



I assent,

Officer Administering the
Government.

6th June, 1951.

BRITISH GUIANA.

ORDINANCE No. 24 OF 1951.

AN ORDINANCE further to amend the Transport and Harbours Ordinance, 1931, with respect to the revenue of the Department and to provide for the holding of examinations for Certificates of Competency for Masters, Mates and Engineers of Intercolonial ships and for purposes connected therewith.

BE IT ENACTED by the Governor of British Guiana, with A.D. 1951. the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Transport and Har- Short title.
bours (Amendment) Ordinance, 1951, and shall be construed and
read as one with the Transport and Harbours Ordinance, 1931, No. 30 of
hereinafter referred to as the Principal Ordinance. 1931.

Repeal of section 18 of the Principal Ordinance and substitution therefor of sections 18, 18A, 18B, 18C, 18D, 18E and 18F.

2. Section eighteen of the Principal Ordinance, together with the headings to that section, is hereby repealed, and the following sections and headings are substituted therefor —

“ PART III.

HARBOURS AND PILOTAGE.

Dues, fees and other moneys payable to the Department.

Revenue of the Department.

Second Schedule.

Second Schedule.

Second Schedule.

Cap. 128.

Cap. 124.

18. (1) Subject to the provisions of this Ordinance, there shall be levied imposed collected and paid, as part of the revenue of the Department, —

- (a) the Tonnage Dues specified in paragraph I of the Second Schedule to this Ordinance;
- (b) the Light Dues specified in paragraph II of the Second Schedule to this Ordinance;
- (c) the Shipping Fees specified in paragraph III of the Second Schedule to this Ordinance;
- (d) all moneys and fees payable and received, under the River Navigation Ordinance or any Regulations made thereunder, by the Department or by any officer thereof;
- (e) all fees payable, under the Shipping Casualties (Investigation and Prevention) Ordinance or any Regulations made thereunder, to inspectors of shipping and surveyors of ships;
- (f) all fees dues or other moneys payable to the Department under any Regulations made under this Ordinance, or under any Regulations continued in force under the authority of section forty-two of this Ordinance.

(2) The Legislative Council may, by resolution published in the *Gazette*, from time to time increase the Tonnage Dues, the Light Dues and the Shipping Fees payable under this Ordinance and specified in the Second Schedule hereto.

Tonnage Dues.

18A. (1) Subject to the provisions of this Ordinance, Tonnage Dues under section eighteen of this Ordinance shall be levied, charged and collected —

- (a) on the net register tonnage of every vessel which enters or leaves a port of the Colony; or
- (b) on the tonnage of the cargo which is landed from, or which is taken on board, a vessel which enters or leaves a port of the Colony, where there is an election, under subsection

(1) of section eighteen B of this Ordinance, to pay the Tonnage Dues as computed in the manner provided by that subsection.

(2) Where the net register tonnage of a vessel, or the tonnage of the cargo of a vessel, is not a whole number of tons, such tonnage shall be deemed, for the purposes of this section, to be the whole number nearest the actual number of tons.

(3) Tonnage Dues shall not be levied charged or collected in relation to —

- (a) any coasting vessel;
- (b) any vessel the property of or chartered by His Majesty or His Majesty's Government in the United Kingdom, or any foreign Government recognised by His Majesty, and not employed in the carriage of merchandise or freight;
- (c) any vessel employed on any work of public utility, and in relation to which the Governor in Council considers that Tonnage Dues shall not be charged;
- (d) any vessel which is, in the opinion of the General Manager, a yacht used for pleasure and not in any trade or business.

Computa-
tion of
Tonnage
Dues on
cargo
landed.

18B. (1) Where a sailing vessel of over five hundred tons net register, or a steamship, lands cargo at any port of the Colony, the agent or consignee of the sailing vessel or steamship may elect, in the manner provided by subsection (3) of this section, to have the Tonnage Dues payable in respect of the sailing vessel or steamship, computed on the tonnage of the cargo so landed, and in such case the Tonnage Dues shall, subject to the provisions of this section, be computed —

- (a) on the weight of the cargo, in respect of any cargo on which the freight is calculated by weight;
- (b) on the measurement of the cargo, in respect of any cargo on which the freight is calculated by measurement; and
- (c) in the manner mentioned in the table from time to time approved by the General Manager and published in the *Gazette*, in respect of any cargo on which freight is calculated neither by weight nor by measurement.

(2) Where cargo is transferred, in any port of the Colony, from one vessel to another vessel, or where cargo is landed or warehoused for the purpose of being shipped to some place outside the Colony, such cargo shall be exempt from the payment of Tonnage Dues:

Provided that if such cargo or any part thereof

is sold, or is brought into consumption in the Colony, the cargo or the part thereof shall thereupon be liable to the payment of Tonnage Dues in the same manner and to the same extent as if it had not previously been exempt under this subsection.

(3) Where the agent or consignee of a sailing vessel or steamship which lands cargo at a port in the Colony elects to pay Tonnage Dues computed on the tonnage of cargo so landed, —

(a) he shall, within seven days after the entry of the sailing vessel or steamship, deliver to the General Manager or other officer deputed by him, an estimate of the tonnage of the cargo on board the vessel which is intended to be or has been landed at ports in the Colony;

(b) he shall thereupon forthwith pay to the Department the amount of Tonnage Dues chargeable on such estimated tonnage;

(c) he shall, within thirty days after the entry of the vessel or such further time as may be allowed by the General Manager deliver to the General Manager or other officer deputed by him —

(i) a freight list of all cargo which the vessel landed at any port in the Colony; and

(ii) the bills of lading relating to the cargo showing the weight thereof in respect of any cargo on which the freight is calculated by weight, and the measurement thereof in respect of any cargo on which the freight is calculated by measurement; or

(iii) such other evidence of the truth of the freight list as the General Manager may accept under subsection (6) of this section.

(4) Upon compliance by the agent or consignee with the provisions of paragraph (c) of subsection (3) of this section, the General Manager or other officer deputed by him shall compute and determine the amount of Tonnage Dues chargeable in respect of the sailing vessel or steamship.

(5) If such amount is more than the amount paid under paragraph (b) of subsection (3) of this section, the agent or consignee shall forthwith pay the difference to the Department, and if such amount is less than the amount so paid, the difference shall be refunded by the Department.

(6) The General Manager may, on the application of an agent or consignee, permit the acceptance,

in place of the bills of lading referred to in sub-paragraph (ii) of paragraph (c) of subsection (3) of this section, of such other evidence of the truth of any particular freight list or freight lists as the General Manager may deem satisfactory, and such permission may be granted in relation to the sailing vessel or steamship specified therein or in relation to the sailing vessels or steamships the property of the persons specified in the permission, either generally or in respect of a specified period or in respect of a particular entry or of particular entries of a sailing vessel or steamship.

(7) Where an agent or consignee fails to comply with the requirements of sub-paragraphs (ii) or (iii) of paragraph (c) of subsection (3) of this section, the General Manager shall have power to require the deposit with the Department of an amount which is in his opinion equal to one and a half times the amount of the Tonnage Dues payable in respect of the sailing vessel or steamship, and where such deposit is not so made within the time specified by the General Manager, proceedings may be taken in the name of the Department, either by action or by parate or summary execution, against the agent or consignee for the recovery of the amount required to be deposited as aforesaid.

(8) Such deposit shall be refunded by the Department if, within three months after the date of the entry of the sailing vessel or steamship to which the deposit relates or within any further period which may from time to time be allowed by the General Manager, the bills of lading or the other evidence referred to in sub-paragraphs (ii) or (iii) of paragraph (c) of subsection (3) of this section are or is delivered to the General Manager or other officer deputed by him, and the Tonnage Dues properly chargeable are paid.

Computation of Tonnage Dues on Cargo taken on board.

18C. (1) Where the agent or consignee of a sailing vessel or steamship which takes cargo on board at a port in the Colony elects to pay Tonnage Dues computed on the tonnage of the cargo so taken on board, he shall, within three days after the departure of the sailing vessel or steamship, produce to the General Manager or other officer deputed by him a freight list of all cargo showing the weight of the cargo in respect of any cargo on which the freight is calculated by weight, and the measurement thereof in respect of any cargo on which the freight is calculated by measurement, and in each case the nature and description of the cargo.

(2) Upon the production of such freight list

the General Manager or other officer deputed by him shall compute and determine the amount of Tonnage Dues chargeable in respect of the sailing vessel or steamship to which the account relates, and the agent or consignee of the sailing vessel or steamship shall forthwith thereafter pay such amount to the General Manager or other officer deputed by him.

(3) If such amount is not paid as aforesaid, proceedings may be taken in the name of the Department, either by action or by parate or summary execution, against the agent or consignee for the recovery of such amount.

General
provision
where Ton-
nage Dues
computed
on cargo.

18D. (1) Where the quantity of cargo landed from or taken on board any sailing vessel or steamship is larger than is set forth in the freight list delivered under sub-paragraph (i) of paragraph (c) of subsection (3) of section eighteen B, or in the freight list produced under subsection (1) of section eighteen C as the case may be, of this Ordinance, the sailing vessel or steamship from which the cargo was landed or on board which it was taken, and the agent or consignee thereof, shall be liable for the payment of the Tonnage Dues on the full amount of the tonnage of the cargo.

(2) Nothing in subsection (1) of this section shall be deemed to affect the liability of the sailing vessel or steamship, or of any person, to any penalty imposed by any Ordinance for the time being in force.

18E. (1) Subject to the provisions of this Ordinance, Light Dues shall be paid upon every vessel which enters any port of the Colony from the sea.

(2) The master owner or agent of every vessel entering any port of the Colony from the sea shall, immediately after the arrival of the vessel in port, pay to the Department the amount of the Light Dues.

(3) Where the Light Dues payable on a vessel are not so paid, the vessel, together with the appurtenances thereof, may be detained by any officer of the Department, any officer of customs, or any other person duly authorised in writing by the General Manager, until the amount due has been paid.

(4) If the amount due is not paid within seven days after the arrival of the vessel in port, the vessel together with the appurtenances thereof may be sold at public auction, after publication of notice of the sale in the *Gazette* on three successive Saturdays, by the General Manager or by any person lawfully authorised by him in writing for the purpose.

(5) The following vessels shall be exempt from payment of Light Dues under this Ordinance:

(a) any vessel under ten tons burthen;

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- (b) any vessel belonging to or chartered by His Majesty or His Majesty's Government in the United Kingdom or any foreign Government recognised by His Majesty and not employed in the carriage of merchandise on freight;
 - (c) any vessel entering any port solely for bunker coal, stores or provisions for use on board such vessel;
 - (d) any vessel entering any port solely for repairs;
 - (e) any vessel going to or returning from the Harbour of New Amsterdam for the purpose of any contract with Government, when not carrying passengers or cargo.

18F. (1) Subject to the provisions of this Ordinance, Shipping shipping fees shall be paid upon all engagements or fees. discharges of seamen effected under the Merchant Shipping Act, 1894, or any Act amending the same, before a superintendent at any port. 57 & 58 Vict. c. 60.

(2) The superintendent may refuse to proceed with any such engagement or discharge unless the shipping fees payable thereon are first paid.

(3) For the purposes of this section the harbour master, and any deputy harbour master, shall each be deemed to be a superintendent within the meaning of the Merchant Shipping Act, 1894."

3. Section 37 of the Principal Ordinance is hereby amended — Amend-
ment of
Section 37
of the
Principal
Ordinance.
- (a) by the substitution of a semi-colon for the full stop at the end of paragraph (u) of subsection (2), and by the addition to subsection (2) of the following paragraph —
 - “(v) the holding of examinations for certificates of competency for masters, mates and engineers of intercolonial ships, and the appointment and remuneration of a board of examiners”;
 - (b) by re-numbering subsection (3) as subsection (4); and
 - (c) by the insertion of the following as subsection (3) —
 - “(3) In subsection (2) of this section — “intercolonial ship” includes every ship plying between the Colony and any place between the equator and latitude twenty-eight degrees North, and East of longitude ninety degrees West, and West of longitude fifty degrees West, but does not include any coasting vessel”.

Insertion of
Second
Schedule
to the
Principal
Ordinance.

4. The Principal Ordinance is hereby amended by the insertion, as the Second Schedule thereto, of the Schedule to this Ordinance.

Repeal.
No. 26 of
1946.
No. 39 of
1947.

5. Items (2) to (12) inclusive of the Second Schedule to the Transport and Harbours (Amendment) Ordinance, 1946, and section three of the Transport and Harbours (Amendment) Ordinance, 1947, are hereby repealed.

Commence-
ment.

6. This Ordinance shall be deemed to have come into force on the first day of January, nineteen hundred and fifty-one.

SCHEDULE.

SECTION 4.

SECOND SCHEDULE.

SECTION 18.

I. TONNAGE DUES —

- | | |
|---|--------|
| (1) On a sailing vessel — | |
| (a) under 100 tons net register on every ton of the net register tonnage | \$0 05 |
| Provided that tonnage dues shall not be levied on any one such sailing vessel more than 4 times in any one year. | |
| (b) between 100 tons and 500 tons both inclusive net register, on every ton of the net register tonnage | 0 25 |
| (c) over 500 tons net register, on every ton of the net register tonnage of the vessel or of the cargo landed or taken on board, as the case may be | 0 30 |
| (2) On a steam vessel, on every ton of the net register tonnage of the vessel or of the cargo landed or taken on board, as the case may be. | 0 30 |

II. LIGHT DUES —

- | | |
|--|------|
| (1) On every coasting vessel of 10 tons burthen and upwards which enters the port of New Amsterdam from the sea, for every ton of the net register tonnage | 0 02 |
| (2) On every vessel (other than a coasting vessel or a vessel under 10 tons burthen) which enters any port of the Colony from the sea, for every ton of the register tonnage | 0 05 |

III. SHIPPING FEES —

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|---------------------------------------|------|
| (a) Upon the engagement of any seaman | 0 48 |
| (b) Upon the discharge of any seaman | 0 48 |

Passed by the Legislative Council this 18th day of May, 1951.

J. A. Spurr
Clerk of the Legislative Council.