

# **The Bangladesh Merchant Shipping Ordinance, 1983**

( Ordinance NO. XXVI OF 1983 )

**An Ordinance to consolidate and amend the law relating to merchant shipping and to provide for matters connected therewith.**

WHEREAS it is expedient to consolidate and amend the law relating to merchant shipping and to provide for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

## **PART I**

### **INTRODUCTORY**

#### **CHAPTER 1**

#### **PRELIMINARY**

**Short title,  
commencement,  
extent and  
application**

1. (1) This Ordinance may be called the Bangladesh Merchant Shipping Ordinance, 1983.

(2) This Chapter and Chapter 45 shall come into force at once and the other provisions shall come into force on such date as the Government may, by notification in the official Gazette, appoint; and different dates may be appointed for different provisions.

(3) This Ordinance extends to the whole of Bangladesh.

(4) This Ordinance applies to-

(a) all Bangladesh ships wherever they may be, except inland ships as defined in the Inland Shipping Ordinance, 1976 (LXXII of 1976);

(b) all ships deemed to be registered under this Ordinance wherever they may be;

(c) all ships, not being Bangladesh ships, licensed under this Ordinance in coasting trade, while engaged in such trade; and

(d) all other ships while in a port or place in, or within the territorial waters of Bangladesh, but does not apply to-

(i) any ship of, or commissioned for service in, the Bangladesh Navy or, while employed otherwise than for profit in the service of Government, or

(ii) any ship belonging to any foreign Prince or State, while employed otherwise than for profit in the service of such Prince or State.

## Definitions

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

(1) "apprentice" means a boy appointed for training to the sea service, whether called an apprentice or a cadet, or by any other name;

(2) "Bangladesh Consular Officer" means a consul general, consul, vice-consul, pro consul or consular agent appointed by the Government as such and includes-

(a) any person authorised by the Government to perform the functions of any of them; and

(b) a Seamen's Welfare Officer performing the functions of a Bangladesh Consular Officer under Part IV;

<sup>1</sup>[(3) "Bangladesh ship" means a ship belonging to a statutory corporation or a ship acquired and owned by a foreign national or company and leased out to the Government or a citizen of Bangladesh or a Bangladesh company under such an agreement that the ownership of the ship shall be transferred after a specified period of time to the Government or such citizen or company in accordance with the terms of the agreement or a ship owned wholly by persons each of whom is-

(a) a citizen of Bangladesh, or

(b) a company which fulfils the following conditions, namely:-

(i) the principal place of business of the company is in Bangladesh,

(ii) shares representing more than fifty per cent of the share capital of the company or shares carrying more than fifty per cent of the total voting power of the company are held by citizen of Bangladesh,

(iii) the majority of the directors of the company are citizens of Bangladesh,

(iv) either the Chairman or the Managing Director of the Board of Directors of the company is a citizen of Bangladesh.]

(4) “coasting ship” means a ship not exceeding one thousand five hundred tons gross which is exclusively employed in trading coastwise within ports or places in Bangladesh or between ports or places in Bangladesh and India not beyond Calcutta, or Burma not beyond Akyab, or between Akyab and Calcutta;

(5) “coasting trade” means the carriage by sea of passengers or goods between ports or places in Bangladesh or from any such port or place to a port or place in India not beyond Calcutta or to a port or place in Burma not beyond Akyab or between Akyab and Calcutta;

(6) “coasts” includes the coasts of creeks and tidal waters;

(7) “Collector of Customs” means a Collector of Customs appointed under the Customs Act, 1969 (IV of 1969), and includes any officer of customs authorised by him to perform any of his functions under this Ordinance;

(8) “Collision Regulations” means the regulations made under section 368;

(9) “company” has the same meaning as in section 2 of the Companies Act, 1913 (VII of 1913), and includes-

(a) a body corporate constituted or established by or under any law for the time being in force; and

(b) any partnership or association of persons, whether incorporated or not;

(10) “country to which the Load Line Convention applies” means-

(a) a country the Government of which has been declared or is deemed to have been declared under section 295 to have accepted the Load Line

Convention and has not been likewise declared to have denounced that Convention; or

(b) a territory to which the Load Line Convention has been declared as aforesaid to extend, not being a territory to which that Convention has been declared likewise to have ceased to extend;

(11) "country to which the Safety Convention applies" means-

(a) a country the Government of which has been declared under section 295 to have accepted the Safety Convention and has not been likewise declared to have denounced that Convention; or

(b) a territory to which the Safety Convention has been declared as aforesaid to extend, not being a territory to which that Convention has been declared likewise to have ceased to extend;

(12) "crew" includes seamen and apprentices;

<sup>2</sup>[(12a) "desertion" means intentional or wilful forsaking and abandonment of ship by a seaman and particularly includes-

(i) failure to report to a ship by a seaman at the time of sailing from a port other than a port in his own country within the time he is required to do so by the master of the ship to which he is engaged;

(ii) failure to join a ship by a seaman at the time of sailing from a port in a foreign country before departure of the ship from that country where the seaman arrived by air or other means of transport for the purpose of joining that ship;

(iii) failure to depart a foreign country by a seaman within the time he is required to do so by the appropriate authority of that country, after signing off from the ship to which he had been engaged, for the purpose of returning home or proceeding elsewhere as directed by his employer:

Provided that when for any reason beyond his control, a seaman is subject to the circumstances as mentioned in paragraph (i), (ii) or (iii) above, will not be considered to have deserted, if he reports to the appropriate authority of the country or to local agent of the ship he had been engaged

within 3 (three) days of his stipulated reporting time and voluntarily returns to his own country and reports to the shipping authority or joins the vessel as he is required by his employer.]

(13) “distressed seaman” means a seaman engaged under this Ordinance who, by reason of having been discharged or left behind from, or ship wrecked from any ship at any port or place outside Bangladesh, is in distress there;

(14) “effects” includes cloths and documents;

(15) “equipment”, in relation to a ship, includes boats, tackle, pumps, apparel, furniture, life saving appliances of every description, spares, masts, spars, rigging and sails, fog signals, lights, shapes and signals of distress, medicines and medical and surgical stores and appliances, charts, radio installations, appliances for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gears, and appliances of all kinds, and all other stores or articles belonging to or to be used in connection with or necessary for the navigation and safety of the ship;

(16) “fishing vessel” means a vessel, of whatever size and by whatever means propelled, which is exclusively engaged in sea fishing for profit;

(17) “foreign going ship” means a ship employed in trading between any port or place in Bangladesh and any other port or place outside Bangladesh, but does not include a coasting ship or a home trade ship;

(18) “freeboard” means, in relation to a decked vessel, the distance above the waterline measured vertically at the side of the vessel amid ships from the position of the upper edge of the uppermost continuous deck;

(19) “gross”, in relation to tonnage of a vessel, means the gross tonnage of the vessel as registered under this Ordinance:

Provided that where a vessel has been assigned alternative tonnages, “gross tonnage” shall mean the higher tonnage;