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GOVERNMENT OF INDIA

Ministry of Surface Transport

(Port wing)

Dated 15-3-1989

NOTIFICATION

GSR 360 (E) Whereas draft of the Major Ports (Regulation of entry, stay, movement and exit of vessels) Rules 1988 was published as required under sub-section (2) of section 6 of the Indian Ports Act, 1908 (15 of 1908) in the Gazette of India-Extraordinary. Part II Section 3, sub-section (i), dated 12th May, 1988 under the notification of the Government of India, in the Ministry of Surface Transport No. GSR. 566 (E), dated the 12th May, 1988 inviting objections and suggestions from all persons likely to be affected thereby on or after the expiry of forty five days from the date of publication of the notification in the Official Gazette:

And where as, the said Gazette was made available to the publication the 6th June, 1988.

And whereas, the objections and suggestions received from the public have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 6 of the said Act, the Central Government hereby makes the following rules, namely:-

The Major Port's (Regulations of Entry, stay, Movement and exit of vessels) Rules, 1989.

1. Short title, commencement and application:-

(1) These rules may be called the Major Ports (Regulation of Entry, Stay, Movement and Exit of Vessels) Rules, 1989.

(2) They shall come into force on the date of their publication in Official Gazette.

(3) They shall apply to all Major Ports

2. Definitions:- In these rules, unless the context otherwise requires:-

(a) "ACT" means the Indian Ports Act, 1966 (15 of 1908)

(b) "Conservator" means the Conservator of the Port appointed by the Central Government under the Act:

(c) "Deputy Conservator" means the officer who is the head of the Port's Marine Department;

(d) "Major Port" means any port which the Central Government may by notification in the Official Gazette, declare or may under any law for the time being in force have declared, to be a major port;

(e) "Vessel" included anything made for conveyance mainly by water, of human beings or of property.

3 Regulation of entry of certain vessels -

- (1) No vessel shall be permitted entry into any major port, if the Conservator, having regard to:-
- (a) The age of the vessel;
 - (b) The nature of the cargo or passengers carried by the vessel;
 - (c) The classification status of the vessel and her state of seaworthiness;
 - (d) The crew complements of the vessel or
 - (e) The balance of bunkers left on board the vessel, is of the opinion that such entry of the vessel will become an impediment to navigation into, or within, the major port or will in any manner affect the normal work of the port.
- (2) Notwithstanding anything contained in sub-rule (1), the Conservator may, for reasons to be recorded in writing, permit any vessel to enter the port if he is satisfied that the vessel will not be an impediment to navigation under any circumstances and the owner, agent or master of the vessel have provided sufficient security to to the satisfaction of the Conservator to guarantee payment of:-
- (a) The Port dues, fees and other charges;
 - (b) All damages or losses, if any, which may be caused to the Port, due to such entry of the vessel and its remaining in the port, including any damage or loss to property or revenue of the Port;
 - (c) The total cost of removal of the vessel in case it become a wreck, and all such dues, fee, charges, damages or losses or cost shall be payable by the owner, agent or master of the vessel on demand and on the basis of the assessment made by the Conservator.
4. Complaisance with instructions or orders of the Conservator.
- (a) The owner, agent/or master of a vessel shall promptly carry out all the instructions issued by the Conservator for moving the vessel out of the major port or for movement of the vessel within the said port from one place to such other place as the Conservator may direct from time to time.
 - (b) The Conservator shall issue written orders to the owner, agent or master of a vessel for moving it out of the major port or for movement of the vessel within the said port if in the opinion of the Conservator such movement is necessary in the interest of the safety of the Port or any of its installations or in the interest of the proper handling of cargo or vessels in the said port or in public interest.
- (2) The Conservator may, on completion of 24 hours after the issue of instruction or order under sub-section (1) to the owner, agent or master of a vessel, shall be entitled, in the following circumstances, to forthwith take proceedings to move the

Conservator deems fit, namely:-

- (a) where the instructions or orders issued by the Conservator under the provisions of the Act or any rules or orders made there under are not carried out by the owner, agent or master of the vessel within 24 hours from the time of their issue:
- (b) Where the owner, agent or master or any other person in charge of the vessel has abdicated his rights and obligations in relation to the vessel impliedly or expressly by being unavailable to take the instructions or orders in regard to the vessel:
- (c) Where the condition of the vessel is such that the owner, agent or master is unable to carry out the instructions or orders:
- (d) Where the vessel is left without any adequate qualified crew to carry out such instructions or orders;
- (e) Where the vessel is lying idle within the precincts of the port continuously for a period of more than three months without any reasonable cause:
provided that if the vessel is so lying idle continuously for a period of more than six months, action may be taken in accordance with the provisions of sub-rule (3):
- (f) Where the stay of the vessel in the said port is likely to cause impediment to navigation into, or within, the said port or in handling the cargo or vessel in the port,
- (3) The cost charges and expenses for moving the vessel under sub-rule (2) shall be recoverable as dues under section 42 of the Act in priority to all other claims against the vessel or the owner or agent thereof and the Conservator may also distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto or any part thereof and all the provisions of section 42 shall apply on such distraint or arrest.