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Ports Act, 1908

Section 14 - Raising or removal of wreck impeding navigation within limits of port 3

c) [c] Substituted for "under sub-section (1)" by Act (23 of 1992), S. 3 (12-8-1992). [(1) If any vessel is wrecked, stranded or sunk in any port in such a manner as to impede or likely to impede any navigation thereof, the conservator shall give notice to the owner of the vessel to raise, remove or destroy the vessel within such period as may be specified in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the vessel shall be raised, removed or destroyed within the said period : Provided that the conservator may extend such period to such further period as he may consider necessary having regard to the circumstances of such case and the extent of its impediment to navigation. (1A) Where the owner of any vessel to whom a notice has been issued under sub-section (1) fails to raise, remove or destroy such vessel within the period specified in the notice or the extended period or fails to furnish the security required of him, the conservator may cause the vessel to be raised, removed or destroyed. (1B) Notwithstanding anything contained in the foregoing sub-sections, if the conservator is of the opinion that any vessel which is wrecked, stranded or sunk in any port is reqired to be immediately raised, removed or destroyed for the purpose of uninterrupted navigation in such port, he may, without giving any notice under sub-section (1), cause the vessel to be raised, removed or destroyed.] (2) If any property recovered by a conservator acting 3 (b) [b] Inserted, by the Indian Ports (Amendment) Act 1952 (55 of 1952), S. 2 (9-8-1952). Words "two months" as substituted have now been substituted by words "thirty days" by Indian Ports (Amendment) Act (23 of 1992). S. 3(12-8-1992). (55 of 1952). [under sub-section (1A) or sub-section (1B)] is unclaimed or the person claiming it fails to pay the reasonable expenses incurred by the conservator under that sub-section and a further sum of twenty per cent. of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not a perishable nature, at any time not less than 3 (b) [b] Inserted, by the Indian Ports (Amendment) Act 1952 (55 of 1952), S. 2 (9-8-1952). Words "two months" as substituted have now been substituted by words "thirty days" by Indian Ports (Amendment) Act (23 of 1992). S. 3(12-8-1992). (55 of 1952). [thirty days] after the recovery thereof. (3) The expenses and further sum aforesaid shall be payable to the conservator out of the sale- proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, of no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto : Provided that the person makes his claim within three years, from the date of the sale. 3 (b) [b] Inserted, by the Indian Ports (Amendment) Act 1952 (55 of 1952), S. 2 (9-8-1952). Words "two months" as substituted have now been substituted by words "thirty days" by Indian Ports (Amendment) Act (23 of 1992). S. 3(12-8-1992). (55 of 1952).[(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the conservator on demand, and if the deficiency be not paid within one month of such demand the conservator may recover the deficeincy from such owner in the manner laid down in sub-section (2) of (section 57) for recovery of expenses and damages or in any other manner according as the deficiency does not or does exceed one thousand rupees.]

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