

MINISTRY OF FINANCE :: DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CUSTOMS
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C.No.VIII/31/01/2013-Import General

Date: 10.07.2013

PUBLIC NOTICE No. 07/2013

Sub: Levy of Light-Dues under the Lighthouse Act-1927- Reg.

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Attention of Master of Ships, Owners of Ships Ship Agent, Shipping Companies and all concerned is invited towards levy of light-dues applicable under the Light House Act, 1927.

2. In terms of Section 9 of the Lighthouse Act, 1927, for the purpose of providing or maintaining or for providing and maintaining lighthouses for the benefit of ships voyaging to or from India or between ports in India, the Central Government shall, subject to the provisions of this Act, cause light- dues to be levied and collected in respect of every ship arriving at or departing from any port in India, on the rates prescribed under Section 10 (1) *ibid* by the Central Government, by notification in the Official Gazette, and shall be paid by the owner or master of the ship on its arrival at, and on its departure from, any port in India under Section 10(2) *ibid*. Also, if light-dues have been paid in accordance with the provisions of this Act in respect of any ship, no further dues shall become payable in respect of that ship for a period of thirty days from the date on which the dues so paid became payable.

3. In terms of Section 13 of the Lighthouse Act, 1927, the Proper Officer shall recover light- dues expenses and costs. Proper Officer has been defined in Section 2(hh) *ibid* as the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act .

4. For the purposes of levy of light-dues, the tonnage of a ship or a sailing vessel, in terms of Section 12(1) of the Light House Act, 1927 the same shall be reckoned as under the Merchant Shipping Act, 1958 (44 of 1958), for dues payable on the ship's tonnage including the tonnage of any space added under the said Act, to the tonnage of ships by reason of such space being utilized for carrying cargo.

5. The Merchant Shipping (Tonnage Measurement of Ships) Rules, 1987 as amended, defines 'Gross Tonnage' as the measure of overall size of the Ship determined in accordance with Rule 3 of the said Rules and 'Net Tonnage' as the volume of the useful capacity of the Ship determined in accordance with Rule 4 of the said Rule. The Gross Tonnage and the Net tonnage of the Ships assessed in accordance with International convention of tonnage Measurement of Ships, 1969 and entered in the International Tonnage Certificate, 1969 (ITC 69) or the Tonnage Certificate issued by the Registration Authority or an Administration of a Flag normally excludes the volume of spaces open to weather.

6. In accordance with the Gazette Notification, issued in file F.No.11012/1/97 dated 08.09.2000 by the Ministry of Surface Transport (Department of Shipping), Ships engaged in International Trade arriving at or departing from any Indian Port are required to pay light-dues @ Rs.8/- per ton and in terms of Section 10 (2) of the Act, the light-dues paid by a ship are valid for 30 days.

7. The owner or master of the ship are paying light-dues on the Net Tonnage (NT) of the ship, as reflected in the registry of the Ship. It is noticed that Ships carry containers in holds as well as on the deck as there is voluminous traffic of containers on ships. In terms of section 12 (1) of the Light Houses Act, 1927, Ships that utilize the open space upon deck for carrying containers or any other cargo including the cargo at any other space utilized in addition to Net Tonnage shall pay light-dues for all such spaces utilized for carrying cargo.

8. The tonnage in respect of 'Deck Cargo and Cargo in other spaces' are to be ascertained in accordance with Rule 10 read with the provisions contained in Appendix VII of the Merchant Shipping (Tonnage Measurement of Ships) Rules,

1987 framed under Section 74(2) of the Merchant Shipping Act, 1958, which reads as follows :

(1) The cubic capacity of covered or uncovered spaces upon deck or excluded spaces which have not been included in the computation of gross tonnage when used for carriage of cargoes, shall be determined by multiplying the area in square meters of spaces occupied by cargo, as determined in accordance with the provisions of Appendix III by the maximum height of goods in meters. The cubic capacity so arrived shall be divided by 2.83 for determining tonnage of such spaces.

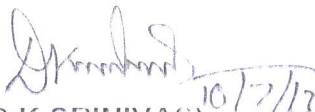
(2) The cubic capacity of any space or spaces in the ship which have been included in the computation of gross tonnage but not in the computation of net tonnage, when used for carriage of cargoes shall be determined by calculating the volume of the whole space in which the cargo is carried. The cubic capacity of the space determined in accordance with the provisions of schedule III shall be divided by 2.83 for determining tonnage of such spaces.

9. The declaration by the Owner or Master of the Ship or their Agents, in case of General cargo or any other cargo carried as Deck Cargo or Cargo carried in spaces not included in Net Tonnage of the Ship, the volumetric capacity and tonnage or such spaces, shall normally be accepted by the Customs. The Owner or Master of the Ship or their Agents shall provide documents with sufficient information to confirm the admeasurements. If the Owner or Master of the Ship or their Agents fails to provide adequate information to the satisfaction of the Proper Officer the services of a Surveyor shall be availed to ascertain the tonnage and the Owner or Master of the Ship shall accept the calculation of the Surveyor ("Surveyor" means a Surveyor appointed under Section 9 of the Merchant Shipping Act, 1958). The expenses incurred on inspection shall be borne by the Owner or Master of the Ship or their Agents as per Section 12 (3) of the Light House Act, 1927.

10. The Owner or Master of the Ship or their Agents while filing the "APPLICATION FOR ENTRY INWARD" to the Boarding Officer of the Customs, besides other documents, submit Deck Cargo declaration. Henceforth, the Deck Cargo Declaration shall contain details of the number of container, sizes, inner volumetric capacity of the containers and computed tonnage for the purpose of assessment of light-dues. The Owner or Master of the Ship or their Agents shall also

provide cubic capacity as well as Tonnage of the General Cargo or any other additional spaces other than Net Tonnage that is utilized for carrying cargo in the 'Deck Cargo Declaration for the purpose of assessment of light-dues. The same applies to the Ships leaving the Port.

11. In view of the above legal position, the Owner or the Master of the Ship shall ensure that such Ships which utilize the open spaces on the upper deck for carrying containerized cargo or any other cargo or utilize the open spaces or any other space for carrying cargo which are not included in the Net Tonnage, such spaces in tonnage are determined in accordance with Rule 10 read with the provisions contained in Appendix VII, of the Merchant Shipping (Tonnage Measurement of Ships) Rules, 1987 framed under Section 74(2) of the Merchant Shipping Act, 1958, and declare the same in the Deck Cargo Declaration and pay light dues at the rates specified under the Light House Act, 1927, on the date of her liability to pay light dues. It is a statutory requirement in terms of the Light House Act, 1927 read with the Merchant Shipping Act, 1958 and the Rules framed there under. Further, in terms of Section 14 of the Light House Act, 1927 and Section 42 of the Customs Act, 1962, no Port Clearance will be granted until the amount of all light-dues have been paid.



(D.K.SRINIVAS)

COMMISSIONER OF CUSTOMS

Copy to:

1. The Director General of Light Houses and Light Ships, Noida.
2. The Director General of Light Houses and Lightships, Chennai.
3. The President of the Steamer Agents Association.
- ✓ 4. The AC, EDI to place the Public Notice on website.
5. Notice Board.
6. Office Copy.