

Ports Act, 1908

Section 1 - Title and extent

PORTS ACT, 1908 PORTS ACT, 1908 15 OF 1908 STATEMENT OF OBJECTS AND REASONS This is a pure consolidating Bill. The Indian Ports Act, 1889, has been amended by no less than five other Acts. The object of the present Bill is to collect the provisions of these six Acts and to incorporate them into one Act. The result will be that the law will be more easily ascertainable and that one Act will take the place of six on the Statute book. The fact that the General Clauses Act, 1897, will apply to Bill when passed has rendered it unnecessary to retain some provisions of the existing Act. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the Sections of the Act of 1889 has been preserved. The only clause which in any way alters the law at present in force is clause 43(b). That clause corresponds to S. 43(b) of the Act, which enacts that the owner or master of a vessel must pay all expenses, required by S. 228 of the Merchant Shipping Act, 1854 to be borne by him, before the grant of a port-clearance. The Statute of 1854 has been repealed by the present Merchant Shipping Act, 1894 (57 and 58 Vict., Cap. 60). Section 207 of which makes the owner or master liable to pay a further item of expense in addition to the items mentioned in the corresponding Section (228) of the repealed Statute. The substitution of Section 207 of the existing Statute for the reference to the repealed Statute makes the scope of clause 43(b) of the Bill slightly wider than that of the corresponding provision of the existing Act. This is, however, in accordance with the spirit of the existing enactment. The Act has been withdrawn from certain ports mentioned in the first schedule, while certain new ports have been brought under its operation. The schedule has been amended accordingly....."- Gaz. of Ind., 1908, Part V. page 309. An Act to consolidate the enactments relating to Ports and Port-charges. WHEREAS it is expedient to consolidate the enactments relating to ports and port-charges; It is hereby enacted as follows :- CHAPTER 1 : PRELIMINARY 1) This Act may be called The Indian Ports Act, 1908. (2) It shall extend, save as otherwise appears from its subject or context, - (a) to the ports mentioned in the First Schedule, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act 22 of 1855 for the regulation of Ports and Port-dues) or to the Indian Ports Act, 1875, or to the Indian Ports Act, 1889; (b) to the other ports or parts of navigable rivers or channels to which the 3 (a) [a] Substituted for the words "Local Government" by A.O., 1937 (1-4-1937). [Government], in exercise of the power hereinafter conferred, extends this Act. (3) But nothing in (section 31) or (section 32) shall apply to any port, river or channel to which the section has not been specially extended by the 3 (a) [a] Substituted for the words "Local Government" by A.O., 1937 (1-4-1937). [Government],