

ACT No. IX OF 1879.<sup>5</sup>

APPLIES TO LOWER BURMA ONLY.

[23rd May, 1879.]

An Act to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal.

Preamble.

WHEREAS it is expedient to increase the coast-light dues paid under the provisions of Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal*), and to render chargeable with coast-light dues certain

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<sup>1</sup> See third footnote on p. 30, *supra*.

<sup>2</sup> These words were inserted by the Burma Laws Act, 1898 (13 of 1898), the Third Schedule, *post*.

<sup>3</sup> Genl. Acts, Vol. I.

<sup>4</sup> The words and figures "and nothing in the British Burma Labour Law, 1876, s. 71, shall apply to any such officer or person acting under section 3 of this Act," were repealed by the Lower Burma Courts Act, 1889 (11 of 1889), s. 2 (1).

<sup>5</sup> For Statement of Objects and Reasons, see Gazette of India, 1879, Pt. V, p. 42; for Proceedings in Council, see *ibid*, 1879, Suppl., pp. 17, 48 and 528.

## (Preliminary. Coast-light Dues.)

vessels which are not now so chargeable; It is hereby enacted as follows:—

*Preliminary.*

1. This Act may be called the Burma Coast-lights Act, 1879.  
It shall come into force on the first day of July, 1879.

Short title.  
Commence-  
ment.

And it shall extend to the territories respectively administered by the Governors of Port St. George and Bombay in Council, the Lieutenant-Governor of Bengal and the <sup>1</sup>Chief Commissioners of <sup>2</sup>British Burma and the Andaman and Nicobar Islands. Local extent.

But nothing herein contained shall apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

2. Act No. XIII of 1867 (*to provide for the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal*) is hereby repealed. Repeal.

But any appointment made under the said Act shall be deemed to have been made under this Act.

3. In this Act, unless there is something repugnant in the subject or context,— Interpreta-  
tion-clause.

“Customs-Collector” means a Customs-Collector appointed under the <sup>3</sup>Sea Customs Act, 1878, and includes any person appointed by the Local Government by name or in virtue of his office to discharge the functions of a Customs-Collector under this Act at any port:

“vessel” includes anything made for the conveyance by water of human beings or of property:

“master,” when used in relation to any vessel, means any person (except a pilot or harbour-master) having, for the time being, the charge or control of such vessel:

“voyage” means the whole distance between a vessel’s place of departure and her final place of arrival; but the return of a vessel from any place shall, notwithstanding the terms of any charter-party, be deemed a distinct voyage.

*Coast-light Dues.*

4. For the purpose of establishing and maintaining coast-lights in the eastern part of the Bay of Bengal, a toll, hereinafter called “coast- Coast-light  
dues payable  
in respect of

<sup>1</sup> The Chief Commissioner is now Lieutenant-Governor of Burma, see Proclamation dated 9th April, 1897, Gazette of India, 1897, Pt. I, p. 261. All powers conferred and duties imposed on the Chief Commissioner are to be deemed to have been respectively conferred and imposed on the Lieutenant-Governor, with effect from the 1st May, 1897, see s. 15 of the Burma Laws Act, 1898 (13 of 1898), *post*.

<sup>2</sup> For the expression “British Burma” wherever it occurs in this Act, the expression “Lower Burma” should now be read, see the Burma Laws Act, 1898 (13 of 1898), s. 7, *infra*.

<sup>3</sup> Genl. Acts, Vol. II.

vessels of  
fifty tons.

light dues," shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in the schedule hereto annexed, at the rate of one anna and six pies per ton of burden :

Provided that such vessel sails from or enters during the course of, or at the termination of, any such voyage a port in British India, or takes in, or discharges, cargo off the coast of British India.

Dues when  
payable.

5. The said coast-light dues shall become due and payable—

(a) in the case of a vessel clearing out of a port in British India upon any such voyage—previous to the grant of any port-clearance;

(b) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage—immediately upon her entering such port :

Provided that the said dues shall not be levied more than once on any vessel in the course of the same voyage.

Power to  
vary rates of  
dues.

6. The Governor General in Council may from time to time, by notification in the Gazette of India, reduce or raise the rate of coast-light dues in respect of all vessels or any particular class of vessels :

Proviso..

Provided that such rate shall not in any case exceed the rate fixed by section 4.

Collection of  
dues.  
Voucher to  
be given.

7. The Customs-Collector shall collect the coast-light dues, and shall grant to the person paying the same a voucher in writing under his hand, setting forth the name of his office, the port at which the coast-light dues are paid, the amount so paid, the name, tonnage and other proper description of the vessel in respect of which such payment is made, and the voyage on which she is or has been bound.

Master to re-  
port arrival.

8. Within twenty-four hours after the arrival within a port of any vessel chargeable with coast-light dues, the master of such vessel shall give notice of such arrival to the Customs-Collector.

Tonnage of  
vessel how  
ascertained—  
if registered ;

9. In order to ascertain the tonnage of any vessel chargeable with coast-light dues, the following rules shall be observed :—

(a) If such vessel be a British registered vessel or a vessel registered under <sup>1</sup>Act No. X of 1841 or <sup>1</sup>Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, the Customs-Collector may require the owner or master of such vessel or any other person having possession of her register, to produce such register for inspection. If any such owner, master or other person neglects or refuses to produce such register, or otherwise to satisfy the Customs-Collector as to what is

<sup>1</sup> Genl. Acts, Vol. I.

the true tonnage of the vessel in respect of which such coast-light dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Customs-Collector may cause such vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or master of such vessel shall also be liable to pay the expenses of such measurement.

- (b) If such vessel be not a British registered vessel or a vessel if not registered. registered under <sup>1</sup>Act No. X of 1841 or <sup>1</sup>Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the Customs-Collector as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Customs-Collector shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case the owner or master of such vessel shall be liable to pay the expenses of such measurement.

10. If the master of any vessel refuses or neglects to pay to the Customs-Collector on demand by him the amount of any dues or expenses payable in respect of such vessel under this Act, the Customs-Collector may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount of such dues or expenses is paid; On refusal to pay dues or expenses, the Collector may distrain and sell.

and in case any part of such dues or expenses, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Customs-Collector may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such dues, expenses and costs (including the cost of sale) remaining unpaid, and shall render the surplus (if any) to the master of such vessel upon demand.

11. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of such officer, the amount of all dues, expenses and costs with which such vessel is chargeable under this Act, and of any fine to which any person is liable for anything done by him in contravention of this Act. No port-clearance to be granted until dues, etc., are paid.

<sup>1</sup> Genl. Acts, Vol. I.



(Coast-light Dues. Determination of Disputes under Act. Prosecutions under other Laws. Statement of Receipts and Expenditure.)

Master to specify on demand voyage on which vessel is bound.

12. The master of any vessel departing from or entering any port in British India upon, or in the course of, or at the termination of, any voyage shall, upon the demand of the Customs-Collector, specify upon what voyage she is or has been bound.

Penalty for evading payment of dues, etc.

13. If the master of any vessel evades, or attempts to evade, the payment of any coast-light dues, expenses or costs payable in respect of such vessel under this Act, he shall be punished with fine which may extend to two hundred rupees.

#### *Determination of Disputes under Act.*

Magistrate to decide disputes.

14. If any dispute arises as to whether any vessel is chargeable with any coast-light dues, expenses or costs under this Act, or as to the amount of such dues, expenses or costs, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined in the towns of Calcutta, Madras and Bombay by a Presidency Magistrate, and elsewhere by any Magistrate exercising, at the place where the dispute arises, powers under the <sup>1</sup>Code of Criminal Procedure, not less than those of a Magistrate of the second class. All decisions under this section shall be final. X of 1882

#### *Prosecutions under other Laws.*

Saving of prosecutions under other laws.

15. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act: Provided that no person shall be punished twice for the same act or omission.

#### *Statement of Receipts and Expenditure.*

Statement of receipts and expenditure to be published.

16. The Governor General in Council shall, <sup>2</sup>[publish annually] in the Gazette of India a statement showing the amount received on account of coast-light dues during the year ending on the thirty-first day of March last preceding, and the amount expended during the same period on the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal.

17. [Amendment of Indian Ports Act, 1875.] Rep. <sup>3</sup> Indian Ports Act, 1889 (X of 1889), s. 2 (1).

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act 5 of 1898), Genl. Acts, Vol. V.

<sup>2</sup> These words were substituted for the words "on or before the first day of October in each year, publish," by the Burma Laws Act, 1898 (13 of 1898), see the Third Schedule, *post.*

<sup>3</sup> Genl. Acts, Vol. IV.