

CHAPTER 235

MASTERS ATTENDANT*

AN ORDINANCE TO DECLARE THE DUTIES OF MASTERS ATTENDANT, AND TO PROVIDE FOR THE BETTER PRESERVATION OF THE PORTS OF SRI LANKA AND FOR THE BETTER REGULATION OF THE SHIPPING THEREIN.

Ordinances
Nos. 6 of 1865,
3 of 1883,
6 of 1896,
4 of 1899,
10 of 1904,
20 of 1905,
14 of 1907,
30 of 1908,
19 of 1924,

Act
No. 27 of 1955.

[20th October. 1865.]

PRELIMINARY

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

Minister to declare ports to be brought under the Ordinance, and to define and vary their limits. **2.** The Minister may, from time to time, declare by Order the ports which are to be brought within the operation of this Ordinance, and may define the limits of such ports respectively; and it shall be lawful for the Minister, in like manner, to alter and amend such limits.

Port rules. **3.** The Minister may, from time to time, frame and establish such port rules, not inconsistent with this Ordinance, as he may think necessary for any of the following purposes, namely:—

- (a) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Ordinance;
- (b) for regulating the berths and stations to be occupied by vessels in any such port;
- (c) for striking the yards and topmasts, and for rigging in the jib and driver booms, of vessels in any such port, whenever it may be proper so to do;
- (d) for the removal or proper hanging or placing of anchors, spars, and

other things in or attached to vessels in any such port ;

- (e) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;
- (f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same, and for marking out the spaces so to be kept free;
- (g) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port;
- (h) for regulating the mooring and warping of all vessels within any such port, and the use of warps therein;
- (i) for regulating the use of the mooring buoys, chains, and other moorings in any such port ;

* All references in this Ordinance to Master Attendant shall be read as a reference to the Ports Authority in its application to any " specified port ", within the meaning of section 2 of the Sri Lanka Ports Authority Act—See section 86 (3) thereof.

- (j) for fixing from time to time the charges to be made for boat hire which may be demanded by boats licensed to convey goods and passengers in the said ports; the rates and charges of pilotage on vessels into and out of any of the said ports, from or to a distance of one league out at sea; or for removing or re-mooring any vessel; and the rates to be paid for the use of Government moorings, whenever the same shall be available, and the charges for work connected with mooring of the said vessels;
- (k) for regulating boats plying for the conveyance of passengers or goods within such port, whether for hire or otherwise;
- (l) for regulating bumboats, and all boats used by traders, hawkers, and others for the conveyance of goods for sale in any such port;
- (m) for maintaining good order on jetties and landing-places, for prohibiting the same from being frequented by loiterers or undesirable persons, and for preventing the commission of nuisances thereon;
- (n) for providing for the periodical inspection of steam boilers on water boats, barges, lighters, and similar vessels, and on launches as defined by the Launches Ordinance, and for prohibiting the use of such steam boilers, unless the same have been duly inspected and certified to be in good order. Such rules may prescribe a fee for the inspection of such steam boilers not exceeding twenty-one rupees for each inspection in the case of launches, and ten rupees and fifty cents in the case of other vessels;
- (o) for the issue of certificates of competency to the drivers and persons in charge of steam boilers on water boats, barges, lighters, and

similar vessels (not being launches as defined by the Launches Ordinance), and for prohibiting steam boilers on such vessels to be worked by or to be in charge of persons who do not hold certificates;

- (p) for regulating the use of fires and lights within any such port;
- (q) for regulating and enforcing the use of signals by vessels at night in any such port;
- (r) for prohibiting the collection or removal of any coal which may be washed ashore or found within the limits of any such port except by duly licensed persons, and for granting licences for the collection and removal of such coal;
- (s) for regulating all other matters necessary to provide in every respect for the preservation of the ports and the better regulation of the shipping therein, and not specially provided for by this Ordinance:

Provided that such port rules shall be published in the Gazette at least one month before the same shall take effect, and a copy and translation thereof in the vernacular languages of the district shall be fixed in some conspicuous place in the office of the Master Attendant of every port to which such order shall relate, and in the custom-house, if any, of every such port.

MASTERS ATTENDANT

4. The Master Attendant of any port subject to this Ordinance may, in respect of any vessel within such port, give directions for carrying into effect any port rule in force within such port.

Master Attendant may give directions for certain specific purposes.

5. If any person shall wilfully and without lawful excuse refuse or neglect to obey any lawful direction of the Master Attendant after notice thereof shall have been given to him, such person shall for every such offence be liable to a fine not

Penalties For disobedience to orders of Master Attendant.

exceeding fifty rupees, and a further sum not exceeding fifty rupees for every day on which he shall wilfully continue to disobey such direction ; and in case of such refusal or neglect it shall be lawful for the Master Attendant to do, or to cause to be done, all such acts as shall be reasonable or necessary for the purpose of carrying such direction into execution, and to hire and employ proper persons for that purpose ; and all reasonable expenses which shall be incurred in doing such acts shall be paid and borne by the persons so offending. Any written notice of a direction given under this Ordinance, which shall be left for the master of any vessel with any person employed on board thereof, or which shall be affixed on a conspicuous place on board of such vessel, shall for the purposes of this Ordinance be deemed to have been given to the master thereof.

Master Attendant to appoint place for anchorage.

6. (1) Whenever any vessel shall arrive within any port of Sri Lanka brought within the operation of this Ordinance, the Master Attendant of such port or any person authorized by him either generally or on a special occasion is hereby authorized and required to appoint the place where the same shall cast anchor, or be moored, or otherwise secured, and to direct the master or person in charge of such vessel to anchor, moor, or otherwise secure his vessel at such a place, or himself to cause it to be anchored, moored, or otherwise secured there.

(2) Such Master Attendant or authorized person as aforesaid shall at all times have full power and authority to board any such vessel and to remove or cause the removal of the same from one place of mooring or anchorage to another when he shall consider such removal expedient.

(3) If the master or person in charge of any such vessel shall be desirous of moving the same from one place of mooring or anchorage to another, such master or person in charge is hereby required to notify to the Master Attendant such his desire, and the Master Attendant shall, unless he see good and sufficient reason to the contrary, authorize the removal thereof by such master or person in charge, or shall himself remove it or cause its removal.

(4) If any master or person in charge of any such vessel or any other person shall neglect or disobey any lawful direction of the Master Attendant or of any person authorized as aforesaid, or shall offer any resistance or impediment to such Master Attendant or authorized person or to any person acting under the orders of such Master Attendant or authorized person in the execution of any duty or authority herein imposed upon or vested in or delegated to such Master Attendant or authorized person, or shall change the mooring or anchoring of any such vessel without the authority of the Master Attendant, every such master or person shall be guilty of an offence, and be liable to any fine not exceeding two hundred rupees.

7. The Master Attendant may, whenever he shall suspect that any offence has been or is about to be committed in any vessel contrary to this Ordinance, or whenever it is necessary for him so to do in the discharge of any duty imposed upon him by this Ordinance, go on board any vessel within the limits of any port. If the master or other person in charge of such vessel shall, without lawful excuse, refuse to allow any Master Attendant or any of his deputies or assistants to enter such vessel for the performance of any duty imposed upon him by this Ordinance, he shall for every such offence be liable to a fine not exceeding two hundred rupees.

Master Attendant may go on board any vessel in discharge of his duty.

8. The Master Attendant shall render assistance to vessels in distress within sight of the port by every means in his power.

Master Attendant to give assistance to ships in distress.

9. Whenever the passage of boats to or from any vessels at anchor in any port shall become dangerous, the Master Attendant shall hoist a white flag with a red ball in the centre in some conspicuous place, and shall keep the same so hoisted as long as such danger shall continue ; and if any master or person in charge of a vessel or other person shall, after such signal shall have been made, prevent any boat which may be alongside of any vessel from returning ashore, every such master or person shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees; and the

Flag to be hoisted when passage to or from ships dangerous.

remuneration to be made in respect of any boat returning under such circumstances shall be determined by the Master Attendant, and shall not thereafter be questioned.

10. The Master Attendant may remove or cause to be removed any timber or raft floating or being in any part of any such port which shall impede the free navigation of such port; or anything which shall obstruct or impede the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work, or any part of the shore or bank which has been declared to be within the limits of such port, and which is not private property ; and the owner of any such timber or raft, or other thing, shall be liable to pay the reasonable expenses of such removal.

11. If any person shall, without lawful excuse, cause any obstruction or impediment to the navigation of any port subject to this Ordinance, or shall cause any public nuisance affecting or likely to affect such navigation, every such person shall be liable to a penalty not exceeding one hundred rupees, and also to pay all reasonable expenses which shall be incurred in abating or removing such nuisance, obstruction, or impediment, and the Master Attendant of the port may cause such nuisance, obstruction, or impediment to be abated and removed.

12. If any vessel shall be wrecked, stranded, or sunk in any such port, so as to impede or to be likely to impede the navigation thereof, the Master Attendant may cause the same to be raised, removed, or destroyed , and unless the expense of Such work shall be repaid within one month after the completion thereof, he shall recover the same in the manner provided in section 13 of this Ordinance.

13. If the Master Attendant shall incur any expense in causing any obstruction, impediment, wreck, or nuisance to be removed, and such expense be not paid within one week after the same shall have been notified in the Gazette, or in such other manner as the Minister by any general or special order may direct, such expense certified to by the Master Attendant, and

reported to the Magistrate's Court of the judicial division, may be recovered in the same manner as any fine imposed by that court. The Master Attendant may, in addition to or exclusive of such remedy, cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, or so much thereof as may be necessary, to be sold by public auction, and may retain all the expenses of such removal and sale out of the proceeds of such sale, and shall pay the surplus of such proceeds or deliver so much of the timber and other materials as shall remain unsold to the owner or other person entitled to receive the same, and if no such person appear shall cause the same to be kept and deposited in such manner as the Minister may direct, and may, if necessary, from time to time realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

LICENSED BOATS

14. No boat of any kind shall, within any port subject to this Ordinance, ply, whether for hire or otherwise, for the conveyance of passengers or goods between vessels in port and the shore, or as a bumboat, or as a boat for the conveyance of traders, hawkers, or of goods for sale, or for landing or shipping any cargo or goods, and no person shall act as tindal thereof, unless such boat and tindal shall be licensed for that purpose, by licence under the hand of the Master Attendant of the port, such licence to be issued and recalled or taken away in case of any misconduct by the owner, tindal, or any of the boatmen thereof, at the discretion of Such Master Attendant, or (in the case of cargo boats and their tindals) of the Collector of Customs; and such licence shall be in force for such period as may be expressed therein, unless previous to the expiration thereof the same shall be recalled or taken away as aforesaid, and shall specify the burden and description of the boat and (if a passenger boat) the number of passengers that may be conveyed therein at one time, the name of the owner and the tindal thereof, and the number of boatmen to be employed in the same, and all licences shall be registered in the offices of the Master Attendant at each

Passenger and cargo boats to be licensed.

Any floating timber. &c.. or obstruction on shore, to be removed at expense of owner.

Penalties for causing obstruction or public nuisance.

Master Attendant may raise any wreck impeding navigation.

Expenses of removal.

port respectively; and such licence shall be on a stamp of three rupees, to be paid by the owner of the boat and tindal respectively:

Provided, however, that it shall be lawful for vessels in landing or shipping passengers or cargo or goods to make use of their own boats;

Provided further, that where a Master Attendant refuses granting a licence to any person applying for the same, or recalls the licence after it is issued, he shall with all convenient despatch report such refusal or recalling to the Minister by whom the same shall and may be confirmed or reversed.

15. All owners of boats, tindals, and boatmen of licensed boats shall obey the orders of the Master Attendant of the port, and no licensed boat shall be absent from the port without his leave ; and if the owner, tindal, or principal person of any licensed boat shall not so obey the said orders, or shall suffer his licensed boat to be absent from the port without leave as aforesaid, or if he, on any verbal or written notice being given to him by the Master Attendant of the port or any officer of his department ordering such boat to proceed on board any vessel, shall refuse or neglect to comply with such order, not being manifestly prevented therefrom by stress of weather, or if he shall, when so required to proceed, have fewer seamen on board his boat than the number specified in his licence, unless by permission of the Master Attendant, who may in such case at his discretion order a proportionate reduction of the charges payable for the hire of such boat, such owner, tindal, or principal person shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding one hundred rupees.

16. If any passengers or goods be landed from or shipped to any vessel in any of the said ports, in any boats, except in boats licensed as above mentioned, or in boats belonging to such vessel or after the expiration of the period mentioned in such licence, or after the same has been recalled, or contrary to the terms thereof, the owner, lindal, or person in charge of such boat shall be guilty of an offence, and be liable to

a fine not exceeding twenty rupees, and the said goods and the unlicensed boat in which they may have been landed or shipped shall be forfeited, and shall be dealt with in the same manner as goods declared to be forfeited or liable to forfeiture by the laws for the time being in force relating to the customs.

17. In landing the cargoes of vessels, each separate boatload shall be accompanied by a note, addressed to the Collector of Customs, specifying the number and description of the packages and the marks and numbers affixed thereon, or, if in bulk, the quantity, as far as can be ascertained, of the goods so sent:

Provided that it shall be lawful for the Minister by general or special directions to be by him for that purpose given to the Collector of Customs of any port, to allow any vessels or class of vessels to give boatnotes in any simpler form, if it be found inexpedient to require of them the fuller form above prescribed. In default of giving a note as required by this Ordinance, or by the directions of the Minister as aforesaid, the master or supercargo shall be deemed guilty of an offence, and be liable to a fine not exceeding one hundred rupees.

18. The owner of every boat shall paint or cause to be painted, and shall keep painted in white or yellow, in arabic figures not less than twelve inches in length on a black 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; and the licence of such boat may be withheld until it is so marked.

19. Every licensed boat shall be kept well and completely dunnaged and seaworthy, and the Master Attendant shall, as often as he may think necessary, require the owners of licensed boats or any one or more of them to expose them in some convenient place for his inspection, and in case any owner shall neglect or refuse so to expose any boat belonging to him, and in case on any boat being so exposed the Master Attendant shall deem it unseaworthy, it shall be lawful for the Master Attendant to recall the licence.

Where specification of description, &c.. of packages necessary.

Number of boat to be painted thereon.

Licensed boat to be always kept seaworthy.

Penalty on tindals and boatmen of licensed boats for misconduct.

Penalty on employment of unlicensed boats.

Owners of licensed boats to keep two boats always ready for service in the night-time.

20. The owners of licensed boats shall keep and provide for service during the night, that is to say, from six o'clock in the afternoon until six o'clock in the morning, two full-sized boats with their proper crews, according to a course or rotation to be specified by the Master Attendant on the first day of every current month, and to be notified in writing on some conspicuous part of his office, as regards the particular nights for the attendance of particular boats; and every owner of such boat who shall fail to provide his boat properly manned, and in all respects fit for service, shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding fifty rupees.

MASTERS OF VESSELS

Penalty on throwing ballast, &c., overboard.

21. If any master or other person shall throw overboard from any vessel any stones or ballast or rubbish, or any other thing whatever likely to form a bank or shoal or to be detrimental to navigation within any of the said ports, except in such places as may be appointed for the purpose by the Master Attendant, and if any stones or ballast landed from any vessel on any wharf, quay, or other landing-place in any of the said ports or in any place prohibited by public notice in writing signed by the Collector and Master Attendant of the port, be not removed, within twenty-four hours after the same shall have been landed, to the depositories appointed by the Collector of Customs and Master Attendant of the port, the master or other persons so throwing overboard or landing such stones or ballast shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding two hundred rupees over and above any expenses which may be incurred in removing the same and which expenses shall be recovered in the manner provided in section 13 of this Ordinance.

Ship losing anchor to give notice to Master Attendant.

22. Whenever any vessel shall have lost any anchor or cable in any of the said ports, the master or person in charge thereof shall immediately give notice of such loss to the Master Attendant, together with the bearings of such anchor or cable, and a description of any marks on them by which they could be recognized when discovered :

Provided always that it shall at all times be lawful for such master or person in charge to sweep for, and fish up, and recover such anchor or cable at his own expense.

23. If any master or person in charge of a vessel in any of the said ports shall request the Master Attendant to recover any anchor or cable which he shall have lost at any place therein, or if information shall be given to the Master Attendant that any anchor or cable has been found in any of the said ports, or is known or reported to have been lost from any vessel therein, the Master Attendant shall use his best endeavours to recover such anchor or cable, and shall be entitled upon recovering the same to one-third of the value thereof; and if the Master Attendant shall at any time refuse or neglect for the period of one calendar month after such request being made or such information being given to use such endeavours as aforesaid, it shall be lawful for any other person or persons, at his or their own expense to sweep for, and fish up, and recover such anchor or cable, and such person or persons shall in like manner be entitled to one-third of the value of any anchor or cable so recovered by him or them:

When share of value of lost anchor to be paid to Master Attendant or other person recovering it.

Provided always that if any difference of opinion shall arise between the Master Attendant and the master or person in charge of any such vessel, or his agents, as to the value of any such anchor or cable, the point shall be referred to the Collector of Customs, and his decision shall be conclusive; and if any such difference shall arise between the master or person in charge of any ship or vessel, or his agents, and any other party or parties recovering such anchor or cable, the same shall be referred to the Master Attendant, whose decision shall be conclusive.

24. All anchors and cables which shall be recovered within any of the ports and by any person other than the person in charge of the vessel from which they are known to have been lost shall be landed at the wharf or place appointed for that purpose ; and if the same shall not be claimed within the period of twelve months they shall become the property of the State, and shall be sold by public auction. Two-thirds from the

Anchor not claimed within twelve months to become the property of the State.

proceeds shall go to the party or parties who recovered the said anchor and cable, and one-third to the State.

Penalty on master, person in charge of a vessel or other person offending against this Ordinance.

25. If any master or person in charge of a vessel or other person shall in any case fail or neglect to observe any lawful directions of the Master Attendant, or to do anything required of him by this Ordinance or by any port rule made under section 3 of this Ordinance, or shall do or omit to do anything contrary to the true and plain meaning of this Ordinance, or of any such port rule, or if any master or person in charge of any vessel or any other person shall interfere with any Master Attendant, or any of his deputies or officers, or any person acting under his authority, in the execution of his duty in regard to such vessel, so as to resist or impede him or them in the proper performance thereof, every such master or person in charge of a vessel, or other person, shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

Vessels not to obtain clearance until all charges are paid.

26. The officer of Government whose duty it shall be to grant a port clearance for any vessel shall not grant such port clearance until the owner, agent, or master of that vessel, or some other person, shall have paid all port dues, fees, and charges to which such vessel, or the owner or master of such vessel in respect thereof, shall be liable under this Ordinance or any other enactment.

Ordinance not to extend to vessels in the service of the Republic and to vessels of war belonging to any foreign state.

27. Nothing in this Ordinance contained shall extend to any vessel belonging to or in the service of the Republic, or to any vessel of war belonging to any foreign prince or state, nor affect any law relative to the customs, nor any order or direction which shall have been lawfully made or given in pursuance of the provisions of any such law.

MISCELLANEOUS

Removing stones, &c., or injuring shores, prohibited.

28. In every port subject to this Ordinance, to which the provisions of this section shall be extended by an Order of the Minister, no person, without the permission of the Master Attendant, shall remove or carry away any rock, stones, shingle, gravel, sand or soil, or any artificial protection from any part of the bank or shore of such

port; and no person shall sink, bury, or drive, in any part of such bank or shore, whether the same be public or private property, any mooring post, anchor, or any other thing which is likely to injure, or to be used so as to injure such bank or shore, except with the permission of the said Master Attendant, and with the aid or under the inspection of such person or persons (if any) as he may appoint to take part in or overlook the performance of such work. If any person shall offend against the provisions of this section, he shall be liable to a fine not exceeding one hundred rupees for every such offence, and to pay the expenses of repairing the injury (if any) done to such bank or shore, such expenses being recoverable in the manner provided in section 13 of this Ordinance.

29. (1) Where any damage to any harbour, dock, pier, quay or works connected therewith is done by any vessel or by any person employed in any vessel and acting in the course of his employment—

- (a) the owner of that vessel shall be liable, and
- (b) if that damage is done through the wilful act or the negligence of the master of that vessel, such master shall also be liable,

to pay to the Master Attendant the actual or estimated cost of repairing that damage :

Provided, however, that where such damage is done by any vessel while it is in the charge of a pilot appointed under the Pilots Ordinance and the owner of that vessel proves that such damage is due to the wilful act or the negligence of such pilot, such owner shall not be subject to the liability imposed by the preceding provisions of this subsection.

(2) Where the owner or master of any vessel incurs a liability under subsection (1), the Master Attendant may detain that vessel until sufficient security is given for the discharge of that liability.

Offences against this Ordinance, and debts due thereunder, to be respectively punishable and recoverable in Magistrates' Courts and Primary Courts.

30. All offences against this Ordinance shall and they are hereby declared to be fully cognizable and punishable by Magistrates' Courts, and all sums becoming due by reason of any of the provisions thereof shall and they are hereby declared to be recoverable before Primary Courts, though such offences and sums should exceed the ordinary jurisdiction of those courts.

Prohibition of diving for money.

31. (1) Whoever within any harbour, subject to the provisions of this Ordinance, dives for money thrown by passengers or others from vessels in harbour, shall be guilty of an offence, and shall be liable on conviction thereof to imprisonment of either description for a term not exceeding one month.

(2) Any police officer or peace officer may arrest and take before the Magistrate having jurisdiction any person found committing an offence against this section.

32. In this Ordinance, unless the context otherwise requires—

" boat " includes canoes and catamarans, and also launches propelled by steam, electricity, or other motive power;

" master ", when used in relation to any vessel, includes any person having for the time being the charge or command or control of such vessel;

" Master Attendant " includes his deputies and assistants;

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

" vessel" includes anything made for the conveyance by water of human beings or of property.