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THE LIGHT HOUSE ACT, 1927

"Act No. XVII OF 1927

[21st September, 1927]

An Act to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in ?[Pakistan].

WHEREAS it is expedient to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in *[Pakistan] ;

it is hereby enacted as follows :—

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the **Lighthouse Act, 1927.

4[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such date? as the °[Federal Government] may, by notification in the “[official Gazette] appoint.

2. Definitions. In this Act unless there is anything repugnant in the subject or context :-

8(a) [Collector of Customs] means an officer of customs exercising the powers of a Customs-collector under the °[Customs Act 1969 (IV of 1969)], and includes any person appointed by the °[Federal Government] to discharge the functions of a Customs-collector under this Act;

(b) “district” means an area defined as a district for the purposes of this Act under section 3;

(c) “general lighthouse” means any lighthouse which the °[Federal Government] may, by notification in the “[official Gazette], declare to be a general lighthouse for the purposes of this Act;

for statement of Objects and Reasons, see Gazette of India, 1927, pt. V, p.53, and for Report of Select co

2Subs. by the Central Laws (Statute Reform) ordinance, 1960 (21 of 1960), s.3 and and gch. (with effect from the 14* October, 1955), for sub-sections 1 and 2 of section 2 of the “Central Government” which had been subs. by A.O. 1949, for “British India”.

3 The word “Indian” omitted by A.O., 1949.

4subs. by Ordinance 21 of 1960, s.3 and 2"4 Sch (with effect from the 14* October, 1955), for sub-section 2 of section 2 of the “Central Government” which had been subs. by A.O. 1949, for “British India”.

subs. by F.A.O., 1975 Art.2 and Table, for “Central Government” which was previously amended by A.O. 1949, for “British India”.

8For Notifn. under this clause, see Gaz. of P., 1960, Pt, I, p.25.

°Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (279, 1981), S.3 and Sch., II, for “Subs. ibid, for “Sea Customs Act, 1878”.

(d)

(e)

(f)

(g)

(h)

(i)

3

3[official Gaze

4.

“lighthouse” includes any light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships;

“local lighthouse” means any lighthouse which is not a general lighthouse;

“local lighthouse authority” means a '[Provincial Government]', local authority or other person having the superintendence and management of a local lighthouse;

“owner” includes any part-owner, charter, or mortgagee in possession and any agent to whom a ship is consigned;

“port” means any port, as defined in the Ports Act, 1908 (XV of 1908), to which that Act extends; and

words and expressions used in this Act and not otherwise defined have the same meanings respectively as in the Merchant Shipping Act, 1923 (XXI of 1923).

Appointment of officers. The *[Federal Government] may, by notification in the [te],—

4(a) define areas to be districts for the purposes of this Act;

(b) appoint a person to be the Superintendent of Lighthouses in each district;

(c) appoint a person to be the Chief Inspector of Lighthouses in *[Pakistan]; and
(d) appoint persons to be Inspectors of Lighthouses.

Advisory Committees.— (1) The 7[Federal Government] shall appoint a Central

Advisory Committee and shall consult it in regard to—

(2)

(a) the erection or position of lighthouses or of any works appertaining thereto;
(b) additions to, or the alteration or removal of, lighthouses;

(c) the variation of the character of any lighthouse or of the mode of use thereof;
(d) the cost of any proposals relating to lighthouses; or

(e) the making or alteration of any rules or rates of dues under this Act.

The *[Federal Government] may, if '[it] thinks fit, appoint an Advisory Committee for any district for the purpose of advising in regard to any of the matters specified in sub-section (1) in so far as the interests of the district are affected thereby.

'Subs. by A.O., 1937,

*Subs. by F.A.O., 197.

for "L.G."

5, Art.2 and Table, for "Central Government" which was previously amended by A.O., 1937, for "G.G. in C."

Subs. by A.O., 1937, for "Gazette of India."

'For notifn. issued under this clause, see Gaz. of P., 1956, Pt.I, pp.436-437.

'Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October 1960) for "the Government of the Indian Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, for "British India".

®Subs. by A.O., 1937,

for "he".

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(3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof.

GENERAL LIGHTHOUSES

5. Management of general lighthouses by the Federal Government and delegation of

management.—(1) The superintendence and management of all general lighthouses are vested in the 'Federal Government].

(2) The '[Federal Government] may require any local light-house authority to undertake the superintendence and management of any general lighthouse situated in or adjacent to the local limits within which the authority exercises its powers, and shall pay to the authority such sums to defray the cost of superintendence and management as [the *[Federal Government]] may determine.

LOCAL LIGHTHOUSES

6. Powers to Inspect local lighthouses.— (1) The Chief Inspector of Lighthouses may, at any time, and any Superintendent or Inspector of Lighthouses may, if authorised in this behalf by a general or special order in writing of the '[Federal Government], enter upon and inspect any local lighthouse and make such inquiries in respect thereof or of the management thereof as he thinks fit.

(2) Every person having the charge of, or concerned in the management of, any lighthouse shall be bound to furnish to any officer authorised by or under sub-section (1) to inspect the light-house all such information regarding the same as the officer may require.

(3) Every local lighthouse authority shall furnish to the '[Federal Government] all such returns and other information in respect of the lighthouses under its supervision and management, or of any of them, as 7[the >[Federal Government] may require.

7. Control of local light-houses by the Federal Government. If, after an inspection under section 6 or such other inquiry as "[it] thinks fit, the '[Federal Government] is satisfied a direction under this sub-section is necessary or expedient for the safety, or otherwise in the interests, of shipping, fit] may direct any local lighthouse authority—

(a) to remove or discontinue or to refrain from moving or discontinuing any lighthouse under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such lighthouse, or

(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining, any lighthouse within the local limits within which the local lighthouse authority exercises its powers.

(2) A local lighthouse authority shall not erect, place, remove or discontinue any lighthouse or vary the character or mode of use of any lighthouse, unless it has given to the '[Federal Government] at least one month's notice in writing of its intention so to do:

'Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which was previously amended by A.O. 1937.

*Subs. by F.A.O., 1937, for "he".

3Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

Provided that, in cases of emergency, a local lighthouse authority may take such action as it deems necessary and shall give immediate notice of the same to the '[Federal Government] and, so far as is possible, to all shipping approaching or in the vicinity of the lighthouse.

(3) If a local lighthouse authority-

(a) fails to comply with any direction made under sub-section (1), or

(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of lighthouses conferred or imposed upon it by or under any law for the time being in force, or

(c) fails to make adequate financial provision for the performance of any such duty,

the '[Federal Government], may, by order in writing, require the local lighthouse authority to comply with the direction, or to make arrangement to [the satisfaction of the *[Federal Government]] for the proper exercise of the power or performance of the duty, or to make financial provision to 7[the satisfaction of the *[Federal Government]] for the performance of the duty, as the case may be within such period as "[the >[Federal Government]] may specify.

(4) If the local lighthouse authority fails to comply with an order made under sub-section

(3) within the specified period or within such further time as the '[Federal Government] may allow, the '[Federal Government] may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local lighthouse authority shall be liable to repay to the '[Federal Government] any expenditure incurred by '[it] in so doing.

8. Management of local lighthouses by the Federal Government. The '[Federal Government] may, at the request of a local lighthouse authority, undertake the superintendence and management of any local lighthouse on its behalf, and the local lighthouse authority shall pay to the 'Federal Government] such sums to defray the cost of superintendence and management as may be agreed.

LIGHT-DUES

9. Levy and collection of light-dues. For the purpose of providing or maintaining or of providing and maintaining lighthouses for the benefit of ships voyaging to or from °[Pakistan] or between ports in °[Pakistan], the '[Federal Government] shall, subject to the provisions of this Act, cause light-dues to be levied and collected in respect of every ship arriving at or departing from any port in °[Pakistan].

1gubs. by F.A.O., 1975, Art.2 and Table, for "Central Government" which was previously amended by A.C.

2Subs. by A.O., 1937, for "his satisfaction".

3gubs. by F.A.O., 1975, Art 2 and Table, for "Central Government."

4subs by A.O., 1937, for "he".

SSubs. ibid. for "him",

subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect for Provinces and the Capital of the Federation "which had been subs. by A.O., 1949, for "British India".

10. _ Rates of light-dues leviable. (1) The [Federal Government] may, 7[from time to time] by notification in the *[official Gazette], prescribe rates, ** * * * at which light-dues shall be payable, and may prescribe different rates for different classes of ships, or for ships of the same class when in use for different purposes or in different circumstances.

(2) Light-dues payable in respect of a ship shall be paid by the owner or master of the ship on its arrival at, and on its departure from, any port in “[Pakistan]” :

Provided that, if light-dues have been paid in accordance with the provisions of this Act in respect of any ship, no further dues shall become payable in respect of that ship for a period of thirty days from the date on which the dues so paid became payable.

(3) An order under sub-section (1) imposing, abolishing or varying light-dues shall not take effect till the expiration of thirty days from the day on which the order was notified in the *[official Gazette].

11. Receipts for light-dues. Light-dues shall be paid to the *[Collector of Customs] who shall grant to the person paying the same a receipt in writing specifying—

- (a) the port at which the dues have been paid;
- (b) the amount of the payment;
- (c) the date on which the dues became payable; and
- (d) the name, tonnage and other proper description of the ship in respect of which the payment is made.

12. —_‘Ascertainment of tonnage.— (1) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under the Merchant Shipping Acts for dues payable on a ship's tonnage, with the addition required under section 85 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c.60), with respect to deck cargo.

(2) In order to ascertain the tonnage of any ship for the purpose of levying light-dues, the [Collector of Customs] may--

- (a) if the ship is registered under any law for the time being in force in “[Pakistan]” or under the law of any foreign country in respect of which an Order in Council has been made under section 84 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c.60.,) that ships of that country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers (any such ship being hereafter in this section referred to as a registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and,

'Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was previously amended by A.O., 1937, for “Gazette of India”.

? Ins. omitted by Act XVII of 1994, s.2.

*Subs. by A.O., 1937, for "Gazette of India".

4Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from 1st April, 1960) for “Central Government” which had been substituted by the “Provinces and the Capital of the Federation” which had been subs. A.O., 1949, for British India".

SSubs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Sch., II, for “Central Government” which had been substituted by the “Provinces and the Capital of the Federation” which had been subs. A.O., 1949, for British India".

if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the [Collector of Customs] as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained ; or

(b) if the ship is not a registered ship and the owner or master fails to satisfy the [Collector of Customs] as to the true tonnage thereof according to the mode of measurement prescribed by the law for the time being in force for regulating the measurement of registered ships, cause the ship to be measured and the tonnage thereof to be ascertained according to such mode.

(3) If any person refuses or neglects to produce any register or other papers or otherwise to satisfy the [Collector of Customs] as to the true tonnage of any ship when required to do so under this section, such person shall be liable to pay the expenses of the measurement of the ship and of the ascertainment of the tonnage and if the ship is a registered ship, shall further, on conviction by a 2* * * Magistrate of the first class having jurisdiction in the port where the ship lies or in any port to which she may proceed, be punishable with fine which may extend to one thousand rupees.

13. Recovery of light-dues, expenses and costs.— (1) If the owner or master of any ship refuses or neglects to pay to the [Collector of Customs] on demand the amount of any light-dues or expenses payable under this Act in respect of the ship, the [Collector of Customs] may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the dues or expenses together with the costs of the seizure and detention, is paid.

(2) If any part of such dues, expenses or costs remains unpaid after the expiry of five days following the date of the seizure, the [Collector of Customs] may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses or costs remaining unpaid, together with the costs of the sale, and shall repay the surplus, if any, to the person by whom the same were payable.

14. Refusal of port-clearance. The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of all light-dues, expenses and costs payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.

15. Determination of disputes as to liability for payment. If any dispute arises as to whether light-dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a * * * * Magistrate of the first class having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.

16. Light-dues payable at one port recoverable at another.—(1) If the master of any ship in respect of which any light-dues are payable at any port causes the ship to leave such port without having paid the same, the [Collector of Customs] at that port may by writing require the [Collector of Customs] at any other port in 3[Pakistan] to which the ship may proceed or in which she may be to recover the dues remaining unpaid.

I subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Sch.II, for 2The words "Presidency Magistrate or" omitted by A.O., 1949.

3gubs. by the Central Laws (Statute Reform) ordinance, 1960 (21 of 1960), s.3 and 2nd sch. (with effect to the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, for "British India".

(2) Any '[Collector of Customs] to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Act at the port at which he is the '[Collector of Customs] and a certificate by the '[Collector of Customs] at the port at which the light-dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under section 13 or section 15 that such amount is payable.

17. Penalty for evading payment of light-dues.— (1) If the owner or master of a ship evades or attempts to evade the payment of any light-dues, expenses or costs payable in respect of the ship under this Act, he shall, on conviction by a *** Magistrate of the first class having jurisdiction in any port to which the vessel may proceed or in which she may be found, be punishable with fine which may extend to five times the amount of the sum payable.

(2) In any proceeding before a Magistrate in a prosecution under sub-section (1), any such certificate as is mentioned in sub-section (2) of section 16, stating that the owner or master has evaded such payment, shall be sufficient proof of the evasion, unless the owner or master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable grounds for such departure.

18. Exemption from payment of light-dues. The following ships shall be exempted from the payment of light-dues under this Act, namely :-

(a) any ship belonging to *[Government] ** * or to a foreign Prince or State and not carrying cargo or passengers for freight or fares; and

(b) any ship of a tonnage of less than fifty tons;

and the “[Federal Government] may, by notification in the *[official Gazette], exempt any other ships, or classes of ships or ships performing specified voyages from such payment either wholly or to such extent only as may be specified in the notification.

19. Refund of excess payments. Where light-dues have been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of each payment.

ACCOUNTS

20. Accounts, etc.— (1) The “[Federal Government] shall cause to be maintained a separate account of all amounts received by way of light-dues, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee as soon as possible after the close of each financial year.

(2) The “[Federal Government] shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, and expenditure for the purposes of, this Act during the forthcoming year.

¹Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch. II., for The words “Presidency Magistrate or” omitted by A.O., 1949.

3Subs. by A.O., 1961, Art.2, for “His Majesty” (with effect from the 23rd March, 1956).

‘Subs. by F.A.O., 1975, Art.2 and Table, for “Central Government” which was previously amended by A.C. SSubs. by A.O., 1937 for “Gazette of India”.

²The words “a the Govt.” omitted by A.O., 1937

RULES

21. Power to make rules.— The '[Federal Government] may make rules" consistent with this Act to carry into effect the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a)

(b)

(d)

the powers and duties of the Chief Inspector of Lighthouses and of Superintendents and Inspectors of Lighthouses;

the procedure and conduct of business of Advisory Committees constituted under this Act;

the rate of travelling and subsistence allowance payable to members of Advisory Committees; and

the period in respect of which and the form in which the separate account referred to in sub-section (1) of section 20 shall be kept and the forms in which that account and the statement referred to in sub-section (2) of that section shall respectively be presented to the Central Advisory Committee.

REPEALS

22. [Repeals.] Rep. by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.

THE SCHEDULE.-[ENACTMENTS REPEALED]. Rep. by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.

'Subs. by F.A.O., 1975, Art.2 and Table, for "Central Government" which was previously amended by A.C. 1975. For the Lighthouse Advisory Committees Rules, 1962, see Gaz. of P, 1962, Pt.I, pp.137-138.