage, to the ship or tending immediately to endanger the life or limb of a person belonging to, or on board, the ship; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediately loss or destruction of, or serious damage to, or for preserving any person belonging to, or on board, the ship from immediate danger to lifer of limb,---

he shall, for every offence, by punishment with imprisonment for a term which may extend to two years, or with a fine which may extend to ten thousand rupees, or with both.

204. Desertion and absence without leave. (1) No officer, apprentice or seaman lawfully engaged shall,---

(a) desert his ship; or

(b) neglector refuse, without reasonable cause, to join the ship or to proceed to sea in his ship or be absent without leave at any time within twenty-four hours of the ship's sailing from a port either at the commencement or during the progress of a voyage, or be absent at any time without leave and without sufficient reason from his ship or from his duty.

(2) For the purposes of sub-section (1), the fact that the ship on which an officer or the seaman or apprentice is engaged or to which he belongs is unseaworthy shall be deemed to be a reasonable cause:---

Provided that the officer or seaman or apprentice has, before failing or refusing to join his ship or to proceed to sea in his ship or before absenting himself or being absent from the ship, as the case may be, complained to the master or a Shipping Master, Surveyor, Seamen's Welfare Officer, Port Health Officer, Pakistan consular officer or any other officer at any port duly authorised in this behalf by the Federal Government, that the ship is unseaworthy.

205. Power to suspend deserter's seamen's service book. If it is shown to the satisfaction of a proper officer that any officer, seaman or apprentice has deserted his ship has absented himself without leave and without sufficient reason from his ship or from his duty, the proper officer shall forthwith make a report to that effect to the Shipping Master who may thereupon direct that the seaman's certificate of discharge or seaman's service book shall be withheld for such period as may be specified in the direction.

206. Conveyance of deserter or imprisoned seaman or apprentice on board ship. (1) If an officer, seaman or apprentice is guilty of the offence of desertion or of absence without leave to otherwise absents himself from his ship without leave the master or any mate or the owner may convey him on board his ship, and may for that purpose use such force, including police force, as may be necessary and every police officer shall render all such assistance as may be required of him.

(2) If the officer, seaman or apprentice so requires, he shall first be taken before a Court competent to take cognizance of the case to be dealt with according to law.

(3) If it appears to the Court before whom the case is brought that the officer, seaman or apprentice has been conveyed on board or taken before the Court on improper or insufficient grounds, that Court may punish the master, mate or owner, as the case may be with a fine which may extend to five thousand rupees and such punishment shall be a bar to any action for false imprisonment against the master, mate or owner.

(4) If, either at the commencement or during the progress of any voyage, an officer, seaman or apprentice engaged in a Pakistani ship commits outside Pakistan, the offence of desertion or absence without leave or any offence against discipline, the master any mate, the owner or agent of the owner may, if and so far as the laws in force in the place will permit, arrest him without first procuring a warrant.

(5) No person shall convey on board an officer, seaman or apprentice on improper or insufficient grounds.

207. Power of Court to order offender to be taken on board ship. Where an officer, seaman or apprentice is brought before a Court on the ground of desertion or of absence without leave or of any offence against discipline and the master or the owner or his agent, so requires, the Court, may in lieu of committing and sentencing him for the offence, cause him to be conveyed on board his hip for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship or the owner or his agent to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of, the master or owner by reason of the conveyance to be paid by the offender

and, if necessary, to be deducted from any wages which he has then earned or by virtue of his then existing engagements may afterwards be earned.

208. General offences against discipline. If an officer, seaman or an apprentice commits any of the following offences (in this Ordinance referred to as offences against discipline) he shall, notwithstanding anything in the Code of Criminal Procedure, 1898 (Act V of 1898), be liable to be tried in a summary way and punished as follows, namely,---

(i) if he quits the ship without leave after her arrival at her port of delivery and before she is placed in security he shall be liable to forfeit out of his wages a sum not exceeding one months's pay;

(ii) if he is guilty of wilful disobedience to any lawful command, he shall be liable to forfeit out of his wages a sum not exceeding fourteen day's pay;

(iii) if he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable for every twenty-four hours' continuance of such disobedience or neglect, to pay a sum not exceeding one month's pay or any expenses which may have been property incurred in hiring a substitute;

(iv) if he assaults any person on board the ship, he shall be liable to a fine which may extend to ten thousand rupees;

(v) if he combines with any of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage he shall be liable to imprisonment for a term which may extend to one year, or fine which may extend to ten thousand rupees, or with both;

(vi) if he wilfully damages his ship or commits criminal misappropriation or breach of trust in respect of, or wilfully damages any of, her stores or cargo he shall be liable to imprisonment for a term which may extend to one year, or fine which may extend to ten thousand rupees or with both, and shall also be liable to forfeit out of his wages a sum equal to the loss thereby sustained; and

(vii) if he is convicted of any act of smuggling whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage, and the whole or a proportionate part of his wages may be retained in satisfaction on account of that liability without prejudice to any other remedy.

209. Report of desertion and absence without leave. (1) Whenever any officer, seaman or apprentice not shipped in Pakistan deserts or otherwise absents himself if Pakistan without leave from a Pakistani ship in which he is engaged to serve, the master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to the Shipping Master or to such other officer as the Federal Government may appoint in this behalf, unless in the meantime the deserter or absentee returns.

(2) Any master who wilfully neglects to comply with the provisions of sub-section (1) shall be liable to a fine which may extend to five thousand rupees.

210. Entries and certificates of desertion abroad. (1) In every case of desertion from a Pakistani ship whilst she is at any place outside Pakistan the master shall make in the official log book an entry of the desertion which shall be signed by him and also by a mate or one of the crew and shall produce the entry to Pakistan consular officer who shall thereupon make and certify a copy of the entry.

(2) The master shall forthwith transmit such copy to the Shipping Master at the port at which the seaman was shipped, and he Shipping Master shall if required, cause the same to be produced in any legal proceeding.

(3) Such copy, if purporting to be so made and certified as aforesaid, shall, in any legal proceeding relating to such desertion, be admissible in evidence.

211. Facilities for proving desertion in proceeding for forfeiture of wages. (1) Whenever a question arise whether the wages of any officer, seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the officer, seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement or, if the voyage was to terminate in Pakistan and the ship has engagement or, if the voyage was to terminate in Pakistan and the ship has not returned, that he is absent from her and that an entry of his discretion has been duly made in the official log-book.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Chapter, be deemed proved, unless the officer, seaman or apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the Court that he had sufficient reasons for leaving his ship.

212. Application of forfeiture. (1) Where any wages or effects are under this Ordinance forfeited for desertion from a ship, they shall be applied towards reimbursing the expenses cause by the desertion to the master or the owner of the ship and subject to that reimbursement, shall be paid into the public treasury and credited to the account of the Federal Government.

(2) For the purpose of such re-imbursement the master or the owner or his agent may, if the wages are earned subsequent to desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the Court in any legal proceeding relating to such wages may order them to be paid accordingly.

213. Decisions of questions for forfeiture and deductions in suits for wages. Any question concerning the forfeiture of or deductions from the wages of any officer, a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages notwithstanding that the offence in respect of which the question arises, through by this Ordinance made punishable by imprisonment as well as forfeiture, has been the subject of any criminal proceeding.

214. Payment of fines imposed under agreement to Shipping Master. (1) Every fine imposed on any officer, seaman or apprentice for any act of misconduct for which his agreement imposes fine shall be deducted and paid over as follows, namely,---

(a) if the offender is discharged at any port or place in Pakistan, and the offence and such entries in respect thereof as aforesaid, are proved to the satisfaction of the Shipping Master before whom the offender is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such Shipping Master; and

(b) if the officer, seaman or apprentice is discharged at any port or place outside Pakistan and the offence and such entries as aforesaid are proved to the satisfaction of the Pakistan consular officer by whose sanction he is so discharged, the final shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book and signed by such officer and on the return of the ship to Pakistan the master or owner shall pay over such fine to the Shipping Master before whom the crew is discharged.

(2) If any master or owner neglects or refuses to pay over the fine, he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

215. Penalty for enticing to desert. If a person by any means whatever persuades or attempts to persuade any officer, seaman or apprentice to neglect or refuse to join or proceed to sea in or desert from his ship, or otherwise to absent himself from his duty, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

216. Penalty for harboring deserters. If a persons willfully harbours or secrets any officer, seaman or apprentice who has willfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe the officer, seaman or apprentice to have so done, he shall, for each offence, be liable to a fine which may extend to ten thousand.

217. Penalties or stowaways and discipline of stowaways and seamen carried under compulsion. (1) If a person secrets himself and goes to sea in a ship without the consent of either the owner, agent or master, or of a mate, or of the person in charge of the ship of any other person entitled to give that consent, he shall be liable to a fine which may extend to ten thousand rupees.

(2) every person who goes to sea in a ship without such consent as aforesaid and every sea faring person whom the master of a ship in under this Ordinance or any other law compelled to take on board and convey shall, so long as he remains in the ship, be subject to the same law and regulations for preserve disciplines and to the same fines and punishments for offences constituting or tending to a breach of discipline as if he were a member of, and had signed the agreement with, the crew.

(3) The master of any Pakistani ship arriving at any port or place in or outside Pakistan and the master of any ship other than a Pakistani ship arriving at any port or place in Pakistan shall, if any person has gone to sea on that ship without the consent referred to in sub-section (1), Report the fact in writing to the Shipping Master or the Pakistan Consular Officer as soon as may be after the arrived of the ship.

218. Unauthorised presence on board ship. Where a ship registered in Pakistan or any other country is in a port in Pakistan and a person who is neither in Government service nor authority by law to do so,---

(a) goes on board the ship without the consent of the master or of any other person authorised to give it; or

(b) remains on board the ship after being requested to leave by the master, Police or an officer of the customs;

he shall be liable to a fine which may extend to five thousand rupees.

219. Procedure where officer, seaman or apprentice not shipped in Pakistan is imprisoned on compliant of master. (1) If any officer, seaman or apprentice who is not shipped in Pakistan is imprisoned on complaint made by, or on behalf of, the master or owner of the ship for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, then,---

(a) while such imprisonment lasts, no person shall, without the previous sanction in writing of the Federal Government or such officer as it may appoint in this behalf, engage any citizen of Pakistan to serve as an officer, a seaman or an apprentice on board such ship; and

(b) the Federal Government or such officer as it may appoint in this behalf may tender such officer, seaman or apprentice to the master or owner of the ship in which he is engaged to serve, and may, if such master or owner, without assigning reasons satisfactory to the Federal Government or to such officer, seaman or apprentice so tendered,. required the master or owner to deposit in the local Shipping Officer,---

(i) the wages due to such officer, seaman or apprentice and his money and effects; and

(ii) such sum as may, in the opinion of the Federal Government or such officer as aforesaid, be sufficient to defray the cost of the passage of such officer or seaman or apprentice to the port at which he was shipped according to the scale of costs usual in the case of distressed seaman.

(2) If any person wilfully disobeys the prohibition contained in clause (a) of sub-section (1), he shall be liable to a fine which may extend to five thousand rupees.

(3) If any master or owner refuses or neglects to deposit any wages, money, effects or so required under clause (b) of sub-section (1), he shall be liable to a fine which may extend to five thousand rupees.

220. Power to send on board office or seaman or apprentice not shipped in Pakistan who is undergoing imprisonment. If any officer or seaman or apprentice who is not shipped in Pakistan is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding on month and his services are required on board his ship during his imprisonment but before the expiration of the period of his engagement, any magistrate may, on the application of the master or owner or his agent, notwithstanding that the period of his imprisonment has not terminated, cause the officer, seaman or apprentice to be conveyed on board the ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent to be by them so conveyed.

221. Deserters from foreign ships. (1) Where it appears to the Federal Government that due facilities are or will be given by the Government of any country outside Pakistan for recovering and apprehending officers or seamen or apprentices who desert from Pakistani ships in that country, the Federal Government may, by notification in the official Gazette, stating that such facilities are or will be given, declare that this section shall apply to officers, apprentices or seamen belonging to ships of such country, subject to such limitations or conditions as may be specified in the notification.

(2) Where this section applies to officers or seamen or apprentices belonging to ships of any country and any officer, seaman or apprentice deserts from any such ship, when within Pakistan, any Court that would have had cognizance of the matter if the officer, seaman or apprentice had deserted from a Pakistani ship shall, on the application of consular officer of that country, aid in apprehending the deserter and for that purpose may, on information given on oath, issue a warrant for his apprehension and on proof of the desertion order him to be conveyed on board his ship or delivered to the master or mate of his ship or to the owner of the ship or his agent to be so conveyed and any such warrant or order may be executed accordingly.

CHAPTER 16.

LITIGATION AGAINST SEAMEN

222. Definitions. (1) In this Chapter unless there is anything repugnant in the subject context,---

(a) “Court” means a Civil or Revenue Court;

(b) “proceeding” includes any suit, appeal or application; and

(c) “Shipping Master” means,---

(i) in the case of a seaman, the Shipping Master for the port at which the serving seaman entered into or is believed to have entered into an agreement, or where there is no such agreement, for the port to which the serving seaman has returned or is expected to return on the completion of his last voyage; and

(ii) in the case of masters and apprentices referred to in Section 230, the Shipping Master for the port at which the agreements with the crew of the ship were opened.

(2) For the purposes of this Chapter, a seaman shall be deemed to be a serving seaman during any period commencing on the day on which he enters into an agreement and ending thirty days after the day on which he is finally discharged from such agreement.

223. Particulars to be furnished in plaints, etc. If any person presenting any plaint, application or appeal to any Court has reason to believe that any adverse party is a serving seaman, he shall make a statement accordingly in the paint, application or appeal.

224. Power of Collector to intervene in case of an unrepresented seaman. If any Collector has reason to believe that any seaman who ordinarily resides or has property in his District, and who is party to any

proceeding pending before any Court, is unable to appear therein or is a serving seaman, the seaman, the Collector may certify the face in the prescribed manner to the Court.

225. Notice to be given in case of unrepresented seaman. (1) If a Collector has certified under Section 224, or if a Court has reason to believe that a seaman who is a party to any proceeding before the Court in unable to appear therein or is a serving seaman, the Court shall suspend the proceeding and shall give notice thereof in the prescribed manner to the Shipping Master:---

Provided that nothing in this sub-section shall be deemed to require the Court to suspend the proceeding,---

(a) if the proceeding is one instituted or made by the seaman, alone or conjointly with others, with the object of enforcing a right of pre-emption, or

(b) if the interests of the seaman in the precessing are, in the opinion of the Court, either identical with those of any other party thereto and adequately represented by such other party, or merely of a formal nature.

(2) If it appears to the Court before which any proceeding is pending that a seaman though not a party to the proceeding is materially concerned in the outcome of the proceeding and that his interest are likely to be prejudiced by his inability to attend, the Court may suspend the proceedings and shall give notice thereof in the prescribed manner to the Shipping Master.

226. Postponement of proceedings. (1) If, on receipt of a notice under Section 227, the Shipping Master certifies to the Court in the prescribed manner that the seaman is a serving seaman, the Court shall postpone the proceeding in respect of the seaman for the prescribed period or, if no period has been prescribed, for such period as it thinks fit:---

Provided that if, by reason of the continued absence of the seaman, the question of any further postponement of the proceedings in respect of the seaman arises, the Court shall in deciding the question have regard to the purposes of this Chapter.

(2) If the Shipping Master either certifies that the seaman is not for the time being serving or fails within two months from the date of the receipt of the notice under Section 227 to certify that the seaman is a serving seaman, the Court may,---

if it thinks fit, continue the proceeding.

227. Power to set aside decrees and orders passed against serving seaman. (1) Where in any proceedings before a Court a decree or order has been passed against any proceedings before a Court a decree or order has been passed against any seaman while he was a serving seaman, his legal representatives, may apply to the Court to have the decree or order set aside, and if the Court, after giving an opportunity to the opposite party of being heard, is satisfied that the interests of justice require that the decree or order should be set aside as against the seaman, the Court shall, subject to such conditions, if any, as it thinks fit to impose, make an order accordingly and may, if it appears that

any opposite party in the proceeding has failed to comply with the provisions of Section 223, award, subject to such conditions as may be prescribed, damages against such opposite party.

(2) The period of limitation for an application under sub-section (1) shall be sixty days from the date on which the seaman first ceases to be serving seaman after the passing of the decree or order or where the summons or notice was not duly served on the seaman in the proceeding in which the decree or order was passed, form the date on which the applicant had knowledge of the decree or order, whichever is later; and the provisions of Section 5 of the Limitation Act, 1908 (IX of 1908), shall apply to such applications.

(3) Where the decree or order in respect of which an application under sub-section (1) is made is of such a nature that it cannot be set aside as against the seaman only, it may be set aside as against all or any of the parties against whom it was made.

(4) Where a Court sets aside a decree or order under this section, it shall appoint day for proceeding with the suit, appeal or application, as the case may, in respect of which the decree or order was passed.

228. Modifications of law of limitation where seaman is a party. In computing the period of limitation provided in Section 227, or in the Limitation Act, 1908 (IX of 1908), or in any other law for the time being in force, for any suit, appeal or application to a Court to which a seaman is a party, the period or periods during which the seaman has been a serving seaman, and, if the seaman has died while he was serving seaman, the period from the date of his death to the date on which his next of kin was first informed by the Shipping Master or otherwise, of his death, shall be excluded:---

Provided that this section not apply in the case of any suit, appeal or application institute or made with the object of enforcing a right of preemption except in except in such areas and in such circumstances as the Federal Government may, be notification in the official Gazette, specify in this behalf.

229. Reference in matters of doubt to Shipping master. If any Court is in doubt whether, for the purposes of Section 227 or Section 228, a seaman is or was at any particular time or during and particular period a serving seaman, it may refer the question to the Shipping Master, and the certificate of the Shipping master shall be conclusive evidence on the question.

230. Provisions of this Chapter to apply to master and apprentices. The provisions of this Chapter shall apply to a master and an apprentice as they apply to a seaman, except that,---

(a) a master shall be deemed to be a “serving seaman” during any period commencing on the day on which he assumes command or the ship and ending thirty days after date on which he finally relinquishes such command; and

(b) an apprentice shall be deemed to be a “serving seaman” during any period commencing on the day on which he joins a ship and ending thirty days after the date on which he leaves such ship.

231. Power to make rules. (1) The Federal Government, after consultation with the High Court, may, by notification in the official Gazette, make rules to carry out the purposes of this Chapter.

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

(a) the manner and form in which any notice or certificate under this Chapter shall be given;

(b) the period for which proceedings or any class of proceedings shall be postponed under sub-section (1) of Section 226;

(c) the conditions subject to which damages may be awarded under sub-section (1) of Section 228 and the amount of such damages; and

(d) any other matter which is to be or may be prescribed.

CHAPTER 17 A.

UNIFORM

232. Uniforms to be prescribed. (1) The Federal Government may, by notification in the official Gazette, makes rules prescribing the uniforms (hereinafter referred to as the standard uniform) which a person employed on a Pakistani ship shall be entitled to wear; and a different standard uniform may be prescribed for persons of different positions or ranks.

(2) A person entitled to wear a standard uniform shall, if so required by the rules but subject to the provisions of this Chapter, wear the standard uniform appropriate to his position or rank.

233. Certificated officers may wear uniforms while employed. A persons holding a certificate of competency issued under this Ordinance and a citizen of Pakistan holding a certificate of competency recognised under Section 100, being temporarily un-employed, shall be entitled to wear the standard uniform appropriate to the rank in which he was last employed.

234. Uniforms when not to be worn. A person entitled to wear the standard uniform shall not wear it while he is employed ashore other than as Marine Superintendent or Engineer Superintendent.

235. Persons not to be dressed party in uniform. A person entitled to wear the standard uniform shall not, when on board a Pakistani ship in a port or on shore, be dressed partly in uniform and partly not in uniform.

236. Penalties. (1) If any person who is required to wear the standard uniform does not so wear it, he shall be liable to a fine which may extend to five thousand rupees.

(2) If any person, not being so entitled, wears the standard uniform or any part thereof or any dress having the appearance or bearing any of the distinctive marks of the standard uniform, he shall be liable to a fine which may extend to five thousand rupees.

(3) If a person wear the standard uniform in such a manner or under such circumstances as to be likely to bring contempt on the uniform, he shall be liable to a fine which may extend to five thousand rupees:---

Provided that nothing in this sub-section shall apply to the wearing of such uniform in the course or for the purpose of stage play or representation or any other performance if the uniform is not worn in such a manner or under such circumstances as to bring it into contempt.

(4) If any person entitled to wear the standard uniform when on board a Pakistani ship in a port or on shore appears dressed partly in uniform and partly not in uniform under such circumstances as to be likely to bring contempt on the uniform, or, being entitled to wear the uniform appropriate to a particular rank or position, wears the uniform appropriate to some higher rank or position, he shall be liable to a fine which may extend to five thousand rupees.

B. COMPLAINTS BY SEAMEN AND APPRENTICES

237. Facilities for making Complaints. (1) If a seaman apprentice, whilst on board ship, states to the master that he desires to make a complaint against him on any of the crew, when in Pakistan to the Shipping Master or a Magistrate, and when outside Pakistan to a Pakistan consular officer, the master shall, as soon as the service of the ship, may permit,---

(a) if the ship is then at a place where there is an authority to whom the complaint is sought to be made, after such statement; and

(b) if the ship is not then at such a place, after her first arrival at such a place,
allow the complainant to go ashore or send him ashore in proper cut he may be enabled to make the complaint.

(2) If any master fails without reasonable cause to comply with the provisions of this section, he shall, for each offence, be able to a fine which may extend to five thousand rupees.

C. PROTECTION OF SEAMEN AND APPRENTICES

238. Salvage reward invalid. Subject to the provisions of this Ordinance, a salvage reward payable to a seaman or apprentice made prior to the accruing thereof shall not bind the person making the same, and power-of attorney or authority for the receipt of any such salvage shall not be irrevocable.

239. Debts not recoverable till the conclusion of agreed services. A debt incurred by any seaman after he has engaged to serve shall not be recoverable until the service agreed for is concluded.

240. Inspection of seaman's lodging houses. A Shipping Master, Seaman's Welfare Officer or any officer duly authorised in this behalf may, at any time inspect any place where seaman may be lodge and excluded from such lodging or require that persons of improper character be excluded from such lodging or that the accommodation, sanitary conditions and other matters connected with the proper maintenance of such lodging be brought up to a prescribed standard.

241. Prohibition again taking out property from ship. (1) No person shall, while a ship is at any port or place in Pakistan, take out of the ship any property of the seaman or apprentice except under the direction of the seaman or apprentice and with the permission of the master.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to a fine which may extend to five thousand rupees.

242. Seamen's property not to be detained. (1) If a person receives or takes into his possession or under his control any money or other property of a seaman or apprentice and does not return the same or pay the deduction of such amounts as may be justly due to him from the seaman or therewith, he shall for each offence, be liable to a fine which may extend to ten thousand rupees.

(2) Any Court imposing a fine under sub-section (1) may direct the amount or such money or the value of the property subject to such deduction as aforesaid, if any, or the property itself, to be forthwith paid or delivered to the seaman or apprentice.

243. Ship not to be boarded without permission before seamen leave. Where a ship has arrived at a port or place in Pakistan at the end of a voyage and any person, not being in the service of the Government or not being duly authorized by law for the purpose, foes on board the ship without the permission of the master before the seaman lawfully leave the ship at the end of their engagement or are discharged (whichever happens last), the master of the ship may take such person into custody and deliver him up forthwith to a police officer to taken before a Magistrate to be dealt with according to the provisions of this Ordinance.

D. RESCISSION OF CONTRACTS

244. Power of Court to rescind contract between master, owner or agent and seaman or apprentice. Where a proceeding in instituted in any Court in relation to any disputed between the master, owner or agent of a ship and seaman or apprentice, arising out of or incidental to their relation as such, or in instituted for the purpose of this section, the Court, if, having regard to all the circumstances of the case, thinks it just to do so, may rescind any contract between the master or owner or agent and the seaman or apprentice upon such terms as the Court may deem fit; and this power shall be in addition to any power it may have in the exercise of any other jurisdiction which the Court can exercise independently of this section.

E. MARITIME ADVISORY COMMITTEE

245. Constitution and functions Central Maritime Advisory Committee. (1) The Federal Government may, by notification in the official Gazette, constitute a Maritime Advisory Committee, consisting of such representatives of ship owners, seaman and the Federal Government as it may deem fit.

(2) The functions of the Committee shall be,---

(a) to prevent and adjust differences between ship owners, and seaman;

(b) to advise the Federal Government on any improvements to be made in the system of recruitment of seaman;

(c) to advise the Federal Government on the improvements or modifications to be made in the terms and conditions of employment of seaman, such as, standardization of their rates or wages, hours of work, manning scale, and similar other matters;

(d) to advise the Federal Government on the steps to be taken for ameliorating unemployment among seamen; and

(e) to advise the Federal Government on any other matter relating to seaman which may be referred to it.

F. NATIONAL WELFARE BOARD FOR SEAMEN

246. Constitution of national Welfare Board for seamen. (1) the Federal Government may be, notification in the official Gazette, constitute an advisory board to be called the national Welfare Board for seamen, hereinafter referred to as the Board, for the purpose of advising the Federal Government on the measures to be taken for promoting the welfare of seaman (whether ashore or on board ship) generally and in particular the following, namely,---

(a) the establishment of hostels or boarding and lodging houses for seamen;

(b) the establishment of clubs canteens, libraries and other like amenities for the benefit of seamen;

(c) the establishment of hospitals for seamen of the provision of medical treatment for seaman; and

(d) the provision of education and other facilities.

(2) The Federal Government may, by notification in the official Gazette, make rules providing for,---

(a) the composition of the Board and the term of office of members thereof;

(b) the procedure to be followed in the conduct of business by the Board;

(c) the travelling and other allowances payable to members of the Board;

(d) the levy of fees payable by owners of ships at such rates as may be prescribed (which may be at different rates for different classes of ships) for the purpose of providing amenities to seamen and for taking other measures for the welfare of seamen;

(e) the procedure by which any such fees may be collected or recovered and the manner in which proceeds of such fees, after deduction of the cost of collection, shall be utilized for the purpose specified in clause (d); and

(f) any other matter which it is necessary to prescribe.

PART V. PASSENGER SHIPS

CHAPTER 18.

SURVEY OF PASSENGER SHIPS

247. Application. (1) This part applies to sea-going passenger ships propelled be electricity or other mechanical power, but such provisions of Chapter 19 as relate to special trade passenger ships, except Section 271, shall not apply to,---

(a) any such ship not carrying more than fifty special trade passengers; or

(b) any such ship not intended to carry special trade passengers to or from any port or place in Pakistan.

(2) Notwithstanding anything contained in sub-section (1), the Federal Government may declare that all or any of the provisions of Chapter 19 shall apply to sailing ships, or any class of sailing ships, carrying more than fifteen special trade passengers.

Explanation. For any of the purposes of this Part, a passenger over the age of one years shall be reckoned as one special trade passenger.

248. No ship to carry passengers without a certificate of survey. No ship shall take on board, or carry between ports or places in Pakistan, or to any port or place outside Pakistan more than twelve passengers unless she has a certificate of survey in force and applicable to the voyage on which she is about to proceed or the service on which she is about be employed.

249. Power of Federal Government to exempt certain ships. The Federal Government may, by notification in the official Gazette, declare the all or any, of the provisions of this Chapter relating to the survey of ships shall not apply in the case of any specified ship or class of ships, or shall apply thereto with such modifications as the Federal government may direct.

250. No port clearance until certificate of survey produced. No officer of Customs shall grant a port clearance, nor shall any pilot be assigned, to any ship for which a certificate of survey is required until after the production by the owner or master thereof such certificate in force and applicable to the voyage on which she is about to proceed and the service on which she is about to be employed.

251. Power to detain ship not having certificate of survey. If any ship for which a certificate of survey is required leaves or attempts to leave any port of survey without a certificate, any Officer of Customs or any pilot on board the ship may detain her until she obtains a certificate.

252. Owner or Agent responsible for survey. The owner or agent of every passenger ship for which a certificate of survey is required shall cause it to be surveyed in the prescribed manner.

253. Powers of surveyors. (1) For the purposes of a survey under this Ordinance, any surveyor may, at any reasonable time, go on board a ship and may inspect the ship and any part thereof, and the machinery, equipment or articles on board thereof:---

Provided that a surveyor shall not, except to the extent necessary for the purposes of this sub-section, hinder the loading or unloading of the ship or detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the ship shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the ship and her machinery and equipments, or any part thereof, respectively, as he reasonable requires.

254. Fees in respect of surveys. Before a survey under this chapter is commenced, the owner, gent or mater of the ship to be surveyed shall pay to such officer, as the Federal Government may appoint in this behalf,---

(a) a fee calculated on the tonnage of the ship according to the prescribed rates; and

(b) such additional fee, in respect of the expenses, (if any), of the journey of the surveyor to the port, as the Federal Government may, by notification in the official Gazette, direct.

255. Powers of the Federal Government to direct that two or more surveyors be employed. A survey shall ordinarily be made by one surveyor, but two or more surveyors may be employed if the Federal Government, by order in writing, so directs, either generally in the case of all class of ships at any such port.

256. Division of duties when two or more surveyors employed. When a survey is made by two or more surveyors, of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Chapter or the rules made thereunder to a survey making a survey.

257. Declaration of survey. When a survey is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the ship surveyed a declaration of survey in the prescribed form containing the following particularly, namely,---

(a) that the hull and machinery of the ship are sufficient for the service intended and in good condition;

(b) that the equipment of the ship in such condition and the certificates of the master, mate or mates, and engineer or engineers of the radio operators are such as required by this Ordinance and by other law for the time being in force and applicable to the ship;

(c) the time for which the hull, machinery and equipment of the ship will be sufficient.

(d) the voyages or class of voyages on which, as regards construction, machinery and equipment, the ship is in the Surveyor’s judgment fit to ply;

(e) the number of passengers which the ship is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; the number to the subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances as the case requires; and

(f) any other prescribed particulars.

258. Sending of declaration by owner or master. (1) The owner or master to whom a declaration of survey is given shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the federal Government may appoint in this behalf.

(2) If the owner or master fails to comply with the provisions of sub-section (1), he shall be liable to a fine which may extend to five thousand rupees.

(3) The penalty imposed under sub-section (2) shall be paid at the time of the delivery of the certificate of survey to the officer appointed under sub-section (1).

259. Grant of certificate of survey by Federal Government. (1) Upon the receipt of declaration of survey, the Federal Government shall, if satisfied that the provisions of this Chapter have been complied with, cause a certificate, in duplicate, to be prepared and delivered, through such officer at the port at which the ship was surveyed as the Federal Government may appoint in this behalf, to the owner or master of the ship surveyed, on his applying and paying the sums, if any, prescribed as payable on delivery of a certificate.

(2) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that the provisions with respect to the survey of the ship and the transmission of the declaration of survey in respect thereof have been complied with, and shall set forth,---

(a) the particulars concerning the ship which clauses (c), (d) and (e) of Section 257 require the declaration of survey to contain; and

(b) any other prescribed particulars.

(3) When a certificate relating to a ship is ready for delivery the Federal Government shall cause notice thereof to be given by post or otherwise to the owner or master of the ship.

260. Powers of the Federal Government to order a second survey. (1) If a surveyor, or surveyors, making a survey refuse to give a declaration of survey under Section 257 with regard to any ship, or give a declaration with which the owner, agent or master of the ship surveyed is dissatisfied, the federal Government may, on the application of the owner, agent or master, and on payment by him of such fee, not exceeding twice the amount of the fee for the previous survey, as the Federal Government may require, direct any other surveyor or surveyors to survey, the ship.

(2) The Surveyor or surveyors so directed shall forthwith survey the ship, and may, after the survey, either refuse to give a declaration or give such declaration as under the circumstances seems to them proper, and the decision of the surveyor or surveyors shall, subject to the other provisions of this Chapter, be final.

261. Ships with certificates of survey or certificates of partial survey granted outside Pakistan. (1) When a ship is required to be furnished with a certificate of survey and the Federal Government is satisfied by the production of a certificate of survey,---

(a) that the ship has been officially surveyed at a port in a country outside Pakistan;

(b) that the requirements of this Ordinance are proved, by that survey, to have been substantially complied with; and

(c) that certificates of survey granted under this Chapter are accepted in such country in lieu of the corresponding certificates required under the laws in force in that country, the Federal Government may, if it thinks fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give a certificate which shall have the same effect as a certificate given survey.

(2) When the Federal Government has, by notification in the official Gazette, declared that it is satisfied that an official survey at a port in a country outside Pakistan specified in the declaration is such as to prove that the requirements of this Ordinance have been substantially complied with, any person authorised by the Federal Government in this behalf may exercise the power, to dispense with a survey and to give a certificate, conferred on the Federal Government by sub-section (1) in the case of any ship furnished with a valid certificate of survey granted at such port.

(3) The provisions of sub-section (1) shall be applicable in the case of ships furnished with valid certificates of partial survey including docking certificates, as if they were ships furnished with like certificates granted at ports in countries outside Pakistan subject to the modification that the powers of the Federal Government under the said sub-section may be exercised by any person authorised by the Federal Government in the behalf.

262. Duration of certificate of survey. A certificate of survey shall not be in force,---

(a) after the expiration of one year or as prescribed from the date thereof;

(b) after the expiration of the period, as specified, for which the hull, boilers, engines or any of the equipment have been stated in the certificate to be sufficient; or

(c) after notice has been given by the Federal Government to the owner, agent or master of the ship to which the certificate relates that the Federal Government has cancelled or suspended it.

263. Cancellation or suspension of certificate of survey by Federal Government. Any certificate of survey may be cancelled or suspended by the Federal Government if it has reason to believe,---

(a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or any of the equipment of the ship has been fraudulently or erroneously made; or

(b) that the certificate has otherwise been issued upon false or erroneous information.

264. Alterations in ships subsequent to grant of certificate of survey and additional surveys. (1) The owner, agent or master of a ship in respect of which a certificate of survey has been granted and is in force shall, as soon as possible after any alteration is made in the ship's hull, equipment or machinery, give written notice to such person as the Federal Government may direct containing full particulars of the alteration.

(2) If the owner, agent or master of a ship, without reasonable cause, neglects to give the notice required by sub-section (1), he shall be liable to a fine which may extend to ten thousand rupees.

(3) If the Federal Government has reason to believe that since the making of the last declaration of survey in respect of a ship; or

(a) any such alteration as aforesaid has been in the hull, equipment or machinery of the ship; or

(b) the hull, equipment or machinery of the ship have sustained any injury of are otherwise insufficient, the Federal Government may require the ship to be again surveyed to such extend as it may think fit, and if such requirement is not complied with, may cancel any certificate of survey in respect of the said ship.

265. Delivery of expired or cancelled certificate. (1) Every certificate of survey granted, or deemed to have been granted, which has expired, or has been cancelled or suspended, shall be delivered up to such person as the Federal Government may direct.

(2) If the owner, agent or master of a ship, without reasonable cause, neglects or refuses to deliver up a certificate as required by sub-section (1), he shall be liable to a fine which may extend to five thousand rupees.

266. Certificate of survey to be affixed in conspicuous part of ship. (1) The owner, agent or master of every ship for which a certificate of survey has been granted shall forthwith, on the receipt of the certificate cause one of the duplicates thereof to be affixed, and kept affixed so long as the certificate remains in force and the ship is in use, on some conspicuous part of the ship where it may be easily read by all persons on board thereof.

(2) If the certificate is not so kept affixed, the owner agent and master shall each be liable to a fine which may extend to five thousand rupees.

267. Ship not to carry passengers in contravention of the Ordinance. (1) No ship on any voyage shall carry or attempt to carry any passenger in contravention of Section 248, or shall have onboard or in any part thereof a number of passengers which is grater than the number set forth in the certificate of survey as tee number of passengers which the ship or the part thereof is fit to carry on the voyage.

(2) The owner, agent and master of a ship in respect of which the provisions of sub-section (1) are contravened shall each be liable to a fine which may extend to one hundred thousand rupees.

268. Offences in connection with passenger ships. (1) If, in the case of a ship for which a certificate of survey has been granted, any person,---

(a) being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employ and, after having the amount of his fare (if he has paid it) returned or tendered to him nevertheless persists in attempting to enter the ship; or

(b) being drunk or disorderly on board the ship is requested by the owner or any person in his employ to leave the ship at any place in Pakistan at which he can conveniently do so, and after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request; or

(c) on board the ship after warning by the master or other officer thereof, molests or continues to molest any passenger; or

(d) having gone on board the ship at any place and being requested, on account of the ship being full, by the owner or any person in his employ to leave the ship, before it has departed from that place and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request; or

(e) travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof; or

(f) on arriving in the ship at the place for which he has paid his fare knowingly and wilfully refuses or neglects to quit the ship; or

(g) on board the ship fails when requested by the master or other officer thereof either to pay his fare or to exhibit such ticket or other receipt, if any showing the payment of his fare as is usually given to persons travelling by and paying fare for the ship,---

he shall be liable to a fine which may extend to five thousand rupees but such punishment shall not prejudice the recovery of the fare, if any, payable be him.

(2) If any person on board any such ship willfully does or causes to the done anything in such a manner as to obstruct or injure any part of the machinery, tackle of the ship or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship or otherwise in the execution of their duty on or about the ship, he shall be liable to a fine which may extend to ten thousand rupees but such punishment shall not prejudice the recovery from him, by way of damages, of all losses and expenses suffered or incurred by the ship on account of his account.

(3) The master or other officer of any such ship and all persons called by him to his assistance ma, without warrant, detain any person who commits any offence thereunder and and whose name and address are unknown to the master or officer convey the offender with all convenient despatch before the nearest Magistrate to be dealt with according to law.

269. Power to exclude drunken passenger from passenger ship. The masterof any passenger ship may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state or misconduct himself in such manner as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

270. Power to make rules. (1) The Federal Government may, be notification in the Official Gazette, make rules to regulate making of surveys.

(2) in particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,---

(a) the times and places at which, and the manner in which, surveys are to be made;

(b) the requirements as to construction, machinery, equipment and marking of sub-division load lines, which are to be fulfilled before a declaration of survey may be granted;

(c) the duties of the surveyor making a survey, and where two or more surveyors are employed, the respective duties of each of the surveyors employed;

(d) the form in which the declarations of survey and certificates of survey are to be made, and the nature of the particulars which are to be stated therein respectively; and (e) the rates according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the ports of survey and sums payable on delivery of certificate.

(e) the rates according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the ports of survey and sums payable on delivery of certificate.

CHAPTER 19.

SPECIAL TRADE PASSENGER SHIPS

271. Special trade passenger ships to be mechanically propelled. (1) No ship shall carry more than fifty special trade passengers unless she is propelled wholly by electricity or other mechanical means of power.

(2) The owner, agent and master of a ship in respect of which the provisions of sub-section (1) are contravened shall each be liable to a fine which may extend to fifty thousand rupees.

272. Places appointed by Federal Government. (1) A special trade passenger ship shall not depart or proceed on a voyage from or receive on board or discharge special trade passengers at, any port or place within Pakistan other than a port or place appointed in this behalf by the Federal Government.

(2) After a ship has departed or proceeded on a voyage from a port or place so appointed, a person shall not be received on board as a special trade passenger except at some other port or place so appointed.

273. Notice to be given on day of departure. (1) The owner, agent or master of a special trade passenger ship intending to depart or proceed on a voyage from a port or place appointed under Section 272 shall give notice to an officer appointed in this behalf by the Federal Government stating that the ship is to carry special trade passengers and also specifying her destination and the time at which it is proposes to depart or proceed.

(2) The notice under sub-section (1) shall be given not less than twenty-four hours before the time of the ship's departure or proceeding on a voyage, if in Pakistan, at the original port from which she departs or proceeds on a voyage, and, in other cases, at the first port in Pakistan at which she touches.

(3) The owner, agent and master of a ship in respect of which the provisions of sub-section (1) are not complied with shall each be liable to a fine which may extend to five thousand rupees.

274. Power to enter on and inspect ship. After receiving the notice under Section 273, the officer or a person authorised by him may at all times enter on the ship and inspect her and her fittings and the provisions and stores on board.

275. Special trade safety and space certificate. (1) If after inspection and survey the Federal Government is satisfied in respect of a special trade passenger ship that the ship complies with the requirements of the rules mentioned in sub-sections (2) and (3), it shall, on an application by the owner or master of the ship, cause, in addition to the certificate referred to in Section 342, to be prepared and delivered to the owner or master, a special trade passenger ship safety certificate and a special trade passenger ship space certificate.

(2) A special trade passenger ship safety certificate shall be in the prescribed form and shall state that the ship has been surveyed and complies with the rules annexed by the Special Trade Agreement applicable to a voyage within the special trade area.

(3) A special trade passenger ship space certificate shall be in the prescribed form, shall indicate the name of the ship, her distinctive number or letters, port of registry, gross tonnage, date on which keel was laid and space available for accommodation of special trade passengers, and shall state that the ship has been surveyed and that the spaces shown have been found to comply with the requirements of the rules annexed to the Protocol on Space Requirements for Special Trade Agreement.

(4) A Certificate issued under sub-section (2) or sub-section (3) shall remain in force for a period of one year from the date to issue or for such period as may be specified therein.

276. Ship not to sail without certificate A and B. (1) A ship intended to carry special trade passengers, between ports or places in Pakistan shall not commence a voyage from any port or place appointed under sub-section (1) of Section 272 unless the master holds certificates to the effects mentioned in Section 277 and 278.

(2) A ship intended to carry special trade passengers from or to port or place in Pakistan to or from a port or place outside Pakistan shall not commence a voyage from any port or place appointed under sub-section (1) of Section 272 unless the master holds,---

(i) a passenger ship safety certificate;

(ii) an exemption certificate;

(iii) a special trade passenger ship safety certificate;

(iv) a special trade passenger ship space certificate; and

(v) a certificate referred to in Section 278.

(3) The officer of Customs whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds the appropriate certificate for the voyage specified in sub-section (1), or as the case may be in sub-section.

277. Contents of certificate a. (1) The first of the certificates, referred to in sub-section (1) of Section 276 (hereinafter called certificate A) shall be in the prescribed form and contain such particulars as may be prescribed.

(2) In particular, and without prejudice to the generality of the foregoing provisions, certificate A contain the following statements and particulars, namely,---

(i) that the ship is seaworthy;

(ii) that the ship is properly equipped fitted and ventilated;

(iii) the number of special trade passengers the ship is certified to carry; and

(iv) such other particulars as may be prescribed.

(3) Certificate a shall remain in force of for a period of one year from the date of issue or for such shorter period as may be specified therein.

278. Contents of certificate B. The second of the certificates, referred to in sub-section (1) of Section 276 (hereinafter called certificate B) shall be in the prescribed form and shall state,---

(a) the voyage which the ship is to make and the intermediate ports; is any, at which she it to touch;

(b) that she has proper complement of officers and seamen;

(c) that the master holds,---

(i) a certificate of survey and certificate A; or

(ii) a passenger ship safety certificate accompanied by an exemption certificate, a special trade passenger ship safety certificate and a special trade passenger ship space certificate; or

(iii) a nuclear passenger ship safety certificate;

(d) that she has on board such number of medical officers licensed in the prescribed manner and such number of medical attendants, if any, as may be prescribed;

(e) that food, fuel and fresh water over and above what is necessary for he crew, and the other things, if any, prescribed for special trade passenger ships, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the special trade passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) accordingly to the prescribed scale;

(f) if the ship is to make a voyage is a season of foul weather prescribed as such and to carry upper-deck-passengers, that she is furnished with sufficient bulwarks and double awnings or with other sufficient protection against the weather;

(g) the number of cabins and special trade passengers embarked at the port of embarkation; and

(h) such other particulars, if any, as may be prescribed for special trade passengers.

279. Customs Collector or officer of Customs not to grant port-clearance certificate. The Customs collector or any officer of Customs shall not grant a port clearance to a ship intended to carry special trade passengers unless the master thereof holds certificate B issued under Section 278.

280. Survey of ship. After receiving the notice under Section 273 the certifying officer may, if he thinks fit, cause the ship to be surveyed at the expense of the master of owner by a surveyor, who shall report to him whether the ship is in his opinion, seaworthy and properly equipped, fitted and ventilated for the service of which she is to be employed:---

Provided that he shall not cause a ship holding a valid certificate referred to in sub-clauses (i) (ii), or (iii) of clause (c) of Section 278 to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or other reasonable grounds, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the service on which she is to be employed.

281. Discretion as to grant of certificate B. (1) Save as provided in sub-sections (2) and (3), it shall be in the discretion of the certifying officer to grant or withhold certificate B and, when he withholds the certificate, he shall communicate the reasons thereof to the person concerned.

(2) The certifying officer shall not grant certificate B if he has reason to believe that the weather conditions are likely to be adverse or that the ship has on board any cargo likely from its quality, quantity or of stowage to prejudice the health or safety of the special trade passengers.

(3) In the exercise of his discretion, the certifying officer shall be subject to the control of the Federal Government and of any authority appointed by it in this behalf.

282. Copy of certificate to be exhibited. The master or owner of a special trade passenger ship shall post in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of

the certificates granted under this Chapter in respect of the ship, and shall keep those copies so posted up throughout the voyage.

283. ship taking additional passengers at intermediate places. If any special trade passenger ship performing a voyage between ports or places in Pakistan takes additional special trade passengers on board at an intermediate port or place, the master shall obtain from the certifying officer at that port or place a supplementary certificate stating,---

(a) the number of special trade passengers so taken on board; and

(b) that food, fuel and fresh water over and above what is necessary for the crew and the other things, if any, prescribed for such a ship, have been placed on board, of the quality prescribed, properly packed and sufficient to supply the special trade passengers on board during the voyage which the ship is to make, including such detention in quarantine as may be probable, according to the prescribed scale:---

Provided that on such supplementary certificate shall be necessary if the certificate B held by the master of the ship states that food, fuel and fresh water over and above what is necessary for the crew, and the other things, if any, proscribed for such ships, have been placed on board, of the quality prescribed, properly packed and sufficient to supply the full number of special trade passengers which she is capable of carrying, and the master obtains thereon from the certifying officer an endorsement showing the number of passengers taken on board, and the number of passengers discharged, at that port or place.

284. Statements concerning passengers. (1) The master of a special trade passenger ship departing or proceeding on voyage from any port or place in Pakistan to any port or place outside Pakistan shall sign a statement in duplicate, specifying the total number and the respective sexes of all the special trade passengers, and the number of the crew, and shall deliver them to the certifying officer who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

(2) The master of a special trade passenger ship shall,---

(a) if after the ship has departed or proceeded on such a voyage any additional special trade passengers are received on board at a port or place within Pakistan appointed in this behalf under section 272; or

(b) if the ship upon her voyage touches or arrives at any such port or place, having previously received on board additional special trade passengers at any port or place outside Pakistan, obtain a fresh certificate to the effect of certificate B from the certifying officer at the said port or place within Pakistan and shall make and deliver an additional statement specifying the total number and the respective sexes of all the additional passengers.

285. Deaths on voyage. (1) When a special trade passenger ship reaches her port or place of destination after performing a voyage between ports or places in Pakistan, the master shall notify to such officer as the Federal Government may appoint in this behalf, the date and the supposed cause of death of every passenger who may die on the voyage.

(2) The master of a special trade passenger ship performing a voyage between a port or place in Pakistan to a port or place outside Pakistan shall not in writing on the statement returned to him under sub-section (1) of Section 284 and on any additional statement referred to in sub-section (2) of that section, the date and the supposed cause of death of any special trade passenger who may die on the voyage, and shall, when the ship arrives at her port or place of destination or at any port or place where it may be intended to discharge special trade passengers, and before any passenger leaves the ship, produce the statement with any addition made thereto,---

(a) where such port or place is in Pakistan, to the certifying officer or the Customs-Collector; and

(b) where such port or place is outside Pakistan, to Pakistan consular officer.

286. Special trade passenger ships to carry medical officers. Every ship carrying special trade passenger shall be provided with a hospital with such medical stores and equipment as may be prescribed and shall have on board as part of her complement,---

(a) where the number of special trade passengers carried does not exceed one hundred, at least one medical officer possessing such qualifications as may be prescribed; and

(b) where the number of such passenger exceeds one hundred, in addition to a medical officer, such number of medical attendants as may be prescribed.

287. Penalty for non-compliance with certain provisions. If a master, owner or agent of a special trade passenger ship,---

(a) fails, without reasonable cause, the burden of proving which shall lie upon him, to obtain any such supplementary certificate as is mentioned in Section 283; or

(b) fails to comply with any of the requirement of Sections 274, 282, 284 or 286; or

(c) wilfully makes any false entry or note in or on any statement referred to in Sections 284, or 285, he shall be liable to fine which may extend to fifty thousand rupees.

288. Penalty for bringing passengers from any foreign port in excess of authorised number. If a ship carrying special trade passengers from any port or place beyond Pakistan to any port or place in Pakistan has no board a number of passengers greater either than the number allowed for the ship, by or under this Chapter, or than the number allowed by the licence or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every special trade passenger in excess of that number, be each liable to a fine which may extend to fifty thousand rupees.

289. Penalty for failing to supply special trade passengers with prescribed provisions. (1) If the master of a special trade passenger ship, or any contractor employed by him for the purpose, without reasonable cause, the burden of proving which shall lie upon him, omits to supply to any special trade passenger the prescribed allowance of food, fuel and water, he shall liable to a fine which may extend to

five thousand rupees for every special passenger who has sustained detriment by the omission to supply the prescribed provisions.

(2) Where, under the terms of the ticket issued to a special trade passenger, he is not entitled to the supply of food as fore said; sub-section (1) shall have effect in relation to such passenger as if reference therein to "food" were omitted.

290. Penalty for ship unlawfully departing or receiving passengers on board. (1) If a special trade passenger ship departs or proceeds on a voyage from, or discharges special trade passengers at any port or place within Pakistan in contravention of the provisions of this Chapter, or if a person is received as a special trade passenger on board any such ship in contravention of any such provision, the master or owner shall, for every special trade passenger carried in the ship, or for every special trade passenger carried in the ship, for every special trade passenger so discharged or received on board, be liable to a fine which may extend to ten thousand rupees.

(2) The Customs-Collector, if he has reasonable grounds to believe that the master or owner of a ship has contravened the provision of sub-section (1), may seize and detain the ship, whenever found in any port or place within Pakistan, until such contravention has been adjudicated and the payment of the fines, if any, imposed on the master or owner with all costs has been enforced.

291. Penalty for fraudulent alteration in ship after certificate obtained. If the master of a special trade passenger after having obtained any of the certificate mentioned in this Chapter fraudulently does not suffers to be done anything where by a certificate becomes inapplicable to the altered state of the ship, or her special trade passengers or other matters to which the certificate relates, he shall be liable to a fine which may extend to one hundred thousand rupees.

292. Number of passengers on board not to exceed that allowed by or under this Chapter. (1) No special trade passenger ship on any voyage shall carry or attempt to carry a number of special trade passengers which is greater than the number allowed for the ship by or under this Chapter.

(2) The owner, agent and master of a ship in respect of which the provisions of sub-section (1) contravened shall each be liable to a fine which may extend to one hundred thousand rupees.

293. Penalty for discharging special trade passengers at any port or place other than that contracted for. If the master of special trade passenger ship discharges any special trade passenger at any port or place other than the port or place contracted for by the passenger, except with his previous consent, or except when the discharge is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

294. Penalty for making voyage in contravention of contract. If a special trade passenger ship, otherwise than by reason of perils of sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the special trade passengers with respect to the voyage which the ship was to make and the time which that voyage was to occupy,

whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be liable to a fine which may extend to ten thousand rupees.

295. Forwarding of passengers by Pakistan Consular Officers. (1) If any special trade passenger from a ship which is on a voyage from any port or place in Pakistan finds himself, without any neglect or default of his own, at any port or place outside Pakistan other than the port or place for which the ship was originally bound or at which he has contracted to be discharged, the Pakistan consular officer at or near that port or place may forward the passenger to his intended destination, unless the master, owner or agent of the ship within forty-eight hours of the arrival of the passenger gives to that officer a written undertaking to forward the passenger within four weeks thereafter to his original destination and forwards him accordingly within that period.

(2) A passenger so forwarded by a Pakistan consular officer shall not be entitled to the return of his passage money or to any compensation for loss of passage.

296. Recovery of expenses incurred in forwarding passengers. (1) All expenses incurred under Section 295 by a Pakistan consular officer in respect of the forwarding of a passenger to his destination, including the cost of maintaining the passenger until he is forwarded to his destination, shall be a debt due to the Federal Government jointly and severally from the owner, charterer, agent and master of the ship on board which the passenger had embarked.

(2) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of the Pakistan consular officer and stating the circumstances of the case and the total amount of the expenses shall be prime facie evidence of the amount of the expenses and of the fact that the same were duly incurred.

297. Information to be sent by ports of embarkation and dis-embarkation. (1) The officer appointed by the Federal Government in this behalf, at any port or place within Pakistan at which a special trade passenger ship touches or arrives, shall send and particulars which he may deem important, respecting the special trade passenger ship, and the special trade passengers carried therein, to the officer at the port or place from which the ship commenced her voyage, and to the officer at any other port or place within Pakistan where the special trade passengers or any of them embarked or are to be disembarked.

(2) the officer aforesaid may go on board any such ship and inspect herein order to ascertain whether the provisions of this Chapter as to the number of special trade passengers and other matters have been complied with.

298. Information sent under Section 297, etc. to be admissible in evidence. In any proceeding for the adjudication of any penalty incurred under this Chapter, any document purporting to be particulars sent under sub-section (1) of Section 297 or a copy of the proceedings of any Court of law duly authenticated, and also any like document purporting to be made and signed by Pakistan consular officer shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Chapter is held.

299. power to make rules as to special trade passenger ships. (1) The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this chapter.

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

(a) the classification of voyages with reference to the distance between the port of departure and the port of destination, the duration of the voyage or any other consideration which the Federal Government may think fit to take into account for the purpose;

(b) the seasons of fair weather and seasons of foul weather for purposes of any voyage;

(c) the space to be allowed for special trade passengers, in respect of different classes of voyages and for seasons of fair and foul weather;

(d) the disallowance of any space considered unsuitable by the surveyor for the carriage of special trade passengers;

(e) the space to be set apart for alleyways, passages and the like;

(f) the provision of airing space for special trade passengers;

(g) the scale according to which dining rooms, latrines, wash places, baths, dressing rooms and other amenities are to be provided;

(h) the provision of separate accommodation for women and children;

(i) the prohibition or regulation of the carriage of cargo in any space reserved for passengers;

(j) where the deck on which special trade passengers are accommodated is not covered with wood, the nature of the sheathing to be provided in the space reserved for passengers;

(k) the disposal of baggage of passengers on board ship and the provisions of separate space in the between decks for the storage of light baggage;

(l) the conditions under which passengers may be allowed to be carried in the upper deck in seasons of foul weather;

(m) the provision of bunks for special trade passengers or for any proportion of such passengers on any specified classes of voyage, and the size and other particulars relating to be so provided;

(n) the scale on which food and water are to be supplied to passengers or to any class of passengers, and the quality of the food, fuel and water;

(o) the nature and extend of hospital accommodation and the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(p) the licensing and appointment of medical officers and attendants in cases where they are required by this Chapter to be carried;

(q) the anchors and cables to be provided on board;

(r) the instruments to be supplied for purposes of navigation;

(s) the functions of the master, medical officer, if any, and other officers of the ship during the voyage;

(t) the access of between decks passengers to the upper-deck;

(u) the local limits within which, and the time and mode at and in which passengers are to be embarked or disembarked at any port or place appointed under this Chapter in that behalf;

(v) the time within which any ship of a specified class is to depart or proceed on her voyage after commencing to take passengers on board;

(w) the conditions under which live-stock may be allowed to be carried; and

(x) the licensing, supervision and control of persons engaged in assisting persons to obtain special trade passenger accommodation in ship departing or proceeding from any port or place in Pakistan and prohibition of unlicensed persons from being so engaged.

CHAPTER 20.

PILGRIM SHIPS

300 Application of certain provisions of Chapter 19 to pilgrim ships. The provisions of Sections 272 to 282 (both inclusive) and Sections 289 to 298 (both inclusive) shall, so far as they are not inconsistent with the provisions of this Chapter, shall apply to pilgrim ships as the apply to special trade passenger ships, and for the purpose of such application,---

(a) all reference therein to special trade passenger ships and special trade passengers shall be construed as references to pilgrim ships and to pilgrims respectively; and

(b) clauses (f) and (g) of Section 278 shall be deemed to have been omitted.

301. Pilgrim ships to be mechanically propelled. (1) No ship shall be employed, or proceed on a voyage, as a pilgrim ship unless she is propelled wholly by electricity or other mechanical means of power.

(2) The owner, agent and master of a ship in respect of which the provisions of sub-section (1) are contravened and each be liable to a fine which may extend to fifty thousand rupees.

302. Accommodation, etc; for pilgrims. (1) The Federal Government may, by rules, determine the number of pilgrims to be carried on any pilgrim ship and the accommodation to be provided for each pilgrim on board such ship.

(2) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so much of the upper-deck space as is not required for the airing space of the crew or for permanent structures and, subject to any rules made in this behalf, such space be allotted among the different classes of pilgrims in such proportion as may be thought fit:
Provided that the upper-deck space available for pilgrims shall in no case be less than 0.56 square meters (six square feet) for each pilgrim of each class.

303. Disposal of pilgrims baggage. The baggage of all pilgrims shall be disposed of on board in such manner as may be prescribed.

304. Hospital accommodation. There shall be regularly appointed hospital on board every pilgrim ship, offering such conditions of security, healthy and space, and capable of accommodating such number, not exceeding five per cent of the pilgrims embarked as may be prescribed.

305. Statement concerning pilgrims to be delivered before ship departs. The master of every pilgrim ship departing or proceeding on a voyage from port in Pakistan shall sign a statement in duplicate in the prescribed form specifying the total number and the number of each sex of all the pilgrims embarked and the number of the crew, and such other particulars as may be prescribed, and shall deliver both copies to the certifying officer who shall thereupon, after having first satisfied himself that the entries are correct, countersign and return to the master one of the copies.

306. Death on voyage. The master of every pilgrim ship shall note in writing on the copy of the statement returned to him under Section 305, and on any additional statement to be made under Section 305, and on any additional statement to be made under Section 307, the date and the supposed cause of death of any pilgrim who may die on the voyage, and shall when the pilgrim ship arrives at her port or place of destination or any port or place at which it may be intended to discharge pilgrims, and before any pilgrims disembark, produce the statement, with any additions made thereto,---

(a) where such port or place is in Pakistan, to the certifying officer or the officer of Customs; and

(b) where such port of place is outside Pakistan, to the Pakistan consular officer.

307. Pilgrim ship taking additional pilgrims at intermediate place. The master of a pilgrim ship shall,---

(a) if, after the ship has departed or proceeded on her voyage, any additional pilgrims are received on board at a port or place within Pakistan appointed in this behalf under Section 272; or

(b) if the ship upon her voyage touches or arrives at any such port or place, having previously received on board additional pilgrims at any place beyond Pakistan, obtain a fresh certificate on the lines of certificate b from the certifying officer at the said port or place, within Pakistan and shall make and deliver an additional statement, in duplicate in the prescribed form in respect of such additional pilgrims.

308. Statement concerning pilgrims to be delivered before pilgrims disembark in Pakistan. The master of every pilgrim ship arriving at any port or place in Pakistan at which it may be intended to discharge

officer appointed thereat, a statement signed by him specifying the total number and the number of each sex of all the pilgrims on board and the number of the crew and such other particulars as may be prescribed.

309. Penalty for not complying with requirements as to statements concerning pilgrims, etc. If the master of a pilgrim ship fails to comply with any of the requirements of Section 305, or Section 306, or Section 308 as to the statements concerning pilgrims, or willfully makes any false entry or note in or on any such statement, or fails to obtain any such fresh certificate or to make any such statement of the number of additional pilgrims as in mentioned in Section 307, he shall, in respect of each offence, be liable to a fine which may extend to ten thousand rupees.

310. Certain pilgrim ships to carry medical officers and attendants. (1) Every pilgrim ship carrying pilgrims and crew exceeding one hundred in number shall have on board a medical officer possessing such qualifications as maybe prescribed, and, if the number of pilgrims and crew carried exceeds on thousand, a second medical officer similarly qualified, and if the aforesaid number exceeds two thousand, a third medical officer similarly qualified, and also in all cases attendants as may be prescribed; and such medical officers and attendants shall give their services free to all pilgrims on board.

(2) If medical officers and attendants are not carried on a pilgrim ship in accordance with the provisions of sub-section (1), the master, owner and agent shall each, be liable to a fine which may extend to fifty thousand rupees.

(3) Any medical officer or attendants on a pilgrim ship who charges any pilgrim on such ship for this services shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

311. Medical officer's diaries and reports. Every medical officer on a pilgrim ship shall keep such diaries and shall submit such reports or other returns as may be prescribed.

312. Bond where pilgrim ship proceeds on outward voyage. (1) Port clearance shall not be granted from any port in Pakistan to any pilgrim ship unless the master, owner or agent and two sureties resident in Pakistan have executed, in favour of the federal Government, a joint and several bond for the sum of fifty thousand rupees covering all voyages which may be made by the ship in the current pilgrim season, conditional that,---

(a) the master and medical officer, as the case may be, shall comply with the provisions of this Chapter and the rules made thereunder; and

(b) the master, owner or agent, as the case may be, shall pay any sum claimed by the Federal Government under Section 318.

(2) A bond may be given under this section covering any or all of the pilgrim ships owned by one owner, and in such case the amount of the bond shall be fifty thousand rupees for each ship covered.

313. Medical inspection and permission required before embarkation of pilgrims. (1) No pilgrim shall be received on board any pilgrim ship at any port or place in Pakistan unless and until he or she has been medically inspected, at such time and place, and in such manner, as the Federal Government may fix in this behalf, nor until the certifying officer has given permission for the embarkation of pilgrims to commence.

(2) So far as may be practicable, and subject to any rules made in this behalf, the medical inspection of female pilgrims shall be carried out by women.

(3) No pilgrim shall be received on board any pilgrim ship unless he or she produces medical certificates signed by persons, who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim has been, with such period embarkation, inoculated or vaccinated against any such disease as may be prescribed.

(4) If, in the opinion of the officer making an inspection under this section, any pilgrim as suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or show any signs of the same or any other suspicious symptoms, such pilgrim shall not be permitted to embark.

(5) All articles which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease or are suspected of having been so contaminated shall, supervision of a medical officer appointed by the Federal Government for the purpose, in such manner as may be prescribed.

(6) If the master of any ship knowingly receives on board any pilgrim or contaminated articles in contravention of any of the provisions of this section, he shall be liable to a fine which may extend to ten thousand rupees.

314. Medical inspection after embarkation in certain cases. (1) If in any case a pilgrim ship does not proceed on her voyage within forty-eight hours after all the pilgrims have been received on board, and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, a medical inspection of all person on board may be held in such manner as the Federal Government may direct.

(2) If on such inspection any person is found to be suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, he shall, together with all articles belonging to him, be at once removed from the ship.

(3) If the master knowingly keeps on board any pilgrim or article ordered to be removed under this section, he shall be liable to a fine which may extend to ten thousand rupees.

315. Return passage to be secured. No pilgrim shall be received on board any pilgrim ship at any port or place in Pakistan unless he,---

(a) is in possession of a return ticket; or

(b) has deposited in the prescribed manner such sum for the purpose of defraying the cost of a return ticket as the Federal Government may, be notification in the official Gazette, specify:---

Provided that the officer authorised in the behalf by the Federal Government may, if he is satisfied that it is inexpedient in the special circumstances of the case to enforce all or any of the above requirements, exempt any pilgrim from the same.

316. Issue or production of tickets. (1) Every pilgrim travelling on a pilgrim ship shall shall be entitled, on payment of his passage-money and fulfilment of other prescribed conditions, if any, to receive a ticket in the prescribed form, and shall be bound to produce it to such officers and on such occasions as may be prescribed and otherwise to deal with it in the prescribed manner:
Provided that no pilgrim who has not been exempted under the proviso to Section 315 shall be given a ticket unless he has made the deposit required by that section.

(2) Any ticket issued to a pilgrim for a voyage on a pilgrim ship shall entitle him to receive food and water, on the scale and of the quality prescribed and necessary medicines and medical treatment free of further charge, throughout the voyage.

317. Refund of deposits and passage-money. (1) Every pilgrim prevented from embarking under Section 313 or removed from the ship under Section 314 shall be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made under Section 315.

(2) Any pilgrim who, within two months of his sailing from Pakistan, satisfies the Pakistan consular office at Jeddah that he intends to remain in the Kingdom of Saudi Arabia, or to return to Pakistan by a route other than route by which he came from Pakistan, shall be entitled to a refund of any deposit made by him under Section 315 or, if he is in possession of a return ticket, to a refund of half the passage-money paid by him.

(3) where any pilgrim dies in the Kingdom of Saudi Arabia or on the voyage thereto, any person nominated by him in this behalf in writing in the prescribed manner, or, if no person has been so nominated his legal representative shall be entitled to a refund of any deposit made by such pilgrim under Section 315, or, if such pilgrim was in possession of a return ticket, to a refund of the passage-money paid by such pilgrim.

(4) Where any pilgrim fails to return to Pakistan from the Kingdom of Saudi Arabia within Six months of his sailing from Pakistan, or returns to Pakistan by a route other than the route by which he came from Pakistan, he or any person nominated by him in this behalf in writing in the prescribed manner shall be entitled to a refund of any deposit made by such pilgrim under Section 315, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim except where such deposit or passage-money has already been refunded under this section.

(5) Refunds under sub-sections (1), (2), (3) and (4) of deposits shall be subject to such conditions and of passage-money to such deductions and conditions as may be prescribed.

318. Unclaimed deposits and passage money to vest in Federal Government. (1) All deposits made under Section 315 which have been unclaimed for the prescribed period shall vest in the Federal Government.

(2) If any pilgrim entitled to a refund of passage-money under sub-section (1) of Section 317, does not claim such refund within the prescribed period, or if any pilgrim who has purchased a return ticket does not on the basis of such ticket obtain a return passage from the Kingdom of Saudi Arabia within the prescribed period and the value of the return half of such ticket has not been refunded under sub-section (2) or (3) or (4) of the aforesaid section, such passage-money or value shall vest in the Federal Government.

(3) Unclaimed deposits and passage-money vesting in the Federal Government under sub-section (1) or sub-section (2) shall be made over to such authority administering any fund maintained for the assistance of pilgrims as the Federal Government may, by general or special order, designate in this behalf.

319. Cost of return journey of pilgrims on ships other than those for which return ticket is available. (1) The master, owner or agent of a pilgrim ship shall make all arrangement for ensuring the return ex-Jaddah, within a period of sixty days after the Hajj day, of all pilgrims in possession of return tickets issued in Pakistan who are carried to the Kingdom of Saudi Arabia by such ship:
Provided that, for the purpose of computing the said period of sixty days, no period shall be taken into account during which the ship is prevented from carrying pilgrims on the return passage by reason of the port of Jaddah having been declared by proper authority to be infected, or by reason of was, disturbance, or any other cause not arising from any act or default of the master, owner or agent.

(2) Where any such pilgrim who has notified to the prescribed authority in the prescribed manner his desire to embark for the return voyage is, owning to his inability to obtain accommodation within the period of sixty days aforesaid, detained at Jeddah beyond the said-period, the master, owner or agent of the ship in which such pilgrim was carried to the Kingdom of Saudi Arabia shall pay to the Federal Government in respect of such pilgrim such sum not exceeding double the sum received by the master, owner or agent in respect of the return ticket as the Federal Government claims as the cost of repatriating the pilgrim, together with a sum of fifty rupees for each day after the expiry of the period aforesaid during Which the pilgrim has been detained at Jeddah.

(3) a certificate of such detention purporting to be made and signed by the Pakistan consular officer at Jeddah shall be received in evidence in any Court in Pakistan without proof of the signature or of the official character of the person who has signed the same.

320. Notice of proceeding of pilgrim ship on voyage. (1) The master, owner or agent of any ship which is intended to proceed on a voyage as a pilgrim ship from any port or place in Pakistan shall before advertising such ship for the conveyance of pilgrims or offering to convey any pilgrim by such ship or selling or permitting any person to sell a passage ticket to any pilgrim for conveyance by such ship, supply to the prescribed officer (hereinafter referred to as the Port Hajj Officer) at the port or place from which the ship is to commence the voyage, and at each port or place in Pakistan at which it is to touch

for the purpose of receiving pilgrims on board, full particulars as to the class, tonnage and age of the ship, the maximum number of passage tickets of each class to be issued, the maximum price of each class of ticket, the date on which the ship is to depart or proceed on a voyage from that port or place, the ports, if any, at which it is to touch, the place of its destination, and the probable date of its arrival thereat.

(2) The master, owner or agent shall apply to the Port Hajj Officer, within three days from the date of demand, such further information is regard to the matters mentioned in sub-section 91) as that officer may in writing demand from him.

(3) The master, owner or agent of such time not being less than ten days proceeding the date of departure or proceedings on voyage of the ship from any port or place in Pakistan as may be prescribed, advertise at such port or place in the prescribed manner,---

(a) the place of destination of the ship;

(b) the proposed date of departure or proceeding on voyage from that port of place which shall be the date communicated to the Port Hajj Officer under sub-section (1); and

(c) the price of each class of passage tickets, which shall not be in excess of the price communicated to the Port Hajj Officer under sub-section (1).

(4) A master, owner or agent of a pilgrim ship who,---

(a) without reasonable cause, the burden of proving which shall lie upon him, fails or refuses to supply any particulars or information which he is by or under this section required to supply, or supplies false particulars or information; or

(b) advertises any ship for the conveyance of pilgrims, or offers to convey pilgrims by any ship, or sells or promises or permits any person to sell passage tickets to pilgrims for conveyance by any ship, without having first supplied the particulars required by sub-section (1) and in accordance with the provisions of the sub-section; or

(c) advertises a date of departure or proceeding on voyage from any port or place other than the date communicated to the Port Hajj Officer at that port or place under sub-section (1), or advertises a price for passage tickets at the port or place in excess of the price so communicated; or

(d) offers to convey pilgrims by any ship from any port or place in Pakistan or sells or promises or permits any person to sell passage tickets to pilgrims for conveyance by a ship from any such port or place without having made advertisement, as required by such-section (3), of the matters specified in that sub-section; or

(e) sells or permits an person to sell to any pilgrim any passage ticket at a price in excess of the price communicated to the Port Hajj Officer under sub-section (1), shall be liable to a fine which may extend to ten thousand rupees.

321. Compensation for delay in departing or proceeding on voyage. (1) If a pilgrim ship fails to depart or proceed on voyage from any port or place on the date advertised under sub-section (3) of Section 320, the master, owner or agent shall be liable to pay as compensation to each pilgrim who has paid his passage money on or before such date the sum of fifty rupees for each completed day during which the departure or proceeding on voyage of the ship is delayed after that date:---

Provided that such compensation shall not be payable in respect of any period during which the departure of the ship is impossible owing to any cause not arising from the act or default of the master, owner or agent, the burden of proving which shall lie on the master, owner or agent:---

Provided further that where compensation has been paid or has become payable to any pilgrim in respect of delay in the departure or proceeding on voyage of the ship from any port or place and the departure or proceeding on voyage of the ship from any other port or place in thereafter delayed, the pilgrim shall be entitled to compensation only in respect of any period by which the duration of such further delay exceeds, the duration of the delay in respect of which he has already received or become entitled to compensation.

(2) in the event of such failure, the master, owner or agent shall be bound forthwith to inform the Port Hajj Officer at the port or place at which the delay occurs of the number of passage tickets of each class which have been issued for the voyage on or before the advertised date of departure or proceeding on voyage.

(3) Any sum payable to the pilgrims as compensation under sub-section (1) shall be paid to the Port Hajj officer at the port or place at which delay occurs by the master, owner or agent on receipt by him or a notice from that officer specifying the sum payable; and the Port Hajj Officer shall, in such manner as may be prescribed, pay to each such pilgrim the compensation paid in respect of his detention:---

Provided that, if an objection is made by the master, owner or agent the sum specified in any such notice or any part of such sum is not payable by him, the sun paid or, as the case may be, the balance thereof remaining after payment to the pilgrims entitled thereto of compensation the right to which is not in dispute, shall be held in deposit until the objection has been decided:---

Provided further that if, for any reason, the compensation due to any pilgrim cannot be paid to him at the time of embarkation or at or before the time of his disembarkation at the port of his destination, the sum so remaining unpaid shall be made over to such authority as is referred to in sub-section (3) of Section 318.

(4) If the master, owner or agent objects that the sum specified in the notice issued under sub-section (3) or any part of thereof is not payable by him, he may, at the time of payment of such sum, give to the Port Hajj Officer notice of is objection, together with a statement of the grounds thereof, and the port Hajj Officer shall thereupon either cancel or modify the aforesaid notice in accordance with the objection for decision to a Magistrate of the first class exercising jurisdiction at the port or place at which the ship is delayed whose decision on such reference shall be final.

(5) If the Magistrate decides on a reference under sub-section (4) that any sum held in deposit is not payable as compensation under sub-section (1), such sum shall be refunded to the master, owner or agent, as the case may be.

(6) On the failure of any pilgrim ship to depart or proceed on voyage from any port or place on the date advertised under sub-section (3) of section 320, the Port Hajj Officer at that port or place shall forthwith give notice of such failure to the officer authorised to grant port-clearance to ships thereat, and such officer shall refuse port clearance to the pilgrim ship until the master, owner or agent produces to him a certificate of the Port Hajj Officer that all sums payable by way of compensation under this section up to the day on which the ship is to depart or proceed on voyage have been paid.

(7) Nothing in this section or in Section 324 shall apply to any advertisement made before the time prescribed under sub-section (3) of Section 320, and intended to give the public information of the approximate date of the departure or proceeding on voyage of a pilgrim ship, where such advertisement clearly states that the date so advertised is approximate only and that correct proposed date shall be advertised later.

322. Substitution of ships. Notwithstanding anything contained in Section 320 or Section 321, where any ship which has been advertised under sub-section (3) of Section 320 for the conveyance of pilgrims has been or is likely to be delayed beyond the advertised date of departure or proceeding on voyage, the owner or agent may with the permission in writing of the Federal Government, substitute for it any other ship which is capable of carrying not less than the same number of pilgrims of each class, and where the ship is substituted with such permission the advertisement shall be deemed to have been made in respect of the ship so substituted, and all the provisions of those sections shall apply accordingly in respect of such ship.

323. Sanitary taxes payable by the master. The master of every pilgrim ship shall be bound to pay the whole amount of the sanitary taxes imposed by lawful authority at the ports visited and such amount shall be included in the cost of the tickets issued to the pilgrims.

324. Power to exempt ship from provisions of Chapter 20. (1) The Federal Government may subject to such conditions as it thinks fit, exempt any ship or class of ships from any provisions of this Chapter relating to pilgrim ship.

(2) In imposing a condition under this section, the Federal Government may direct that a breach of its shall be liable to a fine which may extend to ten thousand rupees.

325. Appointment of officers. The Federal Government shall appoint such persons as it thinks fit to exercise the powers and perform duties which are conferred and imposed by this Chapter or may be conferred and imposed thereunder.

326. Power to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Chapter.

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

(a) the principles to be followed for determining the number of pilgrims to be carried on any pilgrim ship;

(b) the provisions of bunks and the size and other particulars relating to the bunks to be so provided;

(c) the allotment of the upper-deck space between various classes of pilgrims;

(d) the amount and distribution of the baggage of the pilgrims;

(e) the boats, anchors and cables to be provided on board pilgrim ships;

(f) the instruments to be supplied for purposes of navigation;

(g) the fittings and other appliances to be provided in the upper and between-decks for the comfort and convenience of pilgrims;

(h) the basic scale on which, and the manner in which cooked and uncooked food and water are to be supplied to pilgrims, and the quality of such food and water;

(i) the kinds of food to be provided for pilgrims on payment, in addition to the food to be supplied in accordance with the basic scale; and the charges which may be made for the same;

(j) the quality, quantity and storage of the cargo to be carried;

(k) the nature and the extend of the hospital accommodation and the medical stores, disinfectants, and other appliances and fittings to be provided on board free of charge to pilgrims for maintaining health, cleanliness and decency;

(l) the form of the statements to be furnished by the master under Section 305 and 308 and the particulars to be entered therein;

(m) the manner in which provisional bookings may be made, the acceptance of deposits for such bookings and the forfeiture of any part of the deposit in cases in which any such bookings are cancelled;

(n) the appointment of medical officers and other attendants in cases where they are required by this Chapter to be carried, and the diaries, reports and other returns to be kept or submitted by such medical officers;

(o) the manner in which contaminated articles shall be disinfected before being taken on board a pilgrim ship;

(p) the manner in which and the persons by whom, the medical inspection of women shall be carried out;

(q) the manner in which deposits shall be made for the purposes of Section 315 and any matter in respect of which provisions is, in the opinion of the Federal Government, necessary or expedient for the purpose of giving effect to the provisions of that section;

(r) the supply of tickets to intending pilgrims, the form of such tickets and the conditions and other matters to be specified thereon, and the amount of the sanitary taxes to be included in the cost thereof;

(s) the refund of deposits and passage money under Section 317 and the manner in which persons shall be nominated under that section for the purpose of entitling them to a refund;

(t) the period after which unclaimed passage-money and deposits liable to be refunded shall vest in the Federal Government and the purposes to which sums so vesting shall be applied;

(u) the manner in which the proposed date of departure or proceeding on voyage shall be advertised under Section 320, the manner in which payment shall be made under Section 322 to pilgrims and to the Port Hajj Officer; and the procedure to be followed by masters, owners or agents and by Port Hajj Officers and Magistrates in proceedings under that section;

(v) the functions of the master, medical officer or officers, if any, and other officers during the voyage;

(w) the local limits within which, and the time and mode at and in which, pilgrims shall be received on board or discharged at any port or place appointed under this Chapter in that behalf;

(x) the time within which a pilgrim ship shall depart or proceed on her voyage after commencing to take pilgrims on board; and

(y) prohibition of pilgrim being received on board any pilgrim ship, unless he is in possession of a passport or a pilgrims pass; the issue of pilgrims passes, and the from of and fees which may be charged for such passes.

(3) If the master or a medical officer, if any, of a pilgrim ship without reasonable cause, the burden of proving which shall lie upon, him, contravenes, or omits or neglects to comply with any rule made under this section he shall in respect of each offence, be liable to a fine which may extend to ten thousand rupees. --

PART VI

SAFETY

CHAPTER 21.

CONSTRUCTION OF SHIPS AND SAFETY EQUIPMENT, ETC.

327. Countries to which the safety and Load Line Convention apply. (1) The Federal Government, if satisfied.

(a) that the Government of any country has accepted or denounced the Safety Convention or the Load Line Convention; or

(b) that the Safety Convention or, as the case may be, the Load Line Convention extends or has ceased to extend to any territory;
may, by notification in the official Gazette, make a declaration to that effect.

328. Construction of passenger ships. (1) The federal Government may by notification in the official Gazette, make rules prescribing the requirements that the hull, equipment and machinery of Pakistani passenger ships shall comply with.

(2) The rules made under sub-section (1) shall include such requirements as appears to the Federal Government to implement the provisions of the Safety Convention prescribing the requirements that the hull, equipment and machinery of passenger ships shall comply with, except so far as those provisions are implemented by the rules for the life saving and fire fighting appliances, the radio rules or the collision regulation.

(3) The powers conferred on the Federal Government by this section shall be in addition to the powers conferred by any other provisions enabling it to proscribe the requirements that passenger ship shall comply with.

329. Construction of cargo ships. (1) Every sea-going Pakistani ship of a gross tonnage of not less than five hundred, or of such lower tonnage as the Federal Government may by notification in the official Gazette, specify, not being a passenger ship, shall be constructed in accordance with such specification, and shall be surveyed to such extent, in such manner and at such intervals as may be prescribed.

(2) The provisions of this section shall apply, in the same manner as they apply to a Pakistani ship, to every other ship of a gross tonnage of not less than five hundred while she is within any port or place in Pakistan.

(3) This section dose not apply to vessels to which the provisions of the Inland Mechanically Propelled Vessels Act, 1917 (I of 1917), apply so long as such Vessels are engaged on voyages confined to ports within one Province or do not proceed to sea beyond the limits specified under CLAUSE (4) of Section 2.

330 Power to make rules with respect to the construction and survey of cargo ships, etc. (1) The Federal Government may, by notification in the official Gazette, make rules, proscribing the requirements for the hull, equipment and machinery of ships to which Section 329 applies, and the requirements of survey thereof.

(2) In particular, and with out prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,---

(a) the extent of surveys and the manner in which and the intervals at which surveys shall be made;

(b) the requirements as to construction, machinery and equipment;

(c) the form and manner in which declaration of surveys shall be issued and transmitted and the particulars which shall be stated therein;

(d) the fees that may be charged for surveys made under these rules; and

(e) such other matters as may be necessary for carrying out purposes of Section 329;

331. Power to made rules as to life saving and fire sighting appliances, etc.- (1) The federal Government may, be notification in the official Gazette, make rules prescribing the life saving appliances and fire fighting appliances to be carried by every Pakistani ship going to sea from any port or place.

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

(a) The arranging of ships into classes, having regard to the service in which they are employed, the natured and duration of the voyage and the number of persons carried;

(b) the number description, mode of construction of the boats, life rafts, line throwing appliances, life-jackets and life-buoys to be carried by ships according to the classes in which the ships are arranged.

(c) the equipment to be carried by any such boats and rafts the method to be provided to lower the boats and other life saving appliances into the water, including oil for use in stormy weather;

(d) the provision in ships of a proper supply of light. in extinguishable in water and fitted for attachment to life-buoys;

(e) the quantity, quality and description of buoyant apparatus to be carried on board ships either in addition to or in substitution for boats, life-rafts, life-jackets and life-buoys;

(f) the position and means of securing the boats, life-rafts, life-jackets, life-buoys and buoyant apparatus;

(g) the marking of boats, life-rafts, and buoyant apparatus so as to show their dimensions and the number of persons authorised to be carried on them;

(h) the manning of life-boats and the qualifications and certifications and certificates of life-boatmen;

(i) the provision to be made for mustering the persons on board and for embarking them in the boats (including provision for the lighting of, and the means of ingress, to, and exit from, different parts of the ship);

(j) The provision suitable means situated outside the engine room whereby and discharge of water into the boats can be prevented;

(k) the assignment of specific duties to each member of the crew in case of emergency;

(l) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire;

(m) the provision in ships of plans and other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire;

(n) the practice in ships of boat-drills and fire-drills; and the recording of such drills in the vessels log books;

(o) the provision in ships of means of making effective distress signals by day and nights;

(p) the provision in ships, engaged on voyages i which pilots are likely to be embarked, of suitabel pilot ladders and hoists, and of ropes, lights and other appliances designed to made the use of such ladders or hoists safe;

(q) the periodical examination and maintenance of any appliances or equipment required by any rules made under this Ordinance, to be carried by ships;

(r) the manner in which a notice given under sub-section (2) of Section 330 shall be communicated to the officers of Customs; and

(s) the charging of fees for the grant of the certificate referred to in sub-section (3) of Section 332, the amount of such fees and the manner in which they shall be recoverable.

332. Inspection of life saving appliances, etc. - (1) A Surveyor may at any reasonable time inspect any ship, to which the provisions or Sections 328, 330 and 331 apply, for the purpose of seeing that the ship complies with the requirements of the rules as to life saving appliances and fire fighting appliances.

(2) If the surveyor finds that the ship dose not comply with the aforementioned requirements, he shall give to the master of owner notice in writing pointing out in what respect the ship fails to comply with them and what in his opinion is required to be done for compliance with them.

(3) Every notice so given shall be communicated in the prescribed manner to the officers of Customs of any port or place at which the ship may seek to obtain port clearance and the ship shall be detained until a declaration signed by the surveyor to the effect that the ship complies with the requirements of the rules as to life saving appliances and fire fighting appliances is produced.

(4) Such fees as may be prescribed shall be charged for the grants of the certificate referred to in sub-suction (3).

333. Control of water-light opening:- The Federal Government may be notification in the Official Gazette, make rules in respect of ships for which a passenger ship certificate of survey is required by Part V to regulate all or any of the following matters, namely,---

(a) the closing and keeping closed of opening in ships hulls and to water-light bulkheads;

(b) the securing, keeping in place and inspecting contrivances for closing any such opening as aforesaid;

(c) the operation of mechanisms of contrivances for closing any such openings as aforesaid and drills in connection with the operation thereof;

(e) the entries to be made in the official log-book or other record to be kept of any of the matters aforesaid.

334. Stability information and damage control.-- (1) There shall be carried on board every Pakistani ship such information in writing about the stability as may be prescribed for the guidance of the master in loading and blassting the ship, and, also in maintaining sufficient stability to enable the ship to with stand damages.

(2) The aforesaid information shall be in such form as may be approved by the Federal Government (which may approve the provision of the information in the form of a diagram or drawing only) and shall be based on the determination of the ship's stability by means of an inclining test of the ship:---

Provided that the Federal government may allow the information to be based on a similar determination of the stability of a sister ship:---

Provided further that in the case of a ship specifically designed for the carriage of liquids or ore in bulk, or of any class of such ship, the Federal Government may allow the inclining test to be dispensed with if it is satisfied form the information available in respect of similar ships that the ship's proportions and arrangements are such as to ensure more than sufficient stability in all probable loading conditions.

(3) Whenever the accuracy of the information provided under sub-section (1) is materially affected by alterations made to the ship, information shall be replaced by fresh information of the nature specified in that sub-section and, in any such case, the Federal Government may require a fresh inclining test of the ship.

(4) When any information under this section to provided for any passenger ship the owner shall send a copy thereof to the officer appointed under Section 258.

(5) The requirements of sub-section (1) so far as they related to the carriage of stability information shall be applicable to foreign ships when such ships are in a port or place in Pakistan.

(6) In any such ship proceed, or attempts to proceed, to sea with out having on board such information as aforesaid, the owner or the master of the ship shall be liable to a fine which may extend to ten thousand rupees.

CHAPTER 22.

RADIO INSTALLATION. RADIO EQUIPMENT AND NAVIGATIONAL EQUIPMENT

335. Requirements of radio installation and radio equipment.- (1) Every sea-going Pakistani ship, shall be provided with radio installation and radio equipment as specified by the Safety Convention.

(2) The Federal Government may, exempt any ship form any of the requirements specified in sub-section (1), under exceptional circumstances.

(3) The master or owner of any such ship, in respect of which the provisions of sub-section (1) are not complied with, shall be liable to a fine which may extend to ten thousand rupees.

336. Requirements as to radio direction finding apparatus.-- (1) Every Pakistani ship of a gross tonnage of sixteen hundred and upwards shall be provided with a radio direction finding apparatus of the prescribed description.

(2) The federal Governments may, by order in writing and subject to such conditions and restrictions as may be specified therein, exempt any ship, under five thousand tons gross tonnage from the obligations imposed by sub-section (1), if it is satisfied having regard to the area or areas in which the ship is engaged on a voyage or voyages and the value of radio direction finder as a navigational instrument and as an aid t locating ships, aircraft or survival craft that such compliance would be unreasonable or unnecessary.

(3) The master or owner of any such ship, in respect of which the provision of sub-section (1) are not complied, with shall be liable to a fine which may extend to ten thousand rupees.

337. Radio log- (1) Every ship equipped under the provisions of Section 335 shall maintain a radio log in which shall be recorded such particulars connected with radio communication service as may be prescribed.

(2) The provisions of Section 425 shall apply to the radio log kept under sub-section (1) as if it were an official logbook.

338. Inspection, etc.- (1) A radio inspector may inspect any ship for the purpose of seeing that she is properly provided with radio insallation and certificated operators and watchers in conformity with this Chapter and for this purpose may go on board any ship at all reasonable times and do all things necessary for such inspection and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for the purposes of the provisions of the Chapter relating to radio installation and radio service including the production of any certificate granted under this Part in respect of the installation, of the certificated of the operators on the ship:---

Provided that if a valid safety convention certificate is produced in respect of any ship, other than Pakistani ship, the inspection shall be limited to seeing that the ship is provided with radio installation and that the number of certificated operators corresponds substantially with the particulars stated in the certificate and such operators are familiar with operational procedures.

(2) If a radio inspector finds that a ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(3) Every notice given sub-section (2) shall be communicated, in the prescribed manner, to the officer of Customs of any port or place at which the ship may seek to obtain port-clearance, and the officer of Customs to whom a notice is so communicated shall order that the ship be detained until a certificate under the hand of a Radio Inspector is produced to the effect that the ship is properly provided with a radio installation and certificated operators in conformity with this Chapter.

(4) the provision of this section shall applying relation to such portable radio apparatus as boats or life-rafts may be required to carry by rules made under Section 331 as they apply in relation to radio installation of a ship.

339. Requirements as to navigations equipment.-- (1) Every Pakistani ship when going to sea shall be provided with such navigational equipment as are required to be carried under the Safety Convention:---

Provided that the Federal Government may exempt from the operation of this sub-section any ship of gross tonnage of less than five hundred, not being a passenger ship, if it is of opinion that, having regard to the nature of the voyages on which the ship is engaged, the provision of a gyro-compass in unnecessary or unreasonable.

(2) All reasonable steps shall be taken to maintain the equipment mentioned in sub-section (1) in an efficient condition but the malfunction of such equipment shall not render the ship un-seaworthy nor shall it be considered as a reason for delaying the ship in ports where repair facilities are not readily available.

340. Application of chapter to foreign ships.-- The provisions of this chapter shall apply to ships other than Pakistani ships while such ships are in any port or place in Pakistan in the same manner as they apply to Pakistani Ships.

341. Power to make rules.-- (1) The Federal Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Chapter.

(2) In particulars, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,---

(a) the nature of navigation equipment and radio installation or navigational aids to be provided and of the radio service to be maintained, the form of the radio log and the particulars to be entered therein, and the number, grades and qualifications of certificated operators to be carried;

(b) the requirements for such portable radio apparatus as boats and life-rafts may be required to carry by the rules made under Section 331;

(c) the manner in which a notice given under sub-section (2) of Section 338 shall be communicated to the Customs Collector; and

(d) the fees for the grant of the certificate referred to in sub-section (3) of Section 338, the amount of such fees and the manner in which they shall be recoverable.

CHAPTER 23.

SAFETY CONVENTION CERTIFICATE

342. Passenger ship safety certificate. (1) Upon the receipt of a declaration of survey granted under Part V in respect of a Passenger ship for which a certificate of passenger ship safety certificate is required by this par, the Federal Government, if it is satisfied,---

(a) that the ship complies fully with the requirements of rules made under Section 228 and other provisions of this ordinance, and the rules made under Sections 331 and 341 applicable to such ship and is properly provided with lights and shapes and means of making of fog signals required by the collision regulations, may issue a passenger ship safety certificate in respect of the ship; and

(b) that there is in force in respect of the ship and exemption certificate granted under Section 347 and that the ship complies with all the requirements specified in clause (a) other than those from which the ship is exempt under that certificate, may endorsed the passenger ship safety certificate in respect of the ship, and deliver to the owner or master of the ship through the Principal Officer or such other officer as the federal Government may appoint in this behalf.

(2) the passenger ship safety certificate shall be in the prescribed form and shall state that the ship complies with the requirements of the Safety Convention.

343. Cargo ship safety equipment certificate.- (1) If the Federal Government is satisfied in respect of a Pakistani cargo ship of a gross tonnage of five hundred or more that the ship complies with the requirements of the rules made under Sections 331 and 341 applicable to such ship, and that the ship is properly provided with lights and shapes and means of making for signals required by the Collision Regulation, the Federal government shall, on an application by the owner or master of the ship, cause to be issued if the ship complies fully with the aforesaid requirements, a cargo ship safety equipment certificate:---

Provided that if there is in force in respect of the ship an exemption certificate granted under Section 374 and if the ship complies with all the aforesaid requirements other than those from which the ships is exempt under that certificate and is properly provided with lights and shapes and means of making fog signals required by the collision Regulation, a qualified cargo ship safety equipment certificate.

(2) The cargo ship safety equipment certificate shall be in the prescribed form and shall state that the ship complies with all the requirements of the Safety Convention as to equipment and that she is provided with lights and shapes and means of making fog signals as required by the collision regulation.

344. Cargo ship equipment certificate.- If the federal Government is satisfied in respect of any Pakistani cargo ship of gross tonnage of less than five hundred that the ship complies with the provisions of this Ordinance and the rules made there under relating in life saving and fire fighting appliances applicable to such ship and is provided with lights and shapes and the means of making fog and distress signals required by the collision regulation, the federal Government may issue in respect of much ship a certificate in the prescribed form to be called a cargo ship equipment certificate.

345. Cargo ship safety radio certificates.- (1) If the Federal Government is satisfied in respect of a Pakistani ship, other than a passenger ship, which is required by the provisions of Section 335 to be provided with radio installation and which is intended to ply on voyage form or to any port or place in Pakistan to or from any port or place outside Pakistani that the ship complies with all the provisions as to radio installation and radio service applicable to such ship under Chapter 22, the Federal Government shall on an application by the owner or master of the ship, cause to be issued, through the Principal Officer or such other officer as it may appoint in this behalf,---

(a) if the ship is provided with radio equipment, a cargo ship safety radio certificate; or

(b) if there is in force in respect of the ship referred to in clause (a), an exemption certificate granted under Section 347 and if the sip complies with all the aforesaid requirements other than those form which the ship is exempt under that certificate, the cargo ship safety radio certificate may be endorse.

(2) the cargo ship safety radio certificate shall be in the prescribed form and shall state that the ship complies with such of the requirements of the Safety Convention as are applicable to the ship.

346. Cargo ship safety construction certificate.- (1) If the Federal Government, or a person authorised by it in this behalf, is satisfied on receipt of a declaration of survey in respect of a Pakistani cargo ship to which Section 329 applies that the ship complies with all the provisions of the rules made under Section 330 and applicable to such ship and to such voyages as she is to be engaged on, the Federal Government or such person shall, on the application, of the owner, cause to be issued in respect of the ship,---

(a) if the ship is of a gross tonnage of not less than five hundred and is intended to ply on voyages form or to any port or place in Pakistan to or from any port or place out side Pakistan, a cargo ship safety construction certificate showing that she complies with the said rules; or

(b) if there is in force in respect of the ship, an exemption certificate granted under Section 347 and the ship complies with the aforesaid requirement other than those from which the ship is exempt under that certificate, the cargo ship safety construction certificate may be endorsed.

(2) The cargo ship safety construction certificate shall be in the prescribed form and shall state that the ship complies with such of the requirements of the Safety Convention as to hull, equipments and machinery as are applicable to the ship.

347. Issuance of Exemption certificate or any other certificate. (1) the Principal Officer, or an officer authorised by the Federal Government in this behalf, shall, on an application by the owner or master of any Pakistani ship in regard to which the Federal Government has made an order of exemption under sub-section (2) of Section 335, or under sub-section (2) of Section 336, or which is exempt from any of the provisions of the rules made under Sections 328, 330, 331 and 341, issue in the prescribed form an exemption certificate in respect of such ship.

(2) The Federal Government may issue any other certificate not mentioned in this part and which is required to be issued to give effect to the provision of the Safety Convention.

348. Duration of certificates. (1) a cargo ship safety equipment certificate issued under this Part, shall e in force for twenty four months from the date of its issue or for such period as may be specified in the certificate.

(2) A cargo ship safety construction certificate shall be in force for a period not exceeding five years form the date of its issue or for such shorter period as may be specified in the certificate.

(3) an exemption certificate issued under Section 347 shall be in force for the period of which the certificate to which it relates remains in force or for such shorter period as may be specified in the certificate.

(4) any certificate issued under this Port not specified in sub-sections (1), (2) or

3) shall be in force for twelve months from the date of its issue or for such shorter period as may be specified in the certificate.

(5) The Federal Government or any person authorised by it in this behalf may grant an extension of any certificate issued under this Part in respect of a Pakistani ship,---

(a) where the ship is away from Pakistan on the date when the certificate would, but for the extension have expired, for such period not exceeding five months from the said date as may be sufficient to enable the ship to return to the port n Pakistan at which it is to be surveyed; and

(b) in any other case, for a period not exceeding one month form the said date:---

Provided that any extension granted under clause (a) shall cease to be operative upon the ship's arrival at the port referred to in that clause:---

Provided further that no extension shall be granted under clause (b) in respect of a certificate extended under clause (a).

(6) Notwithstanding anything contained in this section a certificate issued under this Part shall not remain in force after notice ins given by the authority issuing the certificate to the owner or master of the ship in respect of which it has been issued, that authority has cancelled the certificate.

349. Modification of passenger ship safety certificate in respect of life saving appliances. (1) If a Pakistani ship, in respect of which a passenger ship safety certificate or a special trade passenger ship safety certificate issued under Section 342 is in force has on board in the course of a particular voyage a total number of persons less than the number stated in the certificate to be the number for which the life saving appliances on the ship provide, the owner or master of the ship may obtain from the authority issuing the certificate, or any person authorised by the authority for the purpose, a memorandum to be attached to the certificate stating the total number of persons carried on the ship on that voyage and the modifications which may be made for the purpose of that voyage in the particulars with respect to life saving appliances stated in the certificate.

(2) Where a valid passenger ship safety certificate or special trade passenger ship safety certificate is produced in respect of passenger ship other than a Pakistani ship and there is attached to the certificate a memorandum which,---

(a) has been issued by or under the authority of the Government of the country in which the ship is registered; and

(b) modifies for the purpose of any particulars voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life saving appliances; the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

350. Recognition of certificates issued outside Pakistan. A valid safety convention certificate issued in respect of a ship other than a Pakistan ship by the Government of the country to which the ship belongs shall, subject to such rules as the Federal Government may make in this behalf, have the same effect in Pakistan as the corresponding certificate issued in respect of a Pakistan ship under this Part.

351. Issued of certificates to foreign ships in Pakistan. The Federal Government may, at the request of the Government of a country to which the safety Convention applies, cause an appropriate safety convention certificate to be issued in respect of a ship registered or to be registered in that country, if it is satisfied in like manner as in the case of a Pakistani ship that such certificate can properly by issued, and where a certificate is issued at such request it shall contain a statement that it has been so issued.

352. Issue by foreign Governments of certificates to Pakistani ships. (1) The Federal Government may request the Government of a country, to which the Safety Convention applies, to issue an appropriate safety convention certificate in respect of a ship registered or to be registered in Pakistan and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purpose of this Ordinance as if is had been issued by the Federal Government.

(2) When the Federal Government request the Government of a country to issue any such certificates as aforesaid and that Government is not willing to issue, such certificate until exemption certificate in respect of certain condition is granted by the Federal Government, the Federal Government may issue that exemption certificate.

353. Prohibition on proceeding to sea without certificate. (1) No Pakistani ship shall proceed to sea, accept on voyage between ports or places situated within Pakistan, unless that ship holds appropriate valid certificates applicable to that ship issued under the provision of this chapter and any other certificates required under safety convention.

(2) No Pakistani ship shall proceed on any voyage between ports or places situated within Pakistan unless there is in force in respect of the ship such certificate or certificates as may be prescribed being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(3) The master of every ship, to which this section applies, shall produce to the officer of Customs from whom a port clearance for the ship is sought the certificate or certificates required by the foregoing provisions this section to be in force when the ship made under Section 125 proceeds to sea, and port clearance shall not be granted and the ship may be detained until the said certificate or certificates are so produced.

(4) Without prejudice to any other liability under this Ordinance of the master or owner of the ship, if any ship to which this section applies proceeds or attempts to proceed to sea in contravention of any of the foregoing provisions of this section, the master or owner shall, for each offence, be punishable in the case of a passenger ship, with fine which may extend to ten thousand rupees.

(5) Where an exemption certificate issued under Section 347 in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and any of those conditions is contravened, the master or owner of the ship shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

354. Delegation of powers to perform certain functions. The Federal Government may, by order in writing, authorize any recongised or organization to perform all or any of the functions under Sections 342, 343, 345, 347 in respect of any ship or class of ships.

355. Production of certificates by ships other than Pakistani ships. (1) The master of every ship other than a Pakistani ship, being a passenger ship or being any other ship of a gross tonnage of five hundred or upwards, belonging to a country to which the Safety Convention applies, shall produce valid safety Convention certificates to the officer of Customs from whom a port clearance for the ship is sought in respect of a voyage from a port or place in Pakistan to port or place outside Pakistan and port clearance shall not be granted and ship may be detained until such a certificate is so produced.

(2) Where any such ship, other than a passenger ship, as is referred to in sub-section (1), is of a gross tonnage of less than five hundred but not less than three hundred, the master shall be required to produce only valid safety convention certificates equivalent to those issued under Section 345 and the other provisions of sub-section (1) shall apply accordingly.

(3) Where a valid safety convention certificate is produced in respect of a ship, other than a Pakistani ship, the ship shall not be deemed to be deemed to be unsafe for the purposes of Section 394 by reason of the defective condition of her hull, equipments or machinery unless it appears that the ship cannot proceed to sea without danger to the passengers or crew owing to the facts the actual condition of the ship does not correspond substantially with the particulars stated in the certificate and when there are clear grounds for believing that the master or crew are not familiar with essential ship-board procedures relating to the safety of ship.

356. Application of sections to certificates. The provisions of Sections 263 to 266 shall apply to and in relation to every certificate issued under Section 342 to 347 and Section (2) of Section 353 in the same manner as they apply to and in relation to a certificate of survey.

357. Power of Federal Government to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe,---

(a) the form of the certificates referred to in Sections 342 to 347 and sub-section (2) of Section 353; and other certificate required to be issued under the provisions of the Safety Convention; and

(b) the charging of fees for the grant of such certificates, the amount of such fees, and the manner in which they shall be recoverable.

CHAPTER 24.

LOAD LINES

358. Ships exempt from provisions relating to load lines. (1) Save as otherwise provided in this section, the provisions of this Chapter relating to load lines shall apply to all sailing vessels as they apply to ships, shall be construed as including a sailing vessel.

(2) The provisions of this Chapter relating to load lines shall not apply to,---

(a) ships of war;

(b) any ship solely engaged in fishing;

(c) any pleasure yacht not engaged in trade;

(d) any existing ship of a gross tonnage of less than one hundred any fifty; and

(e) any new ship of less than twenty-four meters (79 ft) in length.

(3) The Federal Government may, on such conditions, not more consistent with the rules made under Section 357, at it may think fit, exempt from the provisions of this Chapter relating to load lines,---

(a) any ship plying between the near neighbouring ports of two or more countries in the Federal Government and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyage between those ports make it unreasonable or impracticable to apply such provisions to ships so plying;

(b) any ship plying between near neighbouring ports of the same country if the Federal Government is satisfied as aforesaid;

(c) any ship which embodies features of novel kind, if the Federal Government is satisfied that the application of the provisions of this Chapter relating to load lines to such a ship might seriously impede research into development of such features and their incorporation in ships and the Federal Government and the Governments of the countries to be visited by the ship are satisfied that the ship

complies with safety requirements which are adequate for the purposes for which the ship is intended and are such as to ensure the overall safety of the ship; and

(d) any ship which is not normally engaged on voyages to ports outside Pakistan but which is exceptional circumstances is required to undertake such voyage if the Federal Government is satisfied that the ship complies with safety requirements which are adquate for such voyage.

359. Power to make rules as to load lines. (1) The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Chapter.

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

(a) survey and periodical inspection of ships;

(b) determining of free-board deck in relation to any ship and marking on each side of the ship to indicate the position of that deck by a mark, hereinafter referred to as a “deck line”;

(c) determination in relation to a ship by reference to deck line and free boards of the position in which each side of the ship is to be marked with lines hereinafter referred to as “load lines”, to indicate the maximum depths to which the ship may be loaded in various circumstances;

(d) conditions, hereinafter referred to as the “conditions to assignments”, on which load lines may be assigned;

(e) requirements, relevant to the assignment of free-boards; in respect of hulls, superstructures, fitting and appliances;

(f) particulars to be recorded in relation to mattes referred to in clause (d) and (e) and the manner in which they shall be recorded;

(g) the circumstances in which a ship during the continuance of the assignment of free-boards assigned to, if any, shall be deemed for the purposes of the provisions of this Chapter to comply with the conditions of assignment;

(h) the form in which an international load line certificate, a Pakistan load line certificate, on international load line exemption certificate and a Pakistan load line exemption certificate shall be issued;

(i) the period during which an exemption certificate shall remain in force; and

(j) the extension and termination of the period for which an exemption certificate was issued.

360. Marking of deck line and load lines. (1) No new Pakistani ship to which the load lines convention applies and not being exempt from the provision of this Chapter, shall proceed to sea unless,---

(a) the ship has been surveyed in accordance with the load line rules;

(b) the ship complies with the conditions of assignment; and

(c) the ship is marked with a deck line and with load lines in accordance with the load line rules.

(2) No existing Pakistani ship, to which the load line convention applies and not being exempt from the provisions of this Chapter, shall proceed to see unless,---

(a) the ship has been surveyed in accordance with the load line rules;

(b) the ship complies with the conditions of assignment or with such lesser related requirements as were applicable to her immediately before such commencement; and

(c) the ship is marked with a deck line and with load lines in accordance with the load line rules or the deck line and load lines have been marked in the position required by the rules in force immediately before such commencement.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master and the owner thereof shall, for each offence, by liable to a fine which may extend to fifty thousand rupees.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extend required in her case shall be deemed to be unsafe for the purpose of Section 382.

361. Alterations after survey. Where any survey, under this part, of a ship for the purpose of assignment and marking of load lines has been completed, then notwithstanding anything contained in this Ordinance, the owner, agent or master of the ship shall not make, or caused to be made, any alteration in the structure, equipment, arrangement, material or scantlings covered by the survey without the prior written permission of the Federal Government or a person authorised by the government in this behalf.

362. Submersion of load line. A Pakistani ship, not being exempt from the provisions of this Part, shall not be so loaded that the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules, to be loaded, is submerged if the ship is in salt water and has no list or would be submerged if the ship were in salt water and had no list.

363. Submersion of sub-division load lines in case of passenger ships. Where a Pakistani passenger ship has been marked with sub-division load lines, that is to say, load lines indicating the depth to which the ship may be loaded having regard to the extend to which the ship is sub-divided and the space for the time being allotted to passengers, and when the appropriate sub-division load lines that is to say, the sub-division load line appropriate to the space for the time being allotted to passengers on the ship, is for the time being entitled under the provisions of this Chapter to be loaded, the ship shall not be so loaded that the appropriate load line on each side of the ship is submerged if the ship is in salt water and has no list or would be submerged if the ship were in salt water and had no list.

364. Penalty for submersion of load lines and sub-division load line. (1) If any ship is loaded in contravention of Section 362 or Section 363 the owner and master thereof shall, for each offence, be liable to a fine which may extend to one hundred thousand rupees.

(2) Without prejudice to any proceedings under this Ordinance, any ship which is loaded in contravention of Section 366 of Section 367 may be detained until the ship ceases to be so loaded.

365. Offences in relation to marks. (1) If the owner or master of Pakistani ship which has been marked in accordance with the foregoing provisions of this Chapter, fails without reasonable cause, to keep the ship so marked; or any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Chapter except with the authority of a person entitled under the load line rules to authorize the alteration of the mark, or except for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right; he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

366. Inspection of ships with respect to load lines. Any surveyor authorized in this behalf by the Federal Government may inspect any Pakistani ship for the purpose of seeing that the provisions of this Chapter have been complied with, and for this purpose may go on board the ship at all reasonable times and do all things necessary for the proper inspection of the ship and may also require the master of the ship to supply him with any information which is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the ship.

CHAPTER 25.

LOAD LINE CERTIFICATE

367. Issue, duration and extension of load line certificate. (1) Where a Pakistani ship has been surveyed and marked in accordance with the provisions of Chapter 24 and complies with the conditions of assignment to the extend required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fees.

(a) in the case of a ship of a gross tonnage of not less than one hundred and fifty, and in the case of a ship not less than twenty-four meters (79 feet), in length on which the load line Convention applies, a certificate to be called an international load line certificate; and

(b) in the case of any other ship, a certificate to be called a Pakistan load line certificate:---

Provided that no certificate under thus-section shall be issued in respect of a ship before the expiry of the similar certificate last issued.

(2) Every such certificate shall be issued either by the Federal Government or by a recognised organization authorised by it in this behalf and shall be issued in such form and manner as may be prescribed by the load line rules.

(3) The Federal Government may request the Government of a country to which the Load Line Convention applies, to issue a load line certificate in the form of an international load line certificate under that Convention in respect of a Pakistani ship, and a certificate issued in pursuance of such a request and maintaining a statement that it has been so issued shall have effect for the purposes of this Chapter as if it had been issued by the Federal Government.

(4) Where in respect of a ship a certificate issued this section and for the time being in force is produced,---

(a) the ship shall be deemed to have been surveyed in accordance with the load line rules; and

(b) if lines are marked on the ship corresponding in number description to the deck line and load lines as required by the load line rules and the position of those lines so marked corresponds with the position of the deck line and load lines specified in the certificate, the ship shall be deemed to be marked as required by those rules.

(5) Every load line certificate issued by, or under the authority of, the Federal Government shall, unless it is extended in accordance with the provisions of sub-section (6), expire at the end of such period, not exceeding five years from the date of its issue or as may be specified therein.

(6) Any such load line certificate may, after a survey not less, effective than the survey required by the load line rules before the issue of the certificate, be extended by the Federal Government or by a person authorised by it to issue a line certificate, for such period not exceeding five months as the Federal Government or the person extending the certificate thinks fit:---

Provided that no certificate in respect of a ship shall be extended if there have been such alterations in the structure, equipment, arrangements, materials or scantlings as to affect the free-board originally assigned to the ship.

(7) An extension of a certificate under sub-section (6) shall be endorsed on the certificate in the manner provided by the load line rules.

(8) The Federal Government may cancel any such load line certificate in force in respect of a ship if it has reason to believe that,---

(a) material alterations have taken place in the hull or superstructures to the ship which effect the position of the load lines; or

(b) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in, when the certificate was issued; or

(c) the makings of the deck line and load lines on the ship have not been properly maintained.

(9) The owner of a ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be periodically inspected in such manner and at such

intervals as may be prescribed by the load line rules; and if the ship is not caused to be so inspected, the Federal Government shall cancel the certificate.

(10) Where any such load line certificate has expired or been cancelled, the Federal Government may require the owner or master of the ship to which the certificate relates to deliver up the certificate as it directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

(11) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

368. Issue. duration and cancellation of exemption certificates, etc. (1) Where the Federal Government exempts a ship under Section 358 there shall be issued to the owner of the ship, on payment of the prescribed fee, if any,---

(a) in the case of a ship referred to in sub-section (3) of Section 358, an exemption certificate to be called an international load line exemption certificate; and

(b) in the case of any other ship, and exemption certificate to be called a Pakistan load line exemption certificate.

(2) An exemption certificate under sub-section (1) shall be issued by the Federal Government, or an officer authorised by it in this behalf, in such form as manner as may be prescribed.

(3) An exemption certificate issued under sub-section (1) shall remain in force for such period as may be prescribed.

(4) The owner of a ship in respect of which any such exemption certificate is issued shall, so long as the certificate remains in force cause the ship to be periodically inspected in such manner and at such intervals as maybe prescribed.

(5) The Federal Government shall cancel any such exemption certificate if the ship in respect of which it was issued is not caused to be inspected as required by sub-section (4) or if any of the conditions on which the exemption was granted under Section 358 has been violated or if the exemption has ceased to been in force.

(6) Where any such exemption certificate in respect of a ship has ceased to be in force or been cancelled, the exemption granted under Section deliver up the certificate to the Federal Government; and the ship may be detained until the certificate is so delivered up.

(7) The owner or master of a ship, if he fails without reasonable cause to deliver up the exemption certificate as required by sub-section (6), shall be liable to a fine which may extend to fifty thousand rupees.

369. Ships not to proceed to sea without certificate. (1) No Pakistani ship shall proceed to sea unless there is in respect of the ship a load line certificate issued under Section 367 or load line exemption certificate issued Section 368.

(2) The master of every Pakistani ship shall produce to the officer of Customs from whom a port clearance for the ship is sought, the certificate which is required by sub-section (1) to be in force when the ship proceeds to sea, and port clearance shall not be granted, and the ship may be detained until that certificate is so produced.

(3) The master of any ship which proceeds or attempts to proceed to sea in contravention of this section shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

370. Publication of load line certificates and particulars relating to depth of loading. (1) When a load line certificate has been issued in pursuance of the foregoing provisions of this Chapter in respect of a Pakistani ship other than a home-trade ship not exceeding a gross tonnage of two hundred,---

(a) the owner of the ship shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and

(b) the master of the ship, before making any other entry in any official log-book, shall enter or cause to be entered therein, the particulars as to the position of deck line and load lines specified in the certificate.

(2) Before any such ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall,---

(a) enter or cause to be entered in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Federal Government may by rules made in this behalf prescribed; and

(b) cause a notice, in such form and containing such of the particulars as may be required by the said rules, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place,---

Provided that the Federal Government may be the said rules exempt home-trade ships from the requirements of clause (b).

(3) If the owner or master of any ship fails to comply with the provisions of this section, he shall, for each offence be liable to a fine which may extend to five thousand rupees.

371. Insertion of particulars as to load lines in agreements with crew. (1) When an agreement with the crew of any ship in respect of which a load line certificate is in force is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck

line and load lines specified in the certificate, and if he fails to do so, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

(2) In the case of a ship required by this Ordinance to engage its crew before a Shipping Master, the Shipping Master shall not proceed with the engagement of the crew until,---

(a) there is produce to him a load line certificate for the time being in force in respect of the ship; and

(b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

CHAPTER 26.

SPECIAL PROVISIONS RELATING TO LOAD LINES AS TO FOREIGN SHIP

372. Load lines certificates of ships other than Pakistani ships. (1) The Federal Government may, at the request of a country to which the Load Line Convention applies, issue an international load line certificate in respect of a ship of that country if it is satisfied in like manner as in the case of Pakistani ship that can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) the Federal Government shall, as soon as may be, after the issue of a certificate in respect of ship under sub-section (1), forward to the Government, at whose request such certificate was issued, a copy each of the certificate, the survey report used in computing the free-board of the ship and of the computations.

373. Recognition of load line and exemption certificates issued outside Pakistan. an international load line certificate, or, as the case may be, an International load line exemption certificate issued in respect of any ship other than Pakistani ship by the Government of the country to which the ship belongs shall, subject to such rules as the Federal Government may make rules in this behalf, have the same effect in Pakistan as a load line certificate, or as the case may be, an international load line exemption certificate issued in respect of Pakistani ship under this Part.

374. Inspection and control of foreign ships belonging to countries to which Load Line Convention applies. (1) Any surveyor authorised in this behalf by the Federal Government may, at any reasonable time, go on board any ship other than a Pakistan ship carrying cargo or passengers and belonging to a country to which the Load Line Convention applies, when such ship is within any port or place in Pakistan, for the purpose of demanding the production of any load line certificate, or, as the case may be, international load line exemption certificate for the time being in force in respect of the ship:---

Provided that such ship is an existing ship of one hundred and fifty tons gross or more or a new ship of twenty-four meters or more in length.

(2) If a valid international load line certificate is produced to the surveyor on such demand, the surveyor’s powers of inspecting the ship with respect to load line shall be limited to seeing,---

(a) that the ship is not loaded beyond the limits allowed by the certificate;

(b) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(c) that no material alterations have taken place in the hull or superstructure of the ship which affect the position of the load lines; and

(d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crews' quarters have been maintained on the ship in as affective a condition as they were in when the certificate was issued.

(3) If a valid international load line exemption certificate is produced to the surveyor on demand made under sub-section (1), the surveyor's powers of inspecting the ship with respect to load lines shall be limited to seeing that the conditions stipulated in the certificate are complied with.

(4) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and the provisions of section 400 shall apply.

(5) If it is found on nay such inspection that the load lines on the ship are not in the position specified in the specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(6) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in clauses (c) and (d) of sub-section (2) or, as the case may be, sub-section (3) that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of Section 400:---

Provided that where the ship has been detained, the Federal Government shall order the ship to be released as soon as it is satisfied that the ship is fit to proceed to sea without danger to human life.

(7) If a valid international load line certificate or, as the case may be international load line exemption certificate is not produced to the surveyor on such demand as aforesaid the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part relating to load lines have been complied with, as if the ship were a Pakistani ship.

(8) For the purposes of this section, a ship shall be deemed to loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

375. Certificate of ship other than Pakistani ships to be produced to Customs. The master of every ship other than a Pakistani ship, carrying cargo or passengers and belonging to a country to which the Load

Line Convention applies shall produce to the officer of Customs from whom a port-clearance for the ship at any port in Pakistan is sought,---

(a) in a case where port clearance is sought in respect of a voyage to a port or place outside Pakistan, a valid international load line certificate or a valid international load line exemption certificate; and

(b) in a case where port clearance is sought in respect of any other voyage, a valid international load line exemption certificate, or a exemption certificate and port clearance shall not be granted and the ship may be detained until the certificate is so produced in pursuance of this section.

376. Marking of deck line and load lines of ships other than Pakistani ships. The provisions of Section 360 shall apply to ships other than Pakistani ships proceeding or attempting to proceed to sea from ports following modifications, namely,---

(a) the said section shall not apply if a valid international load line certificate or a valid international load line exemption certificate is produced in respect of the ship; and

(b) subject to the provisions of clause (a), a ship which does not comply with the conditions of assignment to the extent required in her case by Section 374 shall be deemed to be unsafe for the purpose of Section 400.

377. Submersion of load lines of ships other than Pakistani ships. The provisions of Sections 362, 363 and 364 shall apply to ships other than Pakistani ships, while they are within any port or place in Pakistan as the apply to Pakistani ships subject to the following modification, namely,---

(a) no ship carrying cargo or passengers and belonging to country to which the Load Line Convention applies, shall be detained and no proceedings shall be taken against the owner or master thereof, by virtue of the said sections except after an inspection by a surveyor as provided by Section 374; and

(b) the expression “the appropriate load line” in relation to any ship other than a Pakistani ship shall mean,---

(i) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded; and

(ii) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded, or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

378. Inspection of ships belonging to non-convention countries. The provisions of Section 366 shall apply, in the same manner as they apply to Pakistani ships, to all other ships while they are within any port or place in Pakistan except ships to which the provisions of Section 374 apply.

379. Load line certificate and load line exemption certificates of ships other than Pakistani ships. (1) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of Pakistan load

line certificates or, as the case may be, Pakistan load line exemption certificate shall apply to ships other than Pakistani ships as they apply to Pakistani ships subject to the following modifications, namely,---

(a) any such certificate may be issued in respect of any such ship as in respect of a Pakistani ship provided that any such certificate issued in respect of a ship of a gross tonnage of one hundred and fifty or upwards carrying cargo or passengers and belonging to a country to which the Load Line Convention applies shall only be valid so long as the ship is not plying on voyages from or to any port or place in Pakistan to or from any port or place outside Pakistan and shall be endorsed with a statement to that effect and shall be cancelled by the Federal Government if it has reason to believe that the ship is so plying; and

(b) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Federal Government.

(2) If the Federal Government is satisfied,---

(a) that the provision has been made for the fixing, marking and certifying of load lines by the in force in any country outside Pakistan with respect to ships or any class or description of ships of that country and has also been so made or has been agreed to be so made for recognising Pakistan load line certificate or, as the case may be, Pakistan load line exemption certificate as having the same effect in ports or places of that country as certificates issued under the said provisions; and

(b) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part relating to load lines and equally effective, it may, be notification in the official Gazette, direct that the load line certificates or load line exemption certificate issued in pursuance of the said provisions or in respect of ships of that class or description of ships of the country, shall have the same effect for the purpose of this Part as Pakistan load line certificates or, as the case may be, Pakistan load line exemption certificates,---

Provided that such direction shall not apply to ships of gross tonnage of one hundred and fifty or upwards carrying cargo or passengers and belonging to countries to which the Load Line Convention applies, if such ships are engaged in plying on voyage from or to any port or place in Pakistan to or from port of place outside Pakistan.

380. Certificates to be produced to Customs by ships, other than Pakistani ships, belonging to non-Convention countries. The master of every ship belonging to a country to which the Load Line Convention does not apply shall produce to the officer of Customs from whom a port clearance for the ship is sought, either a Pakistan load lines certificate or, as the case may be, Pakistan load line exemption certificate or a certificate having effect under this Ordinance as such a certificate, being a certificate for the time being in force in respect of the ship, and port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

CHAPTER 27.

CARRIAGE OR SPECIAL CARGOES

381. Power to make rules in respect of timber cargo. (1) The Federal Government may, be notification in the official Gazette, make rules as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any Pakistani ship or any other ship within any port or place in Pakistan, hereinafter referred to as timber cargo rules, and as to the conditions on which any other cargo may be carried.

(2) The timber cargo rules may prescribe a special load line to be used only when the ship is carrying timber as cargo on deck and the conditions on which such special load line may be assigned and may further prescribe, either generally or with reference to particular voyages or seasons, the manner and position in which such timber is to be towed and the provisions which are to be made for the safety of the crew.

(3) Any surveyor authorized in this behalf by the Federal Government may, at any reasonable time, inspect any ship carrying timber as cargo in any uncovered space on her deck for the purpose of seeing whether the timber cargo rules have been complied with.

(4) The owner or master of a ship who contravenes any provisions of the rules made under the proceeding sub-sections shall be liable to a fine which may extend to fifty thousand rupees.

(5) The foregoing provisions of this section and the timber cargo rules shall apply to ships other than Pakistani ships while they are within Pakistani jurisdiction as they apply to Pakistani ships.

382. Carrying of dangerous goods. (1) The Federal Government may, be notification in the official Gazette, make rules for regulating, in the interest of safety, the carriage of dangerous goods in ships.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the classification of such goods, the packing, marking and stowing of such goods or any class of such goods, and the fixing of the maximum quantity of any such class of goods which may be carried in different ships or classes of ships, and such other matters relating to dangerous goods as required to be provided for implementing the provisions of the Safety Convention.

(3) The owner, master on agent of a ship carrying or intending to carry any dangerous goods as cargo and about to make a voyage from a port or place in Pakistan shall furnish in advance the prescribed particulars of the ship and the cargo to the Principal Officer, or to such other officer as may be specified, for the purpose.

(4) A surveyor may inspect the ship for the purpose of ensuring that the rules made under this section are complied with.

(5) If any of the rules made under this section is not complied with in relation to any ship, the owner or master of the ship shall be liable to a fine which may extend to fifty thousand rupees and the ship shall be deemed for purposes of this part to be an unsafe ship.

(6) This section shall apply, in the same manner as it applies to Pakistani ships, to ships other than Pakistani ships while they are within any port in Pakistan or are embarking or disembarking passengers or are loading or discharging cargo or fuel within Pakistan jurisdiction.

Explanation.-- In this section the expression “dangerous goods” means goods which by reason of the nature, quantity or mode of stowage are either singly or collectively liable to endanger the life or the health of persons on or nearer the ship or to imperil the ship and includes all substances within the meaning of the expression “explosive” as defined in the Explosives Act, 1884 (IV of 1884), and any other goods which the Federal Government may, be notification in the official Gazette, specify as dangerous goods but shall not includes,---

(a) any fog or distress signals or other stores or equipment required to be carried by the ship under this Ordinance or the rules regulations there under; and

(b) particular cargoes carried in ships specially built or converted as a whole for that purpose, such as tankers.

383. Restrictions on carriage of dangerous goods.--(1) A person shall not send or attempt to send by any vessel, Pakistani or foreign, and a person not being the master or owner of the vessel, shall not carry or attempt to carry in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending same to be shipped or taking the same on board the vessel.

(2) If any person fails, without reasonable cause to comply with these section, he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees or if he shows that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had not reason to suspect that the goods shipped by him were or a dangerous nature, he shall be liable to a fine which may extend to five thousand rupees.

384. Penalty for misdescription of goods.--(1) No person shall knowingly send or attempt to send by or carry or attempt to carry in any vessel, Pakistani or foreign, dangerous goods under false description, nor shall falsely describe the sender or carrier thereof.

(2) If any person contravenes the provisions of sub-section (1) he shall be liable to imprisonment for a term which shall not be less than three months and fine not exceeding five hundred thousand rupees.

385. Power to deal with goods suspected of being dangerous.--(1) The master or owner of any Pakistani or foreign vessel, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact.

(2) Where any dangerous goods or any goods which, in the opinion of the master or owner of the vessel, are dangerous goods, have been sent or brought aboard any Pakistani or foreign vessel, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be delivered ashore together with any package or receptacle in which they are contained and the expenditure involved in such operation shall be recoverable from the owner or owners of the goods or supplies.

386. Forfeiture of dangerous goods improperly sent or carried.--(1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any Pakistani or foreign vessel, without being marked as aforesaid or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, any court having jurisdiction may declare those goods and any package or receptacle in which they are contained, to ne dangerous goods, and they shall thereupon be forfeited and when forfeited shall be disposed of as the court directs.

(2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this ordinance relating to dangerous goods, and is not before the court,, and has not received notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

387. Saving for other enactments relating to dangerous goods.-- The provisions of this part of this ordinance relating to the carriage of dangerous good shall bi in addition to, and not in derogation of any other law for a time being in force.

388. Grain loading plan.--(1) No grain shall be loaded on board any Pakistani ship anywhere unless there is in force in respect of such ship a grain loading plan approved under sub-section (3) of sub-section (4).

(2) The grain loading plan shall be in such form and contain such particulars as to the stability of the ship, circumstances of loading on departure and arrival, the main characteristics of the fittings used to prevent the shifting of cargo and such other matters as may be prescribed, having regard to the rules made under sub-section (7) of Section 389.

(3) Save as otherwise provided in sub-section (4) the grain loading plan shall be submitted to the Federal Government for approval and that Government may having regard to the rules made under sub-section (7) of Section 389, the stability of the sip and the circumstances of loading on departure and arrival, approve the plan with such modifications, if any, as it may deem necessary.

(4) The Federal Government may request the Government of a country to which the Safety Convention applies to approve the grain loading ;pan of a Pakistani ship and an approval given in pursuance of such a request and containing a statement that it has been so given shall have effect for the purposes of this section as if the approval had been given by the Federal Government.

(5) The Federal Government may, at the request of the Government of a country to which the Safety Convention applies approve the grain loading plan of a ship registered in that country if the Federal Government is satisfied, in the like manner as in the case of Pakistani ship, that such approval can properly be given and where approval is given at such a request, it shall contain a statement that it has been so given.

(6) If the master, owner or agent fails to comply with the provisions of sub-section (1) he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

389. Carriage of grain.--(1) Where grain is loaded on board any Pakistani ship or is loaded on board any ship within any port or place in Pakistan, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and if such precautions are not taken, the owner or the master of the ship or any agent of the owner who was charged with the loading or with sending the ship to sea laden with grain, shall be liable to a fine which may extend to one hundred thousand rupees and the ship shall be deemed for the purposes of this part to be unsafe by reason of improper loading.

(2) Where any ship which is loaded with grain outside Pakistan without all necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port or place in Pakistan so laden, the owner or the master of the ship shall be liable to a fine which may extend to one hundred thousand rupees and the ship shall be deemed for the purposes of this part to be unsafe by reason of importer loading.

(3) Where grain is loaded on board a Pakistani ship accordance with a grain loading plan approved under Section 388 or where grain is loaded on board any other ship in accordance with a grain loading plan approved by or on behalf of the Government of the country in which that ship is registered the ship shall be deemed, for the purposes of sub-section (1) and (2), to have been loaded with all necessary and reasonable precautions.

(4) On the arrival at a port or place in Pakistani from a port or place outside Pakistan of any ship carrying a cargo of grain, the master shall cause to be delivered at the officer of the Principal Officer or to such other officer as may be specified by the Federal Government in this behalf a notice stating,---

(a) the draught of water and free board of the said shop after the loading of the cargo was completed at the final port of loading;

(b) the kind of grain carried and quantity thereof stated in cubic meters, cubic feet, quarters, bushels or tons weight; and

(c) the mode in which the grain is stowed and the precautions taken to prevent the grain from shifting and where the grain has been stowed in accordance with the ships grain loading plan, if any, that it has been so stowed.

(5) If the master fails to deliver the notice required by sub-section (4), or if on any such notice makes any statement that he knows to be false in a material particular, or recklessly makes a statement that is false in a material particular, he shall be liable to a fine which may extend to tin thousand rupees.

(6) A surveyor or any other person authorized in this behalf, by general or special order of the Federal Government, may for securing the observance of the provisions of this section inspect a ship carrying a cargo of grain and the mode in which such cargo is stowed therein and require the production of the grain loading plan of the ship.

(7) The Federal Government may, be notification in the official Gazette, make rules prescribing in relation to grain loading plans and the loading of ships generally or of ships of any class specifying the precautions to be taken, and when such precautions have been prescribed, they shall be treated for the purposes of this section to be included in the expression “necessary and reasonable precautions”.

(8) In this section and Section 388 the expression “grain” includes wheat, maize (corn), rye, barley, rice, pulses and seeds, and processed form thereof, and the expression “ship carrying a cargo of grain” means a ship carrying a quantity of grain exceeding one-third of the ship’s registered tonnage reckoning two tones by weight of grain as equivalent to one unit of registered tonnage, or where the height of grain carried in any compartment exceeds one- third of the height of that compartment.

390. Carriage of bulk cargoes other than grain, etc.--(1) The Federal Government may, be notification in the official Gazette, make rules in relation to the loading of bulk cargoes, other than grain as defined in sub-section (8) of Section 389 and oil in bulk, on any Pakistani ship or in any ship within any port or place in Pakistan.

(2) The owner or master of a ship in respect of which the provisions of any of the rules made under sub-section (1) are contravened shall be liable to a fine which may extended to ten thousand rupees

CHAPTER 28.

UNSEAWORTHY AND UNSAFE SHIPS

391. Unseaworthy ship defined.-- A ship is “ Unseaworthy” within the meaning of this Ordinance when the materials of which she is made, her construction, the qualifications of the crew including officers, the weight description and stowage of the cargo and ballast, the condition of her hull and equipment, boilers and machinery are not such as to render her in every respect fit for the proposed voyage or service.

392. Unseaworthy ships not to be sent to se.--(1) Every person who sends or attempts to send a Pakistani ship to sea from any port or place in Pakistani in such an Unseaworthy state that the life of any person is likely to be thereby endangered shall, unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such an Unseaworthy state was, under the circumstances reasonable and justifiable, be liable to imprisonment for a term which shall not be less than three months and fine not exceeding five hundred thousand rupees.

(2) Every master of a Pakistani ship who knowingly takes such ship to sea in such an Unseaworthy state that the life of any person is likely to be thereby endangered shall, unless he proves that her going to sea

in such an Unseaworthy state was, under the circumstances reasonable and justifiable, be liable to a fine which may extend to one hundred thousand rupees.

(3) For the purpose of giving such proof, every person charged under this section may give evidence in the same manner as any other witness.

(4) No prosecution under this section shall be instituted except by, or with the consent of, the Federal Government.

393. Obligation of ship owner to crew with respect to seaworthiness.--(1) In every contract of service, express or implied, between the owner of a Pakistani ship and the master or any seaman there of, there shall be implied, notwithstanding any agreement to the country, an obligation on the owner of the ship , that such owner, and the master, and every agent charged with the loading of the ship or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition during the voyage.

(2) For the purpose of seeing that the provisions of this section have been complied with, the Federal Government may, either at the request of the owner or otherwise, arrange for a survey of the hull, equipment or machinery of any sea-going ship by a surveyor.

394. Power to detain unsafe shop and procedure for detention.--(1) Where a Pakistani ship in any port or place to which the Federal Government may specially extend this section is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipment or machinery, or by reason of under manning or by reason of over loading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed such ship may be provisionally detained or released as follows, namely;---

(a) the General Government, if it has reason to believe, on complaint or otherwise, that any such ship is unsafe, may order the ship to be provisionally detained an as unsafe ship for the purpose of being surveyed.

(b) a written statement of the grounds of such detention shall be forthwith served on the master of such ship;

(c) when the Federal Government orders that a ship be provisionally detained, it shall either refer the matter to the Court of Survey for the port where the ship is detained, or forthwith appoint some competent person to survey such ship forthwith appoint some competent person to survey such ship and report thereon; and, on receiving the reports, may either order the ship to be released, or if in its opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Federal Government thinks necessary for the protection of human life;

(d) before an order for final detention is made, a copy of the report shall be served upon the master of the ship and within seven days after such service, the owner or master may appeal against days after such service, the owner or master may appeal against such report, in the manner prescribed, to the Court of Survey for the pot where the ship is detained;

(e) where a sip has been provisionally detained and a person has been appointment under this section to survey such ship, the owner or master of the ship, at any time before such person makes that survey, may require that he shall take with him as assessor such person as the owner or master may select, being a person named in the list of assessors for the Court of Survey or if there is no such list or if it is impracticable to procure the attendance of any person named in such list, a person of nautical engineering or other special skill and experience. If the surveyor and assessor agree that the ship should be detained or released, the Federal Government shall cause the ship to be detained or released accordingly, and the owner or master shall have no right of appeal. If the surveyor and assessor differ in their report, the Federal Government may act as if the requisition had not been made, and the owner or master shall have a right of such appeal touching the report of the surveyor as is here in before provided in this section.

(f) where a ship has been provisionally detained, the Federal Government may, at anytime if it thinks it expedient, refer the matter to the Court of Survey for the port where the ship is detained; and

(g) the Federal Government may, at any time if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2) A Principal Officer or any other person appointed by the Federal Government for the purpose (in this Ordinance referred to as a Detaining Officer), shall have the same power as the Federal Government has under this section of ordering that a ship be provisionally detained for the purpose of being surveyed, and or appointing a person to survey her; and, if he thinks that a ship so detained by him is not unsafe; a detaining officer may order her to be released.

(3) A detaining officer shall forthwith report to the Federal Government any order made by him for the detention or release of a ship.

(4) A ship detained under this section shall not be released by reason of her ceasing to be a Pakistani ship subsequent to her detention.

(5) A detaining officer. for the purpose of this Chapter, may,---

(a) go on board any ship and may inspect the same or any part thereof; or any of the machinery, equipment and cargo on board thereof, and require the unloading or removal; of any cargo, ballast or tackle, no unnecessarily detaining or delaying her from discharging, unloading or proceeding on any voyage;

(b) by summons under his hand, require the attendance of all such persons as he thinks fit to call before him. examine such persons, and, by a like summons, require returns in writing to any inquiries he thinks fit to make;

(c) require and enforce the production of all books, papers or documents which he considers important; and

(d) administer oaths, or in lieu of administering an oath, requires every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

395. Liability of ship owner for costs and damages when ship wrongly detained.--If it appears that there was no reasonable and probable cause, by reason of the condition of the ship or that act or default of the owner or the master, for the provisional detention of a ship, the Federal Government shall be liable to pay to the owner of the ship his costs of, an incidental to, the detention and survey of the ship and also compensation for any loss or damages sustained by him y reason of the detention or survey.

396. Liability of ship owner for costs when ship rightly detained.--If a ship is finally detained under this Chapter, or if it appears that a ship provisionally detained was at the time of such detention unsafe, or if a ship is detained in pursuance of any provisions of this Chapter which period for the detention of a ship until a certain event occurs, the owner of the ship shall be liable to pay to the Federal Government the costs of, and released until such costs are paid.

397. Method of calculating costs of detention and survey.--For the purposes of this Ordinance, the costs of, and incidental to, any proceeding before a Court of Survey and a reasonable amount in respect of the remuneration of the surveyor or any person appointed to represent the Federal Government before a Court of Survey and person appointed to represent the Federal Government before the Court, shall be deemed to be part of the costs of the detention and survey of the ship.

398. Power to require from complainant security for costs.--When a complaint is made to the Federal Government or a Detaining officer that Pakistani ship is unsafe, it shall be in the s=discretion of the Federal Government or the detaining officer, as the case may be, to require the complainant to give security to the satisfaction of the Federal Government or the detaining officer for the costs and compensation which such complainant may become liable to pay as hereinafter mentioned:---

Provided that, where the complaint is made by one-fourth being not less than three, of the seaman belonging to the ship, and is not in the opinion of the Federal Government or the Detaining Officer frivolous or vexatious, such security shall not be required, and the Federal Government or the Detaining Officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps to ascertain whether the ship ought to be detained under this Chapter.

399. Costs, etc., payable by Federal Government to be recovered from complainant.--Where a ship is detained in consequence of any complaint and the circumstances are such that the Federal Government is liable under this Chapter to pay to the owner of the ship any cost or compensation, the complaint shall be liable to pay to Federal Government all such costs and compensation as the Federal Government incurs, or is liable to pay, in respect of the detention and survey of the ship.

400. Application to ships other than Pakistani ship of provisions as to detention.--When a ship other than a Pakistani ship is in a port in Pakistan and is, whilst at the port, unsafe by reason of,---

(a) the defective condition of her hull, equipment, machinery, unsafe operational procedure or by reason of over-loading or improper loading;

(b) the condition of the ship, or any part thereof, or the stability is such that it cannot proceed to sea without danger to the ship or the person on board;

(c) the ship is unsafe by reason of under manning, its loading condition or because of its carries too many passengers; and

(d) the provisions, water or medical stores are of such quality and quantity that this endangers the safety or health of persons on board; the provisions of this chapter with respect to the detention of ships shall apply to that ship as if she were as Pakistani ship, with the following modifications, namely:---

(i) copy of the order for the provisional detention of the ship shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port in which such ship is detained.

(ii) the consular officer, at the request of the owner or master of the ship, may require that the person appointed by the Federal Government to survey the ship shall be accompanied by such person as the consular officer may select, and in the case if the surveyor and that person agree, the Federal Government shall cause the ship to be detained or released accordingly; but, if they differ, the Federal Government may act as if the requisition had not been made, and the owner and master shall have the like right of appeal to a Court of Survey touching the report of the surveyor as is here in before provided in the case of a Pakistan ship; and

(iii) where the owner or master of the ship appeals to the Court of Survey, the consular officer, at the request of the owner or mas-ter, may appoint a competent person to be assessor in the case in lieu of the assessor who if the ship were a Pakistani ship, would be appointed otherwise than by the Federal Government.

401. Detention etc., of foreign ships in cases to which Section 400 does not apply. Where any ship other than a Pakistani ship is detained under this Part in any case to which the provisions of Section 400 do not apply, or where an proceedings are taken under this Part against the master or owner of any such ship, notice shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

402. Exemption of ships from certain provisions of the Chapter. Nothing in this Chapter shall apply to any ship other than a Pakistani ship while it is within any port in Pakistan if it would not have been within such port but for stress of whether or any other circumstances that neither the master nor the owner nor the charter, if any, of the ship could have prevented or forestalled.

PART VII.

NAVIGATION, COLLISIONS AND ACCIDENTS

CHAPTER 29.

NAVIGATION

403. Method of giving helm order. (1) No person on any Pakistani ship shall, when the ship is going ahead give helm or steering order containing the word “starboard” or “right” or any equivalent of “starboard” or “right” unless he intends that the head of the ship shall move to the right or give a helm or steering order containing the word “port” or “left” or any equivalent of “port” or “left” unless he intends that the heads of the ship shall move to the left.

(2) Any person who contravenes the provisions of this section shall for each offence, be liable to a fine which may extend to five thousand rupees.

404. Duty to report dangers to navigation. (1) The master of a Pakistani ship or meeting with,---

(a) dangerous ice;

(b) a dangerous derelict;

(c) a tropical storm;

(d) air temperatures below freezing point associated with gale force winds causing severe ice accretion on the superstructure of the ship;

(e) winds of force ten or above on the Beauport scale for which no storm warning has been received; or

(f) any other direct danger to navigation,---

shall send information accordingly by all means of communication at his disposal, and in accordance with such rules as the Federal Government may make in this behalf, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

Explanation. For the purposes of this section, the expression “tropical storm” means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in the vicinity.

(2) If the master of a shi fails to comply with the provisions of this Section he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

405. Careful navigation near ice. (1) When ice is reported on or near his course, the master of every Pakistani ship shall proceed at a moderate speed or alter his course so as to pass well clear of the danger zone.

(2) If the master of any such ship fails to comply with the provisions of this section, he shall be liable to a fine which may extend to five thousand rupees.

406. Obligation to render assistance on receiving signal of distress. (1) master of Pakistani ship on receiving at sea a signal of distress of distress or information from any source that a vessel or aircraft is in distress shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable or in the special circumstances of the case considers it unreasonable or unnecessary to do so or unless he is released from such obligation under the provisions of sub-section (3) or sub-section (4).

(2) Where the master of any ship in distress has requisitioned any Pakistani ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisitioned by continuing to proceed with all speed to the assistance of the persons in distress unless he is released from the obligation under the provisions of sub-section (4).

(3) The master shall be released from the obligation imposed by sub-section (1) as soon as he is informed of the requisition or one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned

(4) The master shall be released form the obligation imposed by sub-section (1), if his ship has been requisitioned form the obligation imposed by sub-section (2), if he is informed by the persons in distress that assistance is no longer required.

(5) If the master of any Pakistan ship on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress is unable or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log-book or , if there is no official log-book, cause other record to be kept of his reasons for not going to the assistance of those persons; and if he fails to do so he shall be liable to a fine which any extend to ten thousand rupees.

(6) The master of every Pakistani ship for which an official log-book is required shall enter of cause to be entered in the official log-book every signal of distress or message that a vessel, aircraft or person is in distress at sea.

(7) Any master, failing to comply with the provisions of sub-section (1) or sub-section (2), shall be liable to a fine which may extend to fifty thousand rupees.

407. Power to make rules. The Federal Government may, by notification in the official Gazette, make rules prescribing,---

(a) the manner of communicating information regarding dangers to navigation, and the authorities on shore to whom such information is to be communicated;

(b) the signals which shall be signals of distress and of urgency respectively;

(c) the circumstances in which, and the purposes for which any such signal is to be used and the circumstances in which it is to be revoked; and

(d) the speed at which any message sent by radio telegraphy or by any other means in connection with such signal is to be transmitted.

408. Ships to carry certain navigational instruments, etc. (1) Every Pakistani ship shall be provided with such navigational and meteorological instruments, equipment (in addition to those referred to in Section 339), and publications including charts, directions or information as appear necessary or expedient for the safe operation of ship, as the Federal government may be rules prescribe, and such rules may also prescribe the manner in which such instruments and equipment shall be maintained.

(2) The Principal Officer or surveyor may go on board any ship and inspect the instruments, equipment and publications maintained under sub-section (1) with a view to satisfying himself that the provisions of that sub-section have been duty complied with.

(3) If the Principal Officer or surveyor is of opinion that the provisions of sub-section (1) are not being complied with by any Pakistani ship, he may detain the ship until such time as those provision have been duly complied with.

409. Signalling lamps. (1) Every Pakistani, ship, being a ship of a gross tonnage of over one hundred and fifty, shall, when proceeding to sea from any port or place in Pakistan, be provided with a signalling lamp of the type approved by the Federal Government.

(2) If any ship proceeds or attempts to proceeds to sea in contravention of this section, the owner or master thereof shall, for each offence, be liable to a fine which may extend to five thousand rupees.

410. Meteorological observations to be recorded, etc. (1) Every Pakistani ship shall make meteorological observations at such intervals and record the same in such meteorological log as may be Prescribed.

(2) Any Pakistani ships or ship required by the Federal Government to do so shall transmit meteorological reports at such times and to such authorities as may be appointed in this behalf.

(3) The master of a ship in respect of which the provisions of sub-section (1) or sub-section (2) are contravened shall be liable to a fine which may extend to five thousand rupees.

CHAPTER 30.

COLLISIONS AND ACCIDENTS

411. Collision regulation. (1) The Federal Government may, by notification in the official gazette, make regulations for the prevention of collisions at sea, and may thereby regulate the lights and shapes to be carried and exhibited, the fog and distress signals to be carried and used, and the steering and sailing rules to be observed by Pakistani ship, and by sailing vessels and fishing vessels registered in Pakistan.

(2) The collision regulations, together with the provisions of Sections 412 and 413 shall also be observed, while within Pakistan jurisdiction, by all ships other than Pakistani ships and by all sailing vessels and fishing vessels not registered in Pakistan, and, in any case arising in any Court in Pakistan concerning matters arising within Pakistani jurisdiction, such ships and vessels shall, for the purpose of application of the collision regulations and the said provisions, be treated as if they were Pakistani ships or sailing vessels or fishing vessels registered in Pakistan, as the case may be.

412. Observance of collision regulations. (1) The owner or master or every ship and the owner, nakhuda or skipper of every sailing vessel or fishing vessel shall observe the collision regulations and shall not than those required by the said regulations.

(2) Any person who contravenes the provisions of sub-section (1), shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

(3) If any damage to person or property arises from the non-observance by any such ship or vessel of any of the collision regulations, the damage shall be deemed to have been occasioned, by the wilful default of the person charge of the ship or the vessel, as the case may be, at the time the case made a departure from the regulations necessary.

413. Inspection of lights and shapes, etc. (1) A surveyor, or such other person as may be appointed by the Federal Government in this behalf, may inspect any ship whether a Pakistani ship or not, and any sailing vessel or fishing vessel whether registered in Pakistan or not, for the purpose of seeing that the ship or vessel is properly provided with lights and shapes and the means of making fog and distress signals in conformity with the collision regulations, and, if the surveyor or such other person finds that the ship or vessel is not so provided with, he shall give to the owner or to the master, nakhuda or skipper, as the case may be, notice in writing pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

(2) Every notice so given shall be communicated in the prescribed manner to the officer of Customs at any port or place from which such ship or vessel may seek to clear; and no officer of Customs to whom such communication is made shall grant such ship or vessel a port clearance or allow her to proceed to sea without a certificate under the hand of some person appointed as aforesaid to the effect that the ship or vessel is properly provided with lights and shapes and with the means of making fog and distress signals in accordance with the said regulations.

414. Saving for rules of navigation in harbour, etc. Nothing in this Ordinance shall affect the operation of any rules concerning lights and signals to be carried, or the steps for avoiding collisions to be taken, by vessels navigating the waters of any harbour, river or other in land navigation, made, whether before or after the commencement of this Ordinance, under any law for the time being in force.

415. Duty of master to assist in case of collision. (1) In every case of collision between two ships, the master or person ion charge of each ship, in and so far as he can do so without danger to his own ship, crew and passengers, if any, shall,---

(a) render to the other ship, her master, crew and passengers, if any, such assistance as may be practicable and may be necessary to save them from any danger caused by the collision and stay be the other ship until he has ascertained that she has no need of further assistance; and

(b) give to the master or person in charge of the other ship the name of his own ship and of the port to which she belongs and also the names of the ports from which she comes and to which she is bound.

(2) If the master or person in charge fails, without reasonable cause, to comply with this section he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees and if he is a certificated officer, an inquiry into his conduct may be held, and his certificate suspected or cancelled.

416. Collision to be entered in official-log. (1) In every case of collision in which it is practicable so to do, the master or every ship concerned shall, immediately after the occurrence, cause a statement thereof and of the circumstances under which the same occurred to be entered in the official log-book, if any, and the entry shall be signed by the master and also by one of the officers or one of the crew.

(2) If a master fails to comply with this section, he shall be liable to a fine which may extend to five thousand rupees.

417. Report, to Federal Government of accidents to ships. (1) When a ship has sustained or caused any accident occasioning loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or her efficiency either in her hull or is so altered in any part of her machinery as not to correspond with the particulars contained in any of the certificates issued under this Ordinance in respect of the ship, the owner or master shall, within twenty-four hours after the happening of the accident or damage or as soon thereafter as possible, transmit to the Federal Government, or the nearest Principal Officer, a report of the accident or damage and of the probable cause thereof stating the name of the ship, her official number, if any, her port of registry and the place where she is.

(2) If the owner or master fails, without reasonable cause, to comply with this section he shall be liable to a fine which may extend to five thousand rupees.

418. Notice of loss of Pakistani ship to be given. (1) If the owner or agent of any Pakistani ship has reasons, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Federal Government notice in writing of the loss and of the probable cause thereof stating the name of this ship, her official number, if any, and her port of registry.

(2) If the owner or agent fails, without reasonable cause, to comply with this section he shall be liable to a fine which may extend to five thousand rupees.

419. Division of loss in case of collision. (1) Whenever by the fault of two or more ships damages or loss is caused to one or more of them or to the cargo of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was at fault:---

Provided that
(a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;

(b) nothing in this section operate so as to render any ship liable for any loss or damage to which her fault has not contributed; and

(c) nothing in this section shall affect the liability of any person under any contract or shall be construed as imposing any liability upon any person from which he is exemption by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(2) For the purposes of this Chapter, references to damage or loss by the fault of a ship shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable in law by way of damages.

420. Damages for personal injuries. (1) Whenever loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships concerned shall be joint and several.

(2) Nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in any action brought against him by the person injured, or any person entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

421. Right of contribution. (1) Whenever loss of life or personal injuries are suffered by a person on board a ship owing to the fault of that ship and of any other ship or ships, and a proportion of the damages is recovered from the owner, of one of the ships, which exceeds the proportion in which she was in fault, the said owner may recovery way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault:---

Provided that no amount shall be so recovered which could not by reason of any statutory or contractual limitation of, or exemption from, liability or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue thereof.

(2) In addition to any other remedy provided by law, the person entitled to any contribution under sub-section (1) shall, for the purpose of recovering the contribution, have, subject to the provisions of this Ordinance, the same rights and powers as the persons entitled to sue for damages in the first instance.

422. Power to make rules for maritime communication. (1) The Federal Government may, by notification in the official Gazette, make rules to ensure that the maritime emergency and safety communication shall be carried out in a satisfactory manner.

(2) Rules made under sub-section (1) may regulate, *inter-alia*, the provision of necessary facilities and, the assignment of radio frequencies, and may provide for the training and certification of personnel in charge of the maritime communications in a coastal radio station.

423. Power to make regulations for search and rescue. (1) The Federal Government may, by notification in official Gazette, make regulations to ensure that the necessary arrangements are made in Pakistan for coast watching and for the rescue of persons in distress at sea.

(2) Regulations made under sub-section (1) shall include provisions on the establishment, operation and maintenance of such maritime safety facilities as are deemed practicable and necessary having regard to the density of the sea-going traffic and the navigational dangers, and shall, so far as possible, afford adequate means of locating and rescuing such persons and shall provide for the training and certification of personnel involved in search and rescue operations.

PART VIII.

OFFICIAL LOGS

CHAPTER 31.

OFFICIAL LOGS

424. Official logs to be kept and to be dated. (1) Except in the case of a coasting ship not coasting ship not exceeding a gross tonnage of two hundred and a sailing vessel or fishing vessel, an official logs to be kept and to be dated.--(1) Except in the case of a coating ship not exceeding a gross tonnage of two hundred and a sailing vessel or fishing vessel, an official log in the prescribed from shall be kept in every Pakistani vessel, an official log in the prescribed from shall be kept in every Pakistani ship and in every other ship which carries any Pakistani seamen engaged in Pakistan.

(2) The official log shall be kept distinct from the ordinary ship's log.

(3) Any entry required by this ordinance in the official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, shall not be made more than twenty-four hours after that arrival.

(4) Save as otherwise provided in this Ordinance every entry in the official log-book shall be sighed by the master and by the mate or some other member of the crew and also,---

(a) if it is entry of illness, injury or death, shall be signed by the surgeon of medical practitioner on board, if any; and

(b) if it is an entry of wages due to, or of the sale of the effects of, a seaman of apprentice who dies, shall be signed by some other member of the crew.

(5) Every entry made in an official log-book in the manner provided by this Ordinance shall be admissible in evidence.

425. Entries required to be made in official log-book.-- The master of every Pakistani ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters, namely,---

(i) every conviction by a Court or other authority of a member of his crew, and the punishment inflicted;

(ii) every offence omitted by a member of his crew, and, if the offence is one for which it is intended to prosecute or to enforce a forfeiture or to exact a fine together which such statement concerning the reading over of that entry, and concerning the reply, if any, made to the charge as is by this Ordinance required;

(iii) every offence for which punishment is inflicted on board and the punishment inflicted thereof;

(iv) a statement of the conduct, character and qualifications, and a report on the quality of work of each member of his crew, opinion on those particulars;

(v) every case of illness or injury happening to a member of the crew with the nature thereof, and the medical treatment adopted, if any;

(vi) every case of death happening on board and the cause thereof;

(vii) every birth happening on board with the sex of the infant and the names of the parents;

(viii) every marriage taking place on board with the names and ages of the parties;

(ix) the mane of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;

(x) the wages due to any seaman or apprentice who dies, or otherwise ceases to be a member of the crew, during the voyage, and the gross amount of all deductions to be made therfrom;

(xi) the money or other property taken over of any seaman or apprentice who dies during the voyage and the sale of such effects, if any, indicating a statement of each article sold and of the sum received for it;

(xii) every disrating of seaman along with a statement of disrating and of the fact that a copy of the entry has been furnished to the seaman;

(xiii) a statement of the effects left on board by a seaman who is lift behind out of Pakistan and the amount due to him on account of wages at the tine he was left behind;

(xiv) a record of examination of provisions and water and the result of such examination;

(xv) a record of inspection of crew accommodation and the result of such inspection;

(xvi) every collision with any other ship and the circumstances under which the same occurred;

(xvii) every fire or boiler explosion occurring on the ship and the circumstances under which the same occurred;

(xviii) a statement of any damage sustained by the ship or cargo as a result of any fire, boiler explosion, perils of the seas or any other reason during the voyage;

(xix) a statement of the nature and amount of cargo jettisoned for the safety of the crew, passengers or the ship;

(xx) the tine of closing and opening the hinged doors, portable plates, side scuttles, gangway, cargo and coaling ports and other openings which are required by any rules made under this Ordinance to be kept closed during navigation;

(xxi) a record of all drills and inspections required by any rules made under this Ordinance with an explicit record of any defects disclosed; and if boat drill land fire drill are not practiced on board the reasons why boat drill and fire drill were not practiced as required by such rules.

(xxii) a statement by the master that he has, before the commencement of voyage, made an inspection as to whether the ship is in all respects seaworthy, safe and in a fit condition to proceed to sea;

(xxiii) the particulars as to the position of the deck line and load line specified in the load line certificate;

(xxiv) such particulars relating to the depth to which the ship is loaded before leaving any place for the purpose of proceeding to sea as may e required by any rules made under this Ordinance;

(xxv) a statement by the master that he had not found any stowaway on board before the commencement of the voyage;

(xxvi) the tonnage of the space, measured in accordance with any rules made under the ordinance, occupied goods carried as, deck cargo;

(xxvii) any order made by a Maritime Board;

(xxviii) every signal of distress or message that a vessel, aircraft or person is in distress at sea, received by the master;

(xxix) any occasion when the master has been unable to go to the assistance of any vessel or aircraft of person in distress at sea together with his reasons for the inability;

(xxx) a list of documents delivered to him on taking commend of the ship; and

(xxxi) any other matter which may be prescribed for entry in the official log-book.

426. Entries required to be made in official log-book of every other ship which carries Pakistani seamen.-- The master of every ship, not being a Pakistani ship, for which an official log is required, shall

inter or cause to be entered in the official log-book only such of the matters specified in clauses (i) to (vi) and clauses (ix) to (xv) of Section 425, as relate to the Pakistani seamen engaged in Pakistan as member of his crew provided that entry is witnessed by any other Pakistani officer or Pakistani crew, if any.

427. Offences is respect of official log. (1) If an official log-book is not kept in the manner required by this Ordinance, or if an entry required by this Ordinance to be made there in is not made at the time and in the manner required, the master shall, if no other penalty is provided by this Ordinance, for each offence, be liable to a fine which may extend to five thousand rupees.

(2) If any person makes for for procures to be made or assists in making any entry in any official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

(3) If any person wilfully destroys or mutilates or renders illegible any entry in any official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in, or omission from, an official log-book, he shall be liable to a fine which may extend to five thousand rupees.

428. Delivery of official logs. (1) The master of every foreign-going ship for which an official log-book is required to be kept shall, within forty-eight hours after the ship's arrival at he final port destination in Pakistan or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the Shipping Master before whom the crew is discharged.

(2) The master or owner of every home-trade ship, and of every coasting ship, for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping Master in Pakistan the official log-book for the proceeding half-year.

(3) If the master or owner of a ship fails without reasonable cause, to comply with the section, he shall be liable to a fine which may extend to five thousand rupees.

429. Official logs to be sent to Shipping Master in the case of transfer or loss of ship. (1) if for any reason the official log ceases to be required in respect of a ship, the master or owner of the ship shall, if the ship is then in Pakistan, within one month, and, if she is elsewhere, within six months, after the cessation, deliver or transmit to the shipping Master at the port or place where the crow was engaged the official log-book duly completed up to the time of the cessation.

(2) If a ship for which an official log is required to be kept is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the shipping Master at the port or place where the crew was engaged the official log-book fully completed up to the time of the loss or abandonment.

(3) If the master or owner of the ship fails, without reasonable cause to comply with the provisions of this section he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

430. Power to call for official logs. (1) The Federal Government or the Maritime Board, or any Principal Officer, surveyor, Shipping Master or Pakistan consular officer may, be order in writing, at any time, call for the official log book of a ship for the purpose of inspection of the entries made therein, and the master or owner of the ship shall, unless the official log-book has already been called for under this section, produce the same at the time and place specified in the order.

(2) If the master or owner fails, with out reasonable cause, to comply with an order made under sub-section (1), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

PART IX

FISHING AND SAILING VESSELS

CHAPTER 32

FISHING VESSELS

431. Application of Chapter. This chapter applies to sea-going fishing vessels propelled by mechanical means only.

432. Ascertainment of tonnage. For the purpose of this Chapter, the tonnage of fishing vessels shall be such as may be ascertained in accordance with rules made for the ascertainment of tonnage under Part II except that in the case of a power driven trawler such tonnage shall be her gross tonnage.

433. Registration of fishing vessels. (1) Every fishing vessel to which this Chapter applies shall be registered in accordance with the provisions of this section.

(2) A fishing vessel registered at any time before the commencement of this Chapter at any port in Pakistan under any law for the time being in force shall, for a period of one year from such commencement or for such further period as may be specified in this behalf by the Federal Government, be required to be registered under this Chapter and be recognized as a fishing vessel registered in Pakistan and, if she is not registered in Pakistan and, if she is not registered under this Chapter within such period, shall be liable to be forfeited to the Federal Government.

(3) The owner of every fishing vessel shall make an application in the prescribed form to the Registrar for the grant to him of a certificate of registry in respect of the vessel, and shall cause the tonnage of the vessel to be ascertained in the prescribed manner.

(4) The registrar, to be called the fishing vessel's registry, may make such inquiry as he thinks fit with respect to the particulars contained in the application, and shall enter in a register, the following particulars in respect of the vessel, namely,---

(a) the name of the vessel, the place where she was built, and the port to which she belongs;

(b) her tonnage ascertained;

(c) type of engines;

(d) the name, occupation and address of the owner;

(e) the letter and number assigned to the vessel;

(f) the mortgages, if any, effected by the owner in respect of the vessel; and

(g) such other particulars as may be prescribed.

(5) After the particulars in respect of the vessel have been entered in the fishing vessel's registrar under sub-section (4), the Registrar shall grant to the applicant a certificate of registry in the prescribed form on payment of a fee according to such scale as may be prescribed having regard to the tonnage of the vessel.

(6) A fishing vessel which is required to be registered under this Chapter but is not so registered shall be detained by the Principal Officer, Surveyor or a officer of Customs until the certificate of registry is produced by the owner or any other person in charge of the vessel.

434. Effect of registration of fishing vessels.--(1) In all proceedings under this Ordinance against the owner or skipper of, or any person belonging to, any vessel entered in the fishing vessel's register, or for the recovery of damages for injury done to such vessel, the register shall be conclusive evidence that the person entered therein at any date as owner of the vessel was at that date the person entered there in at any date as owner of the vessel was at that date the owner thereof, and that the vessel is Pakistani sea going fishing vessel.

(2) This section shall not prevent any proceedings being instituted against any person not so entered who is beneficially interested in the vessel nor shall it affect the rights of the owners among themselves, if there be more than one owner, or the rights of any owner entered who is beneficially interested in the vessel.

(3) Save as aforesaid, entry in the fishing vessel's register shall not confer, take away, or affect any title to, or interest in, any such vessel.

435. Particulars relating to fishing vessels to be painted.-- (1) The owner of a vessel registered under Section 433 shall paint or cause to be painted permanently in the prescribed manner on some conspicuous part of the vessel, the name by which the vessel has been registered, the letter and number assigned by the registrar, and the port to which she belongs, and shall ensure that the vessel remains so painted.

(2) If the owner contravenes any of the provisions of sub-section (1), he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

436. Change of name.-- A change of name of a fishing vessel registered under Section 433 shall not be made except in accordance with the rules made for change of name under Part II, and when so effected, shall be entered in the fishing vessel's register.

437. Change of ownership.--(1) No person shall transfer or acquire any fishing vessel registered under this Chapter or any interest herein without the previous approval in writing of the Federal Government or an officer authorized by it in this behalf; and any transaction effected in contravention of this section shall be void and unenforceable.

(2) Every change of ownership shall be reported, jointly by the registered owner and the new owner, to the registrar in the prescribed form, and the registrar shall make such inquiry as he thinks fit with respect to the change of ownership, and shall thereupon enter the name of the new owner in the fishing vessel's register and endorse the certificate of registry accordingly.

(3) Whoever contravenes any of the provisions of this section, shall, for each offence, be liable to a fine which may extend to five thousand rupees.

438. Mortgages of fishing vessels.-- (1) Every mortgage of a fishing vessel or of any interest therein effected after the commencement of this Chapter shall be registered with the registrar.

(2) Every mortgage of a fishing vessel or any interest therein effected before the commencement of this Chapter shall, if subsisting at such commencement, be registered with the registrar within six months thereof unless it is earlier discharged.

(3) The registrar shall enter such mortgage in the fishing vessel's register in the order in which it is registered with him.

(4) If there are more mortgages than one recorded in respect of the same fishing vessel or interest therein the mortgages shall, notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is registered with the registrar and not according to the date of each mortgage itself:---

Provided that nothing contained in this sub-section shall affect the relative priorities as they existed immediately before the commencement of this Ordinance as between mortgages of the same vessel or interest therein effected before such commencement which are registered in accordance with the provisions of sub-section (2).

439. Registration of alterations,--(1) When a fishing vessel is so altered as not to correspond with the particular relating to her entered in the certificate of registry, the owner of such vessel shall make a report of such alteration to the registrar of the port where the vessel is registered, and the registrar shall either cause the alteration to be registered or direct that the vessel be registered a new, in accordance with such rules as may be made in this behalf.

(2) If the owner fails to comply with the provisions of this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

440. Transfer of registry.-- The registry of a fishing vessel may be transferred from one port to another in Pakistan on the application of the owner of the vessel, in accordance with such rules as may be made in this behalf.

441. Entries in register relating to vessel lost, etc; to stand closed. (1) if a fishing vessel is lost, destroyed or rendered permanently unfit for service, the owner of such vessel shall, with the least practicable delay, report the fact to the registrar of the port where the vessel is registered and also forward to him along with the report the certificate of registry in respect of the vessel; and thereupon the report the certificate of registry in respect of the vessel; and thereupon the registrar shall make an entry to that effect in the fishing vessel's register and upon the making of such entry the entries in the register relating to the registration of the vessel shall be considered as closed except so far as they relate to any unsatisfied mortgage entered therein.

(2) If the owner fails to comply with any of the provisions of this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

442. Certificate of inspection. (1) No fishing vessel of twelve meters in length and over shall ply or proceed to sea unless a certificate of inspection applicable to the intended voyage is in force.

(2) A certificate of inspection in respect of fishing vessel shall specify,---

(a) the name and tonnage of the vessel;

(b) the name, occupation and address of the owner,

(c) the name of the skipper and engine driver;

(d) the type of engine;

(e) the maximum number of crew that may be carried;

(f) the limits within which the vessel may be used for purposes of fishing;

(g) the particulars of life saving and fire appliances, lights and shapes, and the means of making fog and distress signals carried on board; and

(h) that her hull, machinery and equipment are in good condition:---

Provided that where in respect of a vessel a fishing vessel safety certificate has been issued under Section 443 the particulars in clause (g) need not be specified.

(3) a certificate of inspection shall be in force from the date of its issue for two years or for such shorter period as may be specified therein.

(4) Where at any time after the issue of a certificate of inspection in respect of a fishing vessel, the Federal Government has reason to believe that the vessel is not fit to ply or proceed to sea, or that the vessel has undergone material alteration or has met with an accident, it may, after giving the owner an opportunity of making a representation, cancel such certificate.

(5) a fresh certificate of inspection shall not be issued until the requirements of Section 439 have been satisfied and the vessel has been inspected and the authority making the inspection is satisfied that the vessel is fit to ply or proceed to sea.

443. Fishing vessel safety certificate and exemption certificate. (1) Where in respect of a fishing vessel of twenty four meters in length and over, including vessels also processing their catch, the Federal Government is satisfied that the vessel has been surveyed in the prescribed manner, it may cause a fishing vessel safety certificate to be issued in respect of the vessel.

(2) Where in respect of any such ship referred to in sub-section (1) an exemption is granted to vessel as per rules made under Section 449 the Federal Government may cause a fishing vessel exemption certificate to be issued in addition to the certificate prescribed in sub-section (1).

(3) The fishing vessel safety certificate and the fishing vessel exemption certificate shall be in the prescribed form.

(4) A fishing vessel safety certificate shall be in force for five years from the date of its issue and shall not be extended for more than one year subject to the periodical and intermediate surveys as required by the rules made under Section 449.

(5) a fishing vessel exemption certificate shall not be valid for a period longer than the period of the fishing vessel safety certificate.

444. Port clearance not to be given. No officer of customs shall grant a port clearance to any fishing vessel until after the production of certificate of inspection, if applicable and also the fishing vessel safety certificate, or as the case may be, fishing vessel exemption certificate in respect of a fishing vessel of twenty-four meters in length and over.

445. Fraudulent use of certificate of registry, certificate of inspection or safety certificate, etc. (1) No person shall use or attempt to use the certificate of registry, the certificate of inspection, the safety certificate, or, as the case may be, the exemption certificate granted in respected of a fishing vessel for any purpose other than the lawful navigation of the vessel.

446. Life saving appliances, etc.-- Every fishing vessel shall be provided with such life saving and fire appliances as may be required by rules made for the provisions of such appliances under Part VI, and shall be equipped with lights and shapes and the means of making fog and distress signals in accordance with the collision regulations.

447. Skippers and engine drivers to be duly certificated,-- (1) No fishing vessel of a gross tonnage of twenty-five or upwards shall proceeded to sea unless the skipper and engine driver is dully certificated by the Federal Government, not shall any person not so certificated accept any such employment in respect of any such vessel.

(2) The Federal Government may make rules providing for,---

(a) the manner in which and the conditions upon which such certificates shall be granted;

(b) the suspension and cancellation of such certificates; and

(c) the inquiries and investigation into the conduct of the holders of such certificates.

(3) Any person who,---

(a) having been engaged as a skipper or engine driver, goes to sea as such without being duly certificated, or

(b) employees a person in contravention of sub-section (1) without ascertaining that the person is duly certificated, shall for each offence, be liable to a fine which may extend to five thousand rupees.

448. Statement relating to crew to be maintained.-- (1) Every owner or skipper of a sea-going fishing vessel shall maintain or cause to be maintained in the prescribed form statement of the crew of the vessel.

(2) Every change of crew of the vessel shall be entered in the statement maintained under sub-section (1).

(3) A copy of such statement and of every change therein shall be communicated as soon as possible to the registrar at the port where the vessel is registered.

(4) If the owner or skipper fails to comply with any of the provisions of this section, he shall, for each offence, be liable to a fine whit may extend to five thousand rupees.

449. Power to make rules.-- (1) The Federal Government may be, notification in the official Gazette, make rules to carry out the following matters, mainly,---

(a) the form in which applications for certificates of registry shall be made and the particulars which such applications should contain;

(b) the form in which certificate of registry and certificates of inspection may be issued;

(c) the manner in which fishing vessels shall be surveyed including their periodical and the intermediate surveys;

(d) the form and the manner in which fishing vessel safety certificate and the fishing vessel exemption certificate are to be issued;

(e) the issue of duplicate copies of certificates of registry, certificates of inspection, fishing vessel safety certificate and fishing vessel exemption certificate when the originals are destroyed, lost, mislaid, mutilated or defaced;

(f) the manner in which and the time within which, reports for the registration of alterations in the certificates of registry shall be made, the endorsements of the particulars of alteration on such

certificates, the grant of provisional certificates where vessels are directed to be registered anew, the period for which provisional certificates shall be valid and all other matters ancillary to the registration of alterations.

(g) the form and manner in which applications for the transfer of registry from one port to another in Pakistan shall be make, and the procedure to be followed by the registration of alterations.

(h) the form and manner in which change of ownership is to be reported, and the procedure to be followed in connection with such change;

(i) the construction, equipment, machinery and other matters relating to the safety of the vessels;

(j) the fees which may be levied for the issue or re-issue of certificate of registry or certificate of inspection and for all purposes of this Chapter and the minimum in which such fees may be recovered; and

(k) any other matter which is to be or may be prescribed under this Chapter.

CHAPTER 33.

SAILING VESSELS

450. Application of Chapter. Save as otherwise provided, this Chapter applies to every sea-going sailing vessel owned by a citizen of Pakistan or a company which fulfils the conditions set out is Section 13.

451. Decision of question whether a vessel is a sailing vessel. Any question as to whether or not a vessel is a sailing vessel for the purposes of this Chapter shall be referred to the Federal Government whose decision there-on shall be final.

452. Certificate of registry. (1) Every sailing vessel shall be registered in accordance with the provisions of this section.

(2) A sailing vessel registered at any time before the commencement of this Chapter at any port in Pakistan under any law for time being in force shall, for a period of one year from such commencement or for such further period as may be specified in this behalf by the Federal Government, be deemed to have been registered under this Chapter and be recognised as a sailing vessel registered in Pakistan and if she is not re-registered under this Chapter within such period shall be liable to be forfeited to the Federal Government.

(3) The owner of every sailing shall make an application in the prescribed form to the registrar for the grant to him of a certificate of registry in respect of the vessel, and shall cause the tonnage of the vessel to be ascertained in the prescribed manner.

(4) The registrar may make such inquiry as he thinks fit with respect to the particulars contained in such application and shall enter in a register, hereinafter referred to as called the sailing vessel's register, the following particulars in respect of the vessel, namely,---

(a) the name of the sailing vessel, place where she was built and the port to which she belong;

(b) the rig, type and tonnage of the vessel;

(c) the name, occupation and address of the owner;

(d) the number assigned to the vessel;

(e) the mortgages, if any, effected by the owner in respect of the vessel; and

(f) such other particulars are as may be prescribed.

(5) after the particulars in respect of the vessel have been entered in the sailing vessel's register under sub-section (4), the registrar shall grant to the applicant a certificate of registry in the prescribed form on payment of a fee according to such scale as may be prescribed having regard to the tonnage of the vessel.

(6) A sailing vessel which is required to be registered under this Chapter but is not so register shall be detained by the Principal Officer, surveyor or officer of Customs until the certificate of registry is produced.

453. Change of name of sailing vessel. A change of name of sailing vessel registered under Section 452 shall not be made except in accordance with the rules made in this behalf.

454. Prevention of overloading or overcrowding. (1) The Federal Government may, by notification in the official Gazette, make rules to regulate the carriage of cargo or passengers in sailing vessels and the protection of life and property on board such vessels.

(2) In particulars, and without prejudice to the generality of the foregoing power, such rules may provided for all or any of the following matters, namely,---

(a) the assignment of free board to sailing vessels;

(b) the marking of such free board on such vessels and the maintenance of such markings;

(c) the survey of the space allotted to passengers on board such vessels, and

(d) the scale and type of accommodation to be provided for each passenger.

(3) Any sailing vessel attempting to ply or proceed to sea without free board markings or any sailing vessel which has been so loaded as to submerge such markings may be detained by the Principal Officer, surveyor, or officer of Customs until free board markings are made in accordance with the rules made under sub-section (1) or the vessel is so loaded that such markings are not submerged.

(4) Nothing in this section relating to survey of spaces allotted to passengers or the scale or type of accommodation to be provided for each passenger shall apply to any sailing vessel which has been

surveyed under Part v, nor shall anything in this section relating to free board apply to any sailing vessel in respect of which a load line has been assigned under Part VI.

(5) If any sailing vessel arrives at a port or place in Pakistan with a number of passengers in excess of the number which the vessel is certified to carry, or arrives at such port or place with the free board markings submerged, the owner and nakhuda shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

455. Certificate of inspection. (1) No sailing vessel shall ply or proceed to sea unless a certificate of inspection applicable to the intended voyage is in force.

(2) A certificate of inspection in respect of a sailing vessel shall specify,---

(a) the name and tonnage of the vessel;

(b) the names of the owner and nakhuda of the vessel;

(c) the maximum number of the crew and the maximum number of passengers that may be carried;

(d) the limits within which the vessel may be used for purposes of trading;

(e) the particulars of the free board assigned to the vessel;

(f) the particulars of life saving and fire appliances, lights, shapes and means of making fog and distress signals carried on board; and shall contain a statement to the effect that her hull, rigging and equipment, including auxiliary machinery, if any, are in good condition.

(3) A certificate of inspection shall be in force for two years from the date of its issue or for such shorter period as may be specified therein:
Provided that where a sailing vessel is on a voyage outside Pakistan at the time of expiry of the certificate, the certificate shall continue to be valid until her first arrival at a port or place in Pakistan after the expiry of such period.

(4) No officer of Customs shall grant a port clearance until after the production by the owner or nakhuda thereof, of a certificate of inspection in respect of the vessel.

(5) where at any time after the issue of a certificate of inspection in respect of a sailing vessel, the Federal Government has reason to believe that the vessel is not fit to ply or proceed to sea, it may, after giving the owner an opportunity of making a representation, cancel such certificate.

(6) Where at any time after the issue of a certificate of inspection a sailing vessel has undergone material alteration or has met with an accident or, where the certificate of inspection of a sailing vessel has been cancelled under sub-section (5) and an application is made for the re-issue of such certificate, the registered may, before re-issuing the certificate or issuing a fresh certificate, as the case may be, cause such vessel to be inspected; and if the authority inspecting the vessel reports that she is not fit to ply or proceed to sea or that her hull, rigging an equipment, including auxiliary machinery, if any, are

defective, such certificate shall not be re-issued or issued until the vessel is, in the opinion of such authority, fit to ply or proceed to sea or the defect is rectified to the satisfaction of such authority.

456. Inquiry into jettisoning of cargo. (1) If any owner no nakhuda of a sailing vessel in the course of her voyage has jettisoned or claims to have jettisoned the whole or any part of the cargo of the vessel on account of abnormal weather conditions or for any other reason, he shall, immediately after arrival of the vessel at any port or place in Pakistan, give notice of such jettisoning to the Principal Officer at such port, or, where there is not such officer, to such other officer as may be appointed by the Federal Government in this behalf; and such notice shall contain full particulars of the cargo jettisoned and the circumstances under which such jettisoning took place.

(2) where any such officer receives notice under sub-section (1) or has reason to believe that the cargo of any sailing vessel in his port has been jettisoned, he shall forthwith report in writing to the Federal Government the information he has received and may proceed to make an inquiry into the matter.

457. Foreign sailing vessels not to engage in coasting trade without permission. (1) A sailing vessel not owned by a citizen of Pakistani or a company which fulfils the conditions set out in section 13 shall not engage in the coasting trade of Pakistan without the previous permission in writing of the Federal Government.

(2) The Federal Government may, when granting such permission, imposed such terms and conditions as it thinks fit and may require the owner or other person in charge of the vessel to deposit such amount as it thinks necessary for the due fulfillment of such terms and conditions.

(3) No Officer of Customs shall grant a port clearance to a sailing vessel not registered under this Chapter when engages or attempts to engage in the coasting trade of Pakistan until after the production by the owner or person in charge thereof of the permission under sub-section (1).

458. Detention of overloaded foreign sailing vessels. (1) The provisions of sub-section (5) of Section 454 shall apply to any sailing vessel registered in any country other than Pakistan which arrives in a port or place in Pakistan in an overloaded condition.

(2) where the vessel is loaded beyond the limit specified in any certificate issued in the country in which she is registered; or

(a) where the vessel is loaded beyond the limit specified in any certificate issued in the country in which she is registered; or

(b) in case where no such certificate has been issued in respect of the vessel where the actual free board of the vessel is less than the free board which would have been assigned to her had she been registered under this Chapter.

(3) Any such vessel which is in an overloaded conditions and is about to proceed from a or place in Pakistan may be detained until she ceases to be in an overloaded conditions; but nothing herein

contained shall affect the liability of the person in charge of the vessel in respect of such overloading under any other provision of this Ordinance.

459. Application to sailing vessels of certain provisions relating to ships and fishing vessels. (1) The provisions of Section 427, 437, 438, 439, 440,441,445,446 and 448 shall, mutatis mutandis, apply to sailing vessels as the apply to fishing vessels.

(2) The Federal Government may, by notification in official Gazette, direct that any other provisions of this Ordinance which do not expressly apply to sailing vessels shall also apply to such vessels subject to such conditions, exceptions and modifications, if any, as may be specified in the notification.

460. Power to make rules respecting sailing vessels. (1) The Federal Government may, be notification in the official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particulars, and without prejudice to the generality of the foregoing power, such rules may, besides providing for all or any of the matters specified in Section 449 in so far as such matters related to sailing vessels, provide for all or any of the following matters, namely,---

(a) the manner in which the tonnage of sailing vessel shall be ascertained;
(b) the manner in which free board is to be assigned to sailing vessels and the free board markings are to be made;

(c) the form and manner in which applications for the change of name of sailing vessels shall be made and the procedure to be followed by the registrar in connection with such change;

(d) the criteria by which sailing vessels may be classified for the purpose of determining the limits within which they may be used for purposes of trading;

(e) the survey of space provided for passengers of sailing vessels and the scale type of accommodation to be provided for such passengers; and

(f) any other matter which is to be prescribed under this Chapter.

PART X.

NUCLEAR SHIPS

CHAPTER 34.

NUCLEAR SHIPS

461. Application of Ordinance to nuclear ships. (1) This part plies only to nuclear ships.

(2) Notwithstanding anything contained in this Ordinance, a clear ship shall not be required to obtain or produce any certificate referred to in sub-clauses (i) to (xiii) or clause (36) or section 2 or as the case may be, any like valid safety convention certificate.

(3) The Federal Government may, by notification in the official gazette, direct that any of the provisions of this Ordinance (other than the provisions of this Part and the provisions of section 605) specified in the notification.

(a) Shall not apply to unclear ships; or

(b) shall apply to unclear ships, only with such exceptions, modifications and adoptations as may be specified in the notification.

462. Nuclear passenger ship safety certificates and nuclear cargo ships safety certificates. (1) If in respect of ay Pakistani nuclear passenger or cargo ship the Federal Government is satisfied that the ship has been surveyed in accordance with this Ordinance and has been inspected by a person appointed in this behalf by the Federal Government and has complied with such special requirement, if any, as that person has, after such inspection, specified, the Federal Government may issue,---

(a) in the case of passenger ship, a nuclear passenger ship safety certificate; and

(b) in the case of a cargo ship a nuclear cargo ship safety certificate.

(2) A certificate issued under sub-section (1) shall be in force for a period of twelve months from the date of issue or for such shorter period as may be specified in the certificate.

463. Prohibition of proceeding to sea without certificate. (1) No Pakistani nuclear ship shall proceed on a voyage from port or place in Pakistan to any port or place outside Pakistan unless there is in force in respect of the ship.

(a) a nuclear passenger ship safety certificate, if she is passenger ship; and

(b) a nuclear cargo ship safety certificate, or she is a cargo ship.

(2) The master of a ship to which this section applies shall produce to the officer of Customs from whom a port clearance for the ship is demanded the certificate required by sub-section (1) when the ship proceeds to sea and the port clearance shall not be granted and the ship may be detained until the said certificate is so produced.

(3) If a Pakistani nuclear ship proceeds or attempts to proceed to sea in contravention of sub-section (1) the master or owner shall, for each offence, be liable to a fine which may extend to one hundred thousand rupees.

464. Safety assessment and operating manual. (1) Every Pakistani nuclear ship shall have on board a safety assessment and an operating manual in such form and containing such particulars and approved by such authority as may be prescribed.

(2) The safety assessment and the operating manual shall be prepared, maintained and kept up to date in such manner as may be prescribed.

(3) If a Pakistani nuclear ship fails to comply with sub-section (1) the master, owner or agent shall, for each offence, be liable to a fine which may extend to one hundred thousand rupees.

465. Foreign nuclear ships to give advance notice of arrival. (1) No nuclear ship, other than a Pakistani ship, shall enter the territorial waters of Pakistan unless the master, owner or agent thereof has given such advance notice of the ship's intended arrival in Pakistan as may be prescribed, to such authority as may be specified by the Federal Government, and has forwarded alongwith the notice a true copy of the ship's safety assessment to that authority.

(2) If on the examination and evaluation of the ship's safety assessment the authority referred to in sub-section (1) is of the opinion that the entry of the ship will involve unreasonable radiation and other hazards to the crew, passengers, members, of the public, waterways, food or water resources, he may direct the nuclear ship not to enter the territorial waters of Pakistan and the ship shall comply with such direction.

(3) If a nuclear ship other than a Pakistani ship enters territorial waters of Pakistan in contravention of this section the master shall, for each offence, be liable to a fine which may extend to one hundred thousand rupees.

466. Control on arrival of nuclear ship. (1) The master of every nuclear ship shall, on arrival at a port in Pakistan, give notice of the ship's arrival in the prescribed form to such authority as the Federal Government may specify in this behalf.

(2) Any person authorised in this behalf (hereinafter referred to as the authorised person), by general or special order of the Federal Government, may go on board such ship for the purpose of verifying that she has on board a valid nuclear passenger ship safety certificate or, as the case may be, nuclear cargo ship safety certificate and for the purpose of satisfying himself after examining the safety assessment and operating manual and such other things as he deems fit that there are no unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources.

(3) If the authorizied person in satisfied after such examining that there are no unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources, he may issued a certificate to that effect.

(4) If the master or a nuclear ship fails to give notice required by sub-section (1) he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

467. Notice of accidents to nuclear ships. (1) Where a Pakistani nuclear ship meets with an accident and such accident is likely to lead to environmental hazards, the master of the ship shall forth with give notice of the accident,---

(a) to such officer or authority as may be specified in this behalf by the Federal Government; and

(b) if the ship is in, or intends to enter, the territorial waters of a foreign State, also the appropriate Government authority of the State.

(2) Where a nuclear ship, other than Pakistan ship, meets with an accident of the nature specified in sub-section (1), while she is in the territorial waters of, or at a port, in Pakistan the master of the ship shall forthwith give notice of the accident to the officer or authority specified under clause (a) of sub-section (1).

(3) On receipt of a notice under sub-section (1) or sub-section (2), the officer or authority, specified under clause (a) of sub-section (1), shall issue such directions as may be deemed necessary and expedient in the circumstances of the case investigate into the causes of the accident in such manner as may be prescribed.

(4) A copy of the direction issued under sub-section (3) and a report of the findings of the investigation shall be sent to the Federal Government within such time as may be prescribed.

(5) Where a nuclear ship other than a Pakistani ship meets with an accident of the specified in sub-section (1) at any port or place outside Pakistan and intends to enter the territorial waters of Pakistan in a damaged condition, the master of such ship shall give notice of the nature of the accident and the condition of the ship in such from as may be prescribed to the officer or authority specified under clause (a) of sub-section (1) and shall comply with such directions as the officer or authority may give.

(6) If the master of a nuclear ship fails to give the notice required by sub-sections (1) or (5) or fails to comply with any directions issue under such sub-sections he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

(7) The provisions of this section are in additional to and not in derogation of the provisions of Part XI of this Ordinance.

468. Application of certain section to or in relating to certain certificates under Section 462. The provisions of Sections 263 to 266 (inclusive) shall, so far as may be, apply to and in relation to every certificate issued by the Federal Government under Section 462 in the same manner as they apply to and in relation to a certificate of survey.

469. Power to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this part.

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

(a) the design construction and standards of inspection and assembly of the reactor installations of nuclear ships;

(b) the standards of safety of nuclear ships;

(c) the manner of survey of nuclear ships;

(d) the forms in which certificates under this Part may be issued;

(e) the form and manner in which the safety assessment and operating manual of a nuclear ship are to be prepared, maintained and kept up to date and the particulars to be contained therein;

(f) the form of notices under this Part and the time when such notices shall be given;

(g) the manner in which investigations may be made into causes of accidents to a nuclear ship;

(h) the special precautions to be taken against unreasonable radiation or other nuclear hazards to the crew, passengers and other persons, to waterways and to food and water resources;

(i) the manner in which radio-active waste from nuclear ships is stowed posed of;

(j) the manner in which the reactor fuelling defuelling and refuelling and maintenance of nuclear ships are to be carried out;

(k) the special training for and qualifications of master, officers and seamen of unclear ships;

(l) the special requirements relating to approach, entry into, stay in or departure from, a Pakistani port of a unclear ship;

(m) the procedure to be followed for determining the operational conditions of a unclear ship;

(n) the protection and closure of the reactor installation of nuclear ships in the case of a collision, grounding, fire, leakage of radioactive material or other accident;

(o) the fees to be charged for any inspection survey or certificate under this Part; and

(p) any other matter which has to be or may be prescribed.

PART XI.

INQUIRIES AND INVESTIGATIONS

CHAPTER 35.

SHIPPING CASUALTIES

470. Shipping Casualties and report thereof. (1) For the purpose of inquiries and investigations under this Part, a shipping casualty shall be deemed to occur when,---

(a) on or near the coasts of Pakistan including the territorial waters or in the Pakistan exclusive zone thereof, any ship is lost, abandoned, stranded or materially damaged.

(b) any ship causes loss or material damage to any other ship on or near such coasts, or within such waters;

(c) any loss of life ensues by reason of any casualty happening to or on board any ship on or near those coasts or within such waters;

(d) in any place, any such loss, abandonment, stranding, material damage or casualty occurs to, or on board of, any Pakistani ship, and any competent witness thereof is found in Pakistan; or

(e) any Pakistani ship is lost or is supposed to have been lost, and any evidence is obtainable in Pakistan as to the circumstances under which she proceeded to sea or was last heard of.

(2) In the cases mentioned in clauses (a), (b) and (c) of sub-section (1), the master, pilot, harbour master or other person in charge of the ship, or (where two or more ships are concerned) in charge of each ship, at the time of shipping casualty, shall give immediate notice of the shipping casualty to the officer appointed in this behalf by the Federal Government and if such officer is not the Principal Officer himself, he shall inform the nearest Principal Officer of the shipping casualty.

(3) In the case mentioned in clause (d) of sub-section (1) where the master of the ship concerned, or (except in the case of a loss) where the ship concerned proceeds to any place in Pakistan from the place where the shipping casualty has occurred, the master of the ship shall, on arriving in Pakistan, give immediate notice of the shipping casualty to the nearest Principal Officer.

(4) Any person bound to give notice under this section and wilfully failing to give the same shall be liable to a fine which may extend to ten thousand rupees.

471. Preliminary inquiry into shipping casualties. (1) When ever any Principal officer receives, by notice as aforesaid or otherwise, credible information that a shipping casualty has occurred, he shall forthwith communicate in writing the information to the Federal Government and may proceed to make a preliminary inquiry into the casualty.

(2) Notwithstanding the provisions of sub-section (1), the Federal Government may appoint any person to hold a preliminary inquiry respecting any shipping casualty.

(3) Any person, making an inquiry under this section, may,---

(a) go on board any ship and inspect the same or any part thereof, or any of them machinery, boats, equipment or articles on board thereof, to which the provisions of this ordinance apply, without unnecessarily detaining or delaying her from proceeding on any voyage;

(b) enter and inspection any premises the entry or inspection of which appears to him to be necessary for the purpose of the inquiry.

(c) by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and require answers or returns to any inquiries he thinks fit to make;

(d) require and enforce the production of all books, papers or documents which he considers important for such purpose; and

(e) administer oaths, or in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of statements made by him in his examination.

(4) An Officer making a preliminary inquiry under this section shall send a report thereof to the Federal Government or such authority as may be appointed for this purpose by the Federal Government.

472. Application to Court for a formal inquiry. (1) Where in any case it appears to the Federal Government that an inquiry should be made respecting a shipping casualty, whether a preliminary inquiry under Section 471 has been held or not, it may direct an officer to make an application to a Court empowered under sub-section (2) to make a formal inquiry into such casualty, and upon the making of such application the Court shall make such inquiry.

(2) Magistrates of the first class specially empowered by the Federal Government shall have jurisdiction to make inquiry into shipping casualties under this Chapter.

(3) The Courts to make any such inquiry shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved fro the purpose by the Federal Government in such manner as may be prescribed.

(4) Where an inquiry involves or appears or is likely to involve any question as to the canceling or suspension of the certificate of a master, mate, or engineer, the Court shall hold the inquiry with the assistance of not less than two assessors having experience in the merchant service.

473. Power of Court to inquire into charges against masters, mates and engineers. (1) A Court making an inquiry under Section 472 may inquire into any charge of incompetence or misconduct arising in the course of the inquiry, against any master, mate or engineer, as also into any charge of a wrongful act or default on his part and causing the shipping casualty.

(2) In every case in which any such charge, whether of in competency or misconduct, or of a wrongful act or default, as aforesaid, arises against any master, mate or engineer in the course of an inquiry, the court shall, before the commencement of the inquiry, cause to be furnished to him a statement of the case upon which the inquiry has been directed.

474. Person accused to be heard :- For the purpose of an inquiry by a court under this chapter into any charge against a master, mate or engineer, T he court may sum on him to appear, and shall give him full opportunity of making defense either in person or otherwise.

475. Powers of courts as to evidence and regulations of proceedings:- For the purpose of any inquiry under this chapter, the court making the inquiry, so far as relates to compelling the attendance and examination of witness and the production of documents and the regulations and proceedings, shall have the same powers as are exercisable by that court in the exercise of its criminal jurisdiction.

476. Assessors:-(1) The list of persons approved by the Federal Government as assessors for the purpose of formal inquiry into the shipping causalities shall remain in force for three years only, but persons where names are on any such list may be approved for any subsequent list.

(2) The assessors shall attend during the inquiry and deliver their opinions in writing, to be recorded on the proceedings but the exercise of an powers conferred on the court by this chapter or any other law for the time being in the force shall rest with the court.

(3) The Federal Government may amend the list so to add any name thereto or omit any name there from.

477. Powers to arrest witnesses and enter ships , etc.--(1) If any court making an inquiry under this chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest , and may, for the purpose of effecting the arrest, authorize any officer, subject, nevertheless, to any general or special instruction from the Federal Government, to enter any vessel, and any officer so authorized may, for the purpose of enforcing the entry, call to his aid any officer of police or Customs or any other person.

(2) Where any officer of police, Customs, or any other person is called under subsection(1), it shall be the duty of such officer or person to render all such assistance as may be required by the court.

478. Power to commit for trial and bind over making the witnesses:- Whenever, in the course of any such inquiry, it appears that any person has committed within the jurisdiction of any Court in Pakistan an offence punishable under any law in force in Pakistan, the Court making the inquiry may, subject to such rules consistent with this Ordinance as the High Court may, from time to time, make, cause him to be arrested, or commit him, or hold him to bail, to take his trial before the proper Court, and may bind over any person to give evidence at the trial, and may, for the purposes of this section exercise all its powers as a criminal Court.

479. Report by Court to Federal Government. (1) The Court shall, in the case of all investigations or inquiries under this Chapter, transmit to the Federal Government a full report of the conclusions at which it has arrived together with the evidence; and may make such recommendations as it may deem fit in regard to the matters inquired into including a recommendation for the cancellation or suspension of any certificate of competency.

(2) Where the inquiry affects a master, mate or engineer of a ship other than Pakistani ship who holds a certificate under the law of a country other than Pakistan, the Federal Government may transmit a copy of the report together with the evidence to the proper authority in that country.

480. Investigation into causes of explosion or fire on board ship, etc. (1) Whenever any explosion or fire occurs on board any ship on or near the coasts of Pakistan including the territorial waters thereof or anywhere else on board any Pakistani ship, the Federal Government may direct that an investigation into the causes for explosion or fire be made by such person or persons as it thinks fit.

(2) The person or persons referred to in sub-section (1) may go on board the ship on which the explosion or fire has occurred with all necessary workmen and Labourers and remove any portion of the ship, or of the machinery thereof, for the purpose of investigation, and shall report to the Federal Government or

the person duly appointed by it, as the case may be, what in his, or their, opinion was the cause of the explosion or fire.

481. Power of Federal Government to direct inquiry into charges of incompetency or misconduct:..(1) if the Federal Goverment has reason to belive that there are grounds for charging any master, mate or engineer with incompetency, misconduct, drunkenness or tyranny, otherwise than in the course of an inquiry under Section 472, the Federal Government:---

(a) if the master, mate or engineer holds a certificate under this Ordinance, in any case; and

(b) if the master, mate or engineer holds a certificate under the law of a country other than Pakistan, in any case where the incompetency of misconduct has occurred on board a Pakistani ship, may transmit a statement of the case to any Court having jurisdiction under Section 472 which is at or nearest to the place, where it may be convenient for the parties and witnesses to attend, and direct that Court to make an inquiry into that charge.

(2) Notwithstanding the provisions of sub-section (1), the Federal Government may, where it considers expedient to do, appoint a person to make an inquiry if it has reason to believe that any master, mate or engineer is, due to incompetency or misconduct, unfit it discharge his duties, or that, in the case of a collision, has failed to render such assistance or information as is required by Section 415 and transmit a statement of the case to such person.

(3) Before commencing an inquiry under this section the Court or the person appointed under sub-section (2), shall cause the master, mate or engineer so charged to be furnished with a copy of the statement transmitted by the Federal Government.

(4) Where the inquiry is made by a person appointed under sub-section (2), that person, for the purpose of the inquiry, shall have all such powers as are specified in sub-section (3) of Section 471, and shall give a report of the case to the Federal Government,---

Provided that no such inquiry shall be made without giving the master, mate or engineer concerned an opportunity of making a representation.

482. Provisions of this Chapter to apply to certain other vessels. The provisions of this Chapter relating to inquiries shall, mutatis mutandis, apply to fishing vessels as they apply to any other ship, and the provisions of clause (b) of sub-section (1) and sub-section (2) of Section 470 and Section 471 and 472 shall likewise apply to a ship belonging to the Pakistan Navy, or belonging to the navy of any other country, where the loss or material damage is caused by such ship, or where such ship is involved in a collision with any ship to which this Ordinance applies on or near the coasts of Pakistan including the territorial waters thereof.

CHAPTER 36.

MARITIME BOARDS

483. Convening of Maritime Boards outside Pakistan. Whenever, outside Pakistan,---

(a) a complaint is made to a Pakistan consular officer, or a senior officer of any ship by the Pakistan Navy in the vicinity hereinafter referred to as "naval officer", by the master or any member of the crew of a Pakistani ship, and such complaint appears to the Pakistan consular officer or navel officer, as the case may be, to require immediate inquiry; or

(b) the interests of the owner of a Pakistani ship or if the cargo thereof appears to a Pakistan consular office or naval officer, as the case may be, to require such inquiry; or

(c) an allegation of incompetency or misconduct is made to a Pakistan consular officer or naval officer against the master, mate or an engineer or a Pakistani ship; or

(d) any Pakistani ship is lost, abandoned or stranded at or near the place where a Pakistan consular officer or a naval office may be, or whenever the crew, or part of the crew, of any Pakistan ship which has been lost, abandoned or stranded arrives at that place; or

(e) any loss of life or any serious injury to any person occurred on board a Pakistani ship at or near that place.

The Pakistan consular officer or naval officer, as the case may be, may in his discretion, convene a Maritime Board to inquire into the said complaint or allegation or the matter affecting the said interest or the cause of the loss, abandonment or the standing of the ship, or of the loss if life, or of the injury to the person.

484. Constitution and procedure of Maritime Board.:- (1) A Maritime Board shall consist of the officer convening the Board and two other members.

(2) The two other members of the Maritime Board shall be appointed by the officer convening the Maritime Board from among persons conversant with maritime or mercantile affairs.

(3) The Officer convening the Maritime Board shall be the presiding officer thereof.

(4) A Maritime Board shall, subject to the provisions of this Ordinance, have power to regulate its own procedure.

485. Decisions of Maritime Boards to be by majority:- Where there is a difference of opinion among members of the Maritime Board, the decision of the majority of the members shall be the decision of the Board.

486. Powers of Maritime Boards. (1) While making an inquiry under this Chapter, a Maritime Board may exercise all or any of the powers specified in sub-section (3) of Section 471, as may be necessary in the circumstances of the case.

(2) A Maritime Board may, after inquiring into and hearing the case,---

(a) if it is of opinion that the safety of a Pakistani ship or her cargo or crew, or the interest of the owner of a Pakistani ship or of the owner of the cargo requires it, remove the master and appoint another qualified person to act in his stated;

(b) if it is of opinion that any master, mate or engineer of a Pakistani ship is incompetent or has been guilty of any act of misconduct, or in a case of collision has failed to render such assistance or information as is required by Section 413 or that loss, abandonment or stranding of or serious damage to any ship, or loss of life or serious injury to any person, has been caused by the wrongful act or default of any master, mate or engineer of a Pakistani ship, suspend the certificate of that master, mate or engineer for a specified period:
Provided that no such certificate shall be suspended unless the master, mate or engineer concerned has been furnished with a statement of the case in respect of which an inquiry has been ordered, and he has been given an opportunity of making a defence either in person or otherwise;

(c) discharge a seaman from a Pakistani ship ship and order the wages of any seaman so discharged or any part of those wages to be forfeited;
(d) decide any questions as to wages, fines or forfeitures arising between any of the parties to the proceedings;

(e) direct that any or all of the costs incurred by the master or owner of a Pakistani ship, or on the maintenance of a seaman or apprentice while in prison outside Pakistan, shall be paid out of, and deducted form, the wages of that seaman or apprentice, whether then or subsequently earned;

(f) if it considers such a step expedient, order a survey to be made of any Pakistani ship which is subject to inquiry; and

(g) order the costs of proceedings before it, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or unjustified complaint to pay compensation for any loss or delay caused thereby; and any cost or compensation so ordered to be paid by any person shall be paid by that person accordingly, and may, be recovered in the same manner in which wages of seamen are recoverable, or may be deducted from the wages due to that person;

(3) All orders made by a Maritime Board shall, whenever practicable, be entered in the official log-book of the ship which is the subject of inquiry, or of the ship on board whereof the casualty or occurrence or conduct inquired into took place, and be signed by the presiding officer of the Board.

(4) A Maritime Board shall, in the case of every inquiry under this Chapter, transmit to the Federal Government a full report of the conclusions at which it has arrived together with the evidence any orders passed under this section.

487. Penalty for obstructing proceedings before Maritime Boards:-, If any person wilfully and without due cause obstructs the conduct of any hearing or inquiry by any Maritime Board he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

488. Application of Chapter. The provisions of this Chapter shall apply to all Pakistani, ships, whether registered or deemed to have been registered under this Ordinance, or not so registered, and their owners, master and crew.

CHAPTER 37.

CANCELLATION AND SUSPENSION OF CERTIFICATES

489. Power of Federal Government to cancel, suspend, etc., Certificates of master, mate of engineer. Any certificate which has been granted by the Federal Government under this Ordinance to any master, mate or engineer may be cancelled, or for a specified period suspended, by the Federal Government in the following cases namely,---

(a) if, on receipt of a report under sub-section (4) of Section 471 or under sub-section (4) of Section 481 the Federal Government considers cancellation or suspension necessary; or

(b) if, on an inquiry made by any Court, tribunal or other authority for the time being authorised by the legislative authority in any country outside Pakistan, the Court, tribunal or other authority reports that the master, mate or engineer is incompetent or has been guilty of any gross act of misconduct, drunkenness or tyranny, or in a case collision has failed to render assistance, or to give such information as is referred to in Section 415, or that the loss, stranding or abandonment of, or damage to, any ship or loss of life has been caused by his wrongful act or default; or

(c) if the master, mate or engineer is proved to have been convicted,---

(i) of any offence under this Ordinance or of any non-bail able offence committed under any other law for the time being in force in Pakistan; or

(ii) of an offence committed outside Pakistan, which if committed in Pakistan, would be a non-bail able offence.

490. Delivery of cancelled or suspended certificates. (1) A master, mate or engineer whose certificate has been cancelled or suspended by the Federal Government, or has been suspended by a Maritime Board, shall deliver his certificate,---

(a) If suspended by a Maritime Board, to that Board on demand;
(b) if not so demanded, or it is cancelled or suspended by the Federal Government, to the Federal Government, or to such officer as the Federal Government may direct.

(2) If a master, mate or engineer fails to comply with this section, he shall, for each offence, be liable to a fine which may extend to five thousand rupees.

491. Effect of cancellation or suspension of certificate. The cancellation or suspension of a certificate by the Federal Government, or the suspension of certificate by a Maritime Board, shall,---

(a) if the certificate was issued under this Ordinance, be effective everywhere and in respect of all ships; and

(b) if the certificate was issued outside Pakistan, be effective,---

(i) within Pakistan and the territorial waters of Pakistan in respect of all ships; and

(ii) outside Pakistan, in respect of Pakistani ships only.

492. Suspended certificate not to be endorsed. If the certificate of a master, mate or engineer is suspended under this Part by the Federal Government, or by a Maritime Board, no endorsement shall be made to that effect on the said certificate.

493. Power of Federal Government to cancel or suspend other certificates. (1) Notwithstanding anything contained in this Ordinance, the Federal Government may after making an inquiry, cancel or suspend any certificate granted by it under this Ordinance, if, in its opinion, the holder is, or has become unfit to act in the grade for which the certificate was granted to him,---

Provided that no order under this section shall be passed by the Federal Government unless the person concerned has been given an opportunity of making a representation against the order proposed.

(2) The provisions of clause (b) of sub-section (1) and sub-section (2) of Section 481 shall apply to certificates cancelled or suspended under this section.

494. Re-hearing. (1) The Federal Government may, either of its own motion or on receipt of an application from any person required by an order under Section 486, 489 or Section 493 in respect of any case in which an inquiry has been made under this Part order the case to be re-heard, either generally or as to any part thereof, by any person or persons, or by any Court, specially appointed or empowered for the purpose, and shall, in respect of each case, so order,---

(a) if new and important evidence which could not be produced at the inquiry has been discovered; or

(b) if, for any other reason there has, in its opinion, been a miscarriage of justice.

(2) An application under sub-section (1) shall be made in such form, within such time and on payment of such fees, and a case shall be re-heard in such manner as may be prescribed.

(3) The provisions of sub-section (3) of 471, Sections 474, 478 and 479 shall, so far as may be, apply to every case re-heard under this section as if the re-hearing were an inquiry referred to therein.

495. Power of Federal Government to revoke cancellation, etc. (1) the Federal Government may, in any case, ordered to be re-heard under Section 494 on receipt of the report of re-hearing in any case not so required,---

(a) revoke any order of cancellation or suspension made by it under Section 489 or set aside any order or suspension made by a Maritime Board under clause (b) of sub-section 92) of Section 486; or

(b) shorten or lengthen the period of suspension ordered by it under Section 489 or by a Maritime Board; or

(c) grant, without examination, a new certificate of the same or any lower grade in the case of any certificate cancelled or suspended by it under Section 489 or suspended by a Maritime Board under clause (b) of sub-section (2) or Section 486.

(2) A certificate granted under clause (c) of sub-section (1) shall have the same effect as if it had been granted after examination.

CHAPTER 38.

COURTS OF SURVEY AND SCIENTIFIC REFEREES

496. Appeal to Court of Survey. (1) If a surveyor, authorized to inspect a ship,---

(a) makes a statement in his report of inspection with which the owner or his agent or the master of the ship is dissatisfied; or

(b) gives notice under this Ordinance of any defect in any ship; or

(c) declines to give any certificate under this Ordinance; the owner, master or agent, as the case may be, subject to the provisions of sub-section (2) and of Section 500, prefer appeal to a Court of Survey.

(2) whenever a surveyor inspects and ship, he shall, if the owner, master or agent of the ship so requires, be accompanied on the inspection by some person nominated by the owner, master or agent, as the case may be, and if the person so nominated agrees with the surveyor as to the statement made or the notice give by the surveyor or the refusal by the surveyor to give a certificate, there shall be no appeal to a Court of Survey from that statement, notice or refusal.

497. Constitution of Court of Survey. (1) Court of Survey for a port shall consist of a Judge, sitting with two assessors.

(2) The “Judge” shall be a District Judge, a Judge of Court of Small Causes, a Magistrate of the first class or other fit person appointed in this behalf by the Federal Government either generally or for any specified case.

(3) The assessors shall be persons of nautical engineering or other special skill or experience.

(4) Subject to the provisions of Part VI as regards ships, other than Pakistani ships, one of the assessors shall be appointed by the Federal Government either generally or for any specified case and other shall be summoned by the Judge, in the manner prescribed, out of a list of persons prepared by the Federal government for the purpose from time to time, or, if there is no such list or if it is impracticable to procure the attendance of any person named in such list, shall be appointed by the Judge.

498. Powers and procedure of Court of Survey. (1) The Judge shall, on receiving notice of an appeal or a reference from the Federal Government, immediately summon the assessors to meet forthwith in the prescribed manner.

(2) The Court of Survey shall hear every case in open Court.

(3) the Judge and each assessor shall, for the purposes of this Ordinance, have the same powers of inspection, and of enforcing the attendance of witnesses and the production of evidence as are by this Ordinance conferred on a detaining officer.

(4) The Judge may appoint any competent person to survey the ship and report thereon to the Court.

(5) The Judge shall have the same powers as the Federal Government has to order the ship to be released or finally detained; but unless one of the assessors concurs in an order for the detention of the ship; the ship shall be released.

(6) the owner and master of the ship and any person appointed by the owner or master and also any person appointed by the Federal Government may attend any inspection or survey made in pursuance of this section.

(7) The Judge shall report the proceedings of the Court in each case to the Federal Government in the manner prescribed, and each assessor shall either sign such report or report to the Federal Government the reasons for his dissent.

499. Power to make rules. (1) The Federal Government may, notification in the official Gazette, make rules to carry out the purposes of the Chapter.

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

(a) the procedure before a Court of Survey;

(b) the requiring, on an appeal, of security for costs and damages;

(c) the amount and application of fees; and

(d) the ascertainment, in case of dispute, of the proper amount of costs.

500. Reference in difficult cases to scientific persons. (1) If the Federal Government is of opinion that an appeal to a Court of Survey involves a question of construction or design or a scientific difficulty or important principal, it may refer the matter to such one or more out of a list of scientific referees to be from time to time prepared by the Federal Government as may appear to possess the special qualifications necessary for the particular case and may be selected by agreement between a person duly appointed by the Federal Government in this behalf and the appellant, or in default of any such agreement, by the Federal Government; and thereupon the appeal shall be determined by the referee or referees instead of by the Court of Survey.

(2) The Federal Government, if the appellant in any such appeal so requires and gives security to its satisfaction to pay the costs of, and incidental to, the reference, shall refer such appeal to a referees selected as aforesaid.

(3) The referee or referees shall have the same powers as a Judge of the Court of Survey.

PART XII.

WRECK AND SALVAGE

CHAPTER 39.

WRECK

501. Receivers of wreck. (1) The Federal Government may, by notification in the official Gazette, appoint any person to be receiver of wreck (there in after referred to as the receiver) to receive and take possession of wreck, and to perform such duties connected therewith as are hereinafter mentioned, within such local limits s maybe specified in the notification.

(2) A receiver may, by order in writing, direct that all or any of his functions under this Part shall, in such circumstances and subject to such conditions, if any, as may be specified in the order, be discharged by such person as may be so specified, and any person, while discharging any such functions shall be deemed to be a receiver for the purposes of this Ordinance.

502. Duty of receiver where vessel is in distress. (1) Where any vessel is wrecked, stranded or in distress at any place on or near the coasts of Pakistan including the territorial waters thereof, the receiver within the limits of whose jurisdiction the place is situated shall, upon being informed of the same, forthwith proceed there, and upon his arrival shall take command of all persons present and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of persons belonging to the vessel and of its cargo and equipment:---

Provided that the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof unless he is requested to do so by the master.

(2) If any person willfully disobeys the directions of the receiver he shall be liable to a fine which may extend to five thousand rupees.

503. Power of receiver in case of vessel in distress. (1) The receiver may, with a view to saving the ship wrecked persons, the vessel, cargo or equipment,---

(a) require such persons as he thinks necessary to assist;

(b) require the master of an vessel near at hand to give such aid with his men or vessel as may be in power; and

(c) demand the use of any vehicles or an aircraft that may be near at hand.

(2) If any person refuses without reasonable cause to comply with any such requisition or demand, he shall or each offence, be liable to a fine which may extend to ten thousand rupees.

504. Power to pass over adjoining lands and order removal of the wreck and penalties for non-compliance. (1) Whenever a vessel is wrecked, stranded or in distress as aforesaid, all person may, for the purpose of rendering assistance to the vessel, or of saving the lives of the ship wrecked persons, or of saving the cargo or equipment of the vessel, unless there is some public road equally convenient, pass and re-pass either with or without vehicles or animals, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other recovered from the vessel.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section, shall be a charge on the vessel, cargo or articles in respect of or by which the damage is occasioned and the amount payable, in respect of the damage shall, in case of dispute, by determined, and shall, in default of payment, be recoverable, in accordance with the provisions of Section 165.

(3) If the owner or occupier of any land,---

(a) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open the same, or otherwise; or

(c) prevents or endeavors to prevent any such cargo or other article from remaining deposited on the land for a reasonable period until it can be removed to a safe place of deposit; he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

(4) Where,---

(a) the receiver determines that salvaging a certain wreck, where due to its location, its salvage and or cleaning of pollution so caused by the wreck is a must; is likely to cost more than the expected proceeds of the wreck, he may order removal of the wreck and cleaning of the pollution at the cost of the owners, insurers, underwriters, and local agents as he may deemed fit; or

(b) a person, persons or a body corporate made responsible by the receiver of wrecks fails to comply with this orders under clause (A) they shall each be punishable with imprisonment which may extend to five years and fine not exceeding the amount likely to be incurred on removal of the wreck and cleaning of the pollution.

505. Power of receiver to suppress plunder and disorder by force. (1) Whenever a vessel is wrecked, stranded or in distress as aforesaid, and any person plunders, creates disorder or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or equipment of the vessel, the receiver may take such steps and use such force as he may consider necessary for the suppression of any such plundering, disorder or obstruction, and may for that purpose command any person to assist him.

(2) If any person is killed, maimed or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of his duties under this Chapter, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay damages by reason of the person being so killed, maimed or hurt.

506. Procedure to be observed by persons finding wreck. (1) Any person finding and taking possession of any wreck within any local limits any wreck which has been found and taken possession of elsewhere, shall, as soon as practicable,---

(a) if he be the owner thereof, give the receiver notice in writing of the finding thereof and of the marks by which such wreck ins distinguished; and

(b) if he be not the owner of such wreck, deliver the same to the receiver of wreck.

(2) Any person who omitting to give notice of the finding of, or to deliver, any wreck to the receiver as required by sub-section (1) shall be liable to a fine which may extend to ten thousand rupees and, in the case of omission to deliver any wreck, shall, in addition to such fine, forfeit all claim to salvage, and pay to the owner of such wreck if the same is claimed, or if the same is unclaimed, to the Federal Government, a penalty not exceeding twice the value of such wreck.

507. Investigation of certain matters in respect of vessels wrecked. (1) Whenever any vessel is wrecked, stranded or in distress as aforesaid, the receiver within the local limits of whose jurisdiction the vessel is wrecked, stranded or in distress may conduct an investigation into all or any of the following matters, namely,---

(a) the name and description of the vessel;

(b) the names of the masters and of the owners of the vessel;

(c) the names of the owners of the cargo;

(d) the ports from and to, which the vessel was bound;

(e) the occasion wrecking, stranding or distress of the vessel;

(f) the services rendered; and

(g) such other matters or circumstances relating to the vessel, the cargo or the equipment, as the receiver thinks necessary.

(2) The receiver making an investigation under this section shall have such powers as are specified in sub-section (3) of Section 471.

(3) A record shall be kept of the investigation made, and the receiver shall send a report to the Federal Government immediately the investigation is concluded.

508. Penalty for taking wreck at time of casualty. (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of Pakistan including the territorial waters thereof, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise post or taken from the vessel shall be delivered to the receiver.

(2) If any person, whether the owner or not, secrets or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver, or any person authorized by him to demand the same, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees.

(3) The receiver or any person authorized as aforesaid, may take any such cargo or articles by from the person so refusing to deliver the same.

509. Taking wreck to foreign port. If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of Pakistan including the territorial waters, thereof, or any part of the cargo or equipment of the vessel, or anything belonging thereto, or any wreck found within those limits, without the permission in writing of the Federal Government, he shall be liable to a fine which may extend to five hundred thousand rupees.

510. Notice to be given by receiver. The receiver shall, as soon a may be, after taking possession of any wreck, publish a notification in such manner and at such place as the Federal Government may, by general or special order, direct, containing a description of the wreck and the time at which and the place where the same was found.

511. Wrecks may in certain cases be sold. (1) If, after publication of such notification or notice the wreck is unclaimed or if the person claiming the same fails to pay the amount due for salvage and for charges incurred by the receiver in respect thereof, the receiver may sell such wreck in his custody by public auction, if of a perishable nature, forthwith, and if not of a perishable nature, at any period not less than two months after such notification or notice as aforesaid.

(2) Irrespective of the fact whether a casualty on Pakistan coasts and in navigable channels has been declared a wreck or not; if it poses a danger to navigation, the receiver shall cause the owners, agents or underwriters to immediately mark such casualty in a prescribed manner at their own cost and shall also bear all costs of transmission of the information regarding the danger so posed to navigation.

(3) Such casualties or wrecks which in any way impede safe navigation, anchorage or fishing, so determined; shall be caused to be removed within six months of their place at the cost of the owners, agents or underwriters of the casualty or wreck; the Federal Government, or a person duly authorised by it in this behalf, shall have the right to confiscate other vessel and properties of the owners, agents or underwriters to meet the costs of removal of the casualty or wreck and in addition to collect suitable fine as may be determined by the Federal Government if removal is delayed beyond the specified time.

(4) Damage caused to other craft, property or personnel due to presence of the casualty or wreck itself; shall be the responsibility of the owners, agents or underwriters of the initial casualty or wreck, unless it

is proved to the satisfaction of the Federal Government that all possible care had been exercised to avoid such damage.

512. Proceeds how applied. The proceeds of such sale as referred to in Section 511, shall, after defraying all expenses thereof including salvage charges, be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as set out hereinafter in this Ordinance.

513. Removal of wreck by harbour or conservancy authority. (1) Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner, is in the opinion of the authority, to be, or likely to become, an obstruction or danger to navigation or threat to environment and marine life that authority may,---

(a) take possession of, and raise, remove, or destroy the whole or any part of the vessel;

(b) light or mark or buoy any such vessel or part until the raising, removal, or destruction thereof;

(c) give information to masters and agents of ships entering, moving within or leaving the port; and

(d) sell, in such manner as it thinks fit, any vessel or part so raised, and also any other property, recovered by it, in the course of exercise of its powers under this section, and out of the proceeds of the sale reimburse itself for the expenses incurred by it in relation thereto and hold the surplus, if any, of the proceeds in trust for the persons entitled thereto:---

Provided that a sale shall not, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in some newspaper circulating in or near the area over which the authority has control:---

Provided further that, at any time before any property is sold under this section, the owner thereof shall be entitled to have under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair marked value thereof, to be ascertained by agreement by some person to be named for the purpose by the Federal Government whose decision in this regard shall be final and the sum paid to the authority as value of any property under this proviso shall for the purposes of this section, be deemed to be the proceeds of sale of that property.

(2) Where any vessel is sunk, stranded or abandoned in the territorial waters or exclusive economic zone beyond the harbour limits, the Federal Government may, if it is of the opinion that the vessel may cause an obstruction or danger to navigation or a threat to environment and or marine life, take measures specified in sub-section (1).

514. Claims of owners to wrecks. (1) The owner of any wreck in the possession of the receiver upon establishing his claim to the same to the satisfaction of the receiver within six months from the time at which the wreck came into the possession of the receiver shall, upon paying the salvage and other

charges be entitled to have the wreck, if not sold, or the balance of the proceeds thereof if sold, deliver to him.

(2) Where any articles belonging to or forming part of a vessel other than a Pakistani ship which has been recked or belonging to and forming part of the cargo of such vessel are found on or near the coasts of Pakistan or are brought into any port or place in Pakistan, the consular officer of the country in which the vessel is registered or, in the case of cargo, the country to which the owners of the cargo may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, with respect to the custody and disposal of the articles.

(3) Where the owner of the wreck does not appear and claim the balance of the proceeds of sale within six months from the date of sale, the said balance shall vest in the Federal Government.

515. Interfering with wrecked vessel or wreck. (1) A person shall not, without the leave of the master, board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such and, if he does so, shall be liable to be removed from the vessel or repelled by the master of the vessel by force.

(2) No person shall,---

(a) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded, otherwise in distress on or near the coasts of Pakistan including the territorial waters thereof, or of any part of the cargo or equipment of the vessel, or of any wreck;

(b) secret any wreck, or deface or obliterate any marks thereon; or

(c) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near such coasts or within those waters, or any part or the cargo of equipment of the vessel, or any wreck.

(3) If any person acts in contravention of this section, he shall, for each offence, be liable to a fine which may extend to ten thousand rupees in addition to any other punishment to which he may otherwise be liable.

516. Search warrants where wreck is concealed. Where a receiver suspects or receives information that any wreck is secreted or is in the possession of some person who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to the nearest Magistrate for a search warrant, and that Magistrate shall grant such warrant and the receiver, by virtue thereof, may enter any house or other place wherever situated and also any vessel and search for, seize and detain any such wreck there found.

517. Right of Federal Government to unclaimed wreck. The unclaimed wreck found anywhere in Pakistan, except where it has, by law, been granted to any other person, shall vest in the Federal Government.

518. Notice of unclaimed wreck to be given to persons entitled. (1) Where any person in entitled for his own use to unclaimed wreck found in any place within the jurisdiction of a receiver, he shall deliver to the receiver a statement containing the particulars of his title, and an address to which notices may be sent.

(2) When a statement has been so delivered and the title proved to the satisfaction of the receiver, the receiver shall, on taking possession of any wreck found in a place to which the statement refers, send, within forty-eight hours, at the address delivered description of the wreck and any marks by which it is distinguished.

519. Disposal of unclaimed wreck. Where no owner establishes a claim to any wreck found in Pakistan and in the possession of a receiver, within six months after it came into his possession, the wreck shall be dealt with as follows, that is to say,---

(a) if the wreck is unclaimed by any person who has delivered a statement under Section 518 to the receiver and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found in the place where that wreck was found, the wreck, after payment of any expenses, costs, fees, and salvage due in respect thereof, shall be delivered to him; or

(b) if the wreck is not claimed by any such person as aforesaid, the receiver shall sell the same and shall pay to the Federal Government the proceeds of the sale, after deduction therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Federal Government may, in each case, or by any general rules, determine.

520. Disputed title to unclaimed wreck. (1) Where any dispute arises between any person who has delivered a statement under Section 518 and the receiver respecting title to wreck found in any place, or where more persons than one claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner as if it were a dispute as to the salvage to be determined summarily under this Part.

(2) If any party to the dispute is unwilling to have the same so referred, or, where it is so referred, is dissatisfied with the decision, he may, within three months after the expiration of a year from the time when the wreck has come into the receiver hands, or from the date of the decision, as the case may be, institute proceedings in any Court having jurisdiction in the matter for establishing his title.

521. Delivery of unclaimed wreck by receivers not to prejudice title. Upon delivery of wreck or payment of the proceeds of sale of wreck or payment of the proceeds of sale of wreck by a receiver in pursuance of the provisions of this Chapter, the receiver shall be discharged from all liability in respect thereof, but the delivery shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the place on which the wreck was found.

522. Duty to report wreck. (1) The master of a ship present in Pakistan territorial waters shall immediately report to the nearest port authority any wreck of which he has knowledge and which has not been marked on a nautical chart.

(2) The provisions of sub-section (1) shall apply also to the operator of a platform in Pakistan territorial waters or the Pakistan exclusive economic zone.

523. Liability for damage to waterways or related water areas structure. The owner of a ship shall be liable for any damage caused by the ship to waterways or related water areas, structures, except if and to the extend that the owner proves that the damage,---

(a) resulted from force majeure;

(b) was caused by the gross negligence or actions done with intent to cause damage on behalf of any authority responsible for the establishment or maintenance of lights or other navigational aids in the exercise of that function; or

(c) was caused by gross negligence, or actions, done with intent to cause damage, of a pilot or vessel traffic service personnel in the exercise of their functions.

524. Liability for reasonable costs. (1) The owner of a ship involved in a maritime casualty shall be wholly or party liable for the reasonable costs of removal of wreck pursuant to Section 513 and salvage measures taken under Section 517 and 518 except if and to the extend that the owner proves that the casualty was caused by gross negligence or actions done with intent to cause damage by or on behalf of any Government authority in performance of its functions.

(2) Reasonable costs for wreck removal measures shall include the reasonable costs made for notification and publication of the wreck's position, and the reasonable costs for removal, lighting, marking, buoying, guarding and transporting the wreck.

525. Unseaworthy ships brought to Pakistani water without prior permission. If any ship or craft, which in the opinion of the Federal Government is unseaworthy as regards her hull, propelling machinery, rig, equipment, manning, life saving and fire fighting appliances, etc., and is brought to Pakistani waters or Pakistani port approaches without prior permission and conditions; the Federal Government may order removal of the same as in case of a wreck in clause (a) of sub-section (4) of Section 504 and in case of non-compliance deal with the same as in case of a wreck under clause (b) of sub-section (4) thereof or confiscate the ship or craft in favour of the Federal Government or if it deems fit impose any or both the punishments.

CHAPTER 40.

SALVAGE

526. Salvage payable for saving life, cargo or wreck. (1) Where services are rendered,---

(a) wholly or in part within the territorial waters of Pakistan in saving life from any vessel or, elsewhere in saving life from a vessel registered in Pakistan; or

(b) in assisting a vessel or saving the cargo or equipment of a vessel which wrecked, stranded or in distress at any place on or near the coast of Pakistan including the territorial waters thereof; or

(c) by any person other than the receiver in saving any wreck there shall be payable to the salvor by the owner of the vessel, cargo, equipment or wreck; a reasonable sum for salvage having regard to all the circumstances of the case.

(2) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be payable in priority to all other claims for salvage.

(3) Where services have been rendered for the purpose of containing or abating pollution, the salvor shall be entitled to recover reasonable compensation from the owner or, as the case may be, the charterer or the operator of the vessel.

(4) where salvage services are rendered by or on behalf of the Government or by a vessel of the Pakistan Navy, Maritime Security Agency or the commander or crew of any such vessel, the Government, the commander or the crew, as the case may be, shall be entitled to compensation and shall have the same rights and remedies in respect of those services as any other salvor.

(5) Any dispute arising concerning the amount under this section shall be determined upon application made by either of the parties to the dispute,---

(a) to the District Judge, where the amount claimed does not exceed twenty-five thousand rupees; or

(b) to the High Court, where the amount claimed exceeds twenty-five thousand rupees.

(6) Where there is any dispute as to the persons who are entitled to the salvage amount under this Section, the District Judge or the High Court, as the case may, be, shall dispute, and if there are more persons than one entitled to such amount, the District Judge or the High Court shall apportion the amount thereof among such persons.

(7) The costs of, and incidental to, all proceedings before the District Judge or the High Court under this section shall be in the discretion of the District Judge or the High Court, and the District Judge or the High Court shall have full powers to determine by whom or out of what property and to what extend such costs are to be paid and to give all necessary directions for the purpose aforesaid.

527. Savings. Nothing in this Part shall
(a) affect any treaty or arrangement with any foreign country to which Pakistan is a party with reference to the disposal of the proceeds of wrecks on their respective coasts; or

(b) affect the provisions of Section 29 of the Ports Act, 1908 (XV of 1908), or entitle any person to salvage in respect of any property recovered by creeping or sweeping in contravention of that section.

528. Instructions to prevent harmful consequences. (1) When the measures taken by the master or the owner of a ship which is involved in a maritime casualty do not sufficiently prevent, mitigate or eliminate the harmful consequences of the maritime casualty, the Federal Government may for that purpose give instructions to the owner or charterer or operator, as the case may be, and the persons rendering assistance, requiring,---

(a) the presence of the ship and its cargo in a particular place or area;

(b) the ship and its cargo to move a particular place or area;

(c) assistance to be rendered to the ship or its cargo; and

(d) grounding of the ship in a particular location;

529. Measures to prevent harmful consequences. (1) If in the opinion of the Federal Government, the instructions do not result in sufficient prevention, mitigation or elimination of the harmful consequences of the maritime casualty, the Federal Government may direct,---

(a) taking of measures relating to the matters specified in Section 528;

(b) taking over control of the ship; and

(c) removing, sinking or destroying the ship as well as eliminating, removing, jettisioning, sinking or destroying its cargo.

(3) In respect of a ship which has been stranded, sunk or been grounded in or near a route or in or on a pier or other coastal public water works, the Federal Government may only take the measures provided in Section 513 unless the stranding, sinking or grounding was a consequence of measures taken pursuant to Section 528.

530. Proportionality of instructions and measures. The Federal Government shall ensure that instruction issued and measures taken pursuant to Section 528 and 529 are,---

(a) proportionate to the actual or threatened damage, taking into account,---

(i) the extend and probability of imminent damage if those measures are not taken;

(ii) the likelihood of those measures being effective; and

(iii) the extend of damage which may be caused by such measures;

(c) not unnecessarily in conflict with the rights and interests of a flag State, other Stastes and of any natural or juristic persons.

531. Consultation. (1) Except in cases of extreme urgency requiring immediate action, the Federal Government shall consult the flag State and the owner; or as the case may be, the charterer or operator of the ship prior to giving instructions or taking measures in respect of a foreign ship.

(2) Prior to taking measures in respect of a ship present in the exclusive economic zone of another coastal State, the Federal Government shall consult the competent authorities of that State.

532. Duty to co-operate. The master and the owner of the ship and the persons rendering assistance shall carry out instructions issued pursuant to Section 528 and shall co-operate with measures taken pursuant to Section 529.

533. Power to make rules respecting wreck and salvage. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following maters, namely,---

(a) the procedure to be followed by a receiver of wreck in respect of the taking possession of wrecks and their disposal;

(b) the fees payable to receiver of wreck in respect of the work done by him;

(c) the procedure to be followed for dealing with claims relating to ownership of wrecks;

(d) the appointment of values in salvage cases;

(e) the principles to be followed in awarding salvage and the apportioning of salvage; having regards to the international practices;

(f) the procedure to be followed for dealing with claims for salvage;

(g) the detention of property in the custody of a receiver or wreck for the purpose of enforcing payment of salvage; and

(h) any other matter which is to be or may be prescribed.

PART XIII

LIABILITY OF SHIPOWNERS

CHAPTER 41.

LIMITATION OF LIABILITY OF SHIPOWNERS

534. Scope. (1) This Chapter shall apply whenever any person referred to in Section 535 seeks to limit his liability before a Court in Pakistan or seeks to procure the release of a ship or other property or the discharge of any security given in Pakistan.

(2) Subject to sub-section (3), this chapter shall not apply to,---

(a) ships constructed for or adapted to and engaged in drilling at sea;

(b) floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea bed or its subsoil; and

(c) air-cushioned vehicles.

(3) The Federal Government may, by notification in the official Gazette, apply any or all the provisions of this Chapter to any ship, platform or vehicle referred to in sub-section (2) and fix limits of liability the ships which may deviate from the limits set for other ships under this chapter.

535. Persons entitled to limit liability. (1) Ship owners and salvors may limit their liability in accordance with the provisions of this chapter in relation to claims which are set out in Section 536.

Explanation. For the purposes of sub-section (1).

(a) “ship owner” means the owner and includes the charterer, manager and operator of any ship; and

(b) “salvor” means any person rendering services in direct connection with salvage operations.

(2) If any claims set out in Section 537 are made against any person for whose act, neglect or default the ship owner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this chapter.

(3) In this chapter the liability of a ship owner shall include liability in action brought against the ship herself.

(4) An insurer of liability for claims which are subject to limitation in accordance with the rules made under this Chapter shall be entitled to the benefits of this Chapter to the same extend as the assured himself.

(5) The act of invoking limitation of liability shall not constitute an admission of liability.

536. Claims subject to limitation. (1) Subject to Sections 537 and 538, the following claims, whatever the basis of liability may be, shall be subject to limitation of liability, namely,---

(a) claims in respect of loss of life or personal injury or loss of, or damage to, property, including damage to harbour works, basins and waterways and aids to navigation, occuring on board or in direct connection with the operation of the ship of with salvage operations and consequential loss resulting there from;

(b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers of their luggage;

(c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occuring in direct connection with the operation of the ship or salvage operations; and

(d) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with this Chapter, and further loss caused by such measures.

(2) Claims set out in sub-section (1), except in clause (d) thereof, shall of subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise, or by way of a direct action against the insurer, if any, of the person liable in respect of the claim.

537. Claims excepted from limitation. (1) The provisions of this chapter shall not apply to,---

(a) claims for salvage or contribution in general average;

(b) claims for oil pollution damage;

(c) claims subject to any international convention or any Pakistan law governing or prohibiting limitation of liability for nuclear damage;

(d) claims against the ship owner of a nuclear ship for nuclear damage;

(e) claims by a servant of the ship owner or salvor whose duties are connected with the ship or salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims; if the contract of service between the ship owner or salvor and such servants is governed by Pakistan law or in case Pakistan law is not applicable, if under the applicable law the ship owner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for under Section 541;

(f) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned including anything that is or has been on board such ship; and

(g) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship.

538. Conduct barring limitation. A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act, or omission, committed with intent to cause such loss recklessly and with knowledge that such loss would probably result.

539. Counter-claims. Where a person entitled to limitation of liability under this chapter has a claim against the claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this chapter shall only apply to the balance, if any.

540. Applications of the limits. The limits of liability determined in accordance with Sections 541 and 542 shall apply to Pakistani and foreign ships.

541. General limits of liability. (1) The limits of liability for claims other than those mentioned in Section 542, arising on any distinct occasion, shall be calculated as follows,---

(a) in respect of claims for loss of life or personal injury,---

(i) 333,000 units of account for a ship with a tonnage not exceeding 500 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in sub-clause (i);

for each ton from 501 to 3,000 tons, 500 units of account;

for each ton from 3,001 to 30,000 tons, 333 units of account;

for each from 30,001 to 70,000 tons 250 units of account; and

for each ton in excess of 70,000 tons, 167 units of account; and

(b) in respect of any other claims,---

(i) 167,000 units of account for a ship with a tonnage not exceeding 500 tons; and

(ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in sub-clause (i);

for each ton from 501 to 30,000 tons, 167 units of account;

for each ton from 30,001 to 70,000 tons, 125 units of account; and

for each ton in excess of 70,000 tons, 83 units of account.

(2) In the application of sub-section (1) to a ship with a tonnage of less than 300 tons that sub-section shall have effect as if,---

(a) in clause (a), in sub-clause (i), for the figure “333,000” the figure “166,667” were substituted.

(b) in clause (b), in sb-clause (i), for the figure “167000” the figure “83,333” were substituted.

(3) Where the amount calculated in accordance with clause (a) of sub-section (1) is not sufficient to pay the claims mentioned therein in full, the amount calculated in accordance with clause (b) thereof shall be available for payment of the unpaid balance shall rank rate ably with such claims mentioned in clause (b) of sub-section (1).

(4) Claims in respect of damage to harbour works, basin and waterways and aids to navigation shall have priority over all other claims.

(5) The limit of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which, he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

(6) For the purpose of this Chapter the ship's tonnage shall be the gross tonnage calculated in accordance with this Ordinance.

542. Limit for passenger claims. (1) in respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the ships owner thereof shall be in he amount of 46,666 units of accounts multiplied by the number of passenger which the ship is authorised to carry according to the passenger ship safety certificate issued in accordance with this Ordinance but not exceeding twenty-five million units of account.

(2) For the purpose of this section "claims for loss of life or personal injury to passengers on a ship" means any such" means any such claims brought by or on behalf of any person carried, in that ship,---

(a) under a contract of carriage of passengers by sea; or

(b) who, with the consent of the carrier, is accompanying a vehicle, live animals or other goods which are covered by a contract for the carriage of goods.

543. Unit of account. (1)The unit of account referred to in Section 541 and 542 is the Special Drawing right as defined by the International Monetary Fund and the amounts mentioned in the aforesaid sections shall be converted into Pakistani currency by the Federal Government on the basis of the value of the currency on the date of the Constitution of a limitation fund under Section 545 or when payment if made or such security, as the Court may recognise as equivalent to the payment, given.

(2) The value in Special Drawing Rights of the National currency shall be calculated according to the method for valuation applied by the International Monetary Fund in effect at the date in question under sub-section (1), for its operations and transactions as certified by the State Bank of Pakistan.

544. Aggregation of claims. (1) The limits of liability determined in accordance with Section 530 shall apply to the aggregate of all claims which arise on any distinct occasion,---

(a) against the person or persons mentioned in Explanation to sub section (1) of Section 535 and any person for whose act, neglect or default he or they are responsible; or

(b) against the ship owner of a ship rendering salvage services from that ship and the salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or

(c) against the salvor or salvors who are not operating from a ship or who are operating solely on a ship to, or in respect of which the salvage services are rendered and any person for whose act, or default he or they are responsible.

(2) The limits of liability determined in accordance with Section 542 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in the Explanation to sub-section (1) of Section 535.

545. Limitation of fund and consolidation of claims against owners. (1) Where any liability is alleged to have been incurred by the owner of a vessel in respect of claims arising out of an occurrence and the aggregate of the claims exceeds or is likely to exceed the limits of liability of the owner under Section 541 or 542, them the owner may apply to the High Court for the setting up of a Limitation Fund for the total sum representing such limits of liability.

(2) The High Court, to which the application is made under sub-section (1), may determine the amount of the owner's liability and require him to deposit such amount with the High Court or furnish such security in respect of the amount as in the opinion of the High Court is satisfactory and the amount so deposited or secured shall constitute a Limitation Fund, hereinafter referred to as the Fund for the purpose of the claims referred to in sub-section (1) and shall be utilised only for the payment of such claims.

(3) After the Fund has been constituted no person entitled to claim against it shall be entitled be entitled to exercise any right against any other assests of the owner in respect of his claim against the Fund, if that Fund is actually available for the benefit of the claimant.

(4) Subject to the provision of this Part, the High Court may distribute the amount constituting the Fund reteably amongst the several claimants and may stay any proceedings pending in any other Court in relation to the same matter and may proceed in such manner and subject to such rules of the High Court as to making persons interested parties to the proceedings, and as to the exclusion of any time levied claims, and as to requiring security from the owner, and as to payment of any costs, as the High Court thinks fit.

(5) Where the owner establishes that he has paid in whole or in part any claim in respect of which he can limit his liability under Section 536, the High Court shall place him in the same position and to the same extend in relation to the Fund as the claimant whose claim he has paid.

(6) Where the owner has established that he may at a later date be requiring to pay in whole or in part, any of the claims under this Part, which could be settled from the Fund, the High Court may notwithstanding the foregoing provisions of this section order that a sufficient sum may be provisionally set aside for the purpose to enable the owner to enforce his claim against the Fund at a later date in accordance with the provisions of sub-section (4).

(7) If the owner is entitled to make a claim against a claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Chapter shall only apply to the balance, if any.

546. Release of ships, etc. (1) Where a vessel or other property is detained in connection with a claim which appears to the High Court to be founded on a liability to which a limit set by Section 541 or 542 applies, or security is given to prevent or obtain release from such detention the High Court may, if the guarantee was given in a port which, in relation to the claim, is the relevant port, order the release of the vessel, property or security if the conditions specified in sub-section (2) are satisfied; and where the release is ordered, the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the High Court to adjudicate upon the claim.

(2) The conditions referred to in sub-section (1) are,---

(a) that security which in the opinion of the High Court is satisfactory (in this section referred to as "guarantee") has previously been given whether in Pakistan or elsewhere, in respect of the said liability or any other liability incurred on the same occasion and the High Court is satisfied that if the claim is established, the amount for which the guarantee was given or such part thereof as corresponds to the claim will be actually available to the claimant; and

(b) that either the guarantee is for an amount not less than the said limit or further security is given which, together with the guarantee is for an amount not less that that limit;

(3) For the purposes of this section,---

(a) a guarantee given by the giving of security in more than one country shall be deemed to have been given in the country in which security was last given;

(b) any question whether the amount of any security if (either by itself or together with any other amount) not less than any limit set by Section 541 or 542 shall be decided as at the time at which the security is given; and

(c) where part only of the amount for which a guarantee was given will be available to a claimant that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in sub-section (1).

547. Application to ships in course of completion or construction, etc. The provisions of this Chapter relating to limitation of liability to owners shall extend and apply to the owners, builders or other persons having an interest in any vessel built in any port or place in Pakistan from and including the launching of such vessel until the registration thereof in accordance with the provisions of this Ordinance, as they apply in relating to the owner of a vessel registered under this Ordinance.

548. Power to make rules. The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this chapter.

CHAPTER 42

LIENS FOR WAGES

549. Seamen's lien for wages, etc. (1) A seaman shall have a lien on the ship, and shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship or abandon any right that he may have or obtained in the nature of salvage, and every stipulation in any agreement inconsistent with any provisions of this Ordinance, shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship which according to the terms of the agreement, is to be employed on salvage service with respect to the remuneration to be paid to them for such service to be rendered by that ship to any other ship.

550. Master's lien. (1) The master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Ordinance, or by any law or custom having the force of law.

(2) the master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall so far as the case permits, have the rights, liens and remedies for the recovery of disbursement or liabilities properly made or incurred by him on account of the ship as the master has for the recovery of his wages.

(3) If in any proceeding in any Court having jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the Court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceedings, and may direct payment of any balance found to be due.

551. Priorities. The seaman's lien under Section 549 shall have precedence over all other liens or charges on the ship, and the master's lien under Section 550 shall have precedence likewise except over that of a seaman.

PART XIV

CHAPTER 43.

PREVENTION OF POLLUTION FROM SHIPS

552. Definitions. In this Part unless there is anything repugnant in the subject or context,---

(a) 'chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an oil tanker when it is carrying a cargo or part cargo of noxious liquid substances in bulk;

(b) “convention” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto (MARPOL 73/78), as amended from time to time;

(c) “convention country” means any country in respect to which the convention referred to in clause (b) in force and includes any country to which such convention extends;

(d) “Director-General” means the Director-General of the Parts and Shipping Wing, Ministry of Communications;

(e) “Discharge”, in relation to harmful substances of effluents, containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying except,---

(i) dumping within the meaning of the convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on the 13th November, 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

(f) “existing ship” means any ship which is not a new ship;

(g) “garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically;

(h) “harmful substance” means oil and other substances which if introduced into the sea or other water areas is liable to create hazards to human health or harm living resources and marine life and damage amenities or to interfere with other legitimate uses of the sea or other water areas;

(i) “instantaneous rate of discharge of oil content” means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

(j) “marine environment” means the navigable waters of Pakistan and the land and resources therein and thereunder; the water and fishery resources of any area over which Pakistan asserts exclusive fishery management authority; the sea-bed and sub oil of the outer continental shelf of Pakistan, the resources thereof and the waters superjacent thereto; and the recreational; economic; and scenic values of waters and resources;

(k) “nearest land” means the nearest land the base link from which the territorial sea of the territory in question is established in accordance with international law;

(l) “new ship” means a ship,---

(i) for which the building contract was place after the 31st December, 1975; or

(ii) in the absence of a building contract, the keel which was laid or ws at a similar stage of construction after the 30th June, 1976;

(iii) the delivery of which was after the 31st December, 1979; and

(iv) which has undergone a major conversion,---

(a) for which the contract was placed after the 31st December, 1979; or

(b) in the absence of a contact, construction work of which was begun after the 30th June, 1976; or

(c) which completed after the 31st December, 1976;

(m) Noxious liquid substances means any substances defined as such in the Convention;

(n) “oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

(o) “oily mixture” means a mixture with any oil content;

(p) “oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo and includes combination carries and any “chemical tanker”, when its is carrying a cargo or part cargo of oil in bulk;

(q) “off-shore installation” means an installation whether mobile or fixed, which is used or is intended to be used for under-water exploration or exploitation of crude oil, petroleum or other similar mineral oils, under lease, licence or any other from of contractual arrangement and includes.

(a) any installation which could be moved from place to place under its own motive power or otherwise; and

(b) a pipe-line;

(r) “sewage” means

(a) drainage and other wastes from any form of toilets and urinals;

(b) drainage from medical premises (dispensary, sick bay, etc; via wash basin, wash tubs and scoppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other water waters when mixed with the drainages specified above;

(s) “ship” means any vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersible, floating craft (self propelled or not) and fixed or floating platforms; and

(t) “special area” means a sea area where, for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution is required and defined as such in the convention.

553. International pollution prevention certificates. (1) Each Pakistani oil tanker of one hundred and fifty gross tons and above and each other Pakistani ship of four hundred gross tons and above; or of such other type or tonnage as is specified in the convention or any Pakistani chemical tanker shall have on board a valid International oil pollution prevention certificate; for the carriage of noxious liquid substances in bulk as the case may be or any other certificate required under the convention.

(2) Each oil tanker of one hundred and fifty gross tons and above, or of such type or tonnage as is specified in the convention and each other ship of four type or tonnage as is specified in the convention and each other ship of four hundred gross tons and above, or any chemical tanker, operated under the authority of a convention country, other than Pakistan shall have on board valid certificates mentioned in sub-section (1).

(3) The certificates required by sub-section (1) shall be in the prescribed form issued by the Federal Government, or by any organizations authorized by the Federal Government in this behalf, after a satisfactory survey in the prescribed manner.

(4) The certificates issued under the provisions of sub-section (1) shall be issued for a period prescribed by the Federal Government, which shall not exceed five years from the date of issue; except where,---

(a) significant alternations have taken place in the construction, equipment, fittings, or arrangements required by the pollution prevention requirements, without the approval of the Federal Government of any other organization authorized by the Federal Government;

(b) surveys as required under the convention are not carried out; and

(c) transfer of the ship to the flag of another country has taken place, the certificate shall cease to be valid.

(5) No officer of Customs shall grant a port clearance to a Pakistani ship specified in sub-section (1) or to a ship specified in sub-section (2), until after the production by master or owner or owner of the ship of international oil pollution prevention certificate; or international pollution prevention certificate for the carriage of noxious liquid substances in bulk, as the case may be or any other certificate required under the convention.

554. Prevention of pollution by sewage and garbage from ships. (1) The discharge of sewage and disposal of garbage into the sea from any ship is prohibited except as specified under the convention.

(2) The Federal Government may, in respect of a Pakistani ship, issue with an International sewage pollution prevention certificate for the prescribed period which shall not exceed five years from the date of issue thereto after satisfactory survey in the prescribed manner.

(3) Garbage management plan and garbage record book shall be maintained as required under the convention.

(4) If sewage or garbage is discharged or disposed of into the sea in contravention of sub-section (1), the master or the owner of the ship shall be liable to a fine which may extended to ten thousand US dollars.

(5) The provisions of this section shall take effect from such date as the Federal Government may, be notification in the official Gazette, appoint.

555. Prohibition against oil pollution from ships. (1) No oil or oily mixture or harmful substance shall be is charged into the sea from any Pakistani ship or a foreign ship unless the condition specified in the convention are satisfied.

(2) Every ship of gross tonnage of less than four hundred tons other than oil tanker shall be equipped as far as practicable and reasonable with installations to ensure the storage of ill residues on board and their discharge to reception facilities.

(3) if oil or oily mixture or harmful substance is discharged in contravention of sub-section (1) the master or the owner of the ship shall be liable to imprisonment which shall not be less than two years and fine which shall not be less than fifty thousand US dollars but may extend to one million US dollars, and, in the case of a continuing contravention or failure with an additional fine which may extend to ten thousand US dollars for every day after the first during which such contravention or failure continues.

(4) The Federal Government, or an officer generally or specifically authorised by it in this behalf, may compound any offence under this section.

556. Prohibition against pollution due to discharge of noxious liquid substances from ships. (1) No noxious liquid substances shall be discharged into the sea from a Pakistani ship or a foreign ship unless the condition specified in the Convention are satisfied.

(2) If noxious liquid substances or their residues are discharged in contravention of this section, the master or the owner of the ship shall be liable to imprisonment for a term which shall not be less than two years and fine which shall not be less than fifty thousand US dollars, but may extend to one million US dollar.

557. Special Powers. (1) any person specially authorised by the Federal Government, may order any vessel in a part or place in Pakistan, or in the navigable waters of Pakistan, to operate or anchor in such manner as he may direct if,---

(a) he has reasonable cause to believe such vessel does not comply with any regulaion issued under this Ordinance, or any other law for the time being in force;

(b) by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, he is satisfied that such directive is justified in the interest of safety;

(c) he determines that such vessel does not satisfy the conditions for entry in port if such,---

(i) vessel has a history of accident, pollution incidents, or serious repair problems which in the opinion of the Federal Government or person authorised by it, render such vessel unsafe or may create a threat to the marine environment; or

(ii) vessel fails to comply with any regulation issued under this Ordinance, as amended, or under any other laws for the time being in force;

(iii) vessel discharges oil or hazardous material in violation of any law of Pakistan or in a manner and quantities inconsistent with the provisions of any treaty or convention to which the Pakistan Government is a party;

(iv) vessel does not comply with any applicable vessel traffic service requirements;

(v) vessel is manned by one or more officers who are licensed or certificate by a certificating State which the Federal Government or person authorised by it, has determined, does not have standards for licensing and certification of seafarers which are comparable to or more stringent than Pakistan's standards or International standards which are accepted by the Government of Pakistan;

(vi) vessel is not manned in compliance with manning levels prescribed by the Federal Government, or person authorised by it, to be necessary to ensure the safe navigation of the vessel; and

(vii) vessel while underway, does not have atleast one licensed or certificated Deck Officer on the navigation bridge capable of clearly understanding marine (nautical) terminology.

(2) The Federal Government, or person authorised by it, may allow provisional entry of a vessel not in compliance with clause (c) of sub-section (1), if the owner or operator of such vessel proves, to the satisfaction of the Federal Government, or person authorised, that such vessel is not unsafe or safety of the vessel or persons abroad.

558. Exceptions is cases of emergencies. Nothing in Sections 555 and 556 shall apply to,---

(a) the discharge into the sea of oil or oily mixture or noxious liquid substances or other harmful substances mixture containing such substances necessary for the purpose of securing the safety of a ship or saving life at sea; and

(b) the discharge into the sea of oil or oily mixture or noxious liquid substances or other harmful substances mixture containing such substances resulting from damage to a ship or its equipment if,---

(i) all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge;

(ii) the owner or the master acted neither with intent to cause damage nor recklessly and with knowledge that damage would probably result; and

(iii) the discharge into the sea of noxious liquid substances of mixtures containing such substances, approved by the Federal Government, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

559. Equipment in ships to prevent pollution. (1) For the purpose of preventing or reducing discharges of oil and oily mixtures into the sea, and for cleaning, removing of dispersing any oil and oily mixture already discharged, the Federal Government may make rules requiring Pakistan ships to be fitted with such equipment and to comply with such other requirements (including requirement for preventing the escape of fuel oil or heavy diesel oil into bilges) as may be prescribed.

(2) If a Pakistani ship is not fitted with equipment as required by sub-section (1) the master, owner, operator or the agent shall be liable to a fine which may extend to five hundred thousand rupees and in case of a continuing offence with an additional fine which may extend to five thousand rupees for every day during which such offence continues after first conviction.

560. Oil record book. (1) Each oil tanker, of one hundred and fifty gross tons and above, and ship of four hundred gross tons and above, other than an oil tanker, and manned fixed or floating drilling rig or other platform to which this part applies, shall maintain an oil record book part-I (machinery space operations). An oil tanker of one hundred and fifty gross tons and above or a non-oil tanker that carries two hundred cubic meters or more of oil in bulk, shall also maintain an oil record book part-II (cargo ballast operations).

(2) The form and manner in which the oil record book shall be maintained, the nature of the entries to be made there in, the time and circumstances in which such entries shall be made, the custody and disposal thereof and all other matters relating thereto shall be such as may be prescribed having regard to the provisions of the convention.

(3) If the master of an oil tanker or other ship fails to maintain an oil record book as required by the this section shall, for each offence, be liable to a fine which may extend to one hundred thousand rupees.

(4) If any person wilfully destroys or mutilates or renders illegible or prevents the making of, any entry in the oil record book or makes or causes to be made a false entry in such book in contravention of any rule made under this section, he shall for each offence, be liable to a fine which may extend to five hundred thousand rupees.

561. Cargo record book for chemical tankers. Each chemical tanker to which this chapter applies shall maintain a cargo record book, whether as part of the ship's official log-book or otherwise, in the prescribed form.

562. Inspection and control of ships with respect to prevention of pollution. (1) A surveyor or any person appointed in this behalf by the Federal Government may, at any reasonable time, go on board a ship for the purpose of,---

(a) ensuring that the prohibitions, restrictions and obligations imposed by or under the convention are complied with;

(b) satisfying himself about the adequacy of the measures taken to prevent the escape of oil or oily mixture or noxious liquid substances or ay other harmful substances from the ship including appropriate operational practices specified in the convention;

(c) ascertaining the circumstances relating to an alleged discharge of oil or oily mixture or of noxious liquid substances or any other harmful substances from the ship in contravention of the provisions of the convention;

(d) investigating and apportioning responsibility whenever of oil or contamination by noxious liquid substances or any other harmful substances on or below the surface of water in the immediate vicinity of a ship or its wake; and

(e) inspecting the oil record book, cargo book or any other relevant record.

(2) The surveyor or of any such person may, if necessary make, without unduly delaying the ship, a true copy of any entry in the oil or cargo record book of the ship, and may require the master of the ship to certify the copy to be a true copy and such copy shall be admissible as evidence of the facts stated therein.

563. Information regarding contravention of the provisions of the convention. (1) If, on report from a surveyor or other person authorised to inspect a vessel under Section 562, the Federal Government is satisfied that any provision of the Convention has been controverted anywhere by a foreign ship being a ship to which the provisions of the Convention apply, it shall transmit particulars of the alleged contravention to the Government of the country to which the ship belongs.

(2) On receipt of information from the Government of any country which has ratified the Convention that a Pakistani ship has contravened any provision of the Convention, the Federal Government shall investigate the matter and, if satisfied that any provision of this Part, or any rule made thereunder has been contravened, take appropriate action against the owner or master and intimate such Government of the action so taken.

564. Oil reception facilities at ports in Pakistan. (1) Notwithstanding anything contained in any other law for the time being in force, in respect of every port in Pakistan, the powers of the port authority shall include the power to provide oil reception facilities.

(2) A port authority providing oil reception facilities or a person providing such facilities by arrangement with the port authority, may make charges for the use of facilities at such rates and may impose such conditions in respect of the use thereof as may be approved, by notification in the Official Gazette, by the Federal Government in respect of the port.

(3) Where the Federal Government is satisfied that there are no oil reception facilities at any port in Pakistan or that the facilities available at such port are not adequate for enabling ships calling at such port to comply with the requirements of the convention, the Federal Government may, after consultation with the port authority in charge of such port, direct by order in writing such authority to provide or arrange for the provisions of such oil reception facilities as may be specified in the order.

Explanation. For the purposes of this section “port authority” means the Conservator of the port within the means the Conservator of the port within the meaning of Section 7 of the Ports Act, 1908 (XV of 1908).

565. Reception facilities for noxious liquid substances in Pakistan. The Federal Government shall ensure that the ship using its ports, terminals or repair, ports shall have,---

(a) cargo loading and unloading ports and terminals with facilities adequate for reception of residues and mixtures containing noxious liquid substances; and

(b) ship repair ports undertaking repairs of chemical tankers with facilities adequate for the reception of residues and mixtures containing noxious liquid substances.

566. Pollution from shipping casualties. (1) If an accident occurs involving any ship in or outside Pakistan waters and the Federal Government is of opinion that oil or oily mixture or harmful substances from such ship may cause pollution or damage to the marine environment on a large scale in Pakistan waters, it may give such directions to the master, owner, charterer salvor or agent of the ship as it considers necessary to avoid, reduce or neutralize such pollution and damage of the marine environment.

(2) If a master, owner, charterer, salvor or agent fails to comply with the directions given under sub-section (1) he shall, for each offence, be liable to imprisonment which shall not be less than two years and fine which may extend to one million US dollars.

567. Prohibition of dumping. The dumping of wastes or other matter prescribed as such is prohibited and any person acting in contravention of this section shall be liable to imprisonment which shall not be less than two years and fine which may extend to one million US dollars.

568. Permits for dumping. (1) The dumping of wastes or other matter not specified in Section 567 is prohibited unless a prior special permit has been issued by the Federal Government.

(2) Any person acting in contravention to this section shall be liable to a fine which may extend to five hundred thousand rupees and imprisonment for a term which shall not be less than three months.

569. Prohibition of loading without permit. (1) The loading of wastes or other matter on board a ship in a Pakistani port with the intention of subsequent dumping anywhere at sea is prohibited and any person acting in contravention of this section shall be liable to a fine which may extend to five hundred thousand rupees and imprisonment for a term which shall not be less than three months.

(2) The provisions of sub-section (1) shall not apply to substances referred to in Section 568 in respect of which, prior to the loading, a permit has been issued by the Federal Government under sub-section (1) thereof.

570. Exemption. The provisions of Section 567 and 568 shall not apply when, for security and safety of human life or of ships in cases of force majeure caused by stress or weather, or in any case which

constitutes a danger to human life or a real threat to ships, dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be les than would otherwise occur, and such dumping shall be so conducted as to minimize the forthwith by the master to the Federal Government.

571. Issuance of special permit. The Federal Government may issue a special permit for dumping wastes, in emergencies, posing serious risk to human health and admitting no other feasible solution.

572. Conditions to permits. When issuing a permit under Sections 568 and 569, the Federal Government may attach such conditions and restrictions, as may be necessary for the protection of the marine environment or the safety and health of persons.

573. Recognition of foreign permits. A permit for the dumping or wastes or other matter issued by a competent authority in a foreign country may be recongnized by the Federal Government as permit deemed to have been issued in accordance with Section 568.

574. Recovery and liability. (1) The Federal Government may order the owner or master of a ship who has contravened the provisions of Section 567 and 568, or who has dumped wastes in accordance with Section 570, to recover, practicable, the wastes or other mater which were dumped if such wastes or other matter constitute a serious threat to the marine environment or the safety of human life or navigation and the costs of such recovery shall be borne by the owner of the ship.

(2) The Federal Government may recover from the owner of the ship which has contravened the provisions of Section 567 and 568, or which has dumped wastes in accordance with Section 570, all reasonable costs incurred by the Government in the recovery of the wastes or other matter referred to sub-section (1).

575. Power to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Part.

(2) In particular, and without any prejudice to the generality of the provisions of sub-section (1), such rules may provide for any of the following matters, namely,---

(a) the form and the manner in which the International oil pollution prevention certificate or International pollution prevention certificate for noxious liquid substances in bulk or any other certificate required under the convention shall be issued and any extensions thereof granted;

(b) the form and the manner in which the oil record book, cargo record book or any other relevant shall be maintained;

(c) the mode or the manner of construction of new ships and any structural alterations in the existing ships for the purpose of giving effect to the provisions of Section 559;

(d) the manner in which investigation may be made by the Federal Government for the purpose of sub-section (2) of Section 563.

(e) the authorities which may, in individual cases, allow exemptions from the provisions of this Part and specify conditions for such exemptions;

(f) form of application for permits and the issue, refusal and cancellation of permits for dumping; and

(g) fees which may be levied for the issue of any certificate or permit under this Part.

PART XV

PROCEDURAL AND MISCELLANEOUS

CHAPTER 44.

PROCEDURE

576. Certain persons to be deemed public servant. The following persons shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860) namely,---

(a) every Principal Officer, Surveyor, Shipping Master, Radio Inspector, Registrar Appointed under this Ordinance;

(b) every person appointed under Section 94 for the purpose of examining the qualification of persons desirous of obtaining certificates of competency under this Ordinance;

(c) every person appointed under this Ordinance to report information as to shipping casualties;

(d) every judge, assessor, scientific referee or other person acting under Part XI;

(e) every person authorised under this Ordinance to make an inquiry or investigation under Part XI and all persons whom he calls to his aid;

(f) every person directed to make an investigation into an explosion or fire an board ship under section 480;

(g) every presiding officer and member of a Maritime Board convened under Section 483;

(h) every receiver of wreck and all persons whom he calls to his aid; and

(i) every other officer or person appointed under this Ordinance to perform any functions thereunder.

577. Jurisdiction. No Court inferior to that of a Magistrate of the first class shall try any offence under this Ordinance or any rule or regulation made thereunder.

578. Place of trail. Any person committing any offence under this Ordinance or any rule or regulation made thereunder may be tried for the offence in any place in which he may be found, or which the

Federal Government may, by notification in the Official Gazette, direct in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

579. Enforcement of penalties in certain cases. The penalties to which masters and owners of special trade passenger ships and pilgrim ships are liable under part V, shall be enforced only on information laid at the instance of the certifying officer, or, at the port or place where there is no such officer, at the instance of such other officer as the Federal Government may specify in this behalf.

580. Special provision regarding punishment. Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898 (Act V of the 1898), a Magistrate of the First class may pass any sentence authorised by, or under, this Ordinance on any person convicted of an offence under this Ordinance or rule or regulation made thereunder.

581. Offences by companies. (1) If the person committing an offence under this Ordinance is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:---

Provided that nothing in this sub-section shall render any such person liable to any punishment under this Ordinance if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, partner, manager, secretary or other officer of the company, such director, partner, manager, secretary of other officer shall also be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

582. Depositions to be received in evidence when witnesses cannot be produced. (1) Whenever, in the course of any legal proceeding under this Ordinance instituted at any place in Pakistan before any Court or Magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter, and the defendant or the person accused, as the case may be, after being allowed a reasonable opportunity for so doing, does not produce the witness before the Court, Magistrate or person so authorized, any deposition previously made by the witness in relation to the same subject matter before any Court, judge or Magistrate in Pakistan, or, if elsewhere, before a maritime Board or before any Pakistan consular officer, shall be admissible in evidence if,---

(a) the deposition is authenticated by the signature of the presiding officer of the Court or of the Judge or Magistrate or of then presiding officer of the Maritime Board or of the Pakistan consular officer, before whom it is made;

(b) the defendant or the person accused had an opportunity by himself or his agent of cross-examining the witnesses; and

(c) the proceeding is criminal, on proof that the deposition was made in the presence of the person accused.

(2) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed such deposition; and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness, and that the deposition, if made in a criminal proceeding was made in the presence of the person accused, shall unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

583. Survey of ships alleged by seamen to be unseaworthy. (1) Whenever, in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion or absence without leave it is alleged by one-fourth, or if their number exceeds twenty by not less than five, or the seaman belonging to the ship, that the ship is by reason of unseaworthiness, over loading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the case shall take such means as may be in its power to satisfy itself concerning the truth or otherwise of the allegation and shall for that purpose receive the evidence of the person making the same, and may summon any other witness whose evidence it may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2) A seaman or apprentice charged with desertion, or with absence without leave, shall have any right to apply for a survey under this section unless he has before deserting or absenting without leave complained to the master of the circumstances so alleged in justification.

(3) For the purposes of this section the Court shall require any surveyor or, if such surveyor cannot be obtained without unreasonable expense or delay, then any other competent person appointed by the Court, and having no interest in the ship, her freight or cargo, to survey the ship, and to answer any question concerning her which the Court thinks fit to put.

(4) Such surveyor or other person shall survey the ship, and make his written report to the Court, including an answer to every question put to him by the Court, and the Court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the Court to be erroneous, shall determine the questions before it in accordance with those opinions.

(5) Any person making a survey under this section shall, for the purposes thereof, have all such powers as are specified in sub-section (3) of Section 71.

(6) The costs, if any, of the survey shall be determined in accordance with the scale of fees the Federal Government may, by notification in the official Gazette, fix in this behalf.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may, be the costs of the survey shall be paid by the person upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Federal Government.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Federal Government, and shall also be liable to pay to the seaman or apprentice who has been detained in consequence of the said proceeding before the Court under this section such compensation for his detention as the Court may award.

584. Jurisdiction over ships laying off coasts. Where any area within which any Court or Magistrate has jurisdiction, either under this Ordinance or under any other law for any purpose whatsoever, is situated on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such Court or Magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the Court or Magistrate.

585. Jurisdiction in case of offences on board. Where any person, being a citizen of Pakistan is charged with having committed any offence on board any Pakistani ship on the high seas, or in any foreign port or harbour, or on board any ship other than a Pakistani ship to which he does not belong, or, not being a citizen of Pakistan, is charged with having committed any offence on board any Pakistani ship on the high seas, and that person is found within the jurisdiction of any Court or Magistrate which would have have had jurisdiction to take cognizance of the offence if it had been committed on board a Pakistani ship within the limits of its or his ordinary jurisdiction shall have jurisdiction to try the offence as if it had been so committed.

586. Power to detain foreign ship that has occasioned damage. (1) Whenever any damage has in any part of the world been caused to property belonging to the Government, or to any citizen of Pakistan or a company, by a ship other than a Pakistani ship, and at any time thereafter that ship is found in any port or place in Pakistan including the territorial waters thereof, the High Court may, upon the application of any person who alleges that the damage was caused by the misconduct or want of skill of the master or any member of the crew of the ship, issue an order directed to any Principal Officer, officer of Customs or other person named in the order, requiring him to detain the ship until such time as the owner, master or consignee thereof has satisfied any claim in respect of the damage, or has given security to the satisfaction of the High court to pay all costs and damages that may be awarded in any legal proceedings that may be instituted in respect of the damage, and the officer or person to whom the order is directed shall detain the ship accordingly.

(2) Whenever it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Pakistan or the territorial waters thereof,

any Principal Officer or officer of Customs may detain the ship for such time as to allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceedings in relation to any such damage as aforesaid, the person giving security shall be made a defendant and shall, for the purpose of such proceedings, be deemed to be the owner of the ship that has occasioned the damage.

587. Enforcing detention of ship. (1) where under this Ordinance a ship is authorised, or ordered, to detained, any commissioned officer of the Pakistan Navy, or any Principal Officer or officer of Customs may detain the ship.

(2) If any ship after detention, or after service on the master of any notice of, or order for, such detention, proceeds to sea before she is released by competent authority, the master of teh ship shall be liable to a fine which may extend to ten thousand rupees.

(3) When a ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any person authorised under this Ordinance to detain or survey the ship, the owner, master or agent of such ship shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea, and shall also be liable to a fine which may extend to fifty thousand rupees.

(4) When any owner, master or agent is convicted of any offence under sub-section (3), the Magistrate convicting him may inquire into and determine the amount payable on account of expenses by such owner, master or agent under that sub-section, and may direct that the same shall be recovered from him in the manner provided for the recovery of fines.

588. Levy of wages, etc. by distress of moveable property. When an order under this Ordinance for the payment of any wages or other money is made by a Shipping master or a Magistrate or other officer or authority, and the money is not paid at the time or in the manner directed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, may be levied by distress and sale of the moveable property of the person directed to pay the same under a warrant to be issued for that purpose by a Magistrate.

589. Levy of wages, fines etc. by sale of ship. Where any Court or Magistrate or other officer or authority has power under this Ordinance to make on order directing payment to be made of any seaman's wages, fine or other sums of money, then, if the person so directed to pay the same is the master, owner or agent of a ship and the same is not paid at the time or in the manner directed by the order, the Court or Magistrate or Officer or authority, as the case may be, may, in addition to any other power it or he may have for the purpose of compelling payment by warrant, direct the amount remaining unpaid to be levied by distress and sale of the ship and her equipment.

590. Notice to be given to consular representative of proceedings taken in respect of foreign ship. If any ship other than a Pakistani ship is detained under this Ordinance, or if any proceedings are taken

under this Ordinance against the master, owner or agent of any such ship, notice forthwith be served on the consular officer of the country in which the ship is registered, at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

591. Service of documents. Where for the purposes of this Ordinance any document is to be served on any person, that document may be served,---

(a) in any case, by delivering a copy thereof personally to the person to be served, or by leaving the same at his place of abode or by post;

(b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship, with the person being or appearing to be in command or charge of the ship; and

(c) if the document is to be served on the master of a ship where there is no master and the ship is in Pakistan, on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in Pakistan, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

592. Proof of attestation not required. Where any document, is required by this Ordinance to be executed in the presence of, or to be attested by, any witness that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them.

593. Fines to compensate for damages. A Magistrate or a Court imposing a fine under this Ordinance may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed or in or towards payment of the expenses of the prosecution.

CHAPTER 45.

MISCELLANEOUS

594. Shipping Development Fund. (1) The Federal Government may, by notification in the Official Gazette, form a fund to be called the Shipping Development Fund (hereinafter referred to as the Fund) to be applied towards meeting the expenses of operating the Fund and for granting loans and financial assistance in any other form,---

(a) to persons of the description mentioned in Section 13,---

(i) for the acquisition and maintenance of ships, including modification, reconstruction and renovation thereof; and

(ii) for meeting any short term requirements.

(b) to Pakistani shipyards for the construction of new ships.

(2) The Federal Government may, by notification in the Official Gazette, make rules providing for,---

(a) the constituting of a committee for the management of the Fund and the manner and mode of its working and memberships;

(b) the manner and mode of the payments into the Fund;

(c) the exemption from liability to pay any taxes by the committee referred to in clause (a); and

(d) any other matter which is considered necessary for the smooth operation of the Fund and the management of the committee referred to in clause (a).

595. Fees for establishing training institutions. (1) For the purpose of establishing or finance institutions for training in the various trades, professions and callings provided for in this Ordinance, there shall be paid, in the prescribed manner, a monthly fee by the owner of every Pakistani ship at such rate as may be prescribed, not exceeding ten rupees per one hundred units of gross tonnage and different rates may be prescribed for different classes of ships.

(2) If any owner fails or refuses to pay such fee, any Principal Officer may detain the ship, in respect of which the fee has not been paid in accordance with the provisions of sub-section (1), until such time as the fee payable in respect thereof has been duly paid.

(3) The Federal Government may, by notification in the official Gazette, make rules providing for,---

(a) the appointment of a committee to administer the proceeds of the fees paid or collected under this section;

(b) the rates of such fees;

(c) the manner in which such fees shall be paid or collected; and

(d) such other matter as may be considered necessary for carrying out the purposes of this section.

596. Inquiry into cause of death on board Pakistani ship. (1) If any person dies on board a Pakistani foreign-going ship, the Shipping Master at the port where the crew of the ship is discharged, or the Shipping Master at any earlier port of call in Pakistan shall, on the arrival of the ship at that port, inquire into the cause of death, and shall make in the official log-book an endorsement to the effect, either that the statement of the cause of death in the log-book is in his opinion true, or the country, according to the result of the inquiry.

(2) If, in the course of any such inquiry, it appears to the Shipping Master that a death has been caused on board the ship by violence or other unlawful act, he shall either report the matter to the Federal Government or, if the emergency of the case so requires, take immediate steps for bringing the offender to trial.

(3) For the purposes of any inquiry under this section the Shipping Master shall have all such powers as are specified in sub-section (3) of section 471.

597. power to appoint examiners and to make rules as to qualifications of surveyors. The Federal Government may appoint competent persons for the purposes of examining the qualification of persons desirous of practising the profession of a surveyor at any port in Pakistan, and may make rules,---

(a) for the conduct of such examinations and the qualifications required;

(b) for the grant of certificates to qualified persons;

(c) for the fees to be paid for such examinations and certificates;

(d) for holding inquiries into charges of incompetency and misconduct on the part of holders of such certificates; and

(e) for the suspension and cancellation of such certificates.

598. No person to practise as surveyor unless qualified. No person shall practise the profession of a surveyor in any port in Pakistan unless he holds a certificate granted under Section 597:---

Provided that nothing herein contained shall prevent any person employed by classification society which the Federal Government may, by notification in the official Gazette, specify in this behalf, from discharging any of the duties of such employment, or apply to any person specially exempted by the Federal Government from the operation of this section.

599. Penalty for practising as surveyor without certificate. Any person practising the profession of a surveyor in contravention of the provisions of Section598 shall, for each offence, be punishable with fine which may extend to five thousand rupees, and shall not be entitled to maintain any suit for any fee or reward for anything done by him.

600. Powers of person appointed or authorised to survey ships. any person appointed or authorised under this Ordinance to survey any ship may, in the execution of his duties, go on board the ship and inspect the same and every part thereof, and the machinery, equipment and cargo, and may require the unloading or removal of any cargo, ballast or equipment.

601. Decision of consular officer to be final until ship returns to the final port of discharge in Pakistan. The decision of a Pakistanconsular officer on any matter under this Ordinance shall be final and shall not be called in question in any Court or before any authority until the ship in respect of or, in relation to, which such decision is taken, returns to the final port of discharge in Pakistan.

602. Penalty for hindering or obstructing execution of duties, etc. If any person hinders or obstructs and Judge, assessor, officer or other person who is empowered by this Ordinance to conduct an inquiry or investigation or to go on board, survey, inspect or detain a ship, or otherwise impedes him in the execution of his duties or the exercise of his powers under the Ordinance, he shall, for each offence, be liable to a fine which may extend to fifty thousand rupees.

603. General power to make rules or regulations and penalty for breach thereof. (1) Without prejudice to any power to make rules or regulations contained elsewhere in this Ordinance, the Federal Government may, by notification in the official Gazette, make rules or regulations to carry out the purposes of this Ordinance.

(2) In making a rule or regulation under this Ordinance, the Federal Government may direct that any breach of the provisions thereof shall, less a penalty for such breach has been expressly provided in this Ordinance, be liable to a fine which may extend to ten thousand rupees and, if the breach is a continuing one, with an additional fine which may extend to five thousand rupees for every day after the during which such breach continues.

604. Power to appoint officers to try certain offences, etc. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, the Federal Government may, by notification in the official Gazette, appoint one or more officers to try, within such local areas as may be specified therein, an offence of any breach of, or failure to comply with, any rule for the safety of ship of crew, passengers, goods, mails and other things carried thereon, or for preventing ships from endangering other ships, persons or property; and any such officer trying an offence shall, for the purpose of the trail, be deemed to be a Magistrate of the first class appointed under the Code and any proceedings before, and sentence passed by him shall have effect accordingly.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an officer appointed under sub-section (1) may try an offence in a summary way in accordance with the procedure laid down for summary trial in the said Code.

(3) Where an officer has been appointed under sub-section 91) to try an offence specified therein, no Court other than such officer shall try such offence.

605. Power to exempt ships from the provisions of the Ordinance. Notwithstanding anything contained in this Ordinance, the Federal Government may, upon such conditions, if any, as it may think fit to impose, exempt any ship from any specified requirement contained in, or prescribed in pursuance of, this Ordinance, or dispense with the observance of any such requirement in the case of any ship, if it is satisfied that, that requirement has been substantially complied with or that compliance with the requirement is unnecessary in the circumstances of the case.

606. Power to constitute committees to advise on rules, regulations and scales of fees. (1) The Federal Government may, if it thinks fit, constitute one or more committees consisting of such number of persons as it may appoint thereto representing the interests principally affected or having special knowledge of the subject matter, for the purpose of advising it when considering the making or alteration of any rules, regulations or scales of fees under this Ordinance or for any other purpose connected with this Ordinance.

(2) There shall be paid to the members of any such committee such travelling and other other allowances as the Federal Government may fix.

(3) Committees may be constituted under this section to advise the Federal Government either generally as regards any rules, regulations or scales of fees or as regards any classes of rules, regulations or scales of fees in particular or for any other purpose connected with this Ordinance.

607. protection of persons acting under Ordinance. No suit or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

608. Removal of difficulties. If any difficulty arises in giving effect to the provisions of this Ordinance, in so far as they relate to any Conventions referred to in this Ordinance, the Federal Government may, by notification in the official Gazette, make such provisions not inconsistent with the provisions of this Ordinance, as appear to be necessary or expedient for removing the difficulty and giving effect to the provisions of such Convention:---

Provided that no such order shall be made under this section after the expiry of three years from the coming into force of this Ordinance.

609. Power to make rules with respect to maritime International conventions. The Federal Government may by notification in the official Gazette, make rules, not in-consistent with the provisions of this Ordinance, or the rules or regulations made thereunder, for implementing the provisions of the maritime International conventions ratified by Pakistan.

CHAPTER 46.

REPEALS AND SAVINGS

610. Repeals and savings. (1) Subject to the provisions of sub-section (2), the laws specified in Part I of the Schedule to this Ordinance, and the enactments specified in Part II thereof in so far as they extend to, and operate as part of the laws of Pakistan or any part thereof, are hereby repealed.

(2) Notwithstanding the repeal of any enactment by sub-section (1),---

(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under any such enactment shall have effect as if it had been issued, made or granted under the corresponding provision of this Ordinance;

(b) any official appointed and any body elected or constituted under any such law shall continue and shall be deemed to have been appointed, elected or constituted, as the case may be, under the corresponding provision of this Ordinance;

(c) any document referring to any enactment hereby repealed shall be construed as referring, as far as may be, to this Ordinance, or to the corresponding provision of this Ordinance;

(d) mortgages of ships recorded in any register book maintained at any port in Pakistan under any enactment hereby repealed shall be deemed to have been recorded in the register book maintained under the corresponding provision of this Ordinance; and

(e) any licence, certificate of competency or survey, A or B certificates, safety certificate, radio telegraphy certificate, radio telephone certificate, safety equipment certificate, exemption certificate, International or Pakistan load line certificate, or document issued made or granted under any enactment hereby repealed shall be deemed to have been issued, made or granted under this Ordinance and shall, unless cancelled in pursuance of the provisions of this Ordinance, continue in force until the date specified in the certificate or document.