

## Ports Act, 1908

### Section 36 - Receipt, expenditure and account of port-charges STATE AMENDMENTS Andhra Pradesh: In Section 36,

i) in sub-section ( 1 ), the words 'and subject to the control of the Government to expend the receipts on any of the objects authorised by this Act,' omitted; (ii) sub-sections (2), (.4), (5;. (5a). (5b), (5c) and (6) omitted; and (iii) for the marginal note; substitute 'Power of Government to appoint officer or body of persons to receive port dues, etc.'-Andh. Pra. Act 18 of 1968, section 2 (1 -4-1969). Pondicherry: For section 36, substitute the following, namely :- "36. Receipt of port charges, etc., and expenditure on ports.- ( 1 ) The Government shall appoint some officer or body of persons at every port at which any dues, tees or other charges are authorised to be taken by, or under this Act, to receive the same. (2) All monies received under this Act at or on account of any port subject to this Act, including - (a) receipts on account of pilotage; (b) all fines; (c) proceeds of waifs: and (d) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim within three years from the date of the sale.. shall be credited to the Consolidated Fund of the Union territory of Pondicherry. (3) All expenses incurred for the sake of any such port, including expenses on account of pilotage, shall be paid from the Consolidated Fund of the Union territory of Pondicherry."- Pondi. Act 10 of 1969, S. 2. Tamil Nadu: In its application to the State of Tamil Nadu in relation to minor ports for section 36 substitute the following, namely:- "36. Power of Government to appoint officer or body of persons to receive port dues :- The State' Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorised to be taken by or under this Act to receive the same. The amount so received shall be credited to the Consolidated Fund of the State." - T.N. Act 19 of 1975. S.3(i)(1) The 3 (a) [a]. Substituted for the words 'Local Government', by A. 0., 1937 (1-4-1937). [Government] shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorised to be taken by or under this Act to receive the same and subject to the control of the 3 (a) [a]. Substituted for the words 'Local Government', by A. 0., 1937 (1-4-1937). [Government] to expend the receipts on any of the objects authorized by this Act. (2) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the 3 (a) [a]. Substituted for the words 'Local Government', by A. 0., 1937 (1-4-1937). [Government] prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as 3 (b) [b]. Substituted for the words 'that Government' by A. 0., 1937 (1-4-1937). [the Government] prescribes, of the account for the past financial year: 3 (c) [c]. Inserted by the Port Trusts and Port,(Amendment) Act, 1951 (35 of 1951), section 191 (16-7-1951). [Provided that the port fund account for any port may, if so authorized under the provisions of any Act relating to such port, be merged with the general account of that port, and in such a case, the provisions of sub-section (6) shall not apply and the provisions of sub-sections (4) and (5) shall have effect as if for the words "the port fund account of the port" therein, the words "the general account of the port" had been substituted.] . (3)3 (d) [d]. Sub-section (3) was omitted by the Indian Ports (Amendment) Act, 1916 (6 of 1916), section 9. [\* \* \* \* \*] (4) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including- 3 (e) [e]. Substituted for the original clause (a), by Act 35 of 1951, section 191 (16-7-1951). [(a) fines other than those creditable to the pilotage account of the port under sub-section (5a)], (b) proceeds of waifs, and (c) any balance of the proceeds of a sale under (section 14) where no right to the balance has been established on a claim made within three years from the date of the sale. shall be credited in the port fund account of the port. (5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including- (a) the pay and allowances of all persons upon the establishment of the port, (b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto, (c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and

gratuities as the 3 (a) [a]. Substituted for the words 'Local Government', by A. O., 1937 (1-4-1937). [Government] may by rule determine (d) with the previous sanction of the 3 (a) [a]. Substituted for the words 'Local Government', by A. O., 1937 (1-4-1937). [Government], contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provisions of sanitary superintendence and medical aid for the shipping in the port and for seamen whether ashore or afloat belonging to vessels in the port. and (e) with the like sanction, contributions towards sailors' homes, institutes, rest houses and coffee- houses and for other purposes connected with the health, recreation and temporal well- being of sailors, shall be charged to the port fund account of the port. 3 (c) [c]. Inserted by the Port Trusts and Port,(Amendment) Act, 1951 (35 of 1951), section 191 (16-7-1951). [(5a) All fees charged for pilotage at any port subject to this Act 3 (f) [f]. Inserted by Indian Ports (Amendment) Act (23 of 1992), S. 6 ( 12-8-1992). [(other than a major port)] and all fines and penalties levied under the Act or under any other Act relating to the port from pilots or other persons employed in the pilot service other than fines and penalties imposed by a Court, shall be credited to a distinct account to be called the pilotage account of the port. (5b) All sums so credited to the pilotage account may be applied, in such proportions as the Government may from time to time 'direct, to the following purposes, namely :- (a) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the officer or body appointed under sub-section ( 1 ) may deem it necessary to purchase, maintain or supply for the efficiency of the pilot service; (b) the payment of the salaries, wages and allowances of pilots and other persons employed in the pilot service or in the supervision thereof; (c) the payment of pensions, retiring gratuities, compassionate allowances or bonuses to pilots and other persons engaged in the pilot service, and of the contributions, if any, duly authorized to be made in their behalf to any provident fund or welfare fund; (d) the payment of pensions, gratuities and compassionate allowances granted by the officer of body appointed under sub-section ( 1 ) to pilots and other persons engaged in the pilot service who have been injured in the execution of their duty and to the surviving relatives of pilots and other persons so engaged who have been killed in the execution of their duty or who may die while still in the service of such officer or body; (e) the provision of educational, recreational and other amenities for pilots and other persons employed in the pilot service; (f) the payment of contributions or appropriations to any special fund or funds established under the provisions of any other Act relating to the port to which the officer or body appointed under sub-section ( 1 ) considers contributions or appropriations should be made from the pilotage account; (g) any other expenditure which may, with the previous sanction of the Government, be incurred in respect of the pilot service. (5c) If the officer or body appointed under sub-section ( 1 ) at any port is also the authority responsible for maintaining the general account of the port, then notwithstanding the absence of any provision in that behalf in the Act under which such general account is maintained, such officer or body may, with the previous sanction of the Government, apply any sum out of the moneys credited to such general account towards meeting deficits, if any, in the pilotage account of the port, or transfer the whole or any part of any surplus funds, in the pilotage account to the general account of the port.] (6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account 3 (c) [c]. Inserted by the Port Trusts and Port,(Amendment) Act, 1951 (35 of 1951), section 191 (16-7-1951). [or of a pilotage account], any such balance may be temporarily invested in such manner as the 3 (a) [a]. Substituted for the words 'Local Government', by A. O., 1937 (1-4-1937). [Government] may direct.