

THE DANGEROUS CARGOES ACT, 1953

(ACT NO. V OF 1953).

[15th April, 1953]

An Act to make further provision for the safety of ports in respect of the transit, working and storage of dangerous cargoes and matters incidental thereto. 1

WHEREAS it is expedient to make further provision for the safety of ports in respect of the transit, working and storage of dangerous cargoes and matters incidental thereto;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Dangerous Cargoes Act, 1953.

(2) It extends to the whole of 2[Bangladesh].

(3) It shall come into force at once.

Definitions

2. In this Act,-

(1) "dangerous cargoes" means any cargoes containing-

3[(a) any goods shown as Explosives in the Comprehensive Classified List of Government Explosives compiled and issued by the Government or by such authority as the Government may determine from time to time or any ammunitions; or]

(b) petroleum, as defined in clause (a) of section 2 of the Petroleum Act, 1934, when the flashing point of such petroleum is below one hundred and fifty degrees Fahrenheit;

4[(c) prohibited dangerous goods, that is to say, goods classified as dangerous in the Government Stowage Instructions prepared by it or by such authority as the Government may fix from time to time; or]

(d) any cargoes which are liable to fire or explosion and which are declared by the Government by notification in the official Gazette to be dangerous cargoes for the purposes of this Act.

(2) "Fortress Commander" means an officer of the armed forces appointed as such by the Government by a notification in the official Gazette.

Measures for the safety of ports

3. The Government may make such orders as appear to it to be necessary or expedient for securing the safety of any port and preventing or dealing with explosions and fires on vessels carrying dangerous cargoes within the limits of any port, and generally for the transit working and storage of dangerous cargoes and matters incidental thereto.

Power to make rules

4. (1) The Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for carrying the purposes of this Act into effect.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following, namely:-

(a) the constitution, mobilisation, enrolment, discipline, equipment, duties, privileges, and protection of fire-brigades and fire services in or near any port;

(b) the powers to be conferred and duties to be imposed on any officer or authority for the purposes of this Act;

(c) the mobilisation and control of 5[the Government] or Municipal service, or private organisation, by the Fortress Commander in the event of the declaration of an emergency or apprehended emergency due to fire or explosion.

Declaration of emergency

5. The existence of an emergency or apprehended emergency due to fire or explosion] shall be declared by the Fortress Commander on the advice of the Chief of Naval Staff of the Bangladesh Navy.

Powers of the Chief of Naval Staff of the Bangladesh Navy

6. Without prejudice to any other powers which may be conferred on him under this Act, the Chief of Naval Staff of the Bangladesh Navy may-

(a) issue orders requiring measures to be taken for the safety of vessels in a port and against or in respect of fire;

(b) issue orders to the owner or master of any vessel in port requiring him,-

(i) to take such steps as may be mentioned in the order for the detection and combating of fire;

(ii) to do, or to refrain from doing, such things as may be mentioned in the order in order to secure the safety of the vessel or prevent it from endangering other vessels or property;

(iii) to scuttle or beach the vessel in such position as may be specified in the order if the vessel is on fire or has suffered damage by fire or otherwise and constitutes, in the opinion of the Chief of Naval Staff, a danger to other vessels or obstructs the proper working of the port;

(c) issue orders requiring any work to be done on any land, or anything to be placed in, on or over any land, within the limits of a port, and such work may include the demolition or the rendering useless of anything placed in, on or over such land and the removal from such land of anything so demolished or rendered useless.

Delegation of powers by Chief of Naval Staff of the Bangladesh Navy

7. The Chief of Naval Staff of the Bangladesh Navy may, by notification in the official Gazette, delegate any power conferred on him by or under this Act to any officer subordinate to him and references in the Act to the said Chief of Naval Staff shall include references to his delegate:

Provided that in time of peace such power shall be delegated only to the Captain-in-Charge or to the Naval Officer-in-Charge of the port, and in time of war to the Naval Officer-in-Charge of the port.

Powers of Deputy Conservator of a port

8. Without prejudice to any powers conferred upon him under this Act or by or under any law for the time being in force the Deputy Conservator of a port shall have power to order the master of any vessel in port other than a tanker-

(a) to place at his disposal such proportion, not exceeding three quarters, of the crew of the vessel as the Deputy Conservator requires for the purpose of preventing or extinguishing an outbreak of fire in the port;

(b) to take such steps as he may direct to extinguish any fire in his vessel.

In this section "Deputy Conservator" means the person who is for the time being discharging the duties of Deputy Conservator of the port.

Contravention of this Act

9. (1) Any contravention of or attempt to contravene, and any abetment of or attempt to abet the contravention of any provision of this Act, or the rules made thereunder or any order under this Act or the rules shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand 6[taka] or with both.

(2) For the purposes of this section failure to obey the provisions of any rule or order under this Act shall be construed as a contravention of the rule or order.

Power to arrest without warrant

10. The police may arrest without warrant any person committing an offence under this Act.

Savings as to order

11. (1) No order made in exercise of any power conferred by or under this Act shall be called to question by any court.

(2) When an order purports to have been made and signed by any officer or an authority in exercise of any power conferred by or under this Act the court shall, within the meaning of the Evidence Act, 1872, presume that such order was so made by that officer or authority.

Protection of action taken under this Act

12. (1) No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any order issued under this Act or the rules.

(2) Save as otherwise expressly provided under this Act no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule made thereunder or any order issued under this Act or the rules.

1 Throughout this Act, the words “Government”, “Chief of Naval Staff of the Bangladesh Navy” and “Chief of Naval Staff” were substituted for the words “Central Government”, “Commander-in-Chief of the Pakistan Navy” and “Commander-in-Chief” respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

2 The word “Bangladesh” was substituted for the word “Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

3 Sub-clause (a) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

4 Sub-clause (c) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

5 The words “the Government” were substituted for the words and comma “any Government, State” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

6 The word “taka” was substituted for the word “rupees” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)