

The Inland Shipping Ordinance, 1976

(Ordinance NO. LXXII OF 1976)

An Ordinance to provide for the survey, registration and control of navigation of vessels plying on inland waters.

WHEREAS it is expedient to provide for the survey, registration and control of navigation of vessels plying on inland waters consistently with the present day requirements and for that purpose to replace the existing law relating to such vessels;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975 and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I PRELIMINARY

Short title

1. (1) This Ordinance may be called the Inland Shipping Ordinance, 1976.
- (2) It extends to the whole of Bangladesh.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

¹[(a) “certificate of competency” means a certificate of competency granted under section 36;]

(b) “certificate of registry” means a certificate of registry granted under section 18;

²[(bb) “certificate of service” means a certificate of service granted under section 37;]

(c) “certificate of survey” means a certificate of survey granted under section ³[9];

⁴The Inland Shipping Ordinance, 1976
(d) "dangerous goods" means such articles, goods or things as the Government may, by notification in the official Gazette, declare to be dangerous goods for the purposes of this Ordinance;

⁴[(dd) "Director-General" means the Director-General, Department of Shipping;]

(e) "inland ship" means every description of vessel ordinarily plying on inland waters and propelled wholly or in part by steam, liquid fuel, electricity or any other mechanical powers and includes ⁵[* * *] a sailing boat, dumb barge and other craft which is not so propelled but is towed or pushed by a vessel so propelled;

(f) "inland water" means any canal, river, lake or other navigable waters in Bangladesh and such portion of tidal water as the Government may, by notification in the official Gazette, declare to be inland waters for the purposes of this Ordinance;

(g) "mercantile purposes", in relation to an inland ship, includes carriage of passengers or goods by, or use for any service of, such inland ship for hire, remuneration, reward or other valuable consideration;

⁶[(gg) "Owner" means,-

(a) in relation to a registered inland ship, the person who is for the time being shown as owner in the register book maintained under this Ordinance;

(b) in relation to any other inland ship, the person to whom the inland ship or a share in the ship belongs;]

(h) "passenger" includes any person carried on board an inland ship not being the master, officer and a member of the crew of the inland ship;

(i) "prescribed" means prescribed by rules made under this Ordinance;

(j) "registrar" means a registrar appointed under this Ordinance;

(k) "survey" means survey of an inland ship under this Ordinance;

(l) "surveyor" means a surveyor appointed under this Ordinance; and

(m) ^{The Inland Shipping Ordinance, 1976} "voyage" in relation to an inland ship, includes plying at or about any place within the inland waters.

CHAPTER II

REGISTRATION AND SURVEY

Inland ships to be surveyed and registered

3. (1) ⁷[Every inland ship other than inland ships owned by the Defence Services] which plies or seeks to ply or is used or intended to be used for any service, on inland waters shall be required to be surveyed and registered under this Ordinance.

⁸[(2) An inland ship shall not be surveyed and registered under this Ordinance unless her design and plan have been approved under section 5A ⁹], certificate of compliance have been obtained under sub-section (3) of section 5B] and she is owned by-

- (a) a citizen of Bangladesh;
- (b) a company registered in Bangladesh; or
- (c) a company which is not registered in Bangladesh but has an agent or branch in Bangladesh together with such organisation as is adequate for the independent operation in Bangladesh of the agency or branch.]

(3) Sub-section (1) shall not apply-

- (a) to an inland ship, if she does not carry any passenger or cargo, while making her first voyage to the place of registry for the purpose of registration or while on a voyage during the period from the date of expiry of the certificate of survey to the date of reaching the nearest place of survey to have the certificate renewed; or
- (b) to a sea-going vessel having right or authority to be in a port or place in, or to ply on tidal waters of, Bangladesh ¹⁰; or
- (c) to a mechanised wooden country boat propelled by any engine including shallow engine having a maximum capacity of 16 HP.]

Places of survey and registry

4. (1) The Government may, by notification in the official Gazette, declare such places in Bangladesh as it may consider necessary to be places of

(2) The Government shall appoint-

(a) for each place of survey such surveyor or surveyors as it may deem fit;
and

(b) for each place of registry, a registrar.

**Powers of
surveyors
and
registrars**

5. (1) For the purpose of survey or registry of an inland ship, the surveyor or the registrar, as the case may be, may, at any reasonable time, go on board such ship and inspect the ship and every part thereof including the hull, boilers, engines and other machinery and all equipment and articles on board:

Provided that the surveyor or the registrar shall not hinder the loading or unloading of the ship, or detain or delay her from proceeding on any voyage, except to the extent necessary for the purpose of survey or inspection.

(2) The owner, the master and the crew of the inland ship to be surveyed or registered shall afford to the surveyor and the registrar all reasonable facilities for survey or inspection and shall furnish all such information respecting the ship, her machinery or any part thereof, and all equipments and articles on board the ship, as the surveyor or the registrar may require for the purposes of survey or registration, as the case may be.

**Approval of
design and
plan of an
inland ship**

¹¹[5A. (1) For the purpose of approval of the design and plan of an inland ship, the owner shall make an application in the prescribed form together with the design and plan of the ship to an authority empowered by the Government in this behalf.

¹²[(1A) The Government may prescribe fees for application and for approval of design by the competent authority.]

(2) The authority receiving an application under sub-section (1) shall, -

(a) if, on an examination, it is found that the design and plan conform to the prescribed specification or standard, issue a certificate of approval in

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 the prescribed form ¹³[within 45 days of the receipt of the application]; or

(b) if it is found that the design and plan do not conform to the prescribed specification or standard, return the application to the owner stating the particulars in respect of which they do not so conform ¹⁴[within the period specified in clause (a)]:

Provided that the return of an application shall not debar the owner from making such a fresh application after alteration or modification of the design and plan so as to conform to the prescribed specification or standard ¹⁵[and such applications shall be disposed of within 15 days from the date of receipt of the application].]

Construction Survey, etc.

¹⁶[5B. (1) For the purpose of commencement of construction or modification of an inland ship, after obtaining the certificate of plan approval under section 5A, the owner shall inform the authority empowered by the Government in this behalf in the form as may be prescribed by the Government to the effect when and where the ship is to be constructed or modified.

(2) The said authority receiving the information under sub-section (1), shall cause, during the construction or modification of an inland ship to conduct construction survey, supervise construction, calculate stability and an inclining test of inland ship.

(3) After satisfactory completion of construction or modification of an inland ship, if it is found that the construction or modification conforms to the prescribed standard or specification, the person authorised to conduct such supervision of construction or modification under sub-section (2), shall issue a certificate of compliance in a form as may be prescribed by the Government.

(4) The Government may prescribe fees for conducting construction survey, supervision of construction, stability calculation, inclining test and other related fitness test.

Delegation of functions