

CALCUTTA PORT (PILOTAGE) ACT, 1941

33 of 1948

[16th April , 1946]

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STATEMENT OF OBJECTS 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 Commissioners should be made responsible for pilotage also. The Commissioners have agreed to this proposal and the present Bill give them the necessary legal powers for maintaining a cadre of pilots collecting pilotage fees from vessels, and provides for certain incidental matters."- Gaz. of Ind., 1948, Pt. V, page 373.

1. Short title and commencement :-

(1) This Act may be called the Calcutta Port (Pilotage) Act, 1948,

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

1. 16th May, 1948, vide 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 Part of Calcutta incorporated under the Calcutta Port Act, 1890;

(c) "Hooghly area" means the part, of the Hooghly River extending from the Port of Calcutta to the sea to which S.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, to pilot vessels.

5. Rules regulating 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 one 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.

7. Pilotage fees and fines and penalties levied under the Act :-

All fees for pilotage and all fines and penalties levied under this Act from pilot- or other persons employed in the pilot service, except fines and penalties imposed by a Court, shall be accounted for and expended by the Commissioners in accordance with the provisions of S.36 of the Indian Ports Act. 1908.]

8. Expenditure in pilotage account :-

Repeated by the Port Trusts and Ports (Amendment) Act, 1951 (35 of 1951), S. 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 ¹[any sum out of] the moneys credited to the general account towards meeting deficits, if any, in the pilotage account ¹[maintained under S.36 of the Indian Ports Act. 1908] and to transfer the whole or ³ [part of the surplus funds. if any in such pilotage account] to the general account.

1. Inserted by the Port Trusts and Posts (Trusts and Ports (Amendment) Act, 1951 (35 of 1951), S. 195 (16-7-1951).

3. Substituted for the words part of the surplus funds in the pilotage account". the Port Trusts and Posts (Trusts and Ports (Amendment) Act, 1951 (35 of 1951), S. 195 (16-7-1951).

10. Application of certain provisions of Bengal Act III of 1890 :-

Section 18, Section 19, Section 24B, Section 29 to Section 30Section 31, Section 32, Section 33, Section 34(both inclusive), Section 47Section 48, Section 49, Section 50, Section 51, Section 52, Section 53, Section 54 (both inclusive).Section 55. Section 57. Section 58 and Section 69 to Section 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 :-

Repealed by the Repealing and Amending Act, 1950 (35 of 1950).
S. 2 and Sch. 1].