

CHAPTER 138.

PORTS AND INLAND WATERS.

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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— Interpreta-
tion.

“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,

and any deficiency may be recovered from such owner; provided that the Harbour-master or District Commissioner, as the case may be, may, without any such sale, at once take proceedings for the recovery of such expenses.

15. Until such sunken vessel shall be removed or destroyed, the master or owner shall at his own expense place and keep afloat over or alongside such vessel a buoy, and in addition a light by night, and until such stranded vessel be removed or destroyed the master or owner shall, at his own expense, keep on such vessel a light by night, and in default shall be liable to a fine not exceeding the sum of two pounds for every day during which such default continues.

Precautions to be taken where vessels are sunken or stranded.

16. Any person who wilfully sinks any vessel in any port or inland water without the permission in writing of the Harbour-master, if the vessel is sunk within a port, or of the District Commissioner of the district in which the inland water is situated if the vessel is sunk within an inland water, shall, in addition to paying the expenses incurred in removing such vessel, be liable on conviction to a fine not exceeding one hundred pounds.

Wilfully sinking vessel.

17. Any person who, not being in Her Majesty's Service, or not being duly authorised by law for the purpose, shall go on board any ship within a port without the permission of the master, agent or owner of such ship, or who shall, upon being desired to leave such ship by such master, refuse so to do, shall be guilty of an offence, and upon conviction thereof shall be liable to a fine not exceeding five pounds; and the master of such ship may take any such person so going on board, or refusing to leave as aforesaid, into custody and deliver him up forthwith to any constable to be conveyed to the nearest police station to be dealt with in due course of law.

Boarding ships without permission.

18. Where under any provision of this Ordinance a vessel is authorised to be sold by public auction fourteen days notice of such sale shall be given in the *Gazette*.

Sale by public auction.

PART III.—LIGHT AND OTHER DUES.

19. Subject to such exemptions as may be prescribed there shall be raised, levied and paid in respect of every ship which shall enter any port or inland water such dues as may be prescribed by way of light, buoyage, anchorage, towage,

Light and buoyage dues to be paid on ships entering any port.

berthing, mooring and wharfage dues. Except where otherwise provided in any Rule made under this Ordinance or in any other Ordinance or in any Rule or Regulation made under such other Ordinance, such dues shall be paid to the officer in charge of Customs at the port of entry in manner hereinafter provided.

1 of 1954.

Production
by master of
Certificate of
Registry.

20. The master, owner or agent of every ship which enters any port or inland water and in respect of which dues are payable under this Ordinance shall within twenty-four hours of entering such port or inland water, exhibit to the Comptroller or duly authorised officer of Customs at the Custom House at the port of entry or where the ship enters an inland water at the nearest port the Certificate of Registry of the said ship and the prescribed dues shall be assessed upon such Certificate and shall thereupon become payable.

Penalty for
non-
production of
Certificate of
Registry.

21. Where the master, owner or agent fails to exhibit the Certificate of Registry as aforesaid, or wilfully exhibits an untrue Certificate, he shall in each and every such case, upon summary conviction be liable to a fine not exceeding one hundred pounds, and in default of payment shall be imprisoned for any period not exceeding six months.

Clearance
may be
withheld if
dues not
paid.

22. The Comptroller or the duly authorised officer of Customs at any port may require production of proof to his satisfaction that the prescribed dues have been paid and shall not grant clearance for any ship until such proof has been produced to him, or the prescribed dues are paid:

Provided that clearance may be granted before payment of the dues where the master, owner or agent of any ship shall give security, either by deposit or otherwise, to the satisfaction of the Comptroller for the payment of the prescribed dues.

Recovery of
dues.

23. Any sum payable for dues prescribed under this Ordinance may be recovered from the master or other person in charge of the ship or the owner, charterer or consignee of the ship or the agent of such owner, charterer or consignee and the Comptroller may institute proceedings for the recovery thereof:

Provided that no proceedings for the recovery of such dues from an agent or consignee of a ship shall be instituted after the expiration of two months from the date when the dues became payable.

PART IV.—MISCELLANEOUS.

24. (1) The Governor in Council may with respect to all or any ports and inland waters make rules—

Power of Governor in Council to make rules.

(a) for prescribing the place at which vessels, or particular classes of vessels, or vessels carrying any particular class of cargo, may moor or anchor, and the method of mooring or anchoring;

(b) for the regulation of lights to be carried and exhibited and the steering and sailing rules to be observed by vessels, and generally for the prevention of collisions;

(c) for prescribing the duties of masters of ships carrying explosives or other dangerous cargo;

(d) for the licensing, supervision and regulation of boats and boatmen plying for hire, and for securing the orderly conduct of such boatmen, and the safety of passengers and luggage conveyed by such boats, and prescribing the maximum charges of such boatmen and their obligations, and authorising the arrest of such boatmen who contravene rules;

(e) prescribing the fees to be charged for any licences or badges required by any rule, and the allocation of such fees;

(f) regulating the approach, or the making fast, of any boat to any ship or wharf;

(g) for securing the proper charge and control of boats;

(h) for prohibiting the casting overboard of any ballast, rubbish, animal or vegetable matter, or any other substance or thing;

(i) for securing the notification of the parting or slipping of any anchor, chain or cable, and the recovery or removal thereof, and prescribing the precautions to be taken in the interest of navigation pending such recovery or removal;

(j) for prohibiting or regulating the maintenance or laying down of private buoys or moorings, the erection of fishing stakes and the maintenance of hulks; and with regard to removal of buoys, moorings, stakes and hulks maintained, laid down or erected in contravention of any rule;

(k) for preventing the obstruction of ships by boats and the interference with navigation by fishing nets;

(l) for prohibiting or regulating the firing of guns from vessels, and for regulating the use of steam whistles or other sound signals on vessels;

(*m*) authorising the seizure and sale of any hulk, boat, net or other thing in respect of which there has been a contravention of any rule;

(*n*) for the prevention and the control of outbreaks of fire on vessels;

1 of 1954.

(*o*) for the prevention of trespassing on lighthouses and Government look out and signal stations, and Government installations for the slipping and repair of vessels;

(*p*) regulating the landing of sailors and soldiers from foreign ships of war or transports;

(*q*) prescribing the hours of attendance of the Harbour-master and other officers of the Port and Marine Department, and the fees for attendance to be paid by vessels in respect of attendance by such officers outside the prescribed hours of attendance;

1 of 1954.

(*r*) for declaring any part of any port or inland water to be a landing area for aircraft and regulating the traffic of ships and boats therein;

(*s*) prescribing the dues for the time being payable under Part III of this Ordinance either generally or for any specified area, the manner and place of payment of any such dues, the allocation thereof, and the conditions under which any services in respect of which any such dues are payable may be rendered by any public officer;

(*t*) prescribing the fees to be charged for any services rendered by or on behalf of the Harbour-master including the laying, maintenance and removal of buoys, the provision and maintenance of moorings, the slipping and repair of vessels and any services performed with tugs or launches not included in the term "towage", the manner and place of payment of any such fees and the allocation thereof, and the conditions under which any such services may be rendered; whether such services are similar to those enumerated in this paragraph or not;

(*u*) for the management and control of any installation or equipment for which the Harbour-master is responsible;

(*v*) exempting any ship or class of ships, either wholly or partly, from the payment of dues payable under Part III of this Ordinance or from fees payable under any rule made under this section, subject to such conditions as he may think necessary;

(*w*) for any purposes incidental to any of the foregoing;

(x) generally for the further and better carrying out of the purposes of this Ordinance:

Provided that any rule made under paragraphs (o), (p), (t) or (u) may apply beyond the limits of any port or inland water.

(2) Any rule which increases the prescribed dues payable under Part III of this Ordinance shall come into operation on such date, not being earlier than two months after the date of publication of the rule, as may be specified therein.

(3) The Governor in Council may annex to the breach of any rule a term of imprisonment not exceeding three months, with or without hard labour, or a fine not exceeding fifty pounds, and, in the case of a continuing offence, a fine for each day during which the offence continues not exceeding two pounds, and, in addition to such fine, may provide for an award by the convicting Magistrate of compensation not exceeding fifty pounds in respect of any damage to property occasioned by the contravention of any rule.

(4) Rules made under this section shall be laid before the House of Representatives and may be approved, amended or revoked by resolution of the House but without prejudice to anything done under the said rules prior to any such amendment or revocation.

25. All complaints for offences, and all proceedings for the recovery of any dues, penalties, expenses, and sums of money incurred under this Ordinance shall be heard, tried and determined summarily before a Magistrate:

Hearing
complaints.

Provided that where the expenses claimed, or sum claimed by way of compensation, exclusive of any penalty incurred under this Ordinance, exceed the sum of fifty pounds, proceedings for the recovery of the same shall be instituted in the Supreme Court.

26. All offences and matters cognizable under this Ordinance before any Magistrate, which may be committed or may arise in or within the limits of any port or inland waters may be heard, determined or inquired into, by the Magistrate of any district bordering on such port or inland water; and all such offences and matters aforesaid, which may be committed or may arise on board of any vessel beyond the limits aforesaid may be heard, determined or inquired into by the Magistrate off the shore of whose district such vessel may be at the time of the commission of the offence or of such matter arising as aforesaid, or on or near to the shore of whose district such vessel after the

Jurisdiction
of Magistrate
over ports,
rivers, etc.

commission of the offence or the arising of the matter aforesaid may anchor or touch.

Exemption
of ships of
war.

27. Except in so far as they may expressly provide to the contrary, the provisions of this Ordinance and of any rules made thereunder shall not be deemed to extend to any ship of war belonging to Her Majesty or any Foreign Government.

Sec. 2.

FIRST SCHEDULE.

PORTS.

NAME.	BOUNDARIES.
Freetown Harbour ...	Starting from a point which is the most northerly point of High Water Mark at Cape Sierra Leone; thence in a straight line to the most southerly point of High Water Mark on Leopard Island; thence due East to High Water Mark on the Sierra Leone Protectorate shore; thence in a general south-easterly direction along High Water Mark to Tagrin Point; thence in a straight line to the most easterly point of High Water Mark on Yema Island; thence in a straight line to the most south-westerly point of High Water Mark on Tonkaw Island; thence along High Water Mark on the southern shores of Tonkaw Island to its most south-easterly point; thence due east to High Water Mark on Pepel Island; thence along High Water Mark on the southern shore of Pepel Island to its most easterly point; thence in a straight line to High Water Mark at Fernando Po; thence along High Water Mark to Bumpbana Point; thence along High Water Mark up the north bank of Port Loko Creek to a point 500 yards above Tongbai; thence due east to High Water Mark on the south bank of Port Loko Creek; thence along High Water Mark down the south bank of Port Loko Creek to Kasanko Point; thence in a straight line to High Water Mark at Tumba Point; thence along High Water Mark of the Sierra Leone and Bunce Rivers back to the Starting Point.
Port of Sherbro ...	On the North, a straight line drawn from Jamaica Factory to the mainland at a tangent to the northern extremity of Rendell Island; on the East, the mainland and straight lines drawn across the mouths of the Jong and Bum-Kittam Rivers, and the western end of Turner's Peninsula; on the South, a straight line joining the extremities of Manna and Argyle Points; on the West, Sherbro Island.

SECOND SCHEDULE.

Sec. 2.

INLAND WATERS.

NAME.	BOUNDARIES.
Great Scarcies River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Kambia.
Port Loko Creek ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Port Loko.
Ribbi River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Mabang.
Bompe River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Rotifunk.
Cockboro River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Makoba.
Bagru River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Sembehun.
Jong River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Mattru.
Victoria Creek ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Victoria.
Bum-Kittam River ...	The whole length thereof.
Sewa River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Sumbuya.
Wanje River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Yoni.
Moa River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Whedaro.
Mano River ...	From its mouth to a line drawn across the river one hundred yards upstream of the wharf at Gene.