

*Passenger Boats.***No. 8 of 1891.****An Ordinance providing for the Licensing and Registration of Passenger Boats.**

**W**HEREAS it is expedient to provide regulations for the registration and licensing of boats used for carrying passengers for hire from any port or place in this island to any other port or place in the island, or in the sea adjacent to, or in the rivers, canals, lakes, and inland waters of this island, and for securing the better safety and comfort of such passengers and of the persons using such boats : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

**1** In this Ordinance—

Definitions.

“ Boat ” shall include all boats, padas, dhonies, kula boats, battals, ballams, canoes, and catamarans, whether impelled by steam or otherwise, and used in the sea adjacent to, or in the rivers, canals, lakes, and inland waters of this island.

“ Collector of customs ” shall include the principal collector, deputy collector, assistant collector, or other principal officer of customs of any port or place.

“ Government agent ” shall include any assistant to the government agent.

“ Port ” shall include all harbours, roadsteads, and places of anchorage in the island.

**2** Subject to section 12, no boat shall be used for carrying passengers for hire from any port or place in this island to any other port or place in the island, or in any portion of the sea adjacent to this island, or in any river, canal, lake, or inland water within the same, unless the owner thereof shall have obtained a license for the same from the government agent of the province in which such owner resides or exercises his calling under the provisions of this Ordinance.

Passenger boats to be licensed.

**3** Any owner of a boat who may be desirous of obtaining a license to use such boat for the purpose of carrying passengers for hire shall make an application in writing to that effect to the government agent of the province or district in which such owner resides or exercises his calling, which application shall state the number of passengers intended to be carried in such boat, and shall contain a true and full description of the names and residences of the owners or owner of the boat, and of the class of boat for which such license is desired, and such government agent.

Government agent to issue license on application and after inquiry.

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on being satisfied, after 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 passengers, shall issue a license to the owner of such boat.

License to be stamped.

**4** (1) Each license for a boat shall bear a stamp of one rupee, such stamp to be supplied by the party applying for a license.

Form and duration of license.

(2) The license shall be substantially in the form A in the schedule hereto annexed, and shall specify the number of passengers and persons such boat may carry.

(3) Each license 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.

License to be numbered and registered.

**5** The government agent shall number each license issued by him consecutively, commencing at the beginning of every year with the number one, and shall keep a book in which he shall register all the particulars stated in the license granted by him, and every entry in such register shall be numbered in accordance with the number of the license to which it has reference. Any authenticated copy or extract from the register shall be deemed *prima facie* evidence of the facts stated therein.

Government agent may withdraw license.

**6** It shall be lawful for the government agent to withdraw a license, 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 a government agent withdraws a license after it is issued, he shall, if satisfied that the boat has been repaired and is fit to be used for the purpose of carrying passengers, re-issue such license free of stamp duty.

Numbered plates to be affixed to licensed boats.

**7** At the time when any boat shall be licensed the government agent empowered to grant the license shall issue to the owner a plate, on which shall be legibly printed or marked a number corresponding with the number of such boat mentioned in the license for the same, together with figures or letters denoting the year in which such license has been granted, and the plate shall be placed and fixed on the boat in such manner that the number and year shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so fixed during the continuance of such license; and the owner of such boat shall, at the expiration of the period for which the said license shall have been granted, return the said plate to the government agent from whom he received it.

Number of boat to be painted thereon.

**8** The owner of every boat shall paint or cause to be painted, and shall keep painted, in white or yellow, in English figures, and not less than nine inches in length, on a black ground, on a conspicuous part on both sides of

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the bow of such boat, in a legible and distinct manner, the number of such boat as mentioned in the license, and the license of such boat may be withheld until it is so marked.

**9** It shall be lawful for the Governor, with the advice of the Executive Council, from time to time or at any time to make, and when made revoke, add to, and alter by-laws for any of the following purposes :

By-laws.

For regulating the number and description of lights to be carried by any class of boats used for the purposes of carrying passengers, and for limiting the pace of such boats, and generally for providing for the safety and comfort of the passengers conveyed by any such boats, and for providing for the issue of licenses to the tindals of such boats, and for the recalling and taking away of such licenses in case of misconduct, and for regulating the number of boatmen to be employed in such boats

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

Publication of by-laws.

**11** 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 :

Penalties.

- (1) 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.
- (2) Neglecting or omitting to fix the plate issued under section 7 in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, or to keep and continue the same so fixed, or the number of such boat legibly and distinctly painted in manner prescribed by section 8, during the continuance of such license.
- (3) Failing to return the plate to the government agent from whom he received it within thirty days after the expiration of the period for which the license shall have been granted, or using the said plate or suffering it to remain fixed in such boat after such period.
- (4) Using a boat for the purpose of carrying passengers for hire without a license, or after such license shall have expired.
- (5) Refusing to allow or to permit any person deputed by the government agent in writing under this Ordinance to examine any boat for the purpose of reporting thereon to the government agent,

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- (6) Permitting or suffering more passengers or persons to enter a boat than such boat is authorized by the license to carry.
- (7) Committing a breach of any by-law made under the provisions of this Ordinance.
- (8) Plying a boat licensed under this Ordinance for hire in any port which has been declared by Proclamation to have been brought within the provisions of "The Masters Attendant's Ordinance, 1865." without having obtained a license under such Ordinance.

**Saving clause.**

**12** Nothing in this Ordinance contained shall authorize a government agent to issue a license to any owner of a boat to use a boat for the purpose of the conveyance of passengers for hire in any port which has been declared by Proclamation to have been brought within the provisions of "The Masters Attendant's Ordinance, 1865," nor shall the owner of any boat used for the purpose of conveying 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.

**Execution of Ordinance may be delegated to master attendant or collector of customs.**

**13** The Governor in Executive Council may by notification in the *Government 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 of 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 government agent under this Ordinance, subject to such restriction as the Governor in Executive Council may from time to time think fit to impose.

**Burden of proof.**

**14** Where a person is charged with any offence against sub-section 4 of section 11 of this Ordinance, 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, and for this purpose he may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

**Repeal.**

**15** The Ordinance No. 7 of 1877, intituled "An Ordinance to regulate and control Inland Steam Navigation," and chapter XXVI. of schedule A of the Ordinance No. 16 of 1881 and section 17 of the Ordinance No. 3 of 1886 are hereby repealed.

SCHEDULE.

Form A.

Whereas *A. B.*, of \_\_\_\_\_, in the \_\_\_\_\_ Province, has applied for a license under the Ordinance No. 8 of 1891, and has made and signed the application thereby required: license is hereby granted unto him to use the said boat bearing No. —, for the purpose of carrying passengers for hire from the date hereof until the 31st day of December next. Provided that such boat shall not carry more than \_\_\_\_\_ passengers and \_\_\_\_\_ persons.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

\_\_\_\_\_  
Government Agent.

4th November, 1891.  
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