

CHAPTER 535

BOATS

Ordinance. AN ORDINANCE TO CONSOLIDATE THE LAW REGULATING THE CARRIAGE OF PASSENGERS AND GOODS BY BOAT,
 Nos. 4 of 1900,
 14 of 1907,
 32 of 1916,
 61 of 1939,
 3 of 1946.

[21st March, 1900.]

Short title. **1.** This Ordinance may be cited as the Boats Ordinance.

making such inquiry as he shall deem necessary, that such boat is in good order and fit to be used for the purpose of carrying goods or passengers or both. as the case may be, shall issue a licence to the owner of such boat.

CHAPTER I

THE LICENSING OF BOATS

Boats to be licensed. **2.** Subject to the provisions contained in section 28, no boat shall be used for carrying goods or passengers for hire from any port* or place in Sri Lanka to any other port or place in Sri Lanka, or in any portion of the sea adjacent to Sri Lanka, or in any river, canal, lake, or inland water within the same, unless the owner thereof shall have obtained a licence for the same from the proper authority having jurisdiction within the province or town in which such owner resides or exercises his calling under the provisions of this Ordinance.

(2) If it shall become necessary to license any boat belonging to two or more persons in partnership, or to a corporate body, or to a joint stock company, such application may be made by one of the partners, or by the persons managing the affairs of such partnership, body, or company.

4. (1) Each licence for a boat shall bear a stamp of three rupees, such stamp to be supplied by the party applying for the licence. Licence to be stamped,

Proper authority to issue licence on application and after inquiry. **3.** (1) Any owner of a boat who may be desirous of obtaining a licence to use such boat for the purpose of carrying goods or passengers for hire shall make an application in writing to that effect to such proper authority, which application shall be substantially in the form D in the Schedule, and shall state accurately the cargo capacity of, and the number of passengers (if any) intended to be carried in, such boat, the length, breadth, and depth of such boat, the number of the crew to be carried by such boat, and whether such boat is propelled by steam or otherwise, and the class of boat for which such licence is desired, and shall contain a true and full description of the names and residences of the owners or owner of the boat. Every such application shall be signed by the applicant, and the proper authority on being satisfied, after

(2) The licence for passenger boats shall be substantially in the form A in the Schedule, the licence for cargo boats shall be substantially in the form B in the Schedule and the licence for boats carrying both passengers and cargo shall be in the form C in the Schedule. Every such licence shall specify the cargo capacity of such boat and the number of passengers, if any, to be carried by such boat, the number of the boat, and the number of the crew, the places between which such boat may ply, and the name of the boat, if any. Form and duration of licence.

(3) Each licence shall be in force until the thirty-first day of December in the year in and for which the same shall be granted, and no longer.

5. The proper authority shall number each licence issued by him consecutively, commencing at the beginning of every year Licence to be numbered and registered.

* Application modified in " specified ports " under section 2 of the Sri Lanka Ports Authority Act.

with the number 1, and shall keep a book in which he shall register all the particulars stated in the licence granted by him, and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference. Any authenticated copy or extract from the register shall be deemed prima facie evidence of the facts stated therein.

Proper authority may withdraw licence.

6. It shall be lawful for the proper authority to withdraw a licence, after the same shall have been issued, if he has reason to believe that a boat is out of repair and not fit to be used for the purpose for which it was licensed, or if the owner shall commit any breach of the provisions of this Ordinance or the by-laws made thereunder :

Provided that when the proper authority withdraws a licence after it is issued, he may, if satisfied that the boat has been repaired and is fit to be used for the purpose of carrying goods or passengers, reissue such licence free of stamp duty.

Number of boat to be painted thereon.

7. The owner of every boat shall paint or cause to be painted, and shall keep painted, in arable figures, and not less than nine inches in length, in white or yellow on a black ground, or in black on a white or yellow ground, on a conspicuous part on both sides of the bow of such boat, in a legible and distinct manner, the number of such boat as mentioned in the licence, preceded by a distinguishing letter in Sinhala denoting the port or place of registry; and in the case of any boat propelled by a sail or sails, such number and letter shall be similarly painted on such sail or sails; and the licence of such boat may be withheld until it is so marked.

Notice of transfer to be given.

8. In case any boat so licensed as aforesaid shall be transferred to another by sale, gift, or otherwise, the person to whom the same shall be so transferred shall notify the same to the proper authority, in order that such transfer may be entered in the book of licences and a new licence issued to the person to whom it shall be so transferred.

Notice to be given if boat destroyed or rendered unfit for use.

9. If any boat shall be sunk, destroyed, or rendered wholly unfit for use, the owner thereof shall notify the same to the proper authority, in order that the number may be erased from the book of licences.

Owner to have original licence.

10. The original of the licence shall be retained by the owner of the boat, but the person in charge of the boat shall have the

duplicate of such licence, and be ready to produce the same whenever thereunto required.

11. The proper authority may, on his being satisfied that any licence has been lost or destroyed by accident, issue an exemplification of the licence on the application of the owner of the boat.

Proper authority may issue licence, &c.. in place of one lost or destroyed.

12. (1) The proper authority shall and he is hereby required to keep a book or books in which shall be entered the lists of the boats licensed under this Ordinance, with all necessary particulars.

Books and lists to be kept of boats licensed.

(2) It shall be lawful for any person at any time, during office hours, to demand inspection of the said lists, and also to take copies or extracts therefrom.

Inspection.

13. (1) Where any boat in respect of which stamp duty is payable under this Ordinance is ordinarily used or to be used within any limits enumerated in the schedule to this section, such stamp duty shall be payable and shall be disposed of in accordance with the said schedule :

Stamp duty payable under Ordinance how disposed of.

Provided that no owner of a boat shall be required to pay any stamp duty more than once in respect of any one year for the same boat.

(2) In case any question arises as to the authority to which the said stamp duty is payable, such question shall be referred to the Minister for decision, and the decision of the Minister shall be final.

(3) Any provision of the disposal of such stamp duty contained in any Ordinance relating to the powers and duties of local authorities which is inconsistent with any of the provisions of this section is hereby repealed.

SCHEDULE

<i>Limits</i>	<i>Authority to whom Stamp Duty is payable</i>	<i>Funds to which Duty is to be credited</i>
Municipal town	Mayor of the Municipal Council	Municipal Fund.
Urban Council	Chairman of the Urban Council	Local fund.
Town Council	Chairman of the Town Council	Local fund.

CHAPTER II

LIABILITIES OF OWNERS OF BOATS

Liabilities of the owners of licensed boats.

14. The owner of every licensed boat used for the conveyance of goods for hire shall, in the absence of any specified contract between him or the person in charge of such boat and any other party for the conveyance of such goods, be liable for any loss of or injury to any goods, articles, or property whatsoever delivered to be carried therein for hire, which shall be occasioned by the neglect or misconduct of such owner or of any boatman, book-keeper, or other person or servant in his employ or in charge of any such boat; and such liability shall be deemed to continue in the person who shall have made the application under section 3, unless and until he shall have given the notice of transfer required by section 8 :

Provided, however, that nothing in this section contained shall be construed to limit or in anywise affect the liability of any such owner as a common carrier, if he shall be such.

Not liable for loss of certain goods above fifty rupees unless delivered as such.

15. No such owner shall be liable for the loss of or injury to any article or articles or property of the description following, that is to say—gold or silver coin of this or any other country, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or timepieces of any description, trinkets, bills of exchange, orders, notes, or security for payment of money, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, opium, silks in a manufactured or unmanufactured state, and whether or not wrought up into other material, or lace, or any of them, contained in any parcel or package which shall have been delivered to be carried for hire, or to accompany the person of any passenger, when the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of fifty rupees, unless at the time of delivery thereof at the office, warehouse, or receiving house of such owner, or to such owner or his boatman, book-keeper, or other servant, for the purpose of being carried, or of accompanying the person of any passenger

as aforesaid, the value and nature of such article or articles or property shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

16. When any parcel or package containing any of the articles above specified shall be so delivered and its value and contents declared as aforesaid, and such value shall exceed the value of fifty rupees, it shall be lawful for the person receiving the same for carriage on hire to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse, or other receiving house where such parcel or package was received for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons handing or delivering any such parcel or package at any such office shall be bound by such notice without further proof of the same having come to their knowledge.

Increased rate of charge for such goods.

17. Whenever any goods shall have been received for conveyance for hire by any licensed boat, whether the same be such goods as are mentioned in section 15 or other goods, the person receiving the same for conveyance on hire shall, if thereto required when the rate of conveyance shall have been paid, or an engagement to pay the same shall have been accepted, sign a receipt for the said goods, setting out therein the name and residence of the owner ; and if such receipt shall not be given when required, the person so receiving the same for conveyance, in addition to any other liability which he may incur by such refusal, shall not have or be entitled to any benefit or advantage under section 15, and shall be liable to refund any increased rate of charge he may have received in respect of the goods specified therein, and shall further be liable to a fine not exceeding twenty rupees.

Carriers to give receipts.

Penalty in case of neglect.

Publication of notice not to limit liability of carrier.

18. No public notice or declaration by the owner of any licensed boat shall be deemed or construed to limit or in anywise affect his liability as aforesaid for or in respect of any articles or goods to be conveyed by him, but all and every such owner shall be liable to answer for the loss of or any injury to any articles and goods in respect whereof they may not be entitled to the benefits of section 15, any public notice or declaration by them made and given in anywise, limiting such liability to the contrary notwithstanding.

Anyowner may be sued.

19. Any one or more of the owners of any licensed boat shall be liable to be sued by his or their name or names only; and no action or suit commenced to recover damages for loss or injury to any parcel, package, or person shall abate for the want of joining any co-proprietor or co-partner in such boat.

Partiesentitled to damages may also recover extra charges.

20. Where any such goods as are mentioned in section 15 shall have been delivered as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charge (if any) paid, and such goods shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover such increased charge so paid as aforesaid, in addition to the value of such goods.

Owner liable for thefts committed by his servants, &c.

21. Nothing in section 15 of this Ordinance contained shall be deemed to protect the owner of any licensed boat from liability to answer for loss or injury to any goods or articles whatsoever arising from theft or fraudulent conduct of any boatman, book-keeper, or other person or servant in his employ or in charge of such boat, or to protect any boatman, book-keeper, or other person or servant from liability from any loss or injury occasioned by his or their own personal neglect or misconduct.

Owner liable to such damages only as are proved

22. No owner of any licensed boat shall be concluded as to the value of any goods whereof the value shall be declared in pursuance of section 15, but he shall in all cases be entitled to require from the party suing in respect of any loss or injury proof of the actual value of the said goods by the ordinary legal evidence; and such owner shall be liable to such damages only as shall

be proved as aforesaid, not exceeding the declared value, together with the increased charges as aforesaid.

23. All goods and merchandise sent by any licensed boat for the purpose of delivery at any place within Sri Lanka shall, in the absence of any special contract to the contrary, be delivered according to the direction thereof within twenty-four hours after the arrival of any such boat at the place of delivery, and in default thereof the owner of such boat shall forfeit and pay for every such offence any sum not exceeding twenty rupees.

Goods sent by boats to be delivered within twenty-four hours.

CHAPTER III

MISCELLANEOUS

24. It shall be lawful for the Minister, from time to time, or at any time, to make, and when made revoke, add to, or alter regulations for any of the following purposes:—

Regulations.

- (a) for regulating the number and description of lights to be carried by any class of boats used for the purposes of carrying passengers or goods;and
- (b) for limiting the pace of such boats; and
- (c) generally for providing for the safety and comfort of the passengers conveyed by any such boat; and
- (d) for providing for the issue of licences to the tindals of such boats; and
- (e) for the recalling and taking away of such licences in case of misconduct; and
- (f) for regulating the number of boatmen to be employed in such boats.

25. Any regulation when made, added to, or altered shall be published in the Gazette, and when so published shall, until the same is revoked in manner aforesaid, be as valid, legal, and effectual as if such regulation had been inserted in this Ordinance,

Publication of regulations.

Penalties.

26. Any person committing any of the following acts shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding one hundred rupees:—

- (a) neglecting or omitting to specify truly in the application required by section 3 the name of any person who shall be an owner or part owner of any boat;
- (b) neglecting or omitting to paint or to cause to be painted or to keep painted on any licensed boat the number and letter prescribed by section 7, in the manner therein enacted, during the continuance of such licence;
- (c) neglecting or omitting to paint or to cause to be painted or to keep painted on the sail or sails of any licensed boat propelled by a sail or sails the number and letter prescribed by section 7, in the manner therein enacted, during the continuance of such licence;
- (d) using a boat for the purpose of carrying goods or passengers for hire without licence, or after such licence shall have expired ;
- (e) refusing to allow or to permit any person deputed by the proper authority in writing under this Ordinance to examine any boat for the purpose of reporting thereon to the proper authority;
- (f) permitting or suffering more passengers or persons to enter a boat than such boat is authorized by the licence to carry;
- (g) loading or suffering or permitting to be loaded in any boat goods or cargo in excess of the cubic measurement or weight stated in the application required by section 3 as the cargo capacity of such boat;
- (h) plying a boat licensed under this Ordinance for hire in any port which has been declared by

Proclamation or Order to have been brought within the provisions of the Masters Attendant Ordinance, without having obtained a licence under such Ordinance >

- (i) committing a breach of any regulation made under the provisions of this Ordinance.

27. Nothing in this Ordinance contained shall authorize any proper authority to issue a licence to any owner of a boat to use a boat for the purpose of the conveyance of goods or passengers for hire in any port which has been declared by Proclamation or Order to have been brought within the provisions of the Masters Attendant Ordinance, nor shall the owner of any boat used for the purpose of conveying goods or passengers for hire in any port which has been duly licensed under the provisions of the said Ordinance, whilst plying for hire within the limits of such port, be subject to the provisions of this Ordinance or be liable to prosecution for the breach of any provision herein.

Saving clause

28. The Minister may by notification in the Gazette delegate the enforcement and execution of any provisions of this Ordinance in respect of boats which are used for carrying passengers by sea from any port or place to any other port or place to the Master Attendant* or Collector of Customs at any such port or place, and may authorize such Master Attendant* or Collector of Customs to perform all or any of the powers and duties vested in and imposed on the proper authority under this Ordinance, subject to such restriction as the Minister may from time to time think fit to impose.

Execution of Ordinance may be delegated to Master Attendant* or Collector of Customs.

29. If in any prosecution or proceeding under this Ordinance any question shall arise as to whether any boat has been used for the conveyance of any passengers or goods for hire without a licence, or as to whether a licence has been obtained for any boat within the meaning thereof, or as to whether any person has made the declaration required by section 3, the proof that such passengers or goods were not

Proof of licence to be on the accused.

*" Master Attendant" shall be deemed to be a reference to the Ports Authority in the application of this provision to any " specified port " within the meaning of section 2 of the Sri Lanka Ports Authority Act—See section 86 (3) thereof.

conveyed for hire. or in the case of goods that the goods belong to himself, or that licence has been obtained or the declaration made, shall be upon the accused or the party against whom such prosecution or proceeding shall be had :

commenced within one month from the time of the commission of such offence.

33. The provisions of this Ordinance shall not apply to boats the property of the State or of Urban Councils, or Town Councils, or of Village Councils. Certain boats exempted from the Ordinance.

Provided that it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint, and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

34. In this Ordinance, unless the context otherwise requires— Interpretation.

Burden of proof.

30. Where a person is charged with any offence against paragraph (d) of section 26, and it is established by the prosecution to the satisfaction of the court that there were more persons carried in such boat than were necessary for its working, such person shall be presumed to have used such boat for the purpose of carrying passengers for hire, unless and until he shows to the satisfaction of the court before which he is charged that none of the persons in such boat were carried for hire.

"boat" shall include all boats, *padas*, *dhonies*, *kulla* boats, *battals*, *ballams*. canoes, and catamarans, whether propelled by steam or otherwise, and used in the sea adjacent to, or in the rivers, canals, lakes, and inland waters of Sri Lanka;

Informer's share of penalty.

31. The court before which the prosecution or proceeding is taken may award any share of the fines actually recovered and realized, not exceeding one-half, to be paid to the informer.

"Collector of Customs" shall include the Principal Collector, Deputy Collector, Assistant Collector, or other principal officer of customs of any port or place ;

Limitation of prosecution.

32. No prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, cognizable by the Magistrate's Court, unless the same shall be

"goods or passengers" shall include goods and passengers;

"port" shall include all harbours, roadsteads, and places of anchorage in Sri Lanka;

"proper authority" shall include the Government Agent of any administrative district, the Mayor of any Municipal Council, or the Chairman of any Urban Council or Town Council.

SCHEDULE

Form A

[Section 4.]

LICENCE FOR PASSENGER BOAT

Whereas A. B. of in the Province, has applied for a licence under the Boats Ordinance, for the carriage of passengers for hire. and has made and signed the application thereby required : licence is hereby granted unto the said -to use the boat hereunder described for the purpose aforesaid from the date hereof until the thirty-first day of December next.

The boat for which this licence is granted bears No, is named the and shall be manned by a crew of not more than or less than persons.

Shall not carry more than passengers on any one voyage or trip. Has a cargo capacity of not less than -

(Signed)
Proper Authority.

BOATS

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Form B

[Section 4.]

LICENCE FOR CARGO BOAT

Whereas A. B., of in the Province, has applied for a licence under the Boats Ordinance, for the conveyance of goods for hire, and has made and signed the application thereby required : licence is hereby granted unto the said , - to use the boat hereunder described for the purpose aforesaid from the date hereof until the thirty-first day of December next.

The boat for which this licence is granted bears No. is named the , and shall be manned by a crew of not more than or less than persons.

Has a cargo capacity of not less than - .. cubic feet by measurement and not more than..... tons by weight. Is not licensed to carry passengers.

(Signed).....
Proper Authority.

Form C

[Section 4.]

LICENCE FOR PASSENGER AND CARGO BOATS

Whereas A, B; of in the,... Province, has applied for a licence under the Boats Ordinance, for the conveyance of passengers and goods for hire, and has made and signed the application thereby required : licence is hereby granted unto the said to use the boat hereunder described for the purposes aforesaid or either of them from the date hereof until the thirty-first day of December next.

The boat for which this licence is granted bears No., is named the .-....., and shall be manned by a crew of not more than or less than persons.

Shall not carry more than passengers on any one voyage or trip. Has a cargo capacity of not more than cubic feet by measurement and not more than tons by weight.

(Signed).....
Proper Authority.

Form D

[Section 3.]

APPLICATION CONTAINING PARTICULARS OF BOAT

I, A. B. Of , do truly declare as follows :—

[am the owner (Joint owner, or manager, *as the case may be*) of the boat hereunder described, and I desire a licence for the said boat for the conveyance of passengers (or goods, or passengers and goods) for hire between and for the period of one year (*or as the case may be*) from the day of 19

The boat for which the licence is required is named the will be manned by a crew of not more than or less than , , - persons- Is propelled by steam (*or as the case may be*), has a superficial area of feet sufficient for the carriage of passengers and crew, or persons in all.

Has a cargo capacity of cubic feet by measurement and tons by weight, is feet long from bow to stern, is feet broad amidship, is feel deep amidship.

Declared at .the . day of 19

(Signed) A. B.