

# The Naval Armament Act, 1923

( ACT NO. VII OF 1923 )

## **<sup>1</sup>♣An Act to give effect in Bangladesh to the Treaty for the Limitation of Naval Armament.**

WHEREAS it is expedient to give effect in Bangladesh to the Treaty for the Limitation of Naval Armament and for the Exchange of Information concerning Naval Construction signed in London on behalf of His Majesty on the twenty-fifth day of March, 1936; It is hereby enacted as follows:-

### **Short title, extent and commencement**

1.(1) This Act may be called the Naval Armament Act, 1923.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

### **Definitions**

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "competent Court" means the <sup>2</sup>[High Court Division] or such other Court having unlimited original civil jurisdiction as the Government may declare to be a competent Court for the purposes of this Act;

(b) "ship" means any boat, vessel, battery or craft, whether wholly or partly constructed, which is intended to float or is capable of floating, on water, and includes all equipment belonging to any ship; and

(c) "the Treaty" means the Treaty for the Limitation of Naval Armament and for the Exchange of Information concerning Naval construction signed in London on behalf of His Majesty on the twenty-fifth day of March, 1936.

### **Restriction on building or equipping vessels of war**

3. No person shall, except under and in accordance with the conditions of a licence granted under this Act,-

(a) build any vessel of war, or alter, arm or equip any ship so as to adapt her for use as a vessel of war; or

(b) dispatch or deliver, or allow to be dispatched or delivered, from any place in Bangladesh any ship which has been, either wholly or partly, built, altered, armed or equipped as a vessel of war in any part of His Majesty's Dominions <sup>3</sup>[\* \* \*] otherwise than under and in accordance with any law for the time being in force in that part <sup>4</sup>[\* \* \*].

## Licences

4.(1) A licence under this Act for any of the purposes specified in section 3 may be granted by the Government, and shall not be refused unless it appears to the Government that such refusal is necessary for the purpose of securing the observance of the obligations imposed by the Treaty; and, where a licence is granted subject to conditions, the conditions shall be such only as the Government may think necessary for the purpose aforesaid.

(2) An application for a licence under this section shall be in such form and shall be accompanied by such designs and particulars as the Government may, by general or special order, require.

(3) Any person who, in pursuance of a license granted under sub-section (1) <sup>5</sup>[\* \* \*] is engaged in building any vessel of war or in altering, arming or equipping any ship so as to adapt her for use as a vessel of war, or is about to dispatch or deliver, or allow to be dispatched or delivered, from any place within Bangladesh any ship which has been so built, altered, armed or equipped, either entirely or partly, within Bangladesh, shall, upon written demand, furnish to the Government such designs and particulars as may be required by the Government for the purpose of securing the observance of the obligations imposed by the Treaty.

## Offences against the Act

5.(1) If any person contravenes any of the Provisions of section 3 or fails to comply with the provisions of sub-section (3) of section 4, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand taka, or with both.

(2) Where an offence punishable under sub-section (1) has been committed by a company or corporation, every director and manager of such company or corporation shall be punishable thereunder unless he

proves that the act constituting the offence took place without has knowledge and consent.

(3) Nothing contained in section 517 or section 518 or section 520 of the Code of Criminal Procedure, 1898, shall be deemed to authorise the destruction or confiscation under the order of any Criminal Court of any ship which is liable to forfeiture under this Act or of any part of such ship.

**Liability of ships to forfeiture**

6. Any ship which has been, either wholly or partly, built altered, armed, or equipped as a vessel of war in Bangladesh in contravention of section 3, or in any part of His Majesty's Dominions or <sup>6</sup>[\* \* \*] in contravention of any like provision of law in force in that part <sup>7</sup>[\* \* \*], shall, if found in Bangladesh, be liable to forfeiture under this Act.

**Seizure, detention and search of ships**

7.(1) Where a ship is liable to forfeiture under this Act,-

(a) any Magistrate of the 1st class, or

(b) any commissioned officer on full pay in the armed forces of Bangladesh, or

(c) any officer of customs or police-officer not below such rank as may be designated in this behalf by the Government,

may seize such ship and detain it, and, if the ship is found at sea within the territorial waters of Bangladesh, may bring it to any convenient port in Bangladesh.

(2) Any officer taking any action under sub-section (1) shall forthwith report the same through his official superiors to the Government.

(3) The Government shall, within thirty days of the seizure, either cause the ship to be released or made or cause to be made, in the manner, hereinafter provided, an application for the forfeiture thereof, and may make such orders for the temporary disposal of the ship as it thinks suitable.

**Procedure in forfeiture of ships**

8.(1) an application for the forfeiture of a ship under this Act may be made by, or under authority from, the Government to any competent Court within the local limits of whose jurisdiction the ship is for the time being.