

GUJARAT MARITIME BOARD (LANDING AND WHARFAGE) REGULATIONS, 1986

CONTENTS

CHAPTER 1 :- CHAPTER

1. Short title, extent and commencement
2. Definitions
3. Other laws not affected

CHAPTER 2 :- I. THE USE OF LANDING PLACES

4. Conditions for landing or shipping of goods
5. Working hours for landing and shipping
6. Area for storage of goods
7. Central of landing and shipping
8. Goods to be landed or shipped at declared places
9. Port authority to provide facility for landing or shipping of goods
10. Form of receipts under sub-section (2) of section 32
11. Period of notice under sub-section (2) of section 33
12. Port authority to mark goods landed or intended to be shipped in damaged condition
13. Port authority not responsible for costly articles unless specially tendered
14. Removal of dangerous and injurious goods
15. Packages not to be opened within landing place
16. Delivery and admittance of goods on production of delivery order and shipping order
17. Packages of goods opened by Customs Authority to be at Owners risk
18. Occupation of space in landing place

CHAPTER 3 :-REFUND OF FEES AND PAYMENT OF CLAIMS FOR LESS OF OR DAMAGE TO GOODS

19. Refund on short landing a bulk oil
20. Refund of fees according to amended manifest
21. Payment of claims for less of or damage to goods

CHAPTER 4 :- MISCELLANEOUS

22. Licence to clearing agents
23. Licence to porters
24. Licence to Hawkers
25. Speed of vehicles

26. Smoking prohibited
27. Penalty for breach of regulations

GUJARAT MARITIME BOARD (LANDING AND WHARFAGE) REGULATIONS, 1986

In exercise of the powers conferred by section 113 read with sub-sections (7), (8), (10), (11), (12), (13), (14), (15), (16) and (17) of section 110 of the Gujarat Maritime Board Act, 1981 (Guj. 30 of 1981). and in supersession of the corresponding provisions of the existing rules, regulations, by-laws, notifications or orders, the Government of Gujarat, hereby makes the first regulations, as follows, namely:-

CHAPTER 1 CHAPTER

1. Short title, extent and commencement :-

(1) These Regulations be called "the Gujarat Maritime Board (Landing and Wharfage) Regulations, 1986.

(2) They shall apply to landing places in the Ports specified in Appendix-I.

They shall come into force from 1st February, 1986.

2. Definitions :-

(1) In these Regulations, unless the context otherwise requires

(i) the "Act" means the Gujarat Maritime Board Act, 1981;

(ii) "Appendix" means an Appendix to these Regulations:

(iii) "Form" means the form appended to these regulations;

(iv) "Notification fixing fees" means Notification published in the Gazette from time to time by the Gujarat Maritime Board fixing scale of rates under sections 37, 38 and 40;

(v) "Port Authority" means the Gujarat Maritime Board or any person authorised by the Board under section 32:

(vi) "Porter" means a mazdoor licensed by the Port Authority for carrying luggage or baggage of passengers;

(vii) "Section" means section of the Act:

(viii) "Table" means the table appended to these regulations;

(ix) "Vehicle" means any carriage, lorry, truck or other wheeled vehicle drawn or propelled on roads and used for the conveyance of persons or goods;

(2) The words and expressions used in these regulations but not defined in these Regulations shall have the meaning assigned to them in the Act or, as the case may be. Notification fixing fees.

3. Other laws not affected :-

Save as expressly provided in these regulations, nothing in these regulations shall be deemed to affect the operation of any enactment or any rules made thereunder in force in the ports mentioned in Appendix-I.

CHAPTER 2

I. THE USE OF LANDING PLACES

4. Conditions for landing or shipping of goods :-

(1) Any person desiring to carry-out the work of landing or shipping of goods at a landing place shall apply in writing to the Port Authority for permission therefor.

(2) On receipt of an application, the port authority may by order grant the permission subject to such conditions as may be specified in the order.

(3) Where any dangerous goods are to be shipped or landed, the details of such goods shall be specifically mentioned in the application.

(4) The applicant or his agent shall when so required be bound to produce such documents or give such information to the Port Authority at the time of the landing or shipping of the goods.

(5) The Port Authority shall have power to check the details mentioned in the application.

5. Working hours for landing and shipping :-

(1) The working hours for the purpose of the landing and shipping of goods shall be from 08-00 hours to 12-00 hours and 13.00 hours to 17.00 hours on a working day.

(2) Any person desiring to carry out the work of landing or shipping of goods beyond the working hours on any working day or non-working day shall make an application sufficiently in advance.

(3) The Port Authority may grant the permission in respect of an application made under sub-regulation (2) subject to such conditions as it may impose: and on payment of the fees determined in this behalf.

6. Area for storage of goods :-

(1) The Port Authority may by order in writing specify the transit sheds and other areas for storage of goods in transit at a landing place.

(2) The goods landed or shipped shall be stored in the transit sheds or in the areas specified under clause (1) for the free period prescribed in the notification fixing fees.

(3) The Port Authority may after the expiry of the free period remove the goods from the transit shed or area declared under clause (1).

7. Central of landing and shipping :-

(1) Subject to the provisions of the Act and these regulations, the landing and shipping of goods at a landing place shall be subject to the general control of the Port Authority.

(2) The Port Authority may regulate the landing and shipping goods so as not to be inconsistent with the Act or these regulations.

8. Goods to be landed or shipped at declared places :-

(1) The Port Authority may from time to time by order in writing specify the places for landing for shipping of various kinds of goods at a landing place.

(2) Except with the permission of the Port Authority, no goods shall be landed or shipped at a place other than the place specified under clause (1).

9. Port authority to provide facility for landing or shipping of goods :-

(1) Subject to the other provisions of these Regulations, the Port Authority may provide reasonable facilities and service for the landing and shipping of goods.

(2) For the purpose of landing or shipping of goods the Port Authority:

(a) may provide the facilities specified in Table A appended to these regulations at the ports specified therein;

(b) shall not ordinarily undertake the work relating to landing or shipping of goods specified in Table B at the ports specified in such Table.

Explanation I.-'Landing' for the purpose of this Regulation means assuming custody in the barges or on shore, landing and conveyance of good to transit sheds or areas specified for storage of goods in transit and delivering them to the consignees or their authorised agents.

10. Form of receipts under sub-section (2) of section 32 :-

The receipt under sub-section (2) of section 32 shall be in Form I, Form II, or as the case may be Form III.

11. Period of notice under sub-section (2) of section 33 :-

The notice under sub-section (2) of section 33 shall be given within free days admissible to the cargo, which shall be computed in the manner provided in section II of the Notification fixing fees.

12. Port authority to mark goods landed or intended to be shipped in damaged condition :-

The Port Authority shall put specific identification marks on all goods landed from any vessel or intended for shipment which are in apparently broken, chafed or damaged condition and the Port Authority shall not be responsible for loss of or damage to such goods.

13. Port authority not responsible for costly articles unless specially tendered :-

The Port Authority shall not be responsible for loss of, or damage to, any package of goods containing a work of art or an article costing Rs. 500 or more, if such package is not specially tendered by the master, owner or agent of the vessel for safe custody.

14. Removal of dangerous and injurious goods :-

If any goods are landed at a landing place in a condition which in the opinion of the Port Authority is causing, or which is likely to cause nuisance or injury to public health, the Port Authority may require the owner of such goods or his agent to remove such goods from the landing place. If such owner or agent refuses or neglects or remove such goods within reasonable time, the Port Authority may cause the removal or disposal of such goods in such manner as

it may deem fit and recover the expenses for such removal or disposal from the owner or agent of such goods.

15. Packages not to be opened within landing place :-

No package of goods shall be opened in a landing place except with the permission of the Port Authority.

16. Delivery and admittance of goods on production of delivery order and shipping order :-

(1) The goods landed at a landing place shall be delivered by the Port Authority only on production of a bill of lading, duly endorsed by the agents inwarding the vessel in customs or a delivery order in lieu of an endorsed bill of lading, or on production of full specifications and invoices showing the measurement or weight of the packages as required for the purpose of assessment and the duplicate bill of entry from the Customs Authority duly passed.

(2)

(a) No goods for shipment by steamers shall be admitted into transit area of the port unless shipping order from the agents of the owner are produced before the Port Authority.

(b) No goods for shipment by steamers shall be loaded on board any vessel in port unless shipping bill is duly passed and boat note for the quantity to be lightered is prepared which is to be signed by the Master or owner on receipt of goods.

(c) Only goods in apparently sound condition shall be shipped on board and only clean receipt for them will be accepted by the Port Authority from the Master or Owner of the vessel unless the shipper or his agent has furnished a written request that remarked receipts may be accepted in cases where the ship wants to cause a Mate Receipt with appropriate remarks.

(d) Notwithstanding the foregoing provisions, goods for shipment shall be inspected by the Master or his duly appointed representative at the ship's tackle while the loading operations are in progress. Any goods, the condition of which is such as, in opinion of the Master or his duly authorised representative would warrant issue of qualified Mate Receipt, may not be accepted. The Port Authority shall not accept any qualified Mate receipt once cargo is accepted on Board.

(e) Goods for shipment may be counted by the Master, Owner or

his agent at the transit sheds of the port prior to shipment and disputes, if any, with respect to quantity shall be settled on the spot. No dispute shall be entertained therefore by the Port Authority.

(f) The Master or Owner of a vessel shall furnish receipt of all good to the Port Authority before the departure of the vessel from the port unless the Master or agent gives an undertaking that a proper and unqualified Mate Receipt shall be furnished to the Port Authority within 24 hours of the departure of the vessel.

17. Packages of goods opened by Customs Authority to be at Owners risk :-

The packages of goods opened by the orders of the Customs Authority shall be at the risk of the owner.

18. Occupation of space in landing place :-

The occupation of space in landing place shall be subject to the condition specified in Appendix II.

CHAPTER 3

REFUND OF FEES AND PAYMENT OF CLAIMS FOR LESS OF OR DAMAGE TO GOODS

19. Refund on short landing a bulk oil :-

Refund on account of short landing of bulk oil shall be as advised by the Collector of Customs.

20. Refund of fees according to amended manifest :-

Refund of fees on account of short landing or short shipping of goods shall be calculated after verifying the quantity of the goods which are actually landed or shipped.

21. Payment of claims for less of or damage to goods :-

(1) Claims for the shortage of or damage to goods shall be settled on the price or cost of the articles less trade discount together with the actual customs duty paid thereof. An allowance at the rate of 10 percent of the actual value shall be granted in addition to cover all incidental and other expenses such as freight, insurance, wharfage and other charges.

(2) The exchange value of the rupee shall be taken at the current rate of exchange when the goods were landed.

(3) Every claim bill shall be accompanied by the relative invoice in original and the Customs Bill of Entry.

(4) In the case of shipping of goods the calculations shall be based on the market value of the goods at the time of settlement.

CHAPTER 4

MISCELLANEOUS

22. Licence to clearing agents :-

(1) No person shall engage himself as a clearing agent in relation to the working with Port Authority at any Port unless a licence for the same has been obtained from the Port Authority.

(2) Application for licence shall be made to the Port Authority with original licence issued by the Collector of Customs under the Customs Act, 1962 for the Port concerned alongwith a certified copy of the same and with the fees specified in clause, (3). On receipt of the application, the Port Authority may grant the licence which shall be valid for the period ending on 31st March following and may be renewed for a further period of one year on an application made in that behalf. The Port Authority shall return the original customs licence when no longer required.

(3) The fees for obtaining licence of clearing agents shall be as under:

(a) for the grant of licence Rs. 50

(b) for renewal of licence Rs. 25

(4) The licence shall be liable to suspension or cancellation by the Port Authority in case of misconduct, unfair or irregular practice after giving a reasonable opportunity of being heard to the licensee.

(5) If the licensee falls to apply for renewal of the licence one month before the expiry thereof, his licence shall lapse on the expiry of the period of licence and he shall have to make an application of grant of licence.

23. Licence to porters :-

(1) No person shall act as a porter at a port without having obtained a licence from the Port Authority.

(2) An applicant for porter's licence shall be above 18 years of age with good physique.

(3) The Port Authority may grant or refuse to grant licence after

verification of character antecedents from the police department.

(4) The fees for licence shall be Re. 1 per month or Rs. 10 per Financial year in addition to the cost of the badge which shall have to be deposited by the applicant with the Port Authority. The cost of the badge shall be liable to be forfeited in case of Its loss, and a new badge shall be issued on payment of fresh deposit only.

(5) The number of licences to be issued at each port shall be determined by the Port Authority having regard to the traffic at each port.

(6) The porter shall wear red shirt and put on the badge whenever engaged in the work at the port.

(7) The rates to be charged by the Porters shall be displayed by affixing a notice at a conspicuous place from time to time and the porters shall be paid only at such rates.

24. Licence to Hawkers :-

(1) No person shall engage himself as a hawker in any port without obtaining a licence from the Port Authority on an application in writing.

(2) The fees for licence shall be Rs. 5 for three months and Rs. 10 for one year.

(3) The Port Authority may grant or refuse to grant licence after verification of character antecedents from Police Department.

(4) The number of hawkers to be licensed shall be determined by the Port Authority having regard to the necessity at each port.

(5) No hawker shall commence his business before sunrise and shall stop his business after sunset. No hawker shall sell any edible article other than that which is approved by the Port Authority.

25. Speed of vehicles :-

No vehicle shall move at a speed exceeding 8 kms. per hour in the areas within the landing place.

26. Smoking prohibited :-

No person shall smoke or use any unprotected fire or light within the landing place.

27. Penalty for breach of regulations :-

A breach of any these regulations shall be punishable with fine

which may extend to two hundred rupees and where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which such breach continues.