

Calcutta Port (Pilotage) Act, 1948

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Act 33 of 1948

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1464.

Object and Reasons.- At present the responsibility for administrative control over pilotage on the river Hooghly from the sea to the Calcutta Port limits rests with Government while the Commissioners for the Port of Calcutta are responsible for the conservation and improvement of the Hooghly river and its approaches. The two functions are inter-dependent and in the light of experience, it is considered that in the interests of better administration the Port Commissioner should be made responsible for pilotage also. The Commissioners have agreed to this proposal and the present Bill gives them the necessary legal powers for maintaining a cadre of pilots collecting pilotage fees from vessels, and provides for certain incidental matters.[16th April, 1948.]An Act to provide for the transfer of control over pilotage on the River Hooghly to the Commissioners for the Port of Calcutta.WHEREAS it is expedient to provide for the transfer of control over pilotage on the River Hooghly to the Commissioners for the Port of Calcutta and for other matters incidental thereto, and to make certain consequential amendments in the Calcutta Pilots Act XII of 1859;It is hereby enacted as follows:-

1. Short title and Commencement.-

(1)This Act may be called the Calcutta Port (Pilotage) Act, Short t 1948.(2)It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

16th May, 1948, vice Notification No.27-M(III)/47, dated 19th May, 1948, see Gazette of India, 1948, Pt.I, p.556.

2. Definitions.-

In this Act, unless there is anything repugnant in the subject or context, -(a)"appointed day" means the date on which this Act comes into force; (b)"Commissioners" means the Commissioners for the Port of Calcutta incorporated under the Calcutta Port Act, 1890 (Ben.Act 3 of 1890); (c)"Hooghly area" means the part of the Hooghly River extending from the Port of Calcutta to the sea to which section 31 of the Indian Ports Act, 1908 has been extended.

3. Commissioners duty to maintain pilots.-

As from the appointed day it shall be the duty of the Commissioners to maintain pilots for the safe navigation of vessels in the Hooghly area and the Commissioners shall be bound to maintain a sufficient number of pilots for the purpose as may be prescribed by the Central Government from time to time.

4. Appointment of pilots.-

No person shall be appointed to be a pilot by the Commissioners who is not for the time being authorised by the Central Government under the provisions of the Indian Ports Act, 1908 (15 of 1908), to pilot vessels.

5. Rules regarding pilots.-

(1)The Commissioners may from time to time make rules-(a)for fixing and regulating the salaries, wages and allowances for pilotage to be received by the pilots, and (b)for regulating the behaviour and conduct of pilots, and may enforce the observance of such rules by the imposition of pecuniary penalties not exceeding two hundred rupees for every breach thereof or by suspension or deprivation of appointment or otherwise, as to them may appear expedient: Provided that any such order made by the Commissioners shall as respects any officer whose salary amounts to or exceeds on thousand rupees, be subject to the previous sanction of the Central Government. (2)No such rules shall take effect until they are approved by the Central Government and published in the Official Gazette.

6. Levy of pilotage fees.-

As from the appointed day the Commissioners shall be entitled to levy fees for the pilotage of vessels in the Hooghly area at rates fixed under the Indian Ports Act, 1908 (15 of 1908).

7. [Pilotage fees and fines and penalties levied under the Act.- [Substituted by Act 35 of 1951, s.193, for the original section.]

All fees for pilotage and all fines and penalties levied under this Act from pilots or other persons employed in the pilot service, except Lines and penalties imposed by a Court, shall be accounted for

and expended by the Commissioners in accordance with the provisions of section 36 of the Indian Ports Act, 1908 (15 of 1908).]

8. Expenditure in pilotage account.-

[Repealed by the Port Trusts and Ports (Amendment) Act, 1951 (35 of 1951), section 194 (16-7-1951)].

9. Power to transfer moneys from the general account to pilotage account and vice versa.-

The Commissioners shall have the power, with the previous sanction of the Central Government, to apply [any sum out of] [Inserted by the Port Trusts and Ports Amendment Act, 1951 (35 of 1951), section 195 (16-7-1951)] the moneys credited to the general account towards meeting deficit if any, in the pilotage account [maintained under section 36 of the Indian Ports Act, 1908 (15 of 1908)] [Inserted by the Port Trusts and Ports Amendment Act, 1951 (35 of 1951), section 195 (16-7-1951)] and to transfer the whole or [part of the surplus funds, if any, in such pilotage account] [Substituted by Act 35 of 1951, s.195, for word "part of the surplus funds in the pilotage account"] to the general account.

10. [Application of certain provisions of Bengal Act 3 of 1890.- [Substituted by Act 35 of 1951, s.196, for the original section.]

Sections 18 19, 24B, 29 to 34 (both inclusive), 47 to 54 (both inclusive), 55, 57, 58 and 69 to 80A (both inclusive) of the Calcutta Port Act, 1890 are hereby incorporated in this Act subject to the following modifications, namely:-(a)that the references in the said sections to the Calcutta Port Act, 1890, shall be taken as references to this Act;(b)that in clause (b) of section 19, for the words " the tolls, dues, rates, rents and charges " the words " the pilotage - fees" shall be substituted;(c)that the proviso to sub-section (2) of section 30 shall be omitted;(d)that in sub-section (1) of section 34, the words "the Deputy Chairman or to" shall be omitted;(e)that sub-section (2) of section 34 shall be omitted.]

11. Amendment of the Calcutta Pilots Act XII of 1859.-

[Rep. by the Repealing and Amending Act, 1950 (35 of 1950), s.2 and Sch. I].