

The Chittagong Port Authority Ordinance, 1976

(Ordinance NO. LII OF 1976)

An Ordinance to provide for the establishment of the Chittagong Port Authority.

WHEREAS it is expedient to provide for the establishment of an Authority for the management, maintenance and development of Chittagong Port and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in pursuance of the proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I PRELIMINARY

- Short title and commencement**
1. (1) This Ordinance may be called the Chittagong Port Authority Ordinance, 1976.
- (2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
- Definitions**
2. In this Ordinance, unless there is anything repugnant in the subject or context,-
- (a) "Authority" means the Chittagong Port Authority established under section 4;
- (b) "Board" means the Board of the Authority constituted under section 6;
- (c) "Chairman" means the Chairman of the Board;
- (d) "dock" includes basins, locks, cuts, quays, wharves, warehouses, railways and other works and things appertaining to any dock;

(e) "goods" includes wares, merchandise and container of every description;]

(f) "high water-mark" means a line drawn through the highest points reached by ordinary spring tides at any season of the year;

(g) "land" includes buildings and benefits arising out of land things attached to the earth or permanently fastened to anything attached to the earth and the foreshore and the bed of the river below high water-mark;

(h) "master", when used in relation to any vessel, means any person, not being a pilot or harbour master, having for the time being command or charge of such vessel;

(i) "member" means a member of the Board;

(j) "owner", when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, shipping, clearing or removing such goods, and when used in relation to any vessel, includes any part owner, charterer, consignee or mortgagee in possession thereof;

(k) "pier" includes any stage, stairs, landing place, jetty, floating barge or pontoon and any bridge or other work connected therewith;

(l) "Port" means the Chittagong Port as for the time being defined for the purposes of this Ordinance;

(m) "prescribed" means prescribed by rules;

(n) "regulations" means regulations made under this Ordinance;

(o) "rules" means rules made under this Ordinance;

(p) "vessel" includes any ship, barge, boat, raft or craft, or any other thing whatever, designed or used for the transport by water of passengers or goods;

(q) "wharf" includes any bank of the river which may be improved to facilitate the loading or unloading of goods, and any foreshore used for the same, and any wall enclosing or adjoining such bank or foreshore.

3. (1) The Government may, by notification in the official Gazette, define the limits of Chittagong Port for the purposes of this Ordinance; and may, from time to time, by a like notification, alter such limits.

²[(2) Such limits may extend to any part of the navigable approaches to the Port and the outer anchorage or to any part of the sea, river, shore, bank or land, and may include any dock, pier, shed or other work made on behalf of the public for the convenience of the traffic, transportation, handling of goods, for the safety of the vessels or for the improvement, maintenance or good governance of the Port or river and their approaches, whether within or without high water mark, and subject to any right of private property therein, any portion of the shore, bank or land within fifty yards of high water mark.]

CHAPTER II

ESTABLISHMENT OF THE AUTHORITY

Establishment of the Authority

4. (1) With effect from such date as the Government may, by notification in the official Gazette, appoint, there shall be established an Authority for Chittagong Port to be called the Chittagong Port Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of ³[, by lien, mortgage, sell, alienation or otherwise] property, both movable and immovable, and shall by the said name sue and be sued.

Management

5. (1) The general direction and management of the Authority and its affairs shall vest in a Board which may exercise all powers and do all acts and things which may be exercised done by the Authority.

(2) The Board in discharging its functions shall be guided on questions of policy by such directions as may be given to it, from time to time, by the Government.

The Board

6. (1) The Board of the Authority shall consist of a Chairman and not more than ⁴[four other members] to be appointed by the Government.

(2) The Chairman and other members shall be full-time officers of the Authority and shall hold office on such terms and conditions as may be determined by the Government.

(3) The Chairman shall be the chief executive officer of the Authority.

(4) The Chairman and other members shall perform such functions and discharge such duties as are assigned to them by or under this Ordinance.

Meetings

7. (1) The meetings of the Board shall be held at such times and places and in such manner as may be provided by regulations:

Provided that, until regulations are made in this behalf, the meetings of the Board shall be held as and when convened by the Chairman.

(2) To constitute a quorum at a meeting of the Board not less than two members shall be present.

(3) At a meeting of the Board each member shall have one vote, and in the event of equality of votes the Chairman shall have a second or casting vote.

(4) The meetings of the Board shall be presided over by the Chairman, and, in his absence, by a member elected for the purpose by the members present.

(5) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

Advisory Committee

8. The Government may, in consultation with the Authority, appoint an Advisory Committee consisting of such number of persons as it may think fit for the purpose of advising the Authority in respect of such matters as may be referred to it by Authority or by the Government.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

**Functions
of the
Authority**

9. The functions of the Authority shall be-

- (a) to manage, maintain, improve and develop the Port;
- (b) to provide and maintain adequate and efficient port services and facilities in the Port or the approaches to the Port;
- (c) to regulate and control berthing and movement of vessels and navigation within the Port;
- (d) to do such acts and things as may be necessary or convenient to be done in connection with, or incidental or conducive to, the performance of its functions under this Ordinance.

**Powers of
the
Authority**

10. (1) Subject to the other provisions of this Ordinance, the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Authority shall, in particular, have power-

- (a) to construct, maintain and operate docks, moorings, piers and bridges within the Port, with all necessary and convenient drains, arches, culverts, roads, railways, fences and approaches;
- (b) to undertake any work of or in connection with the loading, unloading and storing of goods in the Port;
- (c) to construct, maintain and operate ferry vessels to carry passengers, vehicles and goods within the Port;
- (d) to construct, maintain and operate railways, warehouses, sheds, engines, cranes, scales and other appliances for conveying, receiving, handling and storing goods to be landed or shipped or otherwise dealt with by the Authority;
- (e) to reclaim, excavate, enclose or raise any part of the bank or bed of the river;
- (f) to construct, maintain and operate dredgers and appliances for cleaning, deepening and improving the bed of the river;