

CHAPTER 261.

TRANSPORT AND HARBOURS.

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CHAPTER 261.

TRANSPORT AND HARBOURS.

30 of 1931.
25 of 1932.
19 of 1935.
22 of 1936.
16 of 1941.
37 of 1944.
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49 of 1953.

An Ordinance to establish a Transport and Harbours Department for the purpose of managing and carrying on the railway and Government vessels and of controlling and regulating the use of the harbours of the Colony.

[5TH JANUARY, 1932.]

Short title.

1. This Ordinance may be cited as the Transport and Harbours Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the expressions following shall have the meanings in this section assigned to them—

“cattle” means any horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, steer, heifer, calf, sheep, goat, or swine;

39 of 1947,
s. 2.

“coasting vessel” means any vessel trading within the limits of the Colony;

II of 1846.

“the Company” means the Demerara Railway Company, incorporated by the Demerara Railway Company Ordinance, 1846, and any amending Ordinance;

“conditions” includes regulations;

“Government vessel” means any vessel belonging to or employed by the Government;

39 of 1947,
s. 2.

“harbour of Georgetown” means the harbour of the port of Georgetown the limits of which are—

seawards, bounded by the arc of a circle with radius one nautical mile and centre the Georgetown Lighthouse, southwards, bounded by a line drawn across the Demerara River from the southern boundary of Plantation La Penitence on the east bank to the southern boundary of Plantation Klein Pouderoyen on the west bank of that river, east and west, bounded by the banks of the Demerara River including therein the land up to mean high water mark at spring tides;

“harbour of New Amsterdam” means the harbour of the port of New Amsterdam, the limits of which are—

bounded on the north by a line stretching from the northern end of the side-line dam between the Ordnance Fort lands and Plantation Sea-well (Lot No. 1) on the east

sea coast to the eastern side of the side-line dam between Plantation Zeezigt, now known as Cotton Tree and Mon Choisi (Lots Nos. 2 and 3) on the west sea coast;

on the south by a line extending from the western end of the side-line dam between the town of New Amsterdam and Plantation Overwinning on the east bank of the river, across the river to the eastern side of the side-line dams between Plantations Ithaca and Gelderland (Lots Nos. 2 and 3) on the west bank of the river;

the eastern and western boundaries of the said port or harbour between those lines extending to mean high water mark at spring tides;

“harbour master” means the harbour master appointed under this Ordinance, and includes any deputy harbour master;

“licensed pilot” means a pilot licensed in accordance with section 35 of this Ordinance, and employed in the pilotage service; 39 of 1947,
s. 2.

“lightship” means the lightship at present stationed outside the harbour of Georgetown and includes any vessel, structure, beacon, or buoy placed thereabouts in lieu thereof;

“master” includes the person for the time being in charge of a vessel, but does not include a pilot;

“merchandise” includes goods, minerals, livestock, and animals of every description;

“Minister” means the Minister charged by the Governor with the responsibility for the Transport and Harbours Department; Order
49 of 1953.

“pilot” means a person licensed as a pilot and duly appointed under this Ordinance;

“port” means any place which is for the time being appointed to be a port under the Customs Ordinance; 39 of 1947,
s. 2.
Cap. 309.

“registered tonnage” means net register tonnage; 39 of 1947,
s. 2.

“section” means section of this Ordinance;

“steam vessel” or “steamship” includes a vessel propelled by electricity or other mechanical power; 39 of 1947,
s. 2.

“the railway” means the railway acquired under the Railways Purchase Ordinance and includes any railway hereafter acquired, constructed, established or maintained by the Government together with any road transport service hereafter established and maintained under the provisions of this Ordinance; 22 of 1936,
s. 2.
Cap. 262.

“ the regulations ” means the regulations made under this Ordinance;

“ vessel ” includes any ship or boat, or any other description of vessel used in navigation.

PART I.—ADMINISTRATION.

Establishment of Transport and Harbours Department.

3. (1) There shall be established a department styled the Transport and Harbours Department (hereinafter referred to as the Department) which subject to the provisions of this Ordinance shall manage and carry on the railway and the Government vessels and shall be charged with the control, improvement, lighting and regulation of the harbour of Georgetown and the other harbours of the Colony and the approaches thereto and shall carry on and maintain a pilotage service for the Colony.

Power to establish road transport services.
22 of 1936,
s. 3.
26 of 1946,
s. 3.

(2) The General Manager may with the approval of the Governor in Council establish and maintain road transport services upon any road within the Colony.

Appointment, powers and duties of General Manager.
26 of 1946,
s. 4.

4. (1) The Governor shall appoint a General Manager of the Department (hereinafter in this Ordinance referred to as “ the General Manager ”).

(2) The General Manager shall act subject to any general or special directions which may from time to time be given to him by the Governor, and, without prejudice to the generality of the foregoing provision, where the General Manager proposes to do, or does any act or thing in relation to his powers functions and duties, the Governor may, if he considers that such act or thing should not be done or should not have been done, direct the General Manager not to do such act or thing or disallow the act or thing, as the case may be, and the General Manager shall comply with such direction or disallowance.

26 of 1946,
s. 4.

First schedule.

(3) Subject to the provisions of this Ordinance, the General Manager shall have and exercise the powers and functions and discharge the duties set forth in the first schedule to this Ordinance, in addition to those powers and functions and duties specifically assigned to him by this Ordinance.

26 of 1946,
s. 4.

(4) Any transport, lease, assignment, transfer, agreement, cheque, bill of exchange, order for the payment of money, or other document or instrument, requiring to be executed on

behalf of the Department, shall be duly executed on behalf of the Department if signed—

- (a) by the General Manager on behalf of the Department;
- (b) by a person or persons authorised by the General Manager so to sign.

5. There shall be established an Advisory Council (hereinafter in this Ordinance referred to as “ the Council ”), and the powers, duties and functions of the Council shall be—

Establishment and powers of Advisory Council.
26 of 1946, s. 4.
Order 49 of 1953.

(a) to advise the Minister with reference to the estimates of revenue and expenditure of the Department, the declaration of pilotage districts, and the making of regulations

(b) to advise the Minister on any aspect of the policy of the Department which in the opinion of the Council requires attention;

(c) to advise the Minister on any question as to the policy of the Department, where the Minister submits such question to the Council for its opinion.

6. (1) The Council shall consist of seven members.

Appointment and constitution of Advisory Council.
26 of 1946, s. 4.

(2) The members of the Council shall be the General Manager, who shall be Vice-Chairman, and six other persons appointed by the Minister.

26 of 1946, s. 4.
Order 49 of 1953.

(3) Subject to the provisions of this section every appointed member of the Council shall hold office for two years from the date of his appointment, and shall be eligible for re-appointment.

26 of 1946, s. 4.

(4) The Minister shall appoint an appointed member of the Council to be the Chairman thereof, and may at any time revoke any such appointment.

26 of 1946, s. 4.
Order 49 of 1953.

(5) The Chairman of the Council shall preside at all meetings of the Council which he attends, and in his absence the Vice-Chairman of the Council shall preside. In the absence of both the Chairman and the Vice-Chairman from a meeting, the members present shall elect one of their number to preside at the meeting.

26 of 1946, s. 4.

(6) The Chairman, the Vice-Chairman or other member presiding at any meeting of the Council shall have an original and a casting vote.

26 of 1946, s. 4.

26 of 1946,
s. 4.

(7) At any meeting of the Council three members, including the presiding member, shall form a quorum.

26 of 1946,
s. 4.
Order
49 of 1953.

(8) The Minister may grant leave of absence to any appointed member of the Council, and in such case he may appoint another person to be a member of the Council during the period of such absence on leave.

26 of 1946,
s. 4.
Order
49 of 1953.

(9) The Minister may at any time revoke the appointment of any appointed member of the Council.

26 of 1946,
s. 4.
Order
49 of 1953.

(10) Any appointed member who—

(a) by writing addressed to the Minister resigns from the Council; or

(b) departs from the Colony without leave of the Minister; or

(c) remains out of the Colony after the expiration of his leave; or

(d) fails without reasonable excuse (the sufficiency of which shall be determined by the Minister) to attend four consecutive meetings of the Council;

shall cease to be a member of the Council.

26 of 1946,
s. 4.
Order
49 of 1953.

(11) If the appointment of a member of the Council is revoked under subsection (9) of this section, or if a member ceases to be a member of the Council under subsection (10) of this section, the Minister may appoint another person to fill the vacancy for the unexpired period of the former member's term of office.

26 of 1946,
s. 4.

(12) Notice of every appointment, of every revocation of appointment, and of every cesser of membership, shall be published in the Gazette.

26 of 1946,
s. 4.

(13) The Council may act notwithstanding any vacancy in the Council.

26 of 1946,
s. 4.

(14) The Council shall cause minutes to be kept of its proceedings.

Estimates of
Department
to be ap-
proved by
Governor in
Council.
19 of 1935,
s. 2.
26 of 1946,
s. 6.

7. The General Manager shall on or before the 15th June in each year submit to the Governor in Council the estimates of revenue and expenditure and of net deficiency or surplus of the Department for the ensuing year. The Governor in Council may alter or amend such estimates, and those sanctioned by the Governor in Council shall be the authorised estimates for the

ensuing year, and the General Manager may, subject to the provisions of this Ordinance, levy, collect and receive the revenues therein stated and may appropriate the same for defraying the expenditure of the Department for which provision has been made in the authorised estimates:

General Manager authorised to appropriate revenues.

Provided that with regard to the dues, fees and charges mentioned in Part III of this Ordinance, the General Manager, with the previous sanction of the Legislative Council, may at any time fix, levy and collect such dues, fees or charges other than those contained in the estimates as he may deem necessary for the purpose of this Ordinance.

8. The annual estimates of the Department shall include provision for such amount as the Financial Secretary may certify to be due and payable for interest and sinking fund charges on sums expended by the Colony on capital account of the railway, the Government vessels and the harbours and for interest on sums advanced to the Department from time to time on current account and the General Manager shall pay such amount to the Financial Secretary from the revenues of the Department.

Interest and sinking fund charges to be provided in annual estimates and paid to Financial Secretary. 25 of 1932, s. 2. 26 of 1946, s. 7.

9. The net deficiency of the Department for any year after providing for the amount payable to the Financial Secretary in respect of interest and sinking fund charges shall be met from such sum as may be voted by the Legislative Council:

Net deficiency to be provided by Legislative Council. 25 of 1932, s. 3. 26 of 1946, s. 7.

Provided that any surplus shall on the direction of the Governor in Council be paid by the General Manager to the Financial Secretary for credit of the general revenue of the Colony.

10. Notwithstanding anything to the contrary contained in any Ordinance, and notwithstanding any omission, irregularity or informality in any annual estimate, any person appointed to any of the offices named in the second schedule hereto in the Department, or prior to the establishment of the Department in the Colonial Steamer Service, the Colonial Transport Department or the Harbours and Pilotage Department, is a public officer on the permanent pensionable establishment of the Colony entitled to a pension from public funds in respect of such service and the Ordinance or Ordinances from time to time in force providing for pensions to public officers shall apply to such persons:

Certain officers eligible for pension from public funds. 25 of 1932, s. 4. Second schedule.

Provided that the Governor in Council with the approval of the Legislative Council may add any other offices to the said schedule.

Pensions to be provided in annual estimates and paid to Financial Secretary. Second schedule. 25 of 1932, s. 5. 26 of 1946, s. 7.

11. The annual estimates of the Department shall include provision for such amount as the Financial Secretary may certify to be due and payable in respect of the pension or any portion thereof of any person who has served in any of the offices named in the second schedule or added thereto by the Governor in Council in respect of such service, and the General Manager shall pay such amount to the Financial Secretary from the revenues of the Department:

Provided that no amount shall be payable by the General Manager in respect of the pension of any officer with respect to his service in the Harbours and Pilotage Department.

Caps. 71 and 75 to apply in certain cases. Second schedule. 25 of 1932, s. 6. 26 of 1946, s. 7.

12. The provisions of the Public Officers (Insurance) Ordinance and the Widows and Orphans Pension Ordinance shall apply to any officer of the Department appointed to any of the offices named in the second schedule or added thereto by the Governor in Council and the General Manager shall make the prescribed deductions from the salaries of the officers concerned and shall pay the amount thereof to the Financial Secretary.

Cap. 202 of the 1929 Edition to apply. 25 of 1932, s. 8. 26 of 1946, s. 7.

13. The provisions of the Public Officers Guarantee Fund Ordinance* shall apply to all persons employed by the Department as if such persons held offices in the public service of the Colony and the General Manager shall make the prescribed deductions from the salaries of persons employed by the Department contributing to the Fund and shall pay the amount thereof to the Financial Secretary.

PART II.—THE RAILWAY AND GOVERNMENT VESSELS.

Rights and powers of Company vested in the Governor.

14. From and after the 31st December, 1921, all the rights, powers, privileges and capacities which the Company, its chairman, directors, manager, officers or servants have theretofore possessed and enjoyed by virtue of any Ordinance for carrying on and regulating and maintaining the railway and the business of the Company are hereby transferred to and vested in the Governor who may do all acts in relation to the railway and the property thereof, and carry on all the business of the railway in as full and ample a manner as the Company might have done.

Management of railway and Government vessels. 26 of 1946, s. 7 and 2nd sch.

15. (1) The General Manager shall manage the railway, and shall possess all the rights and privileges for carrying on the railway vested in the Governor:

Provided that in all matters where the Company required the

*Repealed by 12 of 1947.

sanction of the Governor and Court of Policy the Governor in Council may do whatever the Governor and Court of Policy might have sanctioned under any Ordinance relating to the Company.

(2) The General Manager shall manage the Government vessels and shall have all rights and privileges and shall have power to do all acts and things as may be necessary to carry on such services of Government vessels as may be established from time to time.

26 of 1946,
s. 7 and 2nd
sch.

16. (1) With regard to the tariff of tolls which may be lawfully demanded for carriage on the railway and Government vessels the Governor in Council may from time to time make, alter, and amend—

Conditions
of carriage of
merchandise.

(a) the terms and conditions (hereinafter called “carrier’s risk conditions”) on and subject to which merchandise other than livestock, and livestock will respectively be carried if carried at ordinary rates;

(b) the terms and conditions (hereinafter called “owner’s risk conditions”) on and subject to which merchandise other than livestock, and livestock will respectively be carried if carried at owner’s risk rates;

(c) the terms and conditions on and subject to which damageable goods not properly protected by packing will be carried.

(2) Any terms and conditions made, altered or amended in pursuance of this section shall be published twice in the Gazette and one newspaper at an interval not exceeding one week, and shall state the date of their coming into operation which shall not be earlier than one month from the date of the last publication.

17. (1) On and after the date stated for their coming into operation the terms and conditions upon and subject to which merchandise is apart from special contract to be carried by the railway and Government vessels shall be carrier’s risk conditions, and those conditions shall apply without any special contract in writing to the carriage of merchandise at ordinary rates:

Carrier’s
risk
conditions.

Provided that, in any case where an owner’s risk rate is in operation and the Department has been requested in writing to carry at that rate, the terms and conditions upon and subject to which the merchandise shall be carried shall be owner’s risk conditions.

(2) The terms and conditions upon and subject to which damageable goods not properly protected by packing (if accepted by the Department for carriage) shall be carried on the railway and Government vessels shall be the conditions made as aforesaid, but the Department shall not be under any obligation to carry damageable goods not properly protected by packing.

(3) Nothing in this Part of this Ordinance shall preclude the Department and any person from agreeing in writing to any terms and conditions they think fit for the carriage of merchandise, livestock or damageable goods not properly protected by packing, or damageable goods.

Dangerous
goods.

18. (1) Nothing contained in this Part of this Ordinance shall impose any obligation on the Department to accept dangerous goods for conveyance, or shall prejudice or derogate from the powers of the Governor in Council, or of any Government Department, under the Explosives Ordinance, and any amending Ordinance, or affect the validity or operation of any order in council, order, rule, or regulation, made under the powers contained in that Ordinance.

Cap. 346.

(2) If after the date of the coming into operation of the conditions of carriage of merchandise the Department accepts dangerous goods for conveyance, the goods shall be conveyed, subject to such by-laws, regulations and conditions which the Department with the approval of the Governor in Council thinks fit to make in regard to the conveyance or storage thereof, and the owner or consignor of such goods shall indemnify the Department from and against any loss and damage resulting to the Department or for which the Department is or becomes liable owing to non-compliance with the before-mentioned by-laws, regulations and conditions as to those goods and will pay full compensation for all injury to the Department's servants and damage to their property so arising unless it is proved that the injury or damage is due to the wilful misconduct of the Department's servants, but, subject as aforesaid, the provisions as to ordinary rates and owner's risk rates shall apply.

(3) Any question as to whether goods are dangerous goods shall be determined by the Department.

Tariff for
carriage of
passengers.

19. (1) The Governor in Council may from time to time make, alter, and amend the tariff of tolls that may be lawfully demanded for the carriage of passengers on the railway or Government vessels or both.

(2) Any tariff so made, altered, or amended shall be published in the same manner as prescribed by section 16 with reference to terms and conditions.

20. No obligation imposed by any Ordinance on the Company to construct or maintain any fence or gate on the railway or on any part thereof shall be construed as existing after the 30th May, 1925, and any such obligation of the kind shall be deemed to have ceased and determined from that date and from that date no action, suit or proceeding whatsoever shall lie against the Department or any person for any damage or injury whatever in consequence of defect in any fence or gate aforesaid or of failure to construct or maintain any fence or gate.

Cessation of obligation on company to construct fence or gate on railway.

21. Any person who without lawful authority, the proof whereof shall be upon him, is or passes upon the railway except for the purpose of crossing it at any authorised crossing, shall be liable to a penalty not exceeding twenty-four dollars.

Trespass on railway.

22. (1) All actions and suits relating to contractual rights and liabilities in respect of loss or damage, occurring upon the railway and Government vessels in respect of any matter or thing done or omitted upon the railway and such vessels or otherwise in connection with the business of the railway and such vessels, which, if the railway and such vessels were the property of any company, firm, or person carrying on the business of a carrier in the Colony, might under the law of the Colony be brought by or against such company, firm, or person, may be brought by or against the Department.

Suits by or against Department.

(2) In any action or suit to be brought by or against the Department in pursuance of this Part of this Ordinance it shall be sufficient to describe it as the Transport and Harbours Department.

23. (1) No action or suit shall be commenced against the Department for anything done in pursuance or execution or intended execution of this Part of this Ordinance until the expiration of one month after notice in writing has been served on the Department stating the cause of the action or suit, the name and address of the person bringing it and the name and address of his legal practitioner.

Notice of action and limitation.

(2) Every such action or suit shall be commenced within six months after the thing done or omitted and not otherwise.

PART III.—HARBOURS AND PILOTAGE.

Dues, fees and other moneys payable to the Department.

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

Revenue of the Department.
24 of 1951,
s. 2.

Third
schedule.

(a) the tonnage dues specified in paragraph I of the third schedule to this Ordinance;

(b) the light dues specified in paragraph II of the third schedule to this Ordinance;

(c) the shipping fees specified in paragraph III of the third schedule to this Ordinance;

Cap. 270.

(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;

Cap. 267.

(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 54 of this Ordinance.

24 of 1951,
s. 2.

(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 third schedule hereto.

Tonnage
dues.
24 of 1951,
s. 2.

25. (1) Subject to the provisions of this Ordinance, tonnage dues under section 24 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 26 of this Ordinance, to pay the tonnage dues as computed in the manner provided by that subsection.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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 Her Majesty or Her Majesty's Government in the United Kingdom, or any foreign Government recognised by Her 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 should 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.

26. (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—

Computation
of tonnage
dues on cargo
landed.
24 of 1951,
s. 2.

(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:

24 of 1951,
s. 2.

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—

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(7) Where an agent or consignee fails to comply with the requirements of sub-paragraph (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-paragraph (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.

24 of 1951,
s. 2.

27. (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.

Computation
of tonnage
dues on cargo
taken on
board.
24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

28. (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 26, or in the freight list produced under subsection (1) of section 27, 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

General
provision
where
tonnage dues
computed
on cargo.
24 of 1951,
s. 2.

consignee thereof, shall be liable for the payment of the tonnage dues on the full amount of the tonnage of the cargo.

24 of 1951,
s. 2.

(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.

Light dues,
24 of 1951,
s. 2.

29. (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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

(5) The following vessels shall be exempt from payment of light dues under this Ordinance—

(a) any vessel under ten tons burthen;

(b) any vessel belonging to or chartered by Her Majesty or Her Majesty's Government in the United Kingdom or any foreign Government recognised by Her Majesty and not employed in the carriage of merchandise or 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.

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

Shipping fees.
24 of 1951,
s. 2.
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.

24 of 1951,
s. 2.

(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.

24 of 1951,
s. 2.

31. The General Manager may by order direct from time to time in what manner the dues, fees, and moneys specified in section 24 shall be collected, but until any direction is given they shall be collected as in that section mentioned and deposited in a bank to the account of the Department, and may be paid thereout from time to time on the cheques of the Department.

Collection of moneys and their expenditure.
26 of 1946,
s. 7 and 2nd sch.

THE HARBOUR MASTER.

32. (1) The Governor may appoint a harbour master for the Colony and such deputy harbour masters as the General Manager may recommend who shall hold office during the Governor's pleasure.

Appointment of harbour master and deputy harbour master.
26 of 1946,
s. 7 and 2nd sch.

(2) A deputy harbour master shall in the absence of the harbour master be vested with and may exercise the powers of the harbour master.

33. The powers and duties of the harbour master shall be exercised subject to the general direction and supervision of the General Manager.

Powers and duties of harbour master.

PILOTAGE.

34. (1) In every pilotage district pilotage by a licensed pilot shall be compulsory.

Compulsory pilotage and pilotage districts.
39 of 1947,
s. 4.

(2) The following shall be pilotage districts under this Ordinance—

(a) the harbour of Georgetown;

(b) that portion of the sea bounded by a line drawn from Plantation Chateau Margot Chimney Demerara to the Demerara Lightship and thence to Plantation Anna Regina Chimney Essequibo and the mainland between these points;

(c) the Essequibo and Mazaruni Rivers as far as Kartabo Point;

(d) the harbour of New Amsterdam.

39 of 1947,
s. 4.

(3) The General Manager may, with the approval of the Governor in Council, make regulations—

(i) declaring any area to be a pilotage district for the purposes of this Ordinance;

(ii) declaring that any pilotage district specified in paragraphs (b), (c) and (d) of subsection (2) of this section shall cease to be a pilotage district for the purposes of this Ordinance;

(iii) varying the limits of any pilotage district under paragraph (b) or (c) of subsection (2) of this section.

The pilotage
service.
26 of 1946,
s. 7 and 2nd
sch.

35. (1) The Department shall continue to maintain a pilotage service.

No. 31 of
1905.
Cap. 119 of
the 1929
Edition.

(2) No person shall be employed as a pilot in the pilotage service unless he holds a licence under the Pilotage Ordinance, 1905, the Harbours and Pilotage Ordinance, or this Ordinance.

(3) No person who was licensed as a pilot before the commencement of compulsory pilotage shall pilot any vessel unless he joins the pilotage service.

(4) A pilot's licence shall not be granted to a person who is not a British subject.

26 of 1946,
s. 7 and 2nd
sch.

(5) A pilot's licence shall be in such form as the General Manager may from time to time prescribe.

Circumstances in which
pilot may
leave pilotage
service.
26 of 1946,
s. 7 and 2nd
sch.

36. (1) No pilot may quit the pilotage service unless he has—

(a) been dismissed by the General Manager with the approval of the Governor; or

(b) obtained the consent thereto of the General Manager; or

(c) given to the General Manager one month's notice in writing in that behalf.

26 of 1946,
s. 7 and 2nd
sch.

(2) A pilot continuously absent without leave for fourteen days or more shall be deemed to have quitted the service, unless his absence has been occasioned by circumstances beyond his control, and of that the Governor shall be the sole judge.

(3) A pilot who has quitted the service contrary to subsection (1) of this section shall forfeit all rights to any moneys or wages then due to him and shall not be entitled to any pension whatsoever.

37. The owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

Liability of owner or master in the case of a vessel under pilotage. 16 of 1941, s. 2.

RECOVERY OF PILOTAGE DUES.

38. The following persons shall be liable to pay pilotage dues for any vessel which enters a pilotage district, or any vessel for which the services of a licensed pilot are obtained, namely—

Persons liable for the payment of pilotage dues. 39 of 1947, s. 5.

(a) the owner or master;

(b) as to pilotage inwards, those consignees or agents who have paid or made themselves liable to pay any other charge on account of the vessel in the port of her arrival or discharge;

(c) as to pilotage outwards, those consignees or agents who have paid or made themselves liable to pay any other charge on account of the vessel in the port of her departure.

39. Every consignee or agent (not being the owner or master) who is hereby made liable for the payment of pilotage dues in respect of any vessel may retain, out of any money in his hands received on account of the vessel or belonging to the owner thereof, the amount of all dues so paid by him, together with any reasonable expenses incurred by him by reason of that payment or liability.

Recovery of dues paid by consignee or agent.

40. (1) Any master who employs a person other than a licensed pilot to pilot his vessel without having taken reasonable steps (the proof whereof shall lie on him) to obtain a licensed pilot, shall be liable to a penalty not exceeding two hundred and fifty dollars.

Employment of unqualified pilot.

(2) If anyone other than a master, or a seaman who is *bona fide* one of the crew of the vessel, is on the bridge of the vessel, or is in any other position (whether on board the vessel or elsewhere) from which the vessel is navigated, that person shall, for the purpose of this section be deemed to be piloting the vessel unless the contrary is proved.

41. (1) A master of a vessel shall not, except in circumstances of unavoidable necessity (the proof whereof shall lie on him), take a pilot without his consent beyond the district for which he is licensed, or beyond the point up to which he has been engaged, and if a master acts in contravention of this section he shall be liable to a penalty not exceeding one hundred dollars.

Taking pilot beyond his district without his consent.

26 of 1946,
s. 7 and 2nd
sch.

(2) When a pilot is taken beyond the district for which he is licensed, or beyond the point for which he has been engaged to pilot the vessel either without his consent or in circumstances of unavoidable necessity, he shall be entitled to maintenance and there shall also be paid to the Department the sum of three dollars and thirty-six cents *per diem*, recoverable in the same manner as pilotage dues.

(3) The sum to be paid shall be computed from and inclusive of the day in which the vessel passes beyond the district for which the pilot is licensed, or beyond the point up to which the pilot was engaged and up to and inclusive of either the day of his being returned in the vessel to the place where he was taken on board, or, if he is discharged from the vessel at a distance from that place, then that day which will allow him sufficient time to return thereto, and in the last mentioned case he shall be entitled to his reasonable travelling expenses.

PROTECTION OF HARBOURS.

Illegal
removal of
soil from
harbour.
26 of 1946,
s. 7 and 2nd
sch.

42. Every person who digs, takes, or removes for any purpose whatsoever any caddy, shell, sand or any other soil from any harbour, without permission of the General Manager shall be liable to a penalty not exceeding forty-eight dollars and every tool, vessel, receptacle, or vehicle, employed in any manner in the removal, may be seized by any member of the police force, officer of customs, or by any person employed by the Department, and may in the discretion of the magistrate be sold, and the proceeds thereof after deduction of all expenses incurred shall be paid into general revenue.

Drainage
into harbour.
26 of 1946,
s. 7 and 2nd
sch.

43. No drainage, channels, or canals, may be made to discharge into a harbour, nor may any alterations be made to existing drainage, channels, or canals already so discharging, without the permission in writing of the General Manager.

Use of fishing
apparatus at
or near wharf.
26 of 1946,
s. 7 and 2nd
sch.

44. Every person who makes fast or uses a fishing net, line, seine, or other similar thing, near any stelling within a harbour shall be liable to a penalty not exceeding twenty dollars, and the net, line, seine, or other similar thing, may be seized and destroyed by any member of the police force, officer of customs, or any person employed by the Department and authorised in that behalf by the General Manager whether or not the owner is charged.

45. (1) When any person does an act in contravention of this Part of this Ordinance or the regulations, the General Manager may take such action as will in his opinion nullify the act.

Contravention of provisions of Ordinance or regulations 26 of 1946, s. 7 and 2nd sch.

(2) When any person refuses or neglects to do any act required by this Part of this Ordinance or the regulations, the General Manager may have that act done.

(3) Any expenses incurred by the General Manager in carrying out or attempting to carry out the provisions of this section shall be recoverable from the person in addition to any penalty which may be awarded against him.

46. If the master of a vessel or any other person interested in the vessel, makes, or is privy to the making of any fraudulent alteration in the marks on the stem or stern posts of the vessel denoting the draught of water, he shall be liable to a penalty not exceeding two hundred and forty dollars.

Fraudulent alteration of marks on stem and stern of vessel.

MISCELLANEOUS.

47. Neither the Government nor the Department shall be liable under this Part of this Ordinance for any damage occasioned through the fault or negligence of the General Manager or any person employed in the pilotage service.

Government and Department not liable for default of General Manager.

48. All claims for injuries to a vessel founded upon the negligence or misconduct of the master of another vessel shall be triable, provided they do not exceed one hundred dollars, either in the judicial district where the cause of action arose, or in the Georgetown judicial district, and in either case the adjudicating magistrate, in the event of conflicting testimony on any technical point, may associate the harbour master or failing him a duly certificated master under the Merchant Shipping Act, 1894, with himself for advice thereon.

Claims for injuries to vessel.

57 and 58
Vict. c. 60.

PART IV.—GENERAL.

49. (1) The Governor in Council may make regulations and prescribe forms for carrying into effect the purposes of this Ordinance.

Regulations.

(2) Subject to subsection (1) of this section the General Manager may, with the approval of the Governor in Council who may make any alterations or amendments he thinks fit, make regulations in respect of the following matters—

26 of 1946, s. 7 and 2nd sch.

- (a) the duties to be performed by the harbour master;
- (b) the mooring of vessels in the harbour;

- (c) the landing of passengers from vessels;
- (d) communication from shore with vessels arriving with immigrants;
- (e) the marking of load-lines on vessels;
- (f) the dealing with articles found in pilotage districts and the disposal thereof;
- (g) the sanitary conditions of the harbours;
- (h) the prevention of encroachment in the harbours;
- (i) the removal of obstructions to navigation in pilotage districts;
- (j) the regulation of traffic in the harbours for securing the safety of vessels and the prevention of accidents;
- (k) the beaching of boats in the harbours;
- (l) the erection, extension, alteration, and numbering of, and addition to, stellings and wharves;
- (m) the appointment of a committee of examiners to deal with applications for pilots' licences and the remuneration of the examiners;
- (n) the qualifications required for entering the pilotage service;
- (o) the pilotage dues or fees payable to the Department for pilotage service, and the pilotage dues payable to the Department for any vessel which enters a pilotage district, whether or not a pilot is actually employed by such vessel;
- (p) the fees payable to the Department for certificates and licences issued under the regulations;
- (q) the instruction of pilot apprentices, and of boatmen employed by the Department, by the harbour master;
- (r) the registering of pilots and apprentices;
- (s) the granting of pensions, and gratuities to employees of the Department other than those on the permanent establishment of the Colony;
- (t) the control, improvement, lighting, or regulation of labour, of the harbours of the Colony and the proper maintenance of the pilotage service;
- (u) the routes upon which road transport services shall be run, the fares and freight to be paid in respect of passengers and goods carried thereby, and generally for the working and management of such services;
- (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.

39 of 1947,
s. 6.

39 of 1947,
s. 6.

26 of 1946,
s. 7 and 2nd
sch.

26 of 1946,
s. 7 and 2nd
sch.

22 of 1936,
s. 4.

24 of 1951,
s. 3.

(3) In subsection (2) of this section—

24 of 1951,
s. 3.

“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.

(4) There may be annexed to any regulation a penalty not exceeding two hundred dollars.

50. (1) The signature of the General Manager to any document containing a statement of the amount due to the Department under the provisions of this Ordinance shall without proof of signature, or of any other matter or thing, be held and be deemed to be in all cases and by all judges and magistrates *prima facie* evidence of the amount claimed being due and correct.

Signature
of General
Manager
prima facie
evidence of
correctness
of account.

(2) Any amounts due for revenue under section 24 or for pilotage dues under section 38 or under section 41 may be recovered by process of parate execution.

51. Where any person acts in contravention of any of the provisions of this Ordinance for the breach of which no penalty is provided he shall be liable to a penalty not exceeding forty-eight dollars.

Penalties.

52. All penalties under this Ordinance or the regulations shall be enforceable and recoverable under the Summary Jurisdiction Ordinances.

Penalties
recoverable
under the
Summary
Jurisdiction
Ordinances.

53. The members of the Advisory Council, the General Manager and all persons employed by the Department shall be exempt from personal responsibility for any act or thing done under the provisions and powers of this Ordinance; and all damages and costs which may be recovered against the Department in any action or suit for acts so done shall be paid out of the revenue of the Department.

Exemption
from personal
responsibility.

54. Part II of the Railways Purchase and Colonial Transport Ordinance, and the Harbour and Pilotage Ordinance are hereby repealed:

Repeal.
Cap. 262.
Cap. 119 of
the 1929
Edition.

Provided that, without prejudice to the provisions of section 29 of the Interpretation Ordinance—

Cap. 5.

(a) nothing in this repeal shall affect any order in council, rule, order or regulation made, direction given or thing

done under any Ordinance repealed by this Ordinance, or deemed to have been made, given or done respectively under any such Ordinance, and every such order in council, rule, order, regulation, commission or direction shall continue in force, and, so far as it would have been made or given under this Ordinance, shall have effect as if made or given under this Ordinance;

(b) any document referring to any Ordinance repealed by this Ordinance shall be construed as if referring to this Ordinance.

s. 4.

FIRST SCHEDULE.

(Added by 26 of 1946.)

ADDITIONAL POWERS, DUTIES AND FUNCTIONS OF THE
GENERAL MANAGER.

1. Subject to such departmental orders as may from time to time be made by the Governor—

(a) to appoint persons as employees of the Department to posts which are not on the permanent pensionable establishment of the Colony, and to dismiss persons so appointed;

(b) to grant vacation leave, sick leave, casual leave and accident leave to persons employed by the Department who are not on the permanent pensionable establishment of the Colony;

(c) to make advances to persons employed by the Department who are not on the permanent pensionable establishment of the Colony.

2. Any other power, function and duty which may from time to time be assigned by the Governor to the General Manager by notice published in the Gazette.

ss. 10, 11
and 12.

SECOND SCHEDULE.

(25 of 1932.)

Managing Director—subsequently General Manager.

Superintendent Engineer—subsequently Chief Mechanical Engineer.

Engineer of Ways and Works—subsequently Civil Engineer.

Chief Accountant.

Assistant Mechanical Engineer.

Chief Clerk.

Machine Shop Foreman—subsequently Workshop and Dock Superintendent.

Harbour Master.

Secretary, Harbour Board.

Assistant Secretary, Harbour Board—subsequently Harbour Clerk.

Harbour Surveyor.

Pilot.

Fifth Class Clerk, Harbour Board.

THIRD SCHEDULE.

s. 24.

(Added by 24 of 1951.)

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—

(1) Upon the engagement of any seaman 0 48

(2) Upon the discharge of any seaman 0 48