



The Tamil Nadu Outports Landing and Shipping Fees Act, 1885

Act 3 of 1885

Keyword(s):

Port, Vessel, Drift, Owner, Goods, Timber

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¹(TAMIL NADU) ACT No. III OF 1885².[THE ¹(TAMIL NADU) OUTPORTS LANDING AND SHIPPING FEES ACT, 1885.]

(Received the assent of the Governor on the 10th April 1885, and of the Governor-General on the 15th May 1885.)

An Act to make provision for the levying of landing and shipping fees within the outports of the ³[State of Tamil Nadu].

Preamble.

WHEREAS it is expedient to make rules and regulations for the levying of landing and shipping fees within the outports of the ³[State of Tamil Nadu]; It is enacted as follows :—

⁴[* * * * *].

Short title.

1. This Act may be called the (Tamil Nadu)¹ Outports Landing and Shipping Fees Act, 1885. It shall come into force in any port within the ³[State

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, Supplement, dated the 3rd February 1885, p. 2; for Report of the Select Committee, see *ibid.*, dated the 24th March 1885, p. 1; for Proceedings in Council see *ibid.*, dated the 17th February 1885, p. 5; and *ibid.*, dated the 8th April 1885, p. 8.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961, repealing the corresponding law in that territory.

³ This expression was substituted for the expression "Presidency of Fort St. George" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁴ The words and figure "Part I—Preliminary" were omitted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

of Tamil Nadu] from such date as the ¹[Government] may, by notification in the ²[Official Gazette], direct.

³[2. The Madras Pier Act, 1863, and the Madras Repeal Pier Amendment Act, 1871, are repealed.]

3. In this Act, unless there shall be something Interpretation
repugnant in the subject or context,— clause.

(1) "port" means the space within such limits "Port" as may from time to time be defined by the Government for the purposes of this Act by notification in the ²[Official Gazette], and until a notification is so issued within such limits as may have been defined by the Government under the provisions of Act XII of 1875 (Indian Ports Act) ⁴;

(2) "vessel" denotes anything made for the "Vessel" conveyance by water of human beings or property;

⁵ [(3) "Drift" includes timber or other floating "Drift." matter whether the same is in the possession or under the control of any person or not ;]

⁵ [(4) "owner," when used in relation to goods, "Owner." ⁶[or drift] includes any consignor, consignee, shipper or agent for the sale, custody, landing or shipping of such goods ⁶[or drift] ;

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

² These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

³ Section 2 was substituted by section 4 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

⁴ See now the Indian Ports Act, 1908 (Central Act XV of 1908).

⁵ The original clauses (3) and (4) were renumbered as clauses (4) and (5) respectively and this clause was inserted by section 5 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

⁶ The words "or drift" were added by section 6, *ibid.*

“ Goods.”

¹ [(5)] the word “ goods ” includes wares and merchandise of every description ²[and carts, carriages, animals, baggage and other articles ;]

“ Govern-
ment.”

³ [(6) “ Government ” or “ the Government ” means, in relation to a port which is a major port within the meaning of the Indian Ports Act, 1908, the Central Government and, in relation to any other port, the State Government.] Central Act XV of 1908.

⁴ [* * * * *].

Levy of
landing and
shipping
fees.

4. Landing and shipping fees, according to the rates which may be fixed ⁵[by the ⁶(Government)] from time to time ⁷[may be levied] upon all ⁸[pas-sengers and] goods ⁹[* * *] landed from or shipped into any vessel lying or being within the limits of any port within the ¹⁰[State of Tamil Nadu] to which this Act may be applied. Such fees shall be payable in addition to all tolls and charges now lawfully levied within such port :

¹ The original clauses (3) and (4) were renumbered as clauses (4) and (5) respectively by section 5 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

² The words within square brackets were added by section 7, *ibid.*

³ This clause was inserted by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

⁴ The words and figures “ Part II—Of the payment of Landing and Shipping Fees ” were omitted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

⁵ The words “ by the Governor in Council ” were inserted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1915 (Tamil Nadu Act I of 1916).

⁶ This word was substituted for the words “ Governor in Council ” by the Adaptation Order of 1937.

⁷ The words “ may be levied ” were substituted for the words “ shall be levied ” by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1915 (Tamil Nadu Act I of 1916).

⁸ The words within square brackets were inserted by section 8 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

⁹ Certain words were omitted by *ibid.*

¹⁰ This expression was substituted for the expression “ Presidency of Fort St. George ” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

¹[Provided that the ²[Government] may, by general or special order, exempt any class or classes of ³[passengers or] goods from payment of fees under this Act, and may, in special cases, remit the whole or any portion of any charge levied under this section.]

5. Such rate shall be notified in the ⁴[Official Gazette] at least one month before the date from ^{Rates of fees to be notified.} which the same shall become payable, and shall be legibly painted in the English, Tamil, Telugu and Hindustani languages on boards exhibited at the places appointed under section 6.

6. The Government may from time to time make ^{Rules.} rules—

(a) appointing places where goods ⁵[or particular classes of goods] intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fees payable under this Act ⁵[and places where passengers may land or embark];

(b) regulating the manner in which such fees shall be assessed and the time when they shall be paid;

⁶[(c) providing for the ascertainment and recovery of the amount of any damage that may be caused to a pier, jetty, wharf, quay or other work in a port by any person or by any vessel or drift; and

¹ The proviso to section 4 which was repealed by Tamil Nadu Act VIII of 1914 was added by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1915 (Tamil Nadu Act I of 1916).

² This word was substituted for the words "Governor in Council" by the Adaptation Order of 1937.

³ The words "passengers or" were inserted by section 9 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

⁴ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁵ These words were inserted by section 10 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

Clauses (c) and (d) were added by section 11, *ibid.*

(d) generally for carrying out the purposes of this Act.]

Such rules and any alteration or cancellation thereof shall be published in the ⁴[Official Gazette], and shall thereupon have the force of law.

Appoint-
ment of
officer to
levy and
receive
landing and
shipping
fees.

7. The ²[Government] shall appoint an officer of Government to levy and receive all fees payable under this Act, and to pay the same into such treasury, and keep such accounts as the Government may from time to time prescribe. The officer so appointed may, with the sanction of the Government, appoint such persons as he shall think fit to assist him in carrying out the provisions of this Act, all of whom shall wear a distinguishing badge of a kind to be prescribed by such officer.

Detention of
goods until
payment of
fees.

8. It shall be lawful for the officer of Government appointed under this Act or any of his assistants to detain any such goods until the lawful fees are paid; it shall be the duty of such officer to give notice in writing to the owner or consignee if known, stating the amount of fees and charges payable in respect of such goods, and, in the event of such payment being refused or delayed for the space of fourteen days from the date of such notice if the owner or consignee of such goods shall be in the port concerned, or otherwise for the space of one calendar month from the date on which such fees are payable, it shall be lawful for such officer of Government to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale :

Proviso.

Provided that, if the goods are of a perishable nature, the said officer of Government may sell the

³ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

This word was substituted for the words "Governor in Council" by the Adaptation Order of 1937.

same or cause them to be sold at such earlier period being not less than twenty-four hours after the landing of the goods as he shall think fit.

1[* * * * *].

²[9. Where any vessel or drift fouls a pier, jetty, wharf or quay and causes damage thereto, the owner or master of the vessel or the owner of the drift, as the case may be, shall be liable for the amount of such damage which may be ascertained and recovered, in accordance with rules made by the ³[Government], either by seizure and sale of such vessel or drift and of any property thereon or in such other manner as may be prescribed.]

⁴[10. (1) The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of fees leviable under this Act.

(2) Save as provided in sub-section (1) any contravention of any rule made under this Act shall be punishable with fine not exceeding one hundred rupees.]

¹ The words and figures " Part III—Penalties " were omitted by section 3 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).

² The original section 9 was renumbered as section 10 and the new section 9 was inserted by section 12, *ibid.*

³ This word was substituted for the words " Governor in Council " by the Adaptation Order of 1937.

⁴ This section was substituted for the original section 10, as renumbered, by section 13 of the Tamil Nadu Outports Landing and Shipping Fees (Amendment) Act, 1919 (Tamil Nadu Act V of 1919).