

Penalties.

8. Whoever removes, or attempts to remove, or abets the removal of any goods with the intention that the payment of any dues payable under this Act may be evaded, and whoever wilfully commits any breach of any rule made under section 5, shall be punishable with a fine which may extend to one hundred rupees.

THE PILOTS ACT.¹

[INDIA ACT XII, 1883.] (1st September, 1884.)

Definition of "port."

1. * * * * *
2. In this Act—

"port" means any port, or any part of a navigable river or channel, in which the Ports Act is for the time being in force.

Licensing of Pilots.

Licensing of pilots.

3. The President of the Union may from time to time appoint, or cause to be appointed, competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port, and make rules—

- (a) for the conduct of the examinations and for the qualifications to be required ;
- (b) establishing grades of pilots and determining the duties which may be undertaken by pilots of each grade ;
- (c) for the grant to qualified persons of licences to act as pilots of any grade at any port ; and
- (d) for the fees to be paid for the examinations and licences.

No person to act as pilot except under licence.

4. (1) A person shall not act as a pilot at any port, after such date as the President of the Union may fix in this behalf for that port, except as permitted by a licence granted under section 3.

(2) Any person acting as a pilot in contravention of this section shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

Regulation of Pilots.

Power to make rules to regulate conduct of pilots.

5. (1) The President of the Union may from time to time, by notification in the Gazette, make rules to regulate the conduct of pilots licensed under this Act in all matters connected with the performance of their duties as such pilots.

¹ This Act applies to Lower Burma only. [See section 1 of this Act, now omitted, and section 7 of the Burma Laws Act, (Burma Act XIII, 1898), omitted by the Government of Burma (Adaptation of Laws) Order, 1937.]

This Act ceased to operate in the Port of Rangoon since the passing of the Rangoon Port (Amendment) Act, 1922, see section 28A of the Rangoon Port Act, *ante*.

(2) Any such rule may contain a provision that a pilot committing a breach of the rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both :

Provided that a prosecution shall not be instituted in respect of any such breach except by order of such officer as the President of the Union may from time to time appoint in this behalf.

Special Court.

6. (1) If the President of the Union has reason to believe that there are grounds for charging any pilot licensed under this Act with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section 5, and that the charge cannot be satisfactorily investigated by an ordinary Court, the President of the Union may direct that a special Court be constituted, under this Act, at the port at which it will, in the opinion of the President of the Union, be most convenient for the parties and witnesses to attend, and shall then send to the Court a statement of the grounds of the charge, and direct the Court to make an investigation into the charge.

Power to direct investigation by special Court into charges against pilots.

(2) When the President of the Union directs an investigation under this section, he may, if he thinks fit, appoint a person to act as prosecutor in the investigation.

7. Every Court constituted under section 6 shall consist of a president sitting with three assessors.

Constitution of Court.

8. (1) The president shall be such person as the President of the Union appoints in this behalf, either generally or for any specified case.

Appointment of President.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Penal Code.

9. (1) The first assessor shall be a master of a sea-going vessel or a person who has served as an officer for not less than five years on a sea-going vessel and holds a master's certificate of competency for sea-going vessels.

Assessors.

(2) The second assessor shall be a merchant, and the third assessor shall be a person who has personally exercised the calling of a pilot for not less than five years.

10. (1) The first assessor shall be appointed in each case by the President of the Union and shall be summoned by the president.

Appointment of assessors.

(2) The other assessors shall be summoned by the president, in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the President of the Union in the Gazette. If there are no such lists, or if it is impracticable to procure the attendance of two persons, one of whom is named in the list of merchants and the other in the list of pilots, the other assessors or assessor, as the case may be, shall be appointed and summoned by the president.

Penalty for non-attendance of assessor.

10A. If any person who has been duly summoned as an assessor under section 10 shall, without such excuse as the president may allow to be sufficient, neglect or refuse to attend at the time appointed or to remain in attendance until the investigation shall be completed, it shall be lawful for the president to impose upon such person a fine which may extend to two hundred rupees for each such default.

If the president is a Magistrate having jurisdiction in the district from which the assessor is summoned, such fine shall be recovered by him; in all other cases he shall transmit the order imposing the fine to the District Magistrate having jurisdiction, who shall thereupon cause such fine to be recovered as if it had been imposed by himself.

Fees to be paid to assessors.

11. The assessors shall receive such fees as the President of the Union may from time to time, by rule, prescribe.

Copy of grounds of charge to be supplied to pilot.

12. Before any investigation under this Act is commenced the special Court shall supply the pilot with a copy of the statement sent, under section 6, to the Court.

Person charged to be heard.

13. For the purpose of an investigation under this Act the special Court may summon the pilot to appear before it, and shall give him full opportunity of making a defence, either in person or otherwise.

Powers of the Court as to evidence and regulating proceedings.

14. For the purpose of an investigation under this Act the special Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

Court to report to President.

15. On the completion of the investigation, the special Court shall send to the President of the Union a full report of the conclusions at which it has arrived. The report shall be in accordance with the opinion of the majority of the members of the Court, or, if the Court is equally divided, in accordance with the opinion of the president and with the member with whom he concurs. In the latter case, any member who does not concur in the report may separately record his opinion.

Power of President to make rules.

16. (1) The President of the Union may from time to time make rules to carry into effect the provisions of this Act with respect to the special Court and in particular with respect to—

- (a) the mode in which the president shall, under section 10, summon the assessors;
- (b) the amount of the fees to be paid to the assessors; and
- (c) the procedure of the Court.

(2) All such rules shall be published in the Gazette, and shall thereupon have the force of law.

Power to cancel, suspend or reduce Licences.

17. The President of the Union may cancel or suspend, or reduce the grade of any licence granted to a pilot under this Act in the following cases, that is to say :—

- (a) if the pilot is found guilty by a criminal Court of any offence punishable under section 5, or of any other offence the commission of which, in the opinion of the President of the Union, shows him to be unfit to discharge the duties of a pilot : or
- (b) if on considering a report submitted under section 15 of this Act, or transmitted under the Burma Merchant Shipping Act, the President of the Union is of opinion that the pilot is incompetent, or has been guilty of any misconduct in the discharge of his duty as pilot, or of any breach of a rule made under section 5 of this Act.

Power to cancel, suspend or reduce licence for misconduct, etc.

18. When a prosecution has been instituted against a pilot under section 5, or an investigation has been ordered in respect of him under section 6, or an investigation affecting his conduct has been ordered under the Burma Merchant Shipping Act, the President of the Union may suspend his licence until the final orders of the President of the Union in respect of the findings on such trial or investigation have been communicated to the pilot or during such shorter period as the President of the Union may consider necessary :

Power to suspend licence pending trial or investigation.

Provided that the order directing such temporary suspension may be cancelled at any time by the President of the Union, or after the conclusion of the trial by the Magistrate, or after the conclusion of the investigation by the president of the special Court, but such Magistrate or president shall submit to the President of the Union a special report stating his reasons for cancelling such order.

Delegation of functions of the President of the Union.

19. The President of the Union may from time to time, by notification in the Gazette, delegate his functions under section 6, section 8, section 10, sub-section (1), or section 18 to such person as he thinks fit.

Power to delegate functions of President.

THE BURMA LIGHTHOUSE ACT.

[BURMA ACT II, 1937.] (1st April, 1937.)

PART I.**PRELIMINARY.**

11. * * * *

2. In this Act, unless there is anything repugnant in the subject or context.—

Definitions.

- (a) "Customs-collector" means an officer of customs exercising the powers of a Customs-collector under the Sea Customs Act, and

¹ Omitted by Act II, 1945.