

GOVERNMENT OF INDIA
MINISTRY OF SHIPPING AND TRANSPORT
(PORTS WING)

NEW DELHI, the 30.9.1980

NOTIFICATION

G.S.R..... (e) Whereas a draft of a notification specifying the modified short title and certain changes in the text of the rules applicable to the Port of Tuticorin was published as required by sub-section (2) of Section 6 of the Indian Ports Act, 1908 (15 of 1908) at pages 977-978 of the Gazette of India Part II Section 3(i) dated 3 May, 1980, under the notification of the Government of India in the Ministry of Shipping and Transport (Ports Wing) No. G.S.R. 497, dated 18.4.1980, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty five days from the date of publication of the notification in the official Gazette.

And whereas the copies of the said Gazette were made available to the public on 12 May, 1980:

And whereas no objections and suggestions have been received from the Public before the expiry of the period aforesaid:

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby makes the following rules namely :-

In exercise of the powers conferred by sub-section (i) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby directs that the rules specified in column (i) of the Schedule annexed hereto, shall extend to, and come into force, in the Port of Tuticorin the precise extent of the limits whereof has been declared in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. G.S.R. 90(E) dated the 1st March, 1979, subject to the modifications specified in column (2) of the said Schedule.

The Schedule

	Short title of rules	Modification
1	The Port of New Tuticorin (Rates	For the words "New Tuticorin" wherever

	for the use of the Wharf) Rules, 1976.	they occur, the word "Tuticorin" shall be substituted.
2	The Major Port of Tuticorin (Harbour Craft) Rules, 1976	For the words "Major Port of Tuticorin" wherever they occur the words "Port of Tuticorin" shall be substituted.
3	The Major Port of New Tuticorin (Regulations of the use of Landing Places) Rules, 1977	<p>i) For the words "Chief Engineer and Administrator" wherever they occur the word "Chairman" shall be substituted;</p> <p>ii) in rule 1, for the words "Major Port of New Tuticorin" the words "Port of Tuticorin" shall be substituted;</p> <p>iii) in rule 2, in sub-rule (1), for the words "Port of New Tuticorin" the words "Port of Tuticorin" shall be substituted.</p>

(PGL-83/78)

GAZETTE OF INDIA PART II – SECTION 3 – SUB SECTION (i)**DATED THE 12TH FEBRUARY, 1977****MINISTRY OF SHIPPING AND TRANSPORT****(Transport Wing)****New Delhi, the 24th January, 1977.**

GSR 529 – Whereas draft of the Major Port of Tuticorin (Harbour Craft) Rules 1976, was published as required by sub-section (2) of section 6 of the Indian Ports Act, 1908 (15 of 1908) at pages 1748 to 1753 of the Gazette of India, Part II, Section 3, Sub-section (i), dated the 26th June, 1976, under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. GSR 917, dated the 15th May, 1976, inviting objections and suggestions from all persons likely to be affected there by till the expiry of a period of sixty days from the date of publication of that notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 6th July, 1976;

And whereas no objections or suggestions have been received from the public.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby makes the following rules, namely:-

(1) Short title, commencement and application :- (1) These rules may be called the Port of Tuticorin (Harbour Craft) Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to the Port of Tuticorin

2. Definitions: In these rules, unless the context otherwise requires :-

(a) "Deputy Conservator" means the Deputy Conservator of the Port;

(b) "Form" means a form appended to these rules;

(c) "Harbour Craft" means any catamaran plying for hire or any flat or cargo passenger of other boat plying whether for hire or not and whether power driven or not and whether plying regularly or only occasionally, or partly within and partly without the Port;

(d) "Inner Harbour" means that part of the Ports' water area which lies east of the base line (South North road) having bearing of 205' and includes the turning basin, eastern dock arm, oil jetty and any future berths docks dredged and developed from time to time, west of the two entrance heads and enclosed by the breakwaters.

(e) "licensed harbour craft" means any harbour craft licensed under these rules;

(f) "Motor boat" means any power-driven harbour craft propelled wholly; or in part by any form of electrical or mechanical power other than steam;

(g) "Outer Habrour" means the area outside the enclosed breakwaters and east of a line joining the two breakwater heads and covering the entire port limits as defined in the notification of the Government of India in the Ministry of Shipping and Transport No. GSR 314 (E) published in the Gazette of India, extraordinary Part II – Section 3 – Sub-section (i), dated the 11th July, 1974;

(h) "Owner used in relation to a harbour includes any part owner, agent or mortgage in possession thereof;

(i) "Port" means the Major Port of Tuticorin

(j) "Roads" means that part of the port which lies outside the enclosed breakwaters and outside the demarcated channel, but within the port limit;

(k) "servant" used in relation to owner includes the tindal or any boatmen;

(l) "Steam-boat" means any harbour craft propelled wholly or in part by steam power.

(m) "tindal" includes any person in charge of a harbour craft.

3. Harbour craft, not to apply without a license (1)(a) – No person shall, whether as owner or as servant, use any harbour craft to carry goods or passengers to or from any vessel at the Port or from place to place within the limits of the Port unless such person holds a license in form 'A' granted by the Registering or Licensing Officer and unless the harbour craft so used has been registered. For the purpose of registration the owner of a harbour craft shall cause it to be brought to such place as the Registering Officer or Licensing officer may appoint.

(b) The owner of any new craft to be licensed under rules should obtain a 'No Objection certificate from the Customs before their boats are registered and licensed.

(2) Nothing in this rules shall apply to:-

- i. any craft forming part of the equipment of a ship or steamer unless it carries the passengers or cargo for profit;
- ii. any craft maintained solely for purpose of pleasure and not connected with the carrying of passengers or cargo for profit;
- iii. any craft belonging to the Port.

4. Licensing of harbour craft : (1) Every application for the licensing of a harbour craft under rule 3 shall be made to the Deputy Conservator in writing and shall contain the following particulars, namely :-

(a) the owner's name and address in full and if the owner is a minor it shall contain the name and address of his guardian;

(b) the name and address of the agent, if any, duly authorised by the owner to act on his behalf;

(c) the name of the tindal whom the owner propose to place him in-charge of the harbour craft;

(d) the nature of the licence required, that is to say, whether it is required for a passenger boat or for a cargo boat, or for any other purposes; and

(e) the details of the harbour craft in respect of its measurements, gross tonnage and other relevant particulars.

(2) On receiving an application for licence under sub-rule (1), the Deputy Conservator shall survey and measure the harbour craft, or cause it to be surveyed and measured in the presence of the owner or any person duly appointed for the purposes by such owner, and on being satisfied that the harbour craft is sea worthy and it for service at the Port, or upon the production of a certificate in writing from the officer who surveyed the harbour craft certifying:-

(a) that such harbour craft is seaworthy, properly equipped and suited for the purpose for which the licence is required;

(b) the number of passenger that such harbour craft is capable of carrying under all conditions:

(c) the number of crew required for the safe navigation of such harbour craft :

(d) that the equipment of such harbour craft is in good order and condition, grant a license in Form A on payment of the fees specified in rule 28.

(3) For the purpose of survey and measurement specified in sub-rule (2), the owner shall cause the harbour craft to be brought to such place as the Deputy Conservator may specify:

(4) Subject to the provisions of these rules, all licences in Form A shall be issued for the financial year ending on the 31st March.

5. Minor or female owners :- If the owner of a harbour craft is a minor, the licence may be obtained by the guardian of the minor. If the owner is a woman, who according to the customs of the country does not appear in public, the licence may be obtained on her behalf by her duly authorised agent. In such cases the guardian or the agent as the case may be shall be deemed to be the owner for the purposes of these rules.

6. License, rules, etc. to be produced when demanded.:- (i) The licence of every harbour craft shall be kept in the possession of the tindal who shall produce the licence whenever called upon to do so by the Deputy Conservator or by any person duly authorised by the Deputy Conservator in that behalf.

(ii) A copy of these rules and of any written directions issued by the Deputy Conservator in respect of their implementation shall also be furnished by the owner to the tindal who shall on demand, show them to any hirer or consignor of, or passenger in, such harbour craft. The owner shall be responsible for ensuring that the tindal understands the provision of these rules and directions and for obtaining a declaration from him to that effect and producing the same whenever required by the Deputy Conservator.

7. Distinctive numbering of licensed harbour craft :- (i) The owner of licensed harbour craft shall paint or cause to be painted upon a black back-ground in white or upon a light back-ground in black figures not less than six inches in length, on conspicuous part of the

bow of such harbour craft on one side and on the quarter of the other, the number of the harbour craft as mentioned in the licence.

(ii) No person shall paint or cause to be painted upon any harbour craft not duly licensed under rule 4, any such number as aforesaid or any other mark likely to induce the belief that such harbour craft has been so licensed.

8. Change of ownership or control of licensed harbour craft :- When the holder of a license in Form A transfer the ownership of the harbour craft to another person, the licence shall cease to be valid on the expiry of six days from the date of such transfer. Where such holder mortgages the harbour craft to, or places it under the control of another person, the licence shall cease to be valid on the expiry of six days from the date of such mortgage or placing unless an endorsement on the licence is made by the Deputy Conservator to the effect that notwithstanding such transfer or placing, the licence shall continue to be valid.

9. Changes in crew or carrying capacity of licensed harbour craft to be reported:- Whenever the Syrang or Tindal of any registered harbour craft is changed or any alternation in such craft is made so as to affect any of the particulars contained in the licence granted for lit, such change or alternation shall be forthwith reported by its owner to the Registering Officer or Licensing Officer. In case of change of Syrang, Tindal or of any alteration in the carrying capacity, the harbour craft shall not ply until such report is made and in case of change of Syrang or Tindal until the new Syrang or Tindal has also been produced before the Registering or Licensing Officer. On such report or on such report on production, as the case may be, the Registering Officer or Licensing Officer shall amend the original license held by the owner and in case of change of Syrang or Tindal, also the register kept under rule 10.

Whenever there is change of Tindal or any other crew, the owners, of the craft concerned should obtain a 'No Objection' certificate from the Customs before their names are registered for employment in these boats.

In case of alteration in the harbour craft affecting its carrying capacity, the original licence held by the owner shall be canceled and a fresh license issued by the Registering officer or Licensing Officer after the harbour craft been remeasured, and the harbour craft shall not ply until such fresh licence has been issued.

Provided that if any harbour craft was away from the port at the time when such change or alternation takes place, the change or alteration shall be reported to the Registering Officer or Licensing Officer immediately on its return to the port.

10. Registration of Tindals: (i) At the time of licensing of any harbour craft under rule 4, the name of its tindal as entered in the licence and other particulars relating to him shall be entered in a register which shall be kept by the Deputy Conservator in Form B.

(2) Every year in the month of March on a date to be fixed by the Deputy Conservator the owner of every licensed harbour craft shall produce before the Deputy Conservator the tindal of the harbour craft for verifying the correctness of the entries in the register;

Provided that if such harbour craft is away from the port on the date so fixed, the owner shall produce the tindal within 24 hours after its return.

(3) No person shall be employed or registered as a tindal of a licensed harbour craft if he-

(a) is not a certificated officer qualified to be the master or Engineer of such harbour craft in accordance with rule 29 ;

(b) is in the opinion of the Deputy Conservator unaccustomed to the use of such harbour craft or otherwise inefficient.

11. Annual and special inspection of licensed harbour craft and crew:- Every owner shall, 30 days before the date of expiry of licence, submit an application for the inspection of the Harbour Craft and renewal of licence. Every owner of every registered harbour craft shall be required to produce it together with its licence for inspection by the Registering Officer or Licensing Officer at such place, and on such date as he may appoint for the purpose. In addition to such inspection, special or partial inspection may be held by the Registering Officer or Licensing Officer or by any person duly authorised by him, at such times as the Registering Officer or Licensing Officer may consider necessary.

At all inspections under this rule, the harbour craft shall have its full complement of crew and equipment and no person who is not a certificated person as required by these rules, or who in the opinion of the Registering Officer is unaccustomed to the use of the harbour craft or inefficient shall be employed or registered as a Tindal or Syrang.

The owners of all craft licensed under these rules shall obtain a 'No objection' certificate from the Customs for renewal of licence.

12. Repairs of licensed harbour craft ordered for inspection:- (i) The owner of every licensed harbour craft shall execute such repairs thereto as the officer referred to in rule 11 may direct in order to render it efficient, and no owner or any of his persons shall use any such harbour craft or cause or permit it to be used until such repairs have been duly executed and the Deputy Conservator has granted permission for its use. For the purpose of such repairs, the owner shall cause the harbour craft to be hauled up only to such place or places on the foreshore as the Deputy Conservator may from time to time direct.

(ii) All major repairs to be boiler, machinery or hull of a licensed harbour craft shall be carried out under the supervision of a Engineer and ship surveyor, appointed by the Deputy Conservator. The master or owner of such craft shall before the commencement of the repairs pay to the Deputy Conservator a sum sufficient to cover the fees and other expenses of such Engineer and ship surveyor.

Explanation:- For the purpose of the sub-rule, all the repairs which involve replacement or renewals affecting sea-worthiness of the craft shall be deemed to be major repairs.

(iii) The fees referred to in sub-rule (ii) shall be calculated on the following scale, namely:-

SCALE OF FEES

- i. For every vessel the gross tonnage of which does not exceed 25 tonnes. Rs.60
- ii. For every vessel the gross tonnage of which exceeds 25 tonnes and does not exceed 50 tonnes. Rs.75
- iii. For every vessel the gross tonnage of which exceeds 50 but does not exceed 75 tonnes Rs.90
- iv. For every vessel the gross tonnage of which exceeds 75 but does not exceed 100 tonnes Rs.105
- v. For every vessel the gross tonnage of which exceeds 100 but does not exceed 300 tonnes Rs.120
- vi. For every vessel the gross tonnage of which exceeds 300 but does not exceed 600 tonnes Rs.135

- vii. For every vessel the gross tonnage of which exceeds 600 but does not exceed 900 tonnes Rs.150
- viii. For every vessel the gross tonnage of which exceeds 900 but does not exceed 1200 tonnes Rs.180
- ix. For every vessel the gross tonnage of which exceeds 1200 tonnes Rs.180

Plus [Rs.@](#) 30 for every 300 tonnes or part thereof in excess of 1200 tonnes.

(iv) The expenses referred to in sub-rule (ii) shall be determined in accordance with the general or specific % instructions of the Central Government in this regard.

13. Control of working of licensed harbour craft: (i) The owner shall provide every licensed harbour craft with such crew and equipment may be determined by the Deputy Conservator and entered in the licence. The tindal of the harbour craft shall not have on the board more or less than the number of the crew specified in the licence for finger rough weather according the harbour craft plies in fine or rough weather and shall not carry passenger or goods in excess of the number of quantity entered in the licence for the harbour craft.

(ii) (a) Every licensed harbour craft playing within the Port shall carry as many member of life jackets as there are number of persons including passengers and crew.

(b) In addition to life jackets, craft shall carry life buoys at the rate of one for every two persons including passengers and crew, subject to minimum of two numbers of life buoys in every harbour craft.

(c) In lieu of life buoys buoyant apparatus sufficient to carry the total number of persons including passengers and crew may be provided.

(d) The life buoys and buoyant apparatus shall be of the pattern as approved by the Ministry of the Government of India dealing with the transport.

(e) All buoys and buoyant apparatus carried in the harbour craft shall be stowed to the satisfaction of the Deputy Conservator and so as to be readily accessible to the persons on Board.

(iii) Every harbour craft licence for the carriage of persons shall be so fitted that sufficient sitting space is available for such passengers and # awnings and side weather screen shall also provided, where necessary, to give protection to passengers from sun and weather respectively.

(iv) The Deputy Conservator shall exercise his discretion in fixing the number of crew required in a licensed harbour craft plying within the Port and carrying passengers.

(v) Whether the owner of the licenced harbour craft does not desire to carry the complement of passengers, or is not prepared, or considers it impracticable to carry the prescribed life saving appliances, the Deputy Conservator may limit the number of passengers accordingly and endorse the licence to the effect.

14. Obstructing port traffic :- (i) No tindal or any member of the crew serving in any licensed harbour craft shall obstruct or hinder the loading, discharging or service of such harbour craft, or of any other licensed craft, or obstruct or hinder any vessel working in the Port.

(ii) No tindal shall permit any licensed harbour craft in his charge to obstruct the free navigation of the Port or the approaches to wharves or jetties.

15. Compliance with the provisions regarding prevention of collision at sea observance of the merchant shipping (Prevention of Collision at Sea) Regulations, 1965 :- All licensed harbour craft, when under way, shall comply with the provisions of the merchant shipping (Prevention of Collision at Sea) Regulations, 1965.

16. Refusal to ply without lawful excuse :-

(a) If the owner of the Tindal/syrang in charge of a registered harbour craft plying regularly for hire, without reasonable excuse, refuses to ply such craft for hire when required to do so, the licence of such harbour craft shall be liable to be revoked by the registering officer or licensing officer.

(b) If the harbour craft is found to be used for unlawful or illegal activities, the licence shall be cancelled.

17. Working of the licence harbour craft at night and in bad weather :-

(a) No licensed harbour craft shall ply in the outer roads.

(i) Between the hours of 6.00 p.m and 6.00 a.m without the previous permission of the Deputy Conservator.

(ii) When a storm warning indicating bad weather or high seas is displayed from the Port flag staff.

(b) When the signal referred to in sub clause (ii) of clause (a) is hoisted at the Port Flag staff, all harbour crafts plying in the outer roads shall returned to the inner harbour at once and shall not be proceed to the outer roads without the special permission of the Deputy Conservator until the signal is hauled down.

18. Permission loading of licensed harbour craft in fine and rough weather :-

(i) No person shall load a licensed craft with passengers or with animals or other cargo in contravention of the terms of its licence.

(ii) No tindal or of any licensced harbour craft shall permit any animal to be loaded in it, unless the harbour craft has been provided with sand ballast or straw sufficient to form a flat floor and unless such other requirements as may be imposed by the Deputy Conservator in respect of the harbour crafts, have been complied with.

(iii) Where animals are carried in a licensed harbour craft, no other cargo or passengers shall be carried therein.

(iv) Passengers and cargo other than animals may be carried at the same time only in a licensed harbour craft propelled by Mechanical or Electrical power.

19. Power of tindal to prevent overloading :- Whenever the number of passengers or the quantity of cargo in a licensed harbour craft exceed the number of quantity entered in the licence, the tindal shall, before starting from the vessel or from the shore, require any passenger to leave the harbour craft or any consignor, consignee or shipping or landing agent concerned to remove from the harbour craft the whole or any part of the cargo. Provided that in the event of a licensed harbour craft being found over loaded by the

tindal, only those passengers who entered the craft or the quantity of cargo that was loaded after the prescribed limit as specified in the licence, shall be asked to leave or that of quantity of cargo to be removed, as the case may be, to comply with the conditions of the assignment of the issue of licence.

20. Attention to certain signals required of tindals:- The owner of every licensed harbour craft shall instruct the tindal of such; harbour craft to pay immediate attention to the harbour craft, master flag, square blue flag with four parallel red bars running cross wise which shall be displayed on the port flag staff when the Deputy conservator desired to carry out an inspection under Rule 11.

21. Licensed harbour craft not to interfere with mooring or approaching vessels before they anchor :- No person incharge of or navigating any licensed harbour craft shall attempt to make such harbour craft fast to any mooring or mark buoy, or take it alongside of a vessel approaching an anchorage or mooring before such vessel has come to anchor or been moored to a buoy.

22. Fishing boats not to be allowed near a harbour boat or alongside a vessel :- (i) No person incharge of or navigating a licenced cargo boat shall allow a fishing boat to be within ten yards of her when such cargo boats is plying between a vessel and the shore.

(ii) No person incharge of or navigating a fishing boat shall allow it to go alongside the vessel while discharging or shipping of cargo is proceeding.

(iii) If any licensed harbour craft is found by the Deputy Conservator to have contravened the provisions of sub rule (i) or (ii) the Deputy Conservator may :-

(a) cancel the licence issued in respect of the harbour craft ;

(b) direct that the tindal at fault shall not be employed in any capacity in any licensed harbour craft and that his name shall be removed from the register of tindals.

(iv) If any owner employs such tindal contrary to the directions of the Deputy Conservator, given under clause (b) of sub-rule (iii), the Deputy Conservator, may cancel all or any of the licences held by the said owner.

23. Landing and Shipping of passengers and goods to be within the Port :- All passengers and goods shall be landed or shipped in such places within the limits of the Port as the Conservator may appoint and no person, shall ship or land passengers or goods outside such places unless the sanction of the Port and Officers of customs at the port has previously been obtained.

24. Rates of Harbour Craft Hire :- No owner, tindal or any member of the crew of licensed harbour craft licence to carry passengers for hire and no person deputed by the owner of such harbour craft, shall demand from any passengers hire charges exceeding that sanctioned by the Central Government and no owner, tindal or member of the crew of such harbour craft shall demand or accept any gratuity or present from any passengers during the course of its trip between any vessel and the shore or from place to place whether within or without the port.

25. Liability of the owner for the acts of the tindal or any member of the crew employed by him on his craft :- The owner of the craft shall be responsible for any acts of tindal or any other member of the crew employed by him on his craft, while plying the craft under the provisions of these rules.

26. Revocation of licences:- If in the opinion of the Deputy Conservator the owner of any licensed harbour craft or tindal or any member of the crew has contravened any of the provisions of these rules, he may without prejudice to any other action that may be taken against such owner in respect of the contravention, and after giving him a reasonable opportunity of being heard cancel all or any of the licence held by the owner.

27. Appeal from Deputy Conservator's decision :- An appeal shall lie from any decision of the Deputy Conservator under these rules, to the Conservator of the Port. Such appeal shall be preferred in writing within seven days from the date on which the decision of the Deputy Conservator has been communicated in writing to the party or parties concerned.

28. Fees :- The following fees be leviable for survey, licensing, inspection of the harbour crafts.

Sl.No. Service rendered Boats Canoes & Catamarans Power

other than shoe dhonies Rs. P. driven

Canoes & Rs. P. craft

shore Rs. P

dhonies

Rs. P.

1. Issue of licence 500.00 250.00 250.00 630.00

2. Amendment of the licence or 150.00 150.00 150.00 150.0
transfer of licence in favour of
another person.

3. Grant of duplicate licence 150.00 150.00 150.00 150.00
when the original is lost
mislaid or rendered
illegible

4. Registration of tindals 150.00 150.00 150.00 150.00

5. Amendment to registration 150.00 150.00 150.00 150.00
of tindal

6. For each survey and 500.00 250.00 250.00 630.00
measurement

7. Annual inspection 500.00 250.00 250.00 630.00

8. Special inspection 500.00 250.00 250.00 650.00

29. Special provisions applicable to Steam Boats and Motor Boats licensed under these rules:- (1) Every steam boat licensed under these rules shall while plying for hire or

otherwise have on board the following certificated officers namely :-

(i) If she has engines of not less than 100 N.H.P.

(a) As her master, a person possessing a First Class Master's certificate granted under the Inland Steam Vessel Act, 1917, (1 of 1917) or a Master's Certificate or Mat's Certificate of a Competency granted under Merchant Shipping Act, 1958 (44 of 1958) or under such Regulations as the Central Government may from time to time specify in that behalf; and

(b) as her Engineer a person possessing an Engineer Certificate granted under any of the aforesaid Acts or Regulations:

(ii) if she has engines of less than 100 N.H.P but not less than 40 N.H.P.

(a) as her Master, a person possessing a Second Class Master's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as is referred to in sub-clause (a) of Clause (i) and

(b) as her Engineer, a person possessing a First Class Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or an Engine Driver's Certificate granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may, from time to time specify or any such certificate as is referred to in sub-clause (b) of clause (i).

Provided that a boat shall be deemed to have complied with this clause if she has a person possessing both Certificates referred to in sub-clause(a) and sub-clause (b) ; and

(iii) if she has engine of less than 40 N.H.P.

(a) as her Master, a person possessing a Serang's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as is referred to in sub-clause (a) of Clause (ii) and

(b) as her Engineer, a person possessing a Second Class Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as is referred to in sub-clause (b) of clause (ii).

Provided that a boat shall be deemed to have complied with this clause if she has a person possessing both the Certificates referred to in sub-clause(a) and sub-clause (b) ; and

2. Every motor boat licensed under these rules shall, while plying for hire or otherwise have on board the following certificated officer namely :

(i) if she has engines of not less than 565 B.H.P.

(a) as her Engineer, a person possessing a Motor Engineer's Certificate granted under the Inland Steam Vessels Act, 1917(1 of 1917) or a certificate as a First Class or Second Class Engineer of Sea-going motor ship granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify in that behalf.

(b) as her Master, a person possessing a First Class Master's Certificate under the Inland Steam vessels Act, 1917 (1 of 1917) or a certificate of Mate's Certificate or Competency granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify.

(ii) if she has engine of less than 565 BHP but not less than 226 B.H.P.

(a) as her Engineer, a person possessing a First Class Motor Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or a Certificate of an Engine Driver of a sea-going motor ship granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify or any such certificate as is referred to in sub-clause (a) of clause (i); and

(b) in case the engines are used for propulsion, as her Master, a person possessing a Second Class Master's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as referred to in sub-clause (b) of clause (i); and

(iii) if she has engines of less than 226 B.H.P :-

(a) as her Engineer, a person possessing a Second Class Motor Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or a certificate of an

Engine Driver of a Sea-going motor ship granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify or any such certificate as is referred to in sub-clause (a) of clause (i) and

(b) in case the engines are used for propulsion, as her Master, a person possessing a Second Class Master's certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as referred to in sub-clause (b) of clause (i) and.

(iv) if she has engines of less than 226 B.H.P.

(a) as her Engineer, a person possessing a Second Class Motor Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917(1 of 1917) or any such certificate as is referred to in sub-clause (a) of clause (ii); and

(b) in case the engine are used for propulsion, as her Master, a person possessing a Serang's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as is referred to in sub-clause (i) and clause (ii); and

Provided that a motor boat having engines of not more than 40 B.H.P may have as her Engineer, a person holding permit granted by the Central Government or by any person duly authorised by the Central Government in this behalf ;

Provided further, that motor boat having engines of not more than 20 B.H.P the length of which measures from the fore part of the stem to the after part of the stem post does not exceed 30 feet may have as her Master and Engineer a person possessing both the certificates referred to in sub-clause (a) and sub-clause (b);

Provided also that a motor boat having engines of not more than 20 B.H.P the length of which measured as aforesaid does not exceed 30 feet, which is used exclusively for personal recreation by the owner or his family or friends need not carry a certificated Master or Engineer but may be navigated by the owner or any other person possessing a permit granted by the Central Government or by any person duly authorised by the Central Government in this behalf.

(3) Any person who has served as Master, Serang, Engineer or Engine Driver of a Steam boat or Motor-boat plying in a Port for a period of two years on the 1st January, 1976 but is not in possession of the certificate of competency required under sub-rule (1) or sub-rule (2) as the case may be, may be granted in the case of the Master or Serang by the Deputy Conservator and in the case of Engineer or Engine Driver by the Superintendent, Mechanical, a certificate to the effect that he is, by reason of his having so served, competent to act as Master, Serang, Engineer or Engine Driver as the case may be, on board such steam boat or motor boat while plying in the Port without examination, on payment of the fees set out below:-

First Class Master's Certificate Rs.20.00

Second Class Master' Certificate Rs.15.00

Serang's Certificate Rs.10.00

Second Class Engine Driver's or

Second Class Motor Engine Driver's

Certificate Rs.10.00

First Class Engine Driver's or

First Class Motor Engine Driver's Certificate Rs.15.00

Engineer's or Motor Engineer's Certificate Rs.20.00

4. The Central Government may in special circumstances:

(a) exempt any class of steam boats or motor boats from the requirement of sub- rule (1) or sub-rule (2) as the case may be.

(b) lay down the qualifications required for the officers employed on such boats.

30. Provision of Sand Box and Fire Extinguishers and silences on Noisy Engine :- (1) Every motor boat licensed under these rules shall be provided with a sand box and an approved patent fire extinguisher of suitable capacity for extinguishing fire and the owner shall keep it free from oil refuse.

(2) Noisy engines of all motor boats licensed under these rules while plying within the port shall be fitted with efficient silences.

31. Sinking of Licensed Harbour craft :- The owner of any licensed harbour craft which has been sunk within the Port area shall forthwith report the fact of such sinking and the place where it occurred to the Deputy Conservator.

32. Procedure for imposing penalties :-

Every person on whom a charge of breach of any of the provisions under these rules are made shall be given a reasonable opportunity of being heard before any penalty is decided for such offence, and that no order imposing a penalty under these rules shall be made except after giving the person on whom such penalty is proposed to be imposed a reasonable opportunity of being heard.

FORM "A"

FORM "B"