



THE PORTS ACT, 1908



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THE FIRST SCHEDULE.- PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

THE SECOND SCHEDULE.- [*Repealed.*]

¹ACT No. XV OF 1908

[18th December, 1908]

An Act to consolidate the Enactments relating to Ports and Port-charges.

WHEREAS it is expedient to consolidate the enactments relating to ports and port-charges; It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short Title and extent.—(1) This Act rimy be called the ²* Ports Act, 1908.

(2) It shall extend, save as otherwise appears from its subject or context,—

(a) to the ports mentioned in the first schedule, and to such Parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act XXII of 1855 (XII of 1875) (*for the Regulation of Ports and Port-dues*) or to the Indian Ports Act, 1875, or to the Indian Ports Act, 1889 (X of 1889);

(b) to the other ports or parts of navigable rivers or channels to which the ³[Government], in exercise of the power hereinafter conferred, extends this Act.

(3) But nothing in section 31 or section 32 shall apply to any Port, river or channel to which the section has not been specially extended by the ³[Government].

¹For Statement of Objects and Reasons see Gazette of India, 1908, Pt. V, p. 309; for Report of Select Committee, see *ibid.*, 1908, Pt V, p. 359; and for Proceedings in Council, see *ibid.*, 1908, Pt. VI, pp. 146, 154 and 182.

It has been extended to the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadar (with effect from the 8th September, 1958) by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

² The word “Indian” omitted by A.O., 1949.

³ Subs. by A.O., 1937, for “L. G”.

2. Savings. Nothing in this Act shall—

- (i) apply to any vessel belonging to, or in the service of,¹ * * *² [the³ [Federal Government], or a Provincial Government]⁴ * * or to any vessel of war belonging to any Foreign⁵ * * * State, or
- (ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or
- (iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

3. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

- (1) “Magistrate” means a person exercising powers under the Code of Criminal Procedure, 1898 ([V of 1898](#)), not less than those of a Magistrate of the second class⁶ * * *;
- (2) “master”, when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel:
- (3) “pilot” means a person for the time being authorized by the⁷ [Government] to pilot vessels:
- (4) “port” includes also any part of a river or channel in which this Act is for the time being in force:
- (5) “port-officer” is synonymous with master-attendant:
- (6) “ton” means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of⁸ [Pakistani] ships: and
- (7) “vessel” includes anything made for the conveyance by water of human beings or of property:

¹The words “His Majesty” omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981) s. 3 and Second Sch.

²Ins. by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

³Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

⁴The words “or the Gazette of India” omitted by A.O., 1937.

⁵The words “Prince or” omitted by Ordinance 27 of 1981, s. 3 and Second Sch.

⁶The words “and includes, in the towns of Calcutta, Madras and Bombay, a Presidency Magistrate” omitted by A.O., 1949.

⁷Subs. by A.O., 1937, for “L. G.”.

⁸Subs. by Ordinance 27 of 1981, s. 3 and Second Sch., for “British”.