

ACT NO. VI OF 1916.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 16th March, 1916.)

An Act further to amend the Indian Ports Act, 1908.

XV of 1908.

WHEREAS it is expedient further to amend the Indian Ports Act, 1908; It is hereby enacted as follows:—

1. This Act may be called the Indian Ports Short title. (Amendment) Act, 1916.

XV of 1908.

2. In section 4, sub-section (1) of the Indian Amendment of section 4, Act XV of 1908. Ports Act, 1908 (hereinafter called the said Act), the words "with the previous sanction of the Governor General in Council" shall be omitted.

3. In section 5, sub-section (1) of the said Act, Amendment of section 5, Act XV of 1908. the words "with the previous sanction of the Governor General in Council and" shall be omitted.

4. In section 6, sub-section (1) of the said Act, Amendment of section 6, Act XV of 1908. the following amendments shall be made,—

(1) After clause (j) the following clause shall be inserted, namely:—

"(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;"

(2) In clause (k) after the word "port" the words "and for licensing and regulating the crews of any such vessels," and after the word "passengers" the words "or of the crew" shall be inserted; and at the end of the same clause, the following shall be added,

namely:—

namely :—“ 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 ; ”

Amendment
of section 31,
Act XV of
1908.

5. In section 31 of the said Act, the following amendments shall be made, namely :—

(i) After sub-section (1) the following sub-section (2) shall be inserted, namely :—

“ (2) Notwithstanding anything in sub-section (1), the owner or master of a vessel which is by that sub-section required to have a pilot, harbour-master or assistant of the port officer or harbour-master on board, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel, in the same manner as he would have been if he had not been so required by that sub-section :

Provided that the provisions of this sub-section shall not take effect till the first day of January, 1918, or such earlier date as the Governor General in Council may notify in that behalf in the Gazette of India.”

(ii) The existing sub-sections (2), (3) and (4) shall be re-numbered (3), (4) and (5), respectively.

(iii) In the existing sub-section (3) for the word and figures “ (1) and (2) ” the word and figures “ (1), (2) and (3) ” shall be substituted.

Amendment
of section 33,
Act XV of
1908.

6. In section 33 of the said Act, the following amendments shall be made, namely :—

(i) In sub-section (1) after the figure (1), the following shall be inserted, namely :—

“ Subject to the provisions of sub-section (2),”

(ii) After sub-section (1), the following sub-section (2) shall be inserted, namely :—

“ (2) The Local Government may, by notification in the local official gazette, alter or add to any entry in
the

the First Schedule relating to ports within its own province, and this power shall include the power to regroup any such ports :

Provided that, if any such alteration or addition has the effect of increasing the port-dues in any such port, such alteration or addition shall require the sanction of the Governor General in Council."

(iii) In the existing sub-section (2) the words "with the previous sanction of the Governor General in Council" and the words "with the like sanction" shall be omitted, and to the same sub-section, the following proviso shall be added, namely :—

"Provided that, except with the sanction of the Governor General in Council, the rates and the times so declared shall not be respectively higher or shorter than the maximum rate and the shortest time specified and fixed in the First Schedule for any port in the province."

(iv) The existing sub-sections (2), (3) and (4) shall be re-numbered (3), (4) and (5), respectively.

7. In section 34 of the said Act, after the words "The Local Government may" the words "after consulting the authority appointed under section 36" shall be inserted; and for the words "the vessels" the following shall be substituted, namely :—"subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels"; and after the word "them" the words "or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues" shall be added.

Amendment of
section 34,
Act XV of
1908.

8. In section 35, sub-section (1) of the said Act, the proviso shall be omitted.

Amendment of
section 35,
Act XV of
1908.

9. In section 36 of the said Act, sub-section (3) shall be omitted.

Amendment of
section 36,
Act XV of
1908.

10. In section 37, sub-section (2) (a) of the said Act, for the words "with the previous sanction" the words "subject to the control" shall be substituted.

Amendment of
section 37,
Act XV of
1908.

11. After

Insertion of
new sections
68A and 68B
in Act XV of
1908.

11. After section 68 of the said Act, the following sections shall be inserted, namely:—

Authorities
exercising
jurisdiction
in ports to co-
operate in
manœuvres
for defence
of port.

“68A. Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorised by general or special order of the Governor General in Council in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manœuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material:

Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Government of India shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.

Explanation.—The expression ‘running expenses’ in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels:

Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manœuvres:

Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.

Duties of the
said author-
ities in an
emergency.

68B. Whenever the Governor General in Council is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities therein mentioned, or other duties of a like nature,

should

should be imposed on such authorities continuously during the existence of the emergency, he may, by general or special order, authorise any officer to require the said authorities to perform such duties until the Governor General in Council is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely :—

The Government of India shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the Governor General in Council, and the decision of such person shall be final.”