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CHAPTER 138.

PORTS AND INLAND WATERS.

An Ordinance to provide for the regulation and control of ports and inland waters, for the levying of dues and for other matters connected with navigation. 9 of 1943.
1 of 1954.

[1ST DECEMBER, 1943.]

1. This Ordinance may be cited as the Ports and Inland Waters Ordinance, and shall apply to the Colony and Protectorate. Short title.

PART I.—INTERPRETATION.

2. In this Ordinance, except where the context otherwise requires— Interpretation.

“port” means a harbour or port specified and delimited in the First Schedule hereto;

“inland waters” means the waters specified and delimited in the Second Schedule hereto;

“Comptroller” means the Comptroller of Customs and in respect of any specified duty or power imposed or vested in the Comptroller by this Ordinance, includes any officer of Customs authorised by the Comptroller to perform such duty or exercise such power;

“ship” includes every description of vessel used in navigation other than a boat;

“boat” includes any flat, lighter, canoe or other craft propelled by oars or paddles;

“vessel” means ship or boat;

“Harbour-master” in relation to any port means the Harbour-master of Freetown harbour and includes any person or public officer whom the Governor may appoint by name or *ex officio* to perform the duties of Harbour-master in respect of such port;

“master” includes every person (except a pilot) having command or charge of any ship or boat;

“pilot” means any person not belonging to a ship who has the conduct thereof.

PART II.—APPOINTMENT AND CONTROL OF PORTS AND
INLAND WATERS.

Power to
appoint
ports and
inland
waters.

3. The Governor in Council may by Order appoint ports and inland waters by adding to the First and Second Schedules respectively, and may remove any port or inland water from the First or Second Schedule, and may vary the boundaries of any port or inland water as defined in the First or Second Schedule.

Harbour-
master.

4. It shall be lawful for the Governor from time to time to appoint such person as he shall think fit to be the Harbour-master for Freetown harbour, and to appoint such other persons as may be necessary to perform the duties of the Harbour-master at any specified port.

Powers of
Harbour-
master with
regard to
the mooring,
etc., of ships.

5. (1) The Harbour-master shall, subject to any limitation that may be imposed by rules, have full power to direct and regulate the locality, position and method of anchoring and the moving of ships within any port, and to vary or add to any directions given by him.

Penalty on
contravening
his directions
and for
obstruction.

(2) Any master of a ship or other person who—

(a) refuses or neglects to moor, unmoor, remove or place any ship at the time and in the place and manner directed by the Harbour-master;

(b) obstructs or hinders the mooring, unmooring, or removal of any ship ordered by the Harbour-master to be moored, unmoored, or placed in any situation; or

(c) obstructs the Harbour-master in the discharge of any of his duties, or neglects or refuses to obey his lawful directions, shall be liable on conviction to a fine not exceeding fifty pounds.

Harbour-
master may
delegate
powers and
duties.

6. All acts, orders or directions by this Ordinance authorized to be done or given by the Harbour-master shall be deemed to have been done or given by the Harbour-master if they are done or given by any person authorised by him in that behalf.

Penalty for
injuring, etc.
lighthouses,
buoys, or
beacons.

7. Any person who shall wilfully or negligently—

(a) injure any lighthouse or any light exhibited therein, or any buoy or beacon;

(b) remove or alter any lighthouse, buoy or beacon; or

(c) ride by, make fast to, or run foul of any lighthouse, buoy or beacon,

shall be liable on conviction to a fine not exceeding fifty pounds, in addition to his liability to make good any damage thereby occasioned.

In this section the term "lighthouse" includes floating and other lights exhibited for the guidance of ships, and the term "buoy or beacon" includes all other marks and signs of the sea.

8. Whenever any fire or light is burned or exhibited at such a place or in such a manner as to be liable to be mistaken for a light proceeding from a lighthouse, or from a floating or other light exhibited for the guidance of ships, the Harbour-master, or any person authorised by him in that behalf, may serve a notice upon the owner of the place where the fire or light is burned or exhibited, or upon the person having charge of the fire or light, either personally, or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to the fire or light, directing such owner or person, within a reasonable time, to be specified in the notice, to extinguish or effectually screen such fire or light and to take such measures as may be indicated in the notice to prevent the recurrence of any such light or fire; and the owner or person disobeying any such notice shall be liable on conviction to a fine not exceeding one hundred pounds.

Power to prohibit misleading lights.

9. If any such owner or person as aforesaid, served with such a notice as aforesaid, shall neglect for a period of twenty-four hours to extinguish or effectually screen the fire or light therein mentioned, the Harbour-master, with or by servants, workmen and other assistants, may enter upon the place where the same may be, and forthwith extinguish the fire or light, doing no unnecessary damage; and all expenses incurred by such officer in such extinction may be recovered by him from such owner or person.

And to abate them.

10. (1) If any vessel shall sink in any port or inland water, the master, agent or owner thereof shall forthwith report such sinking—

Notification of the sinking of vessels.

(a) to the Harbour-master, if the sinking shall occur in any port; and

(b) to the District Commissioner of the district in which the inland water is situated if the sinking shall occur in an inland water.

(2) Any person who fails to make the report required by this section shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding fifty pounds.

Power of Harbour-master or District Commissioner to require removal or destruction of sunken or stranded vessel.

11. If any vessel shall sink or be stranded in any port or inland water, the Harbour-master if the sinking or stranding shall occur within a port or the District Commissioner of the district in which the inland water is situated if the sinking or stranding shall occur in an inland water may serve a notice in writing upon the master, agent or owner of the vessel requiring him to remove or destroy the same to the satisfaction of the Harbour-master or District Commissioner, as the case may be, within a period of thirty days or within such further time as the Governor may allow.

Complaint to Magistrate if sunken or stranded vessel not removed.

12. Any person failing without reasonable excuse to fulfil the requirements of such notice within the said thirty days or such further time as aforesaid shall be guilty of an offence, and upon summary conviction thereof shall be liable to a fine not exceeding one hundred pounds and in default of payment thereof to be imprisoned, without hard labour, for a period not exceeding nine months or until the said fine and the expenses payable under section 14 shall be paid or shall be recovered by a sale under the said section. In default of the removal or destruction of the vessel within the said thirty days or such further time as aforesaid, the Harbour-master or District Commissioner as the case may be may remove or destroy the whole or any part of such sunken or stranded vessel.

Power to remove unserviceable vessel.

13. Where any vessel is laid by or neglected as unfit for sea service within a port or inland water the Harbour-master, if the vessel is within a port or the District Commissioner of the district in which the inland water is situated if the vessel is within an inland water, may order the removal of such vessel to such place either within or without the port or inland water as he may think expedient within such period as he may specify in the order.

In the event of the order not being complied with in the specified period the Harbour-master or the District Commissioner, as the case may be, may himself give effect to the order.

Recovery of expenses.

14. All expenses incurred by the Harbour-master or District Commissioner in carrying out the provisions of sections 12 and 13 shall in the first instance be borne by the Government, and shall be repaid to the Government by the owner of the sunken, stranded or derelict vessel, and in case of non-payment of such expenses on demand the Harbour-master or District Commissioner as the case may be may sell by public auction any such vessel, and out of the proceeds of the sale pay the expenses incurred, rendering the surplus, if any, to such owner on demand,