

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)

JAWAHARLAL NEHRU CUSTOM HOUSE,

NHAVA SHEVA, TALUKA URAN DIST.RAIGAD, MAHARASHTRA 400 707

F.NO.S/3-GEN- /07 IMPORT NOTING

Date : 16.01.2008

PUBLIC NOTICE NO. 09 /2008

Sub : Levy of Light-dues under the Lighthouse Act-1927

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 accordance with the Gazette Notification dated 06.09.2000, issued 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. Section 13 of the Light House Act, 1927 empowers the Proper Officer of Customs to recover the light-dues. As per Section 10 (2) of the Act, the light-dues paid by a Ship are valid for 30 days. For "Ascertainment of Tonnage" Section 12(1) of the Light House Act, 1927 states that 'For the purpose of levy of light-dues, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958 for dues payable on a 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.

3. As per the prevailing practice, it is noticed that Ship Agents pay light-dues on the NRT (Net Register Tonnage) of the ship. There is voluminous traffic of containers on Ships and it is noticed that Ships carry containers in holds as well as on the deck. In terms of Section 12 (1) of the Light House 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 NRT shall pay light-dues for all such spaces utilized for carrying cargo.

4. In maritime usage Gross Tonnage (also referred to as Gross Register Tonnage-GRT) means the measure of overall size of the Ship and Net Tonnage (also referred to as Net Register Tonnage-NRT) means the volume of the cargo carrying capacity of the Ship. 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 and ...

5. Rule 10 read with Appendix VII of the Merchant Shipping (Tonnage Measurement of Ships) Rules, 1987 framed under Section 74(2) of the Merchant Shipping Act, 1958 deals with ascertained of tonnage in respect of 'Deck Cargo and Cargo in other spaces'. Tonnage of such spaces, not included in the computation of Net Tonnage, so utilized for carrying cargo shall be determined and added to the Ships. Net Tonnage for the levy of light-dues. If the volume of such utilized spaces is determined in cubic meters it shall be divided by 2.83 for arriving at the Tonnage figure and in case the volumetric capacity is in cubic feet it shall be divided by 100 to arrive, at the Tonnage figure. A sample calculation of light-dues working is annexed to this Public Notice.

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6. In case of General cargo or any other cargo carried as Deck Cargo or Cargo carried in spaces not included in NRT of the Ship, the volumetric capacity and tonnage

of such spaces declared by the Owner or Master of the Ship shall normally be accepted by the Customs. For this purpose the Owner or the Master of the Ship shall provide documentation with sufficient information to confirm the measurements. If the Owner or Master of the Ship 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 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 Ship as per Section 12 (3) of the Light House Act, 1927.

7. Besides other documents, Deck Cargo declaration is provided along with the "APPLICATION FOR ENTRY INWARD" by the Ship Agents to the Customs Boarding Officer.

Hereafter, the Deck Cargo Declaration shall give 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 same applied to the Ships leaving the port. The Ships shall also provide cubic capacity as well as Tonnage of the General Cargo or any other cargo carried as Deck Cargo under the 'Deck Cargo Declaration'. The Master of the Ship shall also provide information of any additional spaces other than NRT that is utilized for carrying cargo.

8. The owner or the Master of the Ships shall as well pay the difference in light-dues arising within the period of 30 days on the Ships arrival at or departure from any Port in India by reason of the Ship utilizing excess Tonnage as Deck Cargo and/or utilizing any other space other than NRT for carrying cargo.

9. The owner, Masters of the Ships and Ship Agents shall therefore, 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, which are not included in the NRT are liable to pay light-dues for such volume of space in addition to the light-dues they have been hitherto paying only against the NRT of the Ship. It is a statutory requirement in terms of the Light House Act, 1927 read with the Merchant Shipping Act, 1958 and the Rules framed thereunder. 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.

sd/-16.01.2008

(SANJEEV BEHARI)

COMMISSIONER OF CUSTOMS (IMPORT),

JNCH/SHEVA

Copy to :

1. Director General of Light Houses and Light Ships, Noida
2. Director General of Shipping, Mumbai
3. President, MANSA (Mumbai and Nhava Sheva Ship Agent Association)
4. DC/EDI : to place the Public Notice on Website
5. Notice Board
6. Office Copy

[ADDENDUM TO PUBLIC NOTICE NO.09/2008 dated 17.01.2008](#)