

THE BURMA REGISTRATION OF SHIPS ACT.

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THE BURMA REGISTRATION OF SHIPS ACT.

[INDIA ACT X, 1841.] (5th July, 1841.)

1 1. * * * *

[No ship shall be deemed a registered ship, except as regards ships registered before the coming into operation of the Constitution]² unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed, the form of which certificate shall be as follows :—

“ This is to certify that in pursuance of the Burma Registration of Ships Act (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing owners) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship called the (ship's name) of (place at which the vessel shall be registered), which is of the burden of (number of tons), and whereof (master's name) is master, and that the said ship was (when and where built), and (name and employment of surveying-officer) having certified to us that the said ship has (number) decks and (number) masts, that her (here insert measurement as ascertained by the rules hereinafter mentioned), that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher)

Ships to be registered.

Certificate of registry.

¹ The recitals were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

² Substituted *ibid*.

built, has (whether any or no) gallery, and (kind of head, if any) head : and the said subscribing owners having consented and agreed to the above description, the said ship called the (name) has been duly registered at the port of (name of port).
 Certified under our hands at the custom-house, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed)———, *Collector or Registrar of Shipping.*"

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following :—

Names of several owners within mentioned.			Number of shares held by each owner ¹
Name Thirty-two.
Name Sixteen.
Name Eight.
etc., etc.,			

(Signed)———, *Collector.*

1 1A. * * * *

Ports of
registry.

2. The ports at which registration shall be made shall be such places as the President of the Union may, from time to time, declare to be registering ports under this Act :

Provided that ships built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered, under a certificate to be granted by the Deputy Commissioner at the place where the ship is built, which certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act during the first voyage from the place of building to the ports at which the ships shall be afterwards registered :

Provided that such ships so proceeding on their first voyage as aforesaid shall be deemed [registered ships]² only whilst duly prosecuting such first voyage for the purpose of registry, and, if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship, shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding five thousand rupees.

Registrars.

3. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be such persons as the President of the Union may, from time to time, appoint.

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

² Substituted *ibid.*

4. At every port where registry shall be made in pursuance of this Act a book shall be kept by the registering-officer, in which all the particulars contained in the form of the certificate of the registry shall be duly entered ; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such registering-officer shall forthwith, or within one month at the furthest, send to the President of the Union a true and exact copy, together with the number of every certificate which shall be by him so granted.

Book of
registry.

5. No registry shall be made or certificate be granted, until the following declaration be made or subscribed before the registering-officer by the owner or major part of the owners of the ship required to be registered :—

Declaration.

“ I, A. B., of (place of residence and occupation) do truly declare that the ship (name) of (port or place) whereof (master's name) is at present master, being (kind of build, burden, et cetera, as described in the certificate of the surveying-officer) was (when and where) built, and that I, the said (A. B.), and the other owners (names and occupations, if any, and where they respectively reside), am (or are) sole owner (or owners) of the said ship and that no other person whatever has any right, title, interest, share or property therein or thereto ; and that I, the said (A. B.), and the said other owners (if any), am (or are) truly and *bona fide* a [citizen of the Union]¹ (or [citizens of the Union]¹) and that no person not being a [citizen of the Union],¹ directly or indirectly, has any share or part interest in the said ship : ”

Provided that, if the registering-officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the President of the Union.

6. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid shall further declare that the part owner or part owners of such ship then absent is or are not resident within twenty miles of such port or place, and has or have not to the best of his or their knowledge or belief wilfully absented himself or themselves in order to avoid the making of the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Further de-
claration by
owners who
attend.

7. And in order to enable the registering-officer to grant a certificate truly and accurately describing every ship to be registered in pursuance of this Act, and also to enable all other officers of customs, on due examination, to

Measurement
to be made.

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

discover whether any such ship is the same with that for which a certificate is alleged to have been granted, it is hereby enacted that—

previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the President of the Union, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and measurement of ships, shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and measure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description and measurement of every such ship as are specified in the form of the certificate above recited to the officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Certificate of
surveying-
officer.

8. The certificate of the surveying-officer shall be in such form as the President of the Union may from time to time prescribe; and such certificate shall be delivered to the registering-officer before registry.

Measurement
of tonnage
for purpose
of registry.

9. The tonnage of a ship required by law to be registered shall, previous to her being registered, be measured and ascertained according to the Merchant Shipping law for the time being in force.

10-11. * * * *

Marking of
register
tonnage on
ship.

12. The true amount of the register tonnage of every ship shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship prior to her being registered.

13. * * * *

Registered
tonnage to
be repeated
in every
subsequent
register.

14. Whenever the register tonnage of any ship shall have been ascertained according to the said rules and orders, such account of register tonnage shall ever after be deemed the register tonnage of such ship, and shall be repeated in every subsequent registry of such ship, unless it shall happen that any alteration has been made in the form of burden of such ship or it shall be discovered that the register tonnage of such ship had been erroneously taken and computed.

15. If such certificate as aforesaid shall be sold, lent or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any other ship than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing of any such offence, shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding ten thousand rupees.

Fraudulent
use of
certificate.

And in case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a [registered ship]¹ or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Government, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the Union of Burma, to the registering-officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding five thousand rupees.

And if any person not being a [citizen of the Union]¹ shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship and the same shall be within the limits of any port of the Union of Burma, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the registering-officer at such port, and if such ship shall be in any place not within the Union of Burma when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of the Union of Burma to the registering-officer at such port, in default whereof the master or any of the owners shall be liable on conviction to fine not exceeding five thousand rupees.

16. When and so often as the master of any ship registered in manner hereinbefore directed shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such certificates of registry at the port where such change shall take place, if it be a port within the Union of Burma, the certificate of registry belonging to such ship, who shall thereupon endorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in

Change of
master.

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

any port within the Union of Burma, then such delivery, memorandum and endorsement shall be made and notice given at the first port within the Union of Burma at which the new master shall arrive after such change. In default of which delivery of the certificate such new master or any of the owners shall be liable, on conviction, to fine not exceeding five thousand rupees.

Name of
ship.

17. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act, and the owner of every ship which shall be so registered shall, before such ship after such registry shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same.

And if such owner or master or other person having or taking the charge or command of such ship shall permit such ship to begin to take in cargo before the name of such ship has been so painted as aforesaid, or shall wilfully alter, erase, obliterate or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe or cause or procure or permit such ship to be described by any other name to any officer of revenue in the due execution of his duty, then and in every such case the certificate of registry shall thenceforth become void, and such owner, or master or other person having or taking the charge or command of such ship shall be liable, on conviction by a Magistrate of the first class, to a fine not exceeding ten thousand rupees.

Certificate of
building.

18. Every person who shall apply for a certificate of the registry of any ship shall produce to the person authorized to grant such certificate a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when, and the place where, such ship was built, and also an exact account of the tonnage of such ship, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Certificate
lost or
misaid.

19. If the certificate of registry of any ship shall be lost or misaid, so that the same cannot be found or obtained for the use of such ship when needful, and proof thereof shall be made to the satisfaction of the registering-officer of the port at which the ship is registered, such officer shall, where the certificate

shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted :

Provided always that, if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such registering-officer shall and may grant a licence for the present use of such ship, which licence shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act :

Provided always that, if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and licence shall thenceforth become void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction to fine not exceeding five thousand rupees.

20. In case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or not), shall wilfully detain and refuse to deliver up the same to the proper officers of customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it shall be lawful for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Magistrate of the first class having jurisdiction at the place where such detainer and refusal shall be ;

Detention of
certificate.

and on such complaint the said Magistrate shall by warrant cause the person so complained against to be brought before him to be examined touching such detainer and refusal ;

and if it shall appear to the said Magistrate on examination of such person or otherwise that the said certificate of registry is wilfully detained by the said person, such person shall be subject on conviction before such Magistrate to a fine not exceeding one thousand rupees, and the said Magistrate shall certify the aforesaid detainer, refusal and conviction to the person or persons who granted such certificate of registry for such ship, who shall on the terms and conditions of law being complied with make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo* ;

and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering-officer of the port at which the ship was

registered, it shall be lawful for the said officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a licence for the present use of such ship in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

Registration
de novo.

21. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or of any share or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within the Union of Burma, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable on conviction to fine not exceeding five thousand rupees.

Testimony of
registering-
officers.

22. The registering-officer at any port shall, upon reasonable request by any person, produce for his inspection any declaration made by any owner and any register or entry in any book of registry required, and shall permit such person to take a copy or an extract thereof.

False
declaration.

Falsifying
document.

23. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter or falsify any certificate or other instrument in writing required to be obtained, granted or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall for every such offence be liable, on conviction by a Magistrate of the first class, to a fine not exceeding ten thousand rupees and, if any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

24. * * * *

Fees.

25. The fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the President of the Union, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships.

Ports to
which ships
belong.

26. All ships registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered.