

LN 92/1973  
LN 57/1975  
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## **THE PORTS RULES**

(Section 32)

[1st December 1973]

### **PART I PRELIMINARY**

#### ***Citation and application***

- 1.—(1) *These Rules may be cited as the Ports Rules.*
- (2) *These Rules shall apply to all ports under the control of the Authority.*

#### ***Interpretation***

2. *In these Rules unless the context otherwise requires—*

*"authorised person" means the Chairman, members, manager, harbour master, general superintendent or chief stevedore of the Authority or such employee of the Authority so designated by the Chairman or the manager (or the person acting in the stead of the manager when the manager is absent) either at the time of the event or subsequently and either in writing or orally;*

*"Authority" includes its duly authorised agent;*

*"berth" means any wharf or jetty or barge ramp or lay-up dolphins under the control of the Authority within the limits of any port;*

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*"channel" means any navigable water in a port;*

*"Collision Regulations" means the Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1965;*

SI 1965 No 1525

*"costs" means direct and indirect expenses;*

*"day-time" means the period between sunrise and sunset;*

*"dangerous goods" shall be as defined by the Authority by public notice issued from time to time and shall include but not be limited to aviation gas, bulk petroleum,*

*corrosive acids, explosives, poisons, unwashed empty petroleum drums and any gas, liquid or substance with a flashpoint below 14° Fahrenheit which reacts dangerously when exposed or mixed with air and water and shall also include but not be limited to goods or substances defined as dangerous goods under the Shipping Act;*

*"explosives" has the meaning ascribed to that expression by the Explosives Act;*

*"export cargo" means goods, wares, merchandise, produce and articles of every description under the control or in the custody of the Authority prior to and awaiting export but does not include livestock or petroleum;*

*"gas" means any gas whether inflammable, toxic or otherwise;*

*"harbour master" means the person appointed as harbour master by the Authority, and includes any other person authorised from time to time by the Authority to carry out all or any of the duties of harbour master;*

*"import cargo" means goods, wares, merchandise, produce and articles of every description imported from beyond Solomon Islands whilst under the control or in the custody of the Authority prior to delivery to the owner or any other person but does not include livestock or petroleum;*

*"livestock" means any living animal and includes birds and fowls;*

*"local cargo" means all goods, wares, merchandise, produce and articles of every description other than import cargo or export cargo and does not include livestock or petroleum;*

*"local ship" means a ship principally engaged in voyages within Solomon Islands;*

*"night-time" means the period between sunset and sunrise;*

*"overseas ship" means any ship other than a local ship;*

*"owner", when used in relation to a ship, includes the master; and, when used in relation to goods, includes any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person possessed of, or beneficially interested in, or having control of or power of disposition over, such goods, and includes the duly authorised agent of the owner of any ship or goods, as the case may be;*

*"petroleum" has the meaning ascribed to it by the Petroleum Act;*

*Cap. 81*

*"private berth" means any berth, wharf or jetty not owned by the Authority;*

*"shed" means any building, shelter or storage area and includes any wharf, land or sea under the control of the Authority within the limits of any port used for the storage or*

*conveyance of goods;*

*"station" means any anchorage, mooring, buoy or station, other than a berth or private berth, within the limits of a port;*

*"tons" means gross tons;*

*"wreck" includes jetsam, flotsam, lagan and derelict.*

## **PART II SHIPPING MOVEMENTS**

### ***Duty of master***

*3.—(1) It shall be the duty of every master, in relation to the ship under his command, to provide every possible assistance to any pilot, harbour master or any authorised person acting in the course of his duty, whilst such pilot, harbour master, or authorised person is embarking, on board, or leaving such ship.*

*(2) It shall be the duty of every master to control his ship with care at all times in the port area and to pay attention to the position, nature, and state of readiness of any other ship particularly when coming to berth or anchor.*

*(3) It shall be the duty of every master when he intends to bring his ship into port to notify the harbour master as far as possible before arrival of the state of the ship where it is—*

*(a) on fire or part of the cargo is on fire; of*

*(b) it has had a fire within the previous twenty-four hours and is carrying dangerous goods; or*

*(c) it is leaking or is disabled either wholly or partially.*

### ***Sounding of whistles, etc***

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*4. Except for purposes of navigation, no whistle, siren or foghorn, shall be sounded on any ship or powered craft within the limits of any port nor shall any excessive noise or smell be emitted without the permission of the Authority.*

### ***Compliance with Collisions Regulations***

*5.—(1) Every ship navigating within the limits of a port shall comply with the Collision Regulations in regard to the lights and shapes to be shown, the signals to be given and the steering and sailing rules to be observed, except when ships are in the process of approaching*

*moorings or berths or are departing therefrom, when it is obvious that they cannot comply with any of those Regulations and, at such times, they shall not be interfered with but should be given wide berth.*

*(2) Nothing in this rule shall give any motor launch, sailing boat, canoe, dinghy or other craft or ship which is not engaged in trade, on charter, or in paid passenger traffic the right to impede or hamper the navigation within any port of any ship engaged in trade or passenger traffic, or any Government-owned ship or any ship owned by the Authority, unless the said craft or ship is owned by the Authority.*

*(3) Nothing in this rule shall empower any ship to navigate between the bows of an incoming ship and the wharf when the incoming ship is nearing the wharf to take up a berth.  
Floating objects astern without permission forbidden*

*6. The master of any ship shall not permit any lighter or deeply-laden boat, log or logs of timber or other floating object likely to obstruct or injure any other ship to ride astern or be fastened to his ship within the limits of any port without the prior written permission of the harbour master.*

### ***Cargo falling overboard***

*7. If any cargo or any article falls overboard from any ship whilst such ship is within the limits of a port, the master shall forthwith report the occurrence to the harbour master, who may thereupon take such action as he considers necessary to recover and land such cargo or article, and the costs incurred in executing such recovery and landing shall be paid to the Authority by the master of such ship and, in the event of non-payment, may be recovered from the owner or master of such ship as a civil debt.*

### ***Procedure if ship sunk, stranded or obstructing or if any obstruction exists in port***

*8. If any ship or thing be sunk, or stranded or in any way causing obstruction within the limits of a port, the owner or master or such other person as may be authorised by the owner or master shall forthwith report the matter to the harbour master and upon receipt of an order to that effect from the harbour master shall within the time fixed in such order either clear the port of or move within the port such ship or thing and all or any parts and contents of the same, to the satisfaction of the harbour master and should the owner, master or agent fail to comply with such order the harbour master may direct the removal of such ship or thing or any part or content and may claim and recover from the owner, master or agent the costs of so doing.*

### ***Power-boat racing prohibited***

*9. No form of power-boat racing or water skiing within the limits of a port shall be permitted without the prior permission in writing of the harbour master.*

**PART III**  
**OCCUPANCY OF BERTHS AND STATIONS**

**Unreserved berthing**

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10.—(1) *The masters or owners of overseas ships which have not reserved a berth or station shall give not less than twenty-four hours notice to the harbour master of their berthing requirements.*

(2) *Failure to comply with paragraph (1) may result in delay for the ship.*

**Reserved berthing**

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11. *A berth may be reserved upon the master or owner of an overseas ship giving at least seven days written notice to the harbour master of the date and hour of the ship's arrival and upon payment of the reservation fee. The reservation must be taken up by the ship not more than six hours after the time stated in the reservation application. If there is an overseas ship already alongside at the time reserved by another ship the Authority shall be allowed six hours in which to clear the berth and bring the reserving ship alongside. If the Authority fails to do so the reservation fee shall be refunded. If a reserving ship fails to take up its berth within the six hours after the time reserved the reservation shall lapse and half the reservation fee shall be refunded subject to compliance with the provisions of rule 10. The Authority may refuse to accept any reservation application.*

**Costs upon failure or delay in berthing**

12. *If a ship does not take up a reserved berth or, in the case of a ship not having reserved a berth, fails to provide the harbour master with prior notice of its requirements (or takes up a berth later than the time stated more than twenty-four hours earlier) the Authority may make a charge for any cost incurred by it in being ready at the reserved or notified time to receive the ship into the berth or anchorage.*

**Harbourmaster may specify berth**

13. *The harbour master may specify the berth or station to be occupied by any ship and may at any time require its removal therefrom to any other specified berth or station or require its removal from within the limits of the port.*

**Report of times of arrival and departure**

14. *Between the hours of 7 a.m. and 4 p.m. on week-days from Mondays to Fridays inclusive, and between the hours of 7 a.m. and 12 noon on Saturdays, public holidays excluded, the owner or master of any local ship shall inform the harbour master of the time of his arrival at*

*or departure from any berth in a port.*

### ***Taking up berths***

*15.—(1) The harbour master shall in all cases decide the question of priority when the respective masters of two or more ships desire to occupy a particular berth at the same time.*

*(2) At any time the harbour master may refuse a berth to any ship and may vary the order of berthing.*

*(3) If any ship, on being appointed to a berth, does not immediately proceed to occupy it, and proceed to discharge or load, as the case may be, the berth may be given to another ship.*

### ***Propeller of any ship not to be worked while ship berthed***

*16. The propeller of any ship shall not be worked whilst such ship is moored to a berth unless the consent of the harbour master has first been obtained.*

### ***Rat guards***

*17. Every hawser or rope by which an overseas ship is made fast to a berth, private berth or the shore shall be fitted with at least one rat guard consisting of a metal disc of a size and pattern approved by and placed to the satisfaction of the harbour master.*

### ***Mooring***

*18.—(1) No person shall make fast any rope or mooring to any berth other than to the mooring piles, rings, hooks or bollards provided for mooring purposes, nor to any steps or hand-rail, nor to any shed, pillar, lamp-post, crane or other erection on or near such berth.*

*(2) A ship shall not be moored nor made fast to any buoy or beacon without the permission of the harbour master.*

*(3) The master of any ship shall when mooring make proper allowance for the position and requirements of nearby ships.*

*(4) The master of every ship while his ship is at, approaching or leaving a wharf shall provide proper fenders for the prevention of damage to the wharf or any ship moored alongside in tier.*

### ***Prohibited and reserved areas***

*19. The Authority may from time to time by notice specify any part of a port as an area in which the mooring of ships is prohibited and may so specify any part of a port as reserved for specific purposes.*

## **Obstruction**

20.—(1) *The master of a ship shall neither cause nor permit such ship to occupy any berth or station (other than a berth or station specified under rule 13) in such a manner as to cause obstruction to the free movement of any other ship.*

(2) *A ship shall not be permitted, unless unavoidable circumstances compel, to be anchored or moored or to lie in any channel, nor shall any cable, chain, hawser, rope or other obstruction be placed across either through or above water in any such channel without the written permission of the harbour master.*

(3) *Whenever through unavoidable circumstances it has become necessary to anchor a ship in any channel so as to cause an obstruction to any other ship, the master of the ship so anchored shall, as soon as possible, weigh anchor and place the ship in such a situation as not to interrupt or interfere with the free passage of other ships.*

## **Screening of openings**

21. *The master of a ship lying alongside any berth shall have closed from use, or shall have properly screened and protected, in a manner to be approved by the harbour master, all openings out of which water, effluent steam or other fluid is liable to be discharged, so as to ensure that such water, effluent steam or other fluid shall not fall on or wet the berth or goods thereon.*

## **Tying up in tier**

22.—(1) *Notwithstanding the provisions of rule 20, if no berth is available, any local ship having first obtained the harbour master's permission may tie to any other local ship or ships occupying any berth but, in any event, only if—*

(a) *during night-time the outer ship is sufficiently illuminated;*

(b) *at least one mooring line is tied from the ship in tier to the berth.*

(2) *The master, crew and passengers of a local ship tied up in tier to any other local ship or ships occupying any berth shall have the right of access across the decks of such other local ship or ships for the purposes of loading or discharging personal goods or embarking or disembarking passengers or crew:*

*Provided that such right of access shall be exercised at such times and in such manner as not to occasion excessive inconvenience or nuisance to the master, crew, passengers or to the persons lawfully aboard the ship to which such ship is tied up in tier.*

(3) *Not more than one local ship may at any time tie up in tier to any other local ship occupying any berth unless in special circumstances the harbour master permits a third ship to join the tiered mooring. Any such additional permitted mooring shall only be for such*

*period as may be specified by the harbour master.*

*(4) Local ships tied up in tier to any other local ship or ships occupying any berth shall be subject to berthage charges.*

*(5) Mooring in tier and tying up shall be performed competently and with due consideration for the position and needs of surrounding ships and in such manner as to prevent damage to the inner ships and the wharf.*

### ***Lighting***

*23. Every ship embarking or disembarking passengers or loading or unloading goods at nighttime at any berth or station shall provide lighting to the satisfaction of the harbour master.*

### ***Deck opening***

*24. During night-time every deck opening or opening in the side or bow of a ship occupying any berth shall be closed or efficiently lighted and protected.*

### ***Liability for water and other damage***

*25.—(1) The master of a ship occupying any berth or private berth shall be responsible for all damage caused to goods lying on the wharf by water used for washing-down decks, or for any other purpose, upon such ship.*

*(2) The master of any ship which causes damage to any wharf, pier, mooring, buoy, beacon or other installation which is the property of the Authority shall be liable for the cost of repairing such damage which cost may if necessary be recovered from the master of such ship by civil process.*

### ***Duty to clear wharf***

*26. It shall be the duty of the master of a ship moored to a wharf to ensure that such ship is not unmoored until the portion of the wharf which has been occupied for, or devoted to, the service of such ship has been thoroughly cleared of all rubbish and swept clean, and until all portable appliances and material used in loading or unloading such ship and all rubbish and litter have been removed to some place appointed or approved by the harbour master or arrangements have been made to the satisfaction of the harbour master to have these works undertaken by other persons the cost of which shall be payable by the master of the ship.*

### ***Dismantling engines***

*27. The owner or master of a ship shall obtain permission in writing from the harbour master before immobilising the main engines of such ship whilst it is within the limits of a port.*

### **Noisy repairs**

28. *The harbour master may from time to time give directions as to the extent to which noisy repairs may be carried out in any port.*

### **Extra warps, etc**

29. *The harbour master may from time to time give directions as to the manner in which extra warps, moorings, chains or anchors of any ship occupying any berth or station should be secured or placed.*

### **Lawful orders of harbour-master to be obeyed**

30. *Every person employed or engaged in any occupation on any berth and every boatman or wharfman lying with his boat at any landing or passenger stairs under the control of the Authority shall promptly obey every lawful order of the harbour master.*

### **Removal from berth by harbour master**

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31. *If any ship shall occupy any berth or station in which mooring is prohibited under the provisions of rule 19, and the master of such ship fails to remove the ship from such berth or station when called upon so to do by the harbour master or fails to comply with the requirements of the harbour master given under the provisions of rule 13, the harbour master may cause the removal of such ship and may claim and recover from the owner or master of such ship the costs and expenses incurred by the Authority in connection with such removal together with any costs of ascertaining and recovering the same:*

*Provided that the harbour master shall not cast off, unloose, slacken, cut, unshackle, or break any rope or chain by which any ship is moored unless there is, or he has caused to be put on board such ship, such number of persons as he may consider capable of ensuring that no damage is caused to such ship thereby.*

### **Lodgement of bond when rules breached**

32.—(1) *Where any provision of this Part or of Part II has been breached to the detriment of good order and the safety of any ship or person using the port, the Authority may require the owner or master of the ship to lodge a bond in such amount or form and subject to such conditions as it may determine.*

(2) *Failure to lodge with the Authority the bond required in the time prescribed by the Authority shall be an offence.*

**PART IV**  
**LOADING AND DISCHARGING OF GOODS AND BALLAST**

***Directions by harbourmaster as to loading, etc***

33. *The harbour master may give directions as to the position in which, and the times during which, any ship shall load or discharge goods or shall embark or disembark passengers or shall take in or discharge ballast within the limits of a port.*

***Master responsible for proper slinging of goods***

34. *The master of a ship loading or unloading goods shall be responsible for the proper slinging of all such goods, and for any damage that may occur either from the breakage of slings or from goods being improperly slung.*

***Tarpaulins to be secured during loading or unloading***

35. *The master of a ship loading or unloading goods which, in the opinion of the harbour master, require protection, shall cause good and sufficient tarpaulins or nets or other protection approved by the harbour master to be so secured from the side of the ship during the whole time of loading or unloading as to prevent any part of the goods from falling into the sea or on to any berth.*

***Discharge of timber and logs***

36.—(1) *Discharge from a ship of timber and logs into the waters of a port shall require the approval of the harbour master and shall cease at any time if the harbour master so instructs.*

(2) *The master of every vessel discharging timber into port waters shall keep the timber in the immediate vicinity of the ship and at time of discharge shall form it into rafts of such dimensions as the harbour master may direct.*

(3) *All rafts shall be properly fastened at both ends to prevent the escape of any piece of timber from the raft.*

(4) *No heavy timber which is liable to sink shall be discharged from a ship until an adequate float, pontoon or other means for preventing the timber from sinking is alongside the ship and ready to be loaded with the heavy timber.*

***Goods not to be left on berths or in sheds without permission***

37. *No goods shall be left, placed or allowed to remain upon any berth or in any shed without the permission of the Authority.*

***Goods not to be landed without permission***

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38. Goods manifested for other ports and not intended for transshipment, or ship's beams, hatchboards, boats or other belongings, shall not be landed from an overseas ship on any berth or at any other place within the limits of a port without, in the case of a local ship or an overseas passenger ship, the permission of the harbour master, and, in the case of an overseas cargo ship, the permission of the general superintendent or chief stevedore.

### **Ballast**

39. The master of every ship using a port shall ensure that the ship is sufficiently ballasted for all purposes of safety at any time.

### **Overseas ship's manifest**

40. The master, owner or agent of any overseas ship shall, before any import cargo or export cargo is discharged from or loaded on such ship, deliver to the Authority two true copies of the ship's manifests or similar documents showing details of the cargo to be discharged or loaded and shall furnish the Authority with details of ship's dimensions, gross and net registered tonnage, draught and any other information that may reasonably be required.

### **Stevedoring labour**

41. Stevedoring labour for overseas ships will be arranged through the manager at the port of call and will be upon such conditions as may be published by the Authority from time to time:

Provided that stevedores employed in discharging and loading any ship shall be under the superintendence of that ship's officers.

### **Dangerous explosive goods**

42.—(1) The master or owner of any ship whether local or overseas shall declare to the Authority before berthing the quantity, nature, packing, state of packing and location on the ship of any dangerous or explosive goods and the Authority may decide not to allow the cargo to be unloaded if it appears to the Authority that the state of packing is poor, damaged, leaky or otherwise hazardous. It will be the responsibility of the consignee or his agent to arrange with the general superintendent or chief stevedore in respect of overseas ships and the harbour master in respect of local ships for the consignee or his agent to be present with transport in the port at such time and place as may be specified by the general superintendent, chief stevedore or harbour master, as the case may be, so that such goods can be transported out of the port immediately when they are unloaded.

(2) If any master or consignee should fail to comply with any of the provisions of this rule the Authority may—

(a) in respect of overseas ships, either refuse to unload the cargo or supply its own or such other transport and labour as may be available the costs of which shall be fully recoverable by the Authority from the master or owner of the ship or consignee, as the

*case may be.*

*(b) in respect of local ships, order the ship from wharf or, when there is insufficient crew on board to carry out such order, man the ship and move it or alternatively may dispose of the cargo in any manner it deems fit the costs of which shall be fully recoverable from the master or owner of the ship or the consignee, as the case may be.*

*(3) In the case of outgoing cargo it will be the responsibility of the consignor or his agents to ensure that the master or owner of the ship and the Authority are aware of the nature, quantity and packing of the cargo and to provide adequate identification marking on the cargo. It will also be the responsibility of the consignor on overseas ships to liaise with the general superintendent or chief stevedore and on local ships with the harbour master as to where, when and in what quantities cargo will be delivered in the port and the Authority may refuse to allow such cargo in the port if either the provisions of this rule have not been complied with or the cargo in the opinion of the Authority is inadequately packed.*

*(4) In any event the Authority shall not be liable for any costs, damages, inconvenience or other thing suffered by the master or owner of the ship or the consignee or consignor or any other third party arising from non-compliance with this rule, unless non-compliance has been caused by the negligence or fault of the Authority.*

## **PART V SMOKING AND USE OF FIRES AND LIGHTS**

### ***Smoking prohibited in certain areas***

*43.—(1) The Authority may, from time to time, issue instructions or display signs prohibiting smoking, fires and the use of naked lights within any part of a port area or the limits of any port.*

*(2) No person shall smoke or use or cause, suffer or permit to be used any naked flame within one hundred feet of any local ship or overseas ship which is taking aboard or discharging any petroleum or other inflammable cargo within the limits of a port.*

### ***Use of furnaces and domestic fires***

*44. The master of every ship occupying a berth or private berth shall cause all furnaces or domestic fires therein to be so regulated as to prevent accidents by fire and nuisance from smoke.*

### ***Lights***

*45. Except with the written permission of the Authority the use of flareup lamps or naked lights of any sort or design for any purpose in the holds of ships occupying any berth or private berth is prohibited.*

### ***Use of guns in port***

46. *The master of a ship shall cause any guns carried thereon to be unshotted before entering a port and no person on board such ship shall discharge or use any gun, firearm, blue lights, fireworks, rockets or other explosive whilst in such port:*

*Provided that the provisions of this rule shall not apply to any ship belonging to the Armed Forces of Her Majesty or to the Armed Forces of the Government of any part of the Commonwealth.*

### ***Procedure in case of fire on board ship***

47.—(1) *In the event of any fire occurring on board a ship in a port, or on any berth or private berth, all persons in charge of or otherwise belonging to any vessel then in the port shall afford such assistance towards extinguishing the fire, and the protection of the neighbouring ships, as any authorised person or officer of the Fire Brigade may demand.*

(2) *If any person having been requested in accordance with paragraph (1) fails or refuses without lawful excuse to give the assistance demanded he shall be guilty of an offence.*

### ***Power to board ships, etc***

48. *Any authorised person may at any time board any ship or enter any shed or premises within a port area to ascertain by inspection whether the provisions of this Part are being complied with and may take such steps as are necessary to ensure such compliance.*

## ***PART VI MISCELLANEOUS PROVISIONS***

### ***Discharge of waste, etc. into and other pollution of port***

49.—(1) *No person shall cause, suffer or permit any refuse, gas, petroleum oil, bilge water, ballast water or other offensive substance whatsoever its nature to be discharged, pumped or cast into or onto any waters or land within the limits of a port without the prior written permission of the Authority. It shall be lawful for the Authority to recover its costs in cleaning up, dispersing or otherwise dealing with any such offensive substance.*

(2) *The Authority shall not be liable for any damage, nuisance or offence to third parties arising from any contravention of paragraph (1).*

(3) *It shall be lawful after any contravention of paragraph (1) for the Authority to demand an indemnity from the contravener or from the owner of any ship concerned in the contravention, or from his agent, in a sum not exceeding one thousand dollars in such form as the Authority may require and which may be forfeited and disposed of in such manner as the Authority may determine and if such indemnity is not given when demanded the Authority may ban the offender or any of his agents and any ship or vehicle belonging to or under the*

*control of any offender or any of his agents from such ports as the Authority may nominate and for such period of time as the Authority may decide, and if such ban be ignored the Authority may take such steps as it deems necessary to achieve the removal of the offender, his agent, or any ship concerned in the commission of the offence, ships and any vehicle belonging to or under the control of the offender or his agent or any of them:*

*Provided that the Authority shall in no way be liable for any costs or expenses incurred by any person or body arising from any such action taken by the Authority unless it is shown to the satisfaction of a court that such costs or expenses have been incurred through the negligence of the Authority or any of its servants or agents.*

### ***Production of certificate of registry on demand***

*50. On demand, the master or agent of any ship within the limits of a port shall produce its certificate of registry to any authorised person. In the event of any alteration being made in any ship which requires the certificate to be amended the master or agent shall forthwith advise the Authority thereof, and produce the amended certificate.*

### ***No erection of any works or buoys without permission***

*51. No person shall erect any wall, wharf, jetty, landing, building, hut or compound whether permanent or temporary or place any mooring or buoy within the limits of a port without the written permission of the Authority. Failure to comply with this provision shall enable the Authority at its discretion to require the offending item to be removed. If the offending item is not removed within seven days of the Authority's request for its removal then it shall be lawful for the Authority to remove the offending item and recover its costs for so doing.*

### ***Logs and other floating objects***

*52.—(1) No logs or other floating objects may be introduced within port limits unless at all times under proper supervision and control.*

*(2) Any costs incurred by the Authority in rectifying the consequences of any failure to comply with this rule and any damage caused thereby shall be recoverable by the Authority from the owner as a civil debt.*

### ***Clearance of Authority land and port approaches***

*53. Should any dwelling, cargo, vehicle, boat, yacht, scrap metal or other item or thing be left on Authority land or in approaches to a port without the prior permission of the Authority or in such manner as to cause a hindrance to shipping movements or to the lawful activities of the Authority or any of its servants or agents acting in the lawful exercise of their duty that item may be seized by the Authority. The Authority shall return the item to the owner upon application for its return being made by him within one month of seizure:*

*Provided that—*

*(a) any costs incurred by the Authority in making the seizure and in respect of storage and releasing shall be recoverable from the owner;*

*(b) the Authority shall not be liable for any damage, injury, natural or other diminution in value of the seized item while in the possession of the Authority unless negligence by the Authority or any of its servants or agents is shown to the satisfaction of a court; and*

*(c) if the item is not claimed within one month, the Authority may apply to a court for an order to dispose of the item in such way as the court deems fit.*

***Penalties***

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*54. Any person who contravenes or fails to comply with the provisions of rules 3, 4, 5, 6, 8, 9, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 51 or 52 shall be guilty of an offence and liable to a fine of one thousand dollars and to a further fine of ten dollars for every day after the first day during which the offence continues, or to imprisonment for three months, or to both such fine and such imprisonment.*

***Power of waiver***

*55. The Authority may waive or vary any provision of these Rules where in the opinion of the Authority the circumstances require such waiver or variation.*