

BOMBAY LANDING AND WHARFAGE FEES ACT, 1882

7 of 1982

[18th November. 1882]

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WHEREAS it is expedient to provide for the levy of fees for the use of landing-places in certain ports in the State of Bombay. It is hereby enacted as follows:-

1. Short title :-

This Act shall be called the Bombay Landing and Wharfage Fees Act 1882.

2. Local extent :-

(1) It shall extend to any ports in the ¹[Bombay area of the State of Gujarat] to which Government may from time to time, by

notification in the Official Gazette, extend the Act:

2[Provided that on the commencement of the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959 (Bom. LV of 1959), it shall extend at once to the port in which the Okha Port Rules and continued in force by the Bombay Merged States (Laws) Act, 1950 (Bom.IV 1959) were in force immediately before such commencement.]

(2) It shall extend to any ports in the rest of the **3** [State of Gujarat] to which Government may, from time to time by notification in the Official Gazette, extend the Act:

Provided that on the commencement of the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959 (Bom. V of 1959), it shall extend at once to those ports in which the Saurashtra Ports (Administration) Ordinance, 1950 (Sau. Ord. IX of 1950) and the Bombay Landing and Wharfage Fees, act, 1882 (Bom. VII of 1882) as applied to the Kutch area were in force immediately before such commencement.

1. Subs, by Guj. A.O. 1960.
2. Inserted by Bom. 55 of 1959.
3. Subs, by Guj. A.O. 1960.

3. Repeal and savings :-

12[(1)] Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act.

3 [(2) The Saurashtra Ports (Administration) Ordinance, 1950 (Sau. Ord. IX of 1950), the Bombay Landing and Wharfage Fees Act, 1882 (Bom. VII of 1882), as applied to the Kutch area and the Okha Port Rules as continued in force by the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), are hereby repealed and consequently the balance standing at the foot of the general account of the Okha harbour Board under rule 17 of the Okha Port Rules and that at the foot of each landing and wharfage fees fund account under section 11 of the Bombay Landing and Wharfage Fees Act, 1882 (Bom. VII of 1882), as applied to Kutch area, immediately before the commencement of the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959 (Bom. LV of 1959), shall be credited to the Consolidated Fund of the State:

Provided that such repeal shall not affect (a) the previous operation of the laws so repealed, or anything duly or suffered thereunder: or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959 (Bom. LV of 1959) had not been passed:

Provided further that anything done or any action taken (including notifications issued, limits defined or fixed, remissions or exemptions granted, rules, bye-laws, regulations, delegation and appointment made, powers conferred and duties imposed, in so far as they are not inconsistent with the provisions of this Act, and the scales of tools, dues, fees, rents, rates and charges framed) under the laws so repealed shall continue in force until altered, amended or superseded by anything done or any action taken under this Act.]

1. Subs, by Bom. 55 of 1959.
2. Renumbered and inserted by Bom. 55 of 1959.
3. Renumbered and Inserted by Bom. 55 of 1959.

4. "Government", "Landing-place" and "Passengers" defined :-

In this Act the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the State Government the term "landing-place" includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, or storage of goods, or for the embarking or disembarking of passengers: and the term "passengers" means any person of three years of age. or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants.

5. Government of fix limits of bandars, etc., and the fees to be levied :-

It shall be lawful for Government from time to time by notification in the Official Gazette.

(b) to determine what are ²[xx] landing places to which the provisions of this Act shall apply:

(c) to determine the limits of any such landing-place;

(d) to withdraw this Act from any port in which it is for the time being in force;

(e) to fix the fees to be levied

(1) on goods landed, shipped or stored at, and

(2) on passengers embarking or disembarking at, and

(3) on animals or vehicles bringing or removing goods to or from, or plying for hire at, and

(4) on vessels or boats approaching or lying alongside, ³[and

(5) for any services (other than those chargeable under the Indian Ports Act, 1908, (XV of 1908) rendered at or in relation to, any such landing place]:

Provided that it shall be lawful for Government at any time to exempt any goods, passengers, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section:

Provided further that the fee to be levied on any passenger on each occasion of embarking or disembarking at a landing-place shall not exceed ⁴ [twenty-five paise].

1. Clause (a) was deleted by Guj. 13 of 1968.

2. The-word -public was deleted, by Bom. 55 of 1959.

3. Subs, by Bom. 55 of 1959.

4. Subs, by Guj. 13 of 1968.

6. Powers and duties under this Act by whom to be exercised and performed :-

The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this act or by any bye-laws made hereunder, shall be exercised and performed by such officers as Government shall from time to time direct, or by such person as ¹ [it] shall from time to time direct in this behalf.

1. Subs, by Bom. 5 of 1966.

7. Powers of officers and persons for recovery of fees and enforcement of bye-laws :-

1 (1) Any officer or person whose duty it is to levy fees under this Act or to enforce any bye-law made thereunder may give such directions to any person as may appear to him to be necessary for the enforcement of any such bye-law.

(2) Such officer or person shall, for the purpose of recovery of fees leviable under section 5 of this Act, exercise the same powers and

1. Subs, by Bom. 5 of 10966.

7A. Penalty :-

Whoever wilfully and without any lawful excuse fails to comply with a direction given under section 7 or a bye-law made under section 9 shall, on conviction, be punished with fine which may extend to one thousand rupees for every day that such direction or bye-law continues to be disobeyed by him.

7B. Jurisdiction to try offences :-

No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

7C. Venue of trial of offences :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (I of 1974) but subject to the provisions of section 7B, an offence punishable under this Act may be tried by a Magistrate having jurisdiction at the place in which the offender may be found, or at any other place which the State Government may, by notification in the Official Gazette, specify in this behalf in respect of any class of offences.)

8. Tables of fees to be posted up :-

Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing place at which such fees are leviable, in English and the Vernacular language of the district, State or territory in which the port is situate.

9. Power to make bye laws :-

¹[The Principal Port Officer and Engineer], ²[Gujarat State] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act;

(a) regulating the use of every landing-place to which this Act applies;

(b) providing for the management of the traffic over, on or about and to and from every such landing place;

3 [(bb) regulating the employment or profession of persons as

(i) clearing agents and mukadams;

(ii) porters; and

(iii) hawkers;

(c) regulating the collection and remittance of the fees leviable under all or any of the provisions of this act: and

(d) generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the Official Gazette.

1. Subs, by Bom. 55 of 1959.

2. Subs, by Guj. A.O. 1960.

3. Inserted by Guj. 13 of 1968.

10. Fees realised wider Ms Act how to be expended :-

Deleted by Bom. 55 of 1959.

11. Receipt expenditure and account of landing and wharfage fees :-

Deleted by Bom. 55 of 1959.

12. Grouping of ports :-

Deleted by Bom. 55 of 1959.