

**MANGALORE PORT TRUST (REPEAL) ACT, 1980****8 of 1980****[31st March, 1980]**

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**MANGALORE PORT TRUST (REPEAL) ACT, 1980****8 of 1980****[31st March, 1980]**

An Act to repeal the Mangalore Port Trust Act, 1953. Whereas, it is expedient to repeal the Mangalore Port Trust Act, 1953 (Madras Act XV of 1953); Be it enacted by the Karnataka State Legislature in the Thirty-first Year of the Republic of India as follows.

**1. Short title and commencement :-**

(1) This Act may be called the Mangalore Port Trust (Repeal) Act, 1980.

(2) It shall be deemed to have come into force on the First day of January, 1980.

**2. Definitions :-**

In this Act unless the context otherwise requires.

(a) "Appointed Day" means the first day of January, 1980;

(b) "Board" means the Trustees of the Port of Mangalore;

(c) "Repealed Act" means the Mangalore Port Trust Act, 1953;

(d) "State Government" means the Government of Karnataka.

**3. Repeal of Madras Act XV of 1953 :-**

(1) On the appointed day, the Mangalore Port Trust Act, 1953 (Madras Act XV of 1953) shall stand repealed and the Board known as the Trustees of the Port of Mangalore shall stand dissolved:

Provided that the repeal shall not affect.

(a) the previous operation of the repealed Act or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions of the repealed Act; or

(d) any investigation, legal proceedings 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remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the repealed Act has not been repealed.

#### **4. Consequential Provisions :-**

On the dissolution of the Board.

(a) a person appointed as the Chairman of the Board and every other person appointed as a Trustee of the Board and holding office as such immediately before the appointed day shall vacate their respective offices and no such Chairman or Trustee shall be entitled to claim compensation for the premature termination of the term of his office;

(b) all property of whatever kind owned by or invested in the Board immediately before the appointed day shall, on the appointed day, stand transferred to and shall vest in the State Government;

(c) all liabilities and obligations of whatever kind incurred by the Board and subsisting immediately before the appointed day shall, on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the State Government and any proceeding or cause of action, pending or existing immediately before the appointed day, by or against the Board in relation to such liability or obligation may, as of from the appointed day, be continued or enforced by or against the State Government;

(d) every employee of the Board shall, as from the appointed day,

become an employee of the State Government and shall hold his office under the State Government as a member of the Karnataka State Ports Service by the same tenure, at the same remuneration, and upon the same terms and conditions of service and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the said Board, and shall continue to do so until his remuneration, terms and other conditions of service are duly altered by the State Government.

**5. Amendment of Karnataka Act 20 of 1961 :-**

In the Karnataka Ports (Landing and Shipping Fees) Act, 1961 (Karnataka Act 20 of 1961).

(1) In sub-section (4) of Section 1, the words "other than the Port of Mangalore" shall be omitted;

(2) In sub-section (1) of Section 3.

(a) for the words "fees at such rates", the words "fees at such rates and subject to such conditions" and for the word "upon" the word "on" shall be substituted;

(b) after clause (d), the following clauses shall be inserted, namely.  
"(e) transshipping of passengers or goods between vessels in the harbour of any Port;

(f) landing and shipping of passengers or goods from or to such vessels, from or to any wharf, quay, pier, dock, land, building or place in any Port;

(g) crantage or portorage of goods on any such place;

(h) property or place in any port, used for the purpose of.

(i) approaching or lying at or alongside any moorings, wharf, quay, pier, dock, land, building or place as aforesaid, by vessels or boats;

(ii) entering upon or plying for hire at or on any wharf, quay, pier, dock, land, building or place as aforesaid, by animals or vehicles carrying passengers or goods;

(iii) leasing of land or sheds in any port by owners of goods imported or intended for export or by steamer agents;

(iv) any other use of any land, works or appliances in any Port;

(i) any other service in respect of vessels, passengers or goods in

any Port".

(3) after the proviso, the following further proviso shall be inserted, namely.

"Provided further that different fees and different conditions may be prescribed for the Port of Mangalore".

## **6. Savings, etc :-**

(1) Notwithstanding anything contained in Section 3 of the Karnataka Ports (Landing and Shipping Fees) Act, 1961 (Karnataka Act 20 of 1961) scales of rates and statement of conditions framed under Sections 44, 45 and 46 of the Repealed Act and in force immediately before the coming into force of the Mangalore Port Trust (Repeal) Ordinance, 1979 (Karnataka Ordinance No. 17 of 1979) shall be deemed to be the fees prescribed and the rules made for the Port of Mangalore under the said 1961 Act, and shall mutatis mutandis apply to the Port of Mangalore and shall continue to be in force unless or until modified or superseded by rules made under Section 3 of the said 1961 Act.

(2) The Mangalore Port Trust (Repeal) Ordinance, 1979 (Karnataka Ordinance No. 17 of 1979) and the Mangalore Port Trust (Repeal) (Amendment) Ordinance, 1979 (Karnataka Ordinance No. 26 of 1979) are hereby repealed.

(3) Notwithstanding such repeal any action taken or any appointment, notification, order, scheme, rule, form or bye-law made or issued under the said Ordinances shall be deemed to have been taken, made or issued under this Act and any reference therein to the said Ordinances shall be deemed to be a reference to this Act and shall continue in force accordingly unless and until superseded by any action taken or any appointment, notification, order, scheme, rule, form or bye-law made or issued under this Act.