

Tamil Nadu Outports Landing and Shipping Fees Act, 1885

TAMILNADU

India

Tamil Nadu Outports Landing and Shipping Fees Act, 1885

Act 3 of 1885

- Published on 10 April 1885
- Commenced on 10 April 1885
- [This is the version of this document from 10 April 1885.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Outports Landing and Shipping Fees Act, 1885(Tamil Nadu Act 3 of 1885)Received the assent of the Governor on the 10th April 1885, and of the Governor-General on the 15th May 1885.An Act to make provision for the levying of landing and shipping fees within the outports of the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.].Preamble. - Whereas it is expedient to make rules and regulations for the levying of landing and shipping fees within the outports of the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.]; It is enacted as follows: -[***] [The words and figure 'Part I - Preliminary' were omitted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).].

1. Short title.

- This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.] Outports Landing and Shipping Fees Act, 1885. It shall come into force in any port within the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] from such date as the [Government] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation Order of 1937 and the word 'Provincial' was omitted by the Adaptation (Amendment) Order of 1950.] may, by notification in the [Official Gazette] [Substituted for the words 'Fort St. George Gazette' by the Adaptation Order of 1937.], direct.This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunel-veli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961, repealing the

corresponding law in that territory.

2. [Repeal. [Section 2 was substituted by section 4 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).]

- [The Madras Pier Act, 1863 and the Madras Pier Amendment Act, 1871, are repealed.]]

3. Interpretation clause.

- In this Act, unless there shall be something repugnant in the subject or context, -(1)"port" means the space within such limits as may, from time to time, be defined by the Government for the purposes of this Act by notification in the [Official Gazette] [Substituted for the words 'Fort St. George Gazette' by the Adaptation Order of 1937.], and until a notification is so issued within such limits as may have been defined by the Government under the provisions of [Act XII of 1875] [See now the Indian Ports Act, 1908 (Central Act XV of 1908).] (Indian Ports Act);(2)"vessel" denotes anything made for the conveyance by water of human beings or, property;(3)["Drift" includes timber or other floating matter whether the same is in the possession or under the control of any person or not;] [The original clauses (3) and (4) were renumbered as clauses (4) and (5) respectively by section 5 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).](4)["owner," when used in relation to goods, [or drift] [The original clauses (3) and (4) were renumbered as clauses (4) and (5) respectively by section 5 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).] includes any consignor, consignee, shipper or agent for the sale, custody, landing or shipping of such goods [or drift] [The words 'or drift' were added by section 6 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).];](5)[the word "goods" includes wares and merchandise of every description [and carts, carriages, animals, baggage and other articles;] [The original clauses (3) and (4) were renumbered as clauses (4) and (5) respectively by section 5 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).]](6)["Government" or "the Government", means, in relation to a port which is a major port within the meaning of the Indian Ports Act, 1908 (Central Act XV of 1908), the Central Government and, in relation to any other port, the State Government.] [Inserted by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.][***] [The words and figures 'Part II - of the payment of Landing and Shipping Fees ' were omitted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).]

4. Levy of landing and shipping fees.

- Landing and shipping fees, according to the rates which may be fixed [by the [(Government) [The words 'by the Governor in Council' were inserted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1915 (Tamil Nadu Act 1 of 1916).]]], from time to time, [may be levied] [The words 'may be levied' were substituted for the words 'shall be levied' by section 3 of

the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1915 (Tamil Nadu Act 1 of 1916).] upon all [passengers and] [The words within square brackets were inserted by section 8 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).] goods [***] [Certain words were omitted by the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).] landed from or shipped into any vessel lying or being within the limits of any port within the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] to which this Act may be applied. Such fees shall be payable in addition to all tolls and charges now lawfully levied within such port:[Provided that the [Government] [The proviso to section 4 which was repealed by Tamil Nadu Act VIII of 1914 was added by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1915 (Tamil Nadu Act 1 of 1916).] may, by general or special order, exempt any class or classes of [passengers or] [The words 'passengers or' were inserted by section 9 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).] goods from payment of fees under this Act, and may, in special cases, remit the whole or any portion of any charge levied under this section.]

5. Rates of fees to be notified.

- Such rate shall be notified in the [Official Gazette] [Substituted for the words 'Fort St. George Gazette' by the Adaptation Order of 1937.] at least one month before the date from which the same shall become payable, and shall be legibly painted in the English, Tamil, Telugu and Hindustani languages on boards exhibited at the places appointed under section 6.

6. Rules.

- The Government may, from time to time, make rules -(a)appointing places where goods [or particular classes of goods] [Inserted by section 10 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919). G. Clauses (c) and (d) were added by section 11 of the Adaptation Order of 1937.] intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fees payable under this Act [and places where passengers may land or embark] [Inserted by section 10 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).];(b)regulating the manner in which such fees shall be assessed and the time when they shall be paid;(c)[providing for the ascertainment and recovery of the amount of any damage that may be caused to a pier, jetty, wharf, quay or other work in a port by any person or by any vessel or drift; and] [Clauses (c) and (d) were added by section 11 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).](d)generally for carrying out the purposes of this Act. Such rules and any alteration or cancellation thereof shall be published in the [Official Gazette] [Substituted for the words 'Fort St. George Gazette' by the Adaptation Order of 1937.], and shall, thereupon, have the force of law.

7. Appointment of Officer to levy and receive landing and shipping fees.

- The [Government] [Substituted for the words 'Governor in Council' by the Adaptation Order of 1937.] shall appoint an officer of Government to levy and receive all fees payable under this Act, and to pay the same into such treasury, and keep such accounts as the Government may, from time to time, prescribe. The officer so appointed may, with the sanction of the Government, appoint such persons as he shall think fit to assist him in carrying out the provisions of this Act, all of whom shall wear a distinguishing badge of a kind to be prescribed by such officer.

8. Detention of goods until payment of fees.

- It shall be lawful for the officer of Government appointed under this Act or any of his assistants to detain any such goods until the lawful fees are paid; it shall be the duty of such officer to give notice in writing to the owner or consignee, if known, stating the amount of fees and charges payable in respect of such goods, and, in the event of such payment being refused or delayed for the space of fourteen days from the date of such notice if the owner or consignee of such goods shall be in the port concerned, or otherwise for the space of one calendar month from the date on which such fees are payable, it shall be lawful for such officer of Government to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale: Provided that, if the goods are of a perishable nature, the said officer of Government may sell the same or cause them to be sold at such earlier period being not less than twenty-four hours after the landing of the goods as he shall think fit. [***] [The words and figures 'Part III - Penalties' were omitted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).]

9. [] [The original section 9 was renumbered as section 10 and the new section 9 was inserted by section 12 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).]

Where any vessel or drift fouls a pier, jetty, wharf or quay and causes damage thereto, the owner or master of the vessel or the owner of the drift, as the case may be, shall be liable for the amount of such damage which may be ascertained and recovered, in accordance with rules made by the [Government] [Substituted for the words 'Governor in Council' by the Adaptation Order of 1937.], either by seizure and sale of such vessel or drift and of any property thereon or in such other manner as may be prescribed.

10. [[Substituted for the original section 10, as renumbered, by section 13 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).]

(1)The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of fees leviable under this Act.(2)Save as provided in sub-section (1), any contravention of any rule made under this Act shall be punishable with fine not exceeding one hundred rupees.]