

The Ports Act, 1908

(ACT NO. XV OF 1908)

¹♣An Act to consolidate the Enactments relating to Ports and Port-charges.

WHEREAS it is expedient to consolidate the enactments relating to ports and port-charges; It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

Title and extent

1. (1) This Act may be called the Ports Act, 1908.
- (2) It shall extend, save as otherwise appears from its subject or context,-
 - (a) to the ports mentioned in the first schedule ²[* * *];
 - (b) to the other ports or parts of navigable rivers or channels to which the Government, in exercise of the power hereinafter conferred, extends this Act.
- (3) But nothing in section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the Government.

Savings

2. Nothing in this Act shall-
 - (i) apply to any vessel belonging to, or in the service of, His Majesty the Government, or to any vessel of war belonging to any Foreign Prince or State, or
 - (ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or
 - (iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

Definitions

3. In this Act, unless there is anything repugnant in the subject or context,-
- (1) “Magistrate” means a person exercising powers under the Code of Criminal Procedure, 1898, not less than those of a Magistrate of the second class:
- (2) “master”, when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel:
- (3) “pilot” means a person for the time being authorized by the Government to pilot vessels:
- (4) “port” includes also any part of a river or channel in which this Act is for the time being in force:
- (5) “port-officer” is synonymous with master-attendant:
- (6) “ton” means a ton as determined or determinable by the rules for the time being in force or regulating the measurement of the net tonnage of British ships: and
- (7) “vessel” includes anything made for the conveyance by water of human beings or of property:
- (8) “major port” means any port which the Government may by notification in the official Gazette declare, or may under any law for the time being in force have declared, to be a major port:
- (9) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

CHAPTER II**POWERS OF THE GOVERNMENT**

Power to extend or withdraw the Act or certain portions thereof

4. (1) The Government may, by notification in the official Gazette,-
- (a) extend this Act to any port in which this Act is not in force or to any part of any navigable river or channel which leads to a port and in which this Act is not in force;

(b) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended;

(c) withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (a) or clause (b) of sub-section (1) shall define the limits of the area to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water-mark.

(4) In sub-section (3) the expression "high-water-mark" means the highest point reached by ordinary spring tides at any season of the year.

Alteration of limits of port

5. (1) The Government may, subject to any rights of private property, alter the limits of any port in which this Act is in force.

(2) When the Government alters the limits of a port under sub-section (1), it shall declare or describe, by notification in the official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits.

Power to determine rates of wages and remuneration and to create welfare funds

³[5A. Notwithstanding anything contained in any other law for the time being in force, or in any contract, agreement or other instrument, the Government may, by order,-

(a) determine the rates of minimum wages or remuneration of the persons rendering any services, either on contract or otherwise, to the Government or to any port authority or to any other person within the limits of any port;

(b) create funds for the welfare of the persons working within the limits of any port and determine the rates of contribution to be made to such funds by persons to be specified in the order.]

**Power to
make port-
rules**

6. (1) The Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:-

(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;

(b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;

(c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;

(d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port;

(e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;

⁴[(ee) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same;]

⁵[(eee) for regulating the bunkering of vessels with liquid fuel in any such port and the description of barges, pipe lines or tank vehicles to be employed in such bunkering;]

(f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;

(g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;

(h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;

- (i) for regulating the use of the mooring buoys, chains and other mooring in any such port;
- (j) for fixing the rates to be paid for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;
- ⁶[(jj) for regulating the use of piers, jetties, landing places, wharves, quays, warehouses and sheds when belonging to the Government, and for fixing the rates to be paid for the use of the same;]
- (k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port and for licensing and regulating the crews of any such vessels and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels and may by such rules provide for the fees payable in respect of any such license, and in the case of passenger vessels plying for hire, for the rates of hire to be charged and the conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any license may be revoked;
- (l) for regulating the use of fires and lights within any such port;
- (m) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;
- (n) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;
- (o) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;
- (p) for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from