

Published in Bangladesh Gazette Extraordinary  
Dated 16th September, 1995

## **Act No.19 of 1995**

### **An Act made to amend the Chittagong Port Authority Ordinance, 1976**

Whereas it is expedient to further amend the Chittagong Port Authority Ordinance, 1976 (LII of 1976) for carrying out the purposes stated below;

Now, therefore, it is enacted as follows:-

**1. Short title.-** This Act may be called the Chittagong Port Authority (Amendment) Act, 1995.

**2. Amendment of section 2 of Ordinance LII of 1976.-** In the Chittagong Port Authority Ordinance, 1976 (LII of 1976), hereafter referred to as the said Ordinance, in section 2, for clause (e) the following clause (e) shall be substituted, namely:-

"(e) "goods" includes wares, merchandise and container of every description;"

**3. Amendment of section 3 of Ordinance LII of 1976.-** In section 3 of the said Ordinance, for sub-section (2) the following sub-section (2) shall be substituted, namely:-

"(2) Such limits may extend to any part of the navigable approaches to the port and the outer anchorage or to any part of the sea, river, shore, bank or land, and may include any dock, pier, shed or other work made on behalf of the public for the convenience of the traffic, transportation, handling of goods, for the safety of the vessels or for the improvement, maintenance or good governance of the port or river and their approaches, whether within or without high water mark, and subject to any right of private property therein, any portion of the shore, bank or land within fifty yards of high water mark."

**4. Amendment of section 4 of Ordinance LII of 1976.-** In section 4 of the said Ordinance, in sub-section (2), after the words "dispose of" the commas and words ", by lien, mortgage, sale, alienation or otherwise" shall be inserted.

**5. Amendment of section 6 of Ordinance LII of 1976.-** In section 6 of the said Ordinance, in sub-section (1), for the words "three other members" the words "four other members" shall be substituted.

**6. Amendment of section 10 of Ordinance LII of 1976.-** In section 10 of the said Ordinance, in sub-section (2), after clause (m) the following new clause (mm) shall be inserted, namely:-

"(mm) to regulate the customs agents licensed under the Customs Act, 1969 (IV of 1969) in the performance of their functions within the limits of Chittagong Port;"

**7. Substitution of section 11 of Ordinance LII of 1976.-** For section 11 of the said Ordinance the following section 11 shall be substituted, namely:-

**"11. Removal of vessels and equipment from docks, etc.-**

(1) The Authority may, by notice in writing, order the master or owner or agent of any vessel or equipment to remove it from any dock, mooring, pier, anchor site or any other site belonging to the Authority.

(2) If such vessel or equipment is not removed therefrom within the time specified in the

notice, the Authority may charge in respect of such vessel or equipment at the rate specified by it in accordance with the provisions of section 19."

**8. Amendment of section 12 of Ordinance LII of 1976.-** In section 12 of the said Ordinance, for sub-section (2) the following sub-section (2) shall be substituted, namely:-  
"(2) Subject to the provisions of this Ordinance, the responsibility of the Authority for the loss, destruction or deterioration of goods of which it has taken charge shall be that of a bailee under section 151, 152, 161 and 164 of the Contract Act, 1872 (LX of 1872):  
Provided that no responsibility under this section shall attach to the Authority after the expiry of ten days from the date of taking charge of goods by the Authority."

**9. Amendment of section 19 of Ordinance LII of 1976.-** In section 19 of the said Ordinance, in sub-section (1), in clause (d),-

- (a) in sub-clause (ii), for the word "words" the word "works" shall be substituted;
- (b) in sub-clause (iii), the word "for" shall be omitted;
- (c) in sub-clause (iv), for the words "for the towing" the words "the towing" shall be substituted.

**10. Insertion of a new section of Ordinance LII of 1976.-** After section 19 of the said Ordinance the following new section 19A shall be inserted, namely:-

**"19A. Power of Authority to impose river due.-** The Authority may, with the previous sanction of the Government and by notification, impose a river due on all goods landed from or shipped into any seagoing vessel lying or being within the limits of the Port, whether such goods shall or shall not be so landed or shipped at any dock, wharf, quay, stage, mooring, jetty or pier belonging to the Authority."

**11. Amendment of section 25 of Ordinance LII of 1976.-** In section 25 of the said Ordinance,-

- (a) in sub-section (1), for the words "one month" the words "thirty days" shall be substituted;
- (b) in sub-section (2), for the words "seventy-five days" the words "forty-five days" shall be substituted.

**12. Amendment of section 40 of Ordinance LII of 1976.-** In section 40 of the said Ordinance, for the words "with fine" the words "with fine which may extend to taka fifty thousand" shall be substituted.

**13. Amendment of section 41 of Ordinance LII of 1976.-** In section 41 of the said Ordinance, for the words "five thousand taka" the words "fifty thousand taka" shall be substituted.

**14. Insertion of a new section 41A of Ordinance LII of 1976.-** After section 41 of the said Ordinance the following new section 41A shall be inserted, namely:-

**"41A. Penalty for pollution etc.-** Any person who throws or allows to fall into the water, shore, bank or land within the limits of the Port any goods, ballast, ashes or any other thing whatsoever causing pollution of the water or environment shall be punishable with fine which may extend to one lakh taka."

**15. Insertion of a new section 51A of Ordinance LII of 1976.-** After section 51 of the said Ordinance the following new section 51A shall be inserted, namely:-

**"51A. Transfer of officers on deputation.-** Notwithstanding anything contained in this Ordinance or in any other law, rule or regulations for the time being in force, the Government may, if it considers necessary in the public interest, transfer on deputation any officer of the Authority to Inland Water Transport Authority established under the Inland Water Transport Authority Ordinance, 1958 (EP Ordinance LXXXV of 1958) or Mongla Port Authority established under the Mongla Port Authority Ordinance, 1976 (LIII of 1976) and any officer

of Inland Water Transport Authority to Mongla Port Authority or Chittagong Port Authority and any officer of Mongla Port Authority to Inland Water Transport Authority or Chittagong Port Authority."