

## **Rules For licensing and regulating river craft in the Port of Rangoon.**

### **No. 2**

**The 19th January 1934.**

No. 2.- In exercise of the power conferred by section 6, sub-section (1), clause (k), of the Indian Ports Act, 1908, the Governor-in-Council is pleased to make the following rules for licensing and regulating river craft in the Port of Rangoon. The rules shall be brought into force with effect from the 1st January 1934, from which date the rules published with Marine and Commerce Department Notification No. 17, dated the 28th March 1913, as subsequently amended, shall be superseded:-

#### **Definitions.**

##### **1. In these rules-**

- (1) "goods" includes wares and merchandise of every description, but does not include passengers' baggage or parts of a ship's machinery taken ashore for repair and return;
- (2) "river craft" includes all boats, barges, flats, launches, lighters, tugs and other vessels of any description however propelled or towed ordinarily used for the conveyance of goods or persons, except those,-
  - (a) having a carrying capacity of less than 20 tons which are licensed under the Passenger Boat Rules published in Marine and Commerce Department Notification No. 3, dated the 19th January 1934.
  - (b) belonging to Government;
- (3) "river craft-Class A" means any type of mechanically propelled river craft possessing a certificate of survey issued under the Inland Steam-vessels Act, 1917, and not employed whether regularly or occasionally in carrying goods to or from sea-going vessels;
- (4) "river craft-Class B" means a flat paddy gig or any type of mechanically propelled river craft not in class A, and not employed whether regularly or occasionally in carrying goods to or from sea-going vessels;
- (5) "river craft-Class C" means any type of river craft not in class A or class B;
- (6) "license" unless otherwise specified means the license in duplicate issued in respect of river craft under these rules;
- (7) "prescribed" means prescribed under these rules or the appendices or schedules thereto;

- (8) "Commissioners" means the Commissioners for the Port of Rangoon;
- (9) "Deputy Conservator" means the Deputy Conservator of the Port of Rangoon and includes any other officer or officers acting under the authority of the Deputy Conservator;
- (10) "tindal" means a person who is empowered by a certificate granted under these rules to take charge of river craft;
- (11) "certificate" unless otherwise specified means the certificate of competency issued to tindals under these rules.

Exemptions applicable to river craft certificated under Inland Steam-vessels Act.

2. None of the provisions of these rules relating to tindals, number of crew, survey for the determination of tonnage and free-board shall apply to any river craft possessing a certificate of survey issued under the Inland Steam-vessels Act, 1917, or surveyed by Government under the Petroleum Rules.

## SECTION I.

### Licensing of River Craft.

River craft to pay fees prescribed.

3. The fees prescribed by these rules shall be paid in respect of every river craft which shall ply within Harbour limits, whether for hire or not and whether regularly or occasionally, excluding such exceptions as have been or may be made under these rules.

River craft not to ply without license.

4. No river craft shall so ply unless it has been licensed under these rules and such license remains in force: Provided that in the case of river craft which ply entirely outside Harbour limits and enter the Harbour only for docking purposes or repairs, licensing shall be dispensed with if notice is given to the Deputy Conservator prior to such vessels entering the Harbour.

Application for license.

5. Application for the grant of a license shall be made in writing to the Deputy Conservator.

Conditions under which a license is granted.

6. The Deputy Conservator shall grant a license in respect of river craft, class A or class B, on payment of the fees prescribed in Appendix IV to these rules:

Provided that in the case of river craft, class A, no fee shall be payable if application for the grant of a license is made to the Deputy Conservator-

- (a) before the 1st day of April each year, and
  - (b) in the case of a new craft or craft brought into the Port, before it commences plying.
7. The occasional use of river craft, class A or class B, for carrying goods to or from a sea-going vessel may be permitted provided written application is made in advance to the Deputy Conservator on each occasion and the fee as prescribed in Appendix IV to these rules is paid.
8. No license shall be granted in respect of river craft, class C, until such craft has been inspected by the Deputy Conservator and he has ascertained-
- (a) that the river craft is in good order and suited for the conveyance of cargo;
  - (b) that it is provided with adequate appliances for pumping or bailing out or otherwise getting rid of bilge water and with serviceable ground tackle and other articles necessary for safe navigation;
  - (c) the tonnage of such craft as determined in the manner prescribed in Appendix II to these rules;
  - (d) the free-board as determined in the manner prescribed in Appendix III to these rules and that a conspicuous mark has been fixed indicating the greatest depth to which it may be immersed when fully loaded;
  - (e) the number of crew required for the safe navigation of such craft according to the scale prescribed in Appendix I to these rules;
  - (f) whether the craft is fitted with a caboose or galley in a suitable position; except in the case of river craft intended for the transport petroleum or other dangerous goods in case of which the lighting of fires is prohibited by law;
  - (g) that any sanitary rules promulgated by the Local Government in exercise of the powers conferred by section 6 (1) clauses (k) and (p) of the India Ports Act, 1908, regarding the destruction of rats in river craft have been complied with.

River craft to bear a number fixed in a conspicuous position.

9. The Deputy Conservator shall assign to each river craft a number which shall be displayed as the Deputy Conservator may direct in one of the following ways:-
- (a) river craft-class A, and class C-by cutting or painting the number on either side fore and aft;
  - (b) river craft-class B-by painting the number on either side aft:

Provided that the display of the number assigned may at the discretion of the Deputy Conservator be dispensed with in the following cases:-

- (i) mechanically propelled river craft whose name is legibly displayed in Roman characters on either side of the bow and on the stern;
- (ii) river craft displaying in the manner prescribed an approved private series of letters and numbers.

Fees payable on issue of a license.

10. On payment of the fees prescribed in Appendix IV to these rules the Deputy Conservator shall issue to the owner in respect of each river craft a license in duplicate in such form as the Commissioners may from time to time direct.

Term of license.

11. A license shall be in force unless cancelled or suspended until the 31st day of December next ensuing. On expiry or earlier determination thereof the license shall be returned to the Deputy Conservator.

Renewal of license.

12. Application for the renewal of a license shall be made on a form (see Form A, Appendix VI) to be supplied by the Deputy Conservator. A new license shall be issued by the Deputy Conservator provided the provisions of these rules have been complied with.

Transfer to license on change of ownership.

13. When the ownership of a river craft is transferred the license shall lapse and the river craft shall not ply until again licensed in the name of the transferee. Application for a transfer of license shall be made on a form (see Form B, Appendix VI) to be supplied by the Deputy Conservator and the transfer effected on payment of the fee prescribed in Appendix IV to these rules.

Replacement of a lost or illegible license.

14. If a river craft license is lost or becomes illegible the owner shall apply to the Deputy Conservator for a new license. The Deputy Conservator shall issue a new license on payment of the fee prescribed in Appendix IV to these rules provided the applicant furnishes sufficient evidence in the case of loss.

Power to suspend or cancel license of a defective river craft.

15. The Deputy Conservator may at any reasonable time inspect a licensed river craft, class B or class C, and by written order served on the owner thereof, direct the carrying out of specified repairs. In default of compliance with the Deputy Conservator's order the license of any such craft found defective may be suspended until such time as the defects have been remedied to the Deputy Conservator's satisfaction.

License to be kept on board.

16. River craft when plying shall have on board the original copy of the license which shall be produced whenever so required by the Deputy Conservator.

Conditions under which a licensed river craft may ply.

17. River craft not mechanically propelled, when under way shall be either under oars or sail or in tow of a mechanically propelled vessel.
18. River craft shall not make fast to any of the Commissioners' mooring buoys without the permission of the Deputy Conservator.
19. A river craft, class C, shall in no circumstances ply unless it is in charge of a serang holding a certificate issued under the Inland Steam-vessels Act, 1917, or a tindal who is the holder of a subsisting tindal's certificate issued under section II of these rules. The name of the person in charge shall be recorded on the river craft license:

Provided that in approved cases, when the Deputy Conservator is satisfied that an owner is keeping a proper register of the men in charge of his craft, the following may be substituted on the river craft license for the name of the person in charge—"a (Certificated tindal/Certificate serang) in the employ of

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20. In the event of the serang or tindal whose name is shown on the license being incapacitated, the river craft may not ply until he is replaced by another certificated serang or tindal. A report of such replacement is immediately to be sent the Deputy Conservator together with the fee prescribed in Appendix IV to these rules for the alternation of the license:

Provided that if the serang or tindal or a river craft becomes a casualty while the craft is inward bound to the Port the craft may enter the harbour and proceed to a safe anchorage pending replacement of the incapacitated serang or tindal.

21. The person in charge of a river craft, class C, shall not permit such craft,-
- (a) to be loaded so as to submerge the mark indicating the load line;
  - (b) to ply unless the full crew as prescribed in Appendix I to rules shall be on board.
22. No fires other than fires under boilers shall be lighted in any part of a river craft in which it is permissible to light a fire, except in the caboose on its deck.
23. All bilge water shall be pumped or bailed out or otherwise got rid of at least once a day.

Report of casualties to nearest police-station.

24. The person in charge of a river craft shall at once report to the officer in charge of the nearest police station any accident in respect of such craft causing hurt to any person or damage to any property.

Penalty for infringement of rules.

25. For any infringement of the rules under section I of these rules or any other rules for the time being in force relating or applicable to river craft, the Chairman of the Commissioners may suspend or cancel a license:

Provided that in case when a tindal is at fault action shall be taken in accordance with rule 31 of these rules.

If there shall be any infringement of rule 3 the Deputy Conservator may detain or arrest the river craft and the tackle, apparel and furniture belonging thereto in the manner provided under section 42 of the Indian Ports Act, 1908. In such cases the fee as prescribed in Appendix IV to these rules shall be payable by the owner of the river craft.

## **SECTION II.**

### **Grant of tindals' certificates of competency.**

Application and fee payable for a certificate.

26. Application for the grant of a tindals' certificate of competency shall be made on a form (see Form C, Appendix VI) to be supplied by the Deputy Conservator. An applicant shall deposit the fee prescribed in Appendix V to these rules with the Deputy Conservator who shall return it if a license is not granted.

Conditions under which a certificate is granted.

27. The Deputy Conservator if satisfied as to the fitness of an applicant to take charge of a river craft, shall, having due regard to the type of river craft of which he is to be in charge, issue to the applicant a tindal's certificate in such form as the Commissioners may from time to time direct. A photograph of the applicant shall be affixed to the certificate.

Term and renewal of a certificate.

28. A certificate shall be in force for a period of one year but may be renewed on payment of the fee prescribed in Appendix V to these rules.

Replacement of a lost certificate.

29. If a tindal lose his certificate he may apply for a duplicate to the Deputy Conservator who shall issue a duplicate copy provided the applicant furnishes sufficient proof of identity and the fee as prescribed in Appendix V to these rules is paid.

Certificate to remain in possession of tindal.

30. A tindal when in charge of a river craft shall at all times have in his possession the subsisting certificate issued to him under these rules and shall produce it for inspection whenever so required by the Deputy Conservator.

Penalty for infringement of rules.

31. The Deputy Conservator may suspend or cancel a certificate for any of the following reasons:-

- (a) if it be found that a tindal has made an untrue statement in his application for a certificate;
- (b) for any infringement of the rules under Sections I and II of these rules;
- (c) if a tindal be found by the Deputy Conservator to have infringed any rule, regulation or bye-law framed under the Sea Customs Act, 1878, or the Indian Ports Act, 1908.

An appeal shall lie from any order of suspension or cancellation to the Chairman of the Commissioners whose decision shall be final.

----- Footnote -----

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----- Attachment -----

[ ATTACH LIST 1 ] 01 APPENDIX I. [See Rule 8 (e).] Scale showing minimum number of crew to be maintained on board river craft, Class C.

[ ATTACH LIST 2 ] 02 APPENDIX II. [See Rule 8 (c).] Rules for determining tonnage of licensed river craft.

[ ATTACH LIST 3 ] 03 APPENDIX III. [See Rule 8 (d).] Rules for determining free-board of licensed river craft.

[ ATTACH LIST 4 ] 04 APPENDIX IV. (See Rules 6, 7, 10, 13, 14, 20 and 25.)

[ ATTACH LIST 5 ] 05 APPENDIX V. (See Rules 26 and 29.)

[ ATTACH LIST 6 ] 06 APPENDIX VI. (See Rules 12, 13 and 26.)

[ ATTACH LIST 7 ] 07 FORM B. COMMISSIONERS FOR THE PORT OF RANGOON.

[ ATTACH LIST 8 ] 08 FORM C. COMMISSIONERS FOR THE PORT OF RANGOON.