

ACT No. XX OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 19th September, 1917.)

An Act to Restrict the transfer of ships registered in British India.

WHEREAS it is expedient to restrict the transfer of ships registered in British India; It is hereby enacted as follows :

1. (1) This Act may be called the Indian Transfer of Ships Restriction Act, 1917;

Short title and duration.

(2) It shall remain in force during the continuance of the present war, and for three years thereafter.

2. In this Act :—

Interpretations.

(1) (a) " British subject " means a person who—

(i) is a natural born British subject within the meaning of the British Nationality and Status of Aliens Act, 1914, or

(ii) holds a certificate of naturalization granted under any Act of Parliament, or

(iii) holds a certificate of naturalization granted under the Indian Naturalization Act, 1852,

(b) " foreign-controlled company " includes any company, firm or association or body of individuals whether incorporated or not—

(i) which is not established in and subject to the laws of some part of His Majesty's dominions or of some British Protectorate, and has not its principal place of business therein, or

(ii) of which the majority of the directors

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or the partners or persons occupying the position of directors or partners by whatever name called are not British subjects, or

- (iii) of which the majority of the voting power or the predominant interest is in the hands of persons who are not British subjects or of persons who exercise their voting power or hold their interest directly or indirectly on behalf of persons who are not British subjects, or
- (iv) of which the control is by any other means whatever in the hands of persons who are not British subjects, or
- (v) of which the managing body is a foreign-controlled company, or the majority of the managing body are appointed by a foreign-controlled company.
- (c) "interest" includes the interest of a mortgagee, and
- (d) "persons qualified to be owners of British ships" has the same meaning as in section 1 of the Merchant Shipping Act, 1894.

(2) All provisions referring to a ship shall be read ^{57 and 58} as referring also to a share in a ship. Vict. c. 6

Restriction of transfer.

3. No interest in a British ship registered in British India under the Merchant Shipping Act, 1894, shall ^{57 and 58} without the previous consent in writing of the Governor General in Council be transferred to a foreign-controlled company or to persons other than persons qualified to be owners of British ships. Vict., c. 6

Penalty.

4. Whoever makes or attempts to make or abets the making of any transfer in contravention of the provisions of this Act, shall be punishable with imprisonment of either description which may extend to two years or with fine or with both.

Power to require particulars in certain cases.

5. For the purpose of determining whether any person, who is or who applies to be registered as owner or mortgagee of a British ship, is or represents a foreign-controlled company, the Governor General in Council may require any such person or in the case of

OF 1917.] *Indian Transfer of Ships Restriction.* 133

of a company, firm or association, the secretary or other officer thereof to furnish such particulars as he may think necessary and such person or officer shall be bound to furnish the particulars so required.

6. Where any person having an interest in a British ship registered in British India ceases to be a British subject or becomes a foreign-controlled company, such interest shall be liable to forfeiture in certain circumstances.