

LAWS OF TRINIDAD AND TOBAGO

PORT AUTHORITY ACT

CHAPTER 51:01

Act
39 of 1961
Amended by
8 of 1964
9 of 1969
43 of 1969
8 of 1971
2 of 1975
136/1976
45 of 1979
37 of 1980

Current Authorised Pages

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Note

on

**Port Services (Dues, Charges and Management) Ordinance
Ch. 18, No. 2 (1950 Ed.)**

Section 76 of this Act repeals the Port Services (Dues, Charges and Management) Ordinance, except sections 3 to 8 inclusive, and the Bye-laws made under section 22 of the said Ordinance, until sections 3 to 8 are amended and the Bye-laws revoked and replaced by new Regulations made under this Act.

Note

on

Amendment

The Port Authority Act is amended as follows:
Section 8. [37 of 1980].

Immediately after subsection (2), insert the following subsection:

“(3) Notwithstanding the provisions of subsection (2)(a), the Tobago House of Assembly is charged with the responsibility of constructing, maintaining and repairing storage and warehousing facilities at ports in Tobago.”.

Note

on

**Staff Provisions
(Page 14)**

Under section 3(2) of the Statutory Authorities Act (Chapter 24:01), the Port Authority has been declared a statutory authority subject to the provisions of that Act (*see* Chapter 24:01—Subsidiary Legislation). So long as this declaration remains in force, the provisions of the Act of this Chapter relating to staff must be read and construed accordingly.

Corrigenda

- (a) At page 11, in section 8, under the Marginal note thereto insert the reference “[37 of 1980]”.
- (b) At page 20, in section 32, in line 1 thereof, for the word “rules” substitute the word “Rules”.
- (c) At page 27, in section 48—
- (i) line 5, for the word “Ordinance”, substitute the word “Act”.
 - (ii) for the reference “Ch 18 No. 1 (1950 Ed.) substitute the reference “Ch. 50:06”.
- (d) At page 31, in section 62(2), in line 2 thereof, for the word “regulations” substitute the word “Regulations”.
- (e) At page 36—
- (i) in section 75(1), in lines 1 and 8, for the word “regulations” substitute the word “Regulations”.
 - (ii) in section 75(2), in line 1 thereof for the word “regulations” substitute the word “Regulations”.
 - (iii) in section 75(3) in lines 2 and 8 thereof, for the word “regulations” substitute the word “Regulations”.
- (f) At page 37, in section 75(3)(b), in line 2 thereof, for the word “regulations” substitute the word “Regulations”.
- (g) At page 38—
- (i) in section 75(4), in line 1 thereof, for the word “regulations” substitute the word “Regulations”.
 - (ii) in section 75(6) in line 1 thereof, for the word “regulations” substitute the word “Regulations”.
 - (iii) in section 76(2), in line 2 thereof, for the word “bye-laws” substitute the word “Bye-laws”.
 - (iv) in section 76(2), in line 5 thereof, for the word “regulations” substitute the word “Regulations”.

CHAPTER 51:01

PORT AUTHORITY ACT

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39 of 1961. **An Act to make provision for a co-ordinated and integrated system of harbour facilities and port services connected therewith and other matters relating thereto and connected therewith, by means of the establishment of a Port Authority.**

Commencement
58/1962.

[14TH JUNE 1962]

PRELIMINARY

Short title. **1. This Act may be cited as the Port Authority Act.**

Interpretation. **2. (1) In this Act—**

- “Accountant” means the person appointed by the Authority under section 17 and includes any officer of the Authority acting under the general or special directions of the Accountant;
- “Authority” means the Port Authority of Trinidad and Tobago established under section 3;
- “authorised employee” means a person authorised by the Authority to exercise the powers or perform the duties in respect of which the expression is used;
- “basin” means the dredged portion of any harbour of Trinidad and Tobago abutting on to any wharf operated by or on behalf of the Authority, but does not include any dredged channel to such dredged portion;
- “cargo” includes all kinds of goods, wares, minerals, merchandise and livestock, but does not include fuel or ship’s stores loaded in or carried by a vessel for use on board such vessel;

- “Comptroller” means the Comptroller of Customs and Excise and includes any officer of the Customs and Excise Department acting under the general or special orders of the Comptroller;
- “dangerous goods” means any goods defined as such by regulations made under section 75;
- “dues and charges” includes harbour dues, wharf dues, basin dues and all sums which, under this Act or any regulations made thereunder, may be levied for or in respect of the carriage, storage or warehousing of goods by means of the Authority of for or in respect of any ship, harbour or other service performed or facility provided by means of the Authority;
- “General Manager” means the officer appointed by the Authority to manage the port and, except in sections 5(6) and 17, includes any officer of the Authority acting under the general or special directions of the General Manager;
- “goods” means all kinds of goods, wares, minerals, merchandise and livestock;
- “harbours” means the port of Port-of-Spain in Trinidad and the port of Scarborough in Tobago described respectively in the First and Second Schedules and all the wharves, jetties, slips, docks and breakwaters and the machinery, plant, tools and other property appertaining thereto vested by sections 54, 55, and 56 in the Authority, and includes any port and harbour when such port and harbour is vested by section 57 in the Authority;
- “Harbour Master” means the Harbour Master of Port-of-Spain;
- “master” means any person other than a berthing master having or taking the command or management of a vessel for the time being;
- “offensive goods” means goods defined as such by regulations made under section 75;
- “owner” in relation to a vessel includes any joint or part owner, and a person who, though only the hirer of a vessel, appoints the master and other persons working such vessel, and also includes the agent of the owner or hirer;
- “owner” in relation to goods means any person who is for the time being entitled, either as owner or as agent for the owner, to the possession of these goods;
- “perishable goods” means goods liable to rapid deterioration and in particular, includes fish, fruit, vegetables, bread, meat,

First and
Second
Schedules.

poultry, game, butter, eggs, milk, cheese, plants, small animals and any other thing which the Authority may prescribe;

First Schedule.

“port of Port-of-Spain” means the port within the limits described in the First Schedule;

Second
Schedule.

“port of Scarborough” means the port of Scarborough in Tobago within the limits described in the Second Schedule;

“tariff book” means the tariff book prepared and published under section 31;

“vehicle” includes carriages, wagons, carts, petrol or electrical vehicles, bicycles, tricycles, vans, hand carts, sledges, trucks, barrows and all other machines for the portage of goods or persons;

“vessel” includes a boat, craft, ship or vessel of any description but does not include a raft or a float of timber;

“wharf” means any wharf in Port-of-Spain or Tobago controlled and operated by the Authority and includes any basin connected therewith, the quay walls, jetties and piers of such wharf.

(2) In this Act and in all documents issued under this Act, unless the context otherwise requires, the expression—

- (a) “accepted by the Authority” subject to the provisions of any regulations made under this Act, means accepted by an authorised employee in the course of his duty for carriage, storage or warehousing in accordance with this Act;
- (b) “delivered to the Authority”, subject to the provisions of any regulations made under this Act, means delivered to an authorised employee in the course of his duty under this Act;
- (c) “the possession of the Authority”, subject to the provisions of any regulations made under this Act, means the possession of any authorised employee in the course of his duty under this Act;
- (d) “the purposes of the Authority” means any purpose necessary or desirable for the performance of the services or the provision of any facilities authorised to be performed or provided by means of the Authority under this Act.

PART II

PORT AUTHORITY

3. (1) There is hereby established for the purpose of this Act a body to be called the Port Authority of Trinidad and Tobago. Establishment and constitution of Authority. [9 of 1969].

(2) The Authority shall consist of no fewer than five nor more than nine persons to be designated Commissioners, appointed by the President. Of these persons, five shall be appointed from amongst persons who have special qualifications in, and have had experience of, matters relating to engineering, accountancy, law, economics or business management.

(3) The President shall appoint a Chairman and a deputy Chairman of the Authority from amongst the Commissioners.

(4) Appointment to the office of Commissioner shall, subject to subsections (6) and (7), be for such period, being not less than two years nor more than five years, as the President shall specify at the time of the appointment, but any Commissioner shall be eligible for re-appointment.

(5) Any Commissioner may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister.

(6) The appointment of any person as a Commissioner and the termination of office of any person as a Commissioner whether by death, resignation, revocation, effluxion of time or otherwise shall be notified in the *Gazette*.

(7) Each Commissioner shall make and subscribe an oath before the President that he will faithfully, and to the best of his ability, discharge the trust and perform the duties devolving upon him as Commissioner.

4. (1) The Authority shall be a body corporate having perpetual succession and a common seal, with power to hold land and other property of whatever kind. Incorporation.

(2) The seal of the Authority shall be kept in the custody of the Chairman or the deputy Chairman or of the Secretary of the Authority and may be affixed to instruments pursuant to a resolution of the Authority and in the presence of the Chairman or deputy Chairman, and of one other member, and the Secretary.

(3) The seal of the Authority shall be authenticated by the signature of the Chairman, or deputy Chairman, and the

Secretary of the Authority, and such seal shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairman, or deputy Chairman, or the Secretary of the Authority.

(5) The Authority may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Authority of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary of the Authority, at the office of the Authority.

Procedure and meetings of the Authority. [9 of 1969].

5. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Authority may determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three Commissioners.

(3) The Chairman, or in his absence the deputy Chairman, and two other Commissioners shall form a quorum.

(4) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman or the deputy Chairman, as the case may be, as soon as practicable thereafter at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(5) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(6) The General Manager shall, unless the Minister otherwise directs, attend all meetings of the Authority but he shall not have any right to vote.

(7) Subject to this section, the Authority has power to regulate its own proceedings.

Appointment of Committees.

6. (1) The Authority may appoint a committee of the Authority to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) Any such committee shall consist of at least one member of the Authority together with such other persons, whether members of the Authority or not, whose assistance or advice the Authority may desire.

(3) Where persons, not being members of the Authority, are members of a committee appointed under this section, or where any person is co-opted under section 5(5), the Authority may with the approval of the President by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

7. Subject to this Act the Authority may delegate to any member or committee of the Authority the power and authority to carry out on its behalf such duties as the Authority may determine.

Power of Authority to delegate.

8. (1) It is the function of the Authority—

Functions of Authority.

(a) to develop the harbours of Trinidad and Tobago described in the First and Second Schedules and such other harbours as may from time to time be vested in the Authority under section 57;

First and Second Schedules.

(b) to operate port services in accordance with this Act;

(c) to operate the Government Shipping Service between Trinidad and Tobago in accordance with Part IX;

(d) to collect the dues and charges authorised by this Act; and

(e) generally to be responsible for the carrying out of this Act.

(2) The development of the harbours and the operation of the port services include the following:

(a) the provision and maintenance of facilities for the entry and berthing of ships, the landing and embarkation of passengers, the loading, unloading, storage and warehousing of cargo;

(b) the provision and maintenance of equipment for hoisting, lifting and transportation of cargo;

- (c) the erection, equipment and maintenance of quays, wharves, jetties, locks and piers;
- (d) the provision of docking facilities, slipways, and machine shops;
- (e) the provision of lights and beacons subject to the approval of the Harbour Master, towage services, fire-fighting services, watering services, bunkering services, rescuing services, dredging services, salvage services, repair services and such other services as are ordinarily required by ships coming into port in the course of their voyages.

Powers of
Authority.

9. (1) With respect to the carrying out of any duties falling within its function, the Authority may arrange for the duties to be carried out either by the Authority directly through its own officers, servants and employees, or indirectly through persons with whom the Authority has entered into contract; and for that purpose the Authority may lease any lands, buildings, facilities or equipment.

(2) The Authority may for the purpose of the discharge of its functions—

- (a) carry on all activities the carrying on of which appear to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions;
- (b) promote the carrying on of any such activities by other bodies or persons, and for that purpose may establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Authority or independently, and may give assistance to such bodies or to other bodies or persons appearing to the Authority to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital, or by loan or otherwise;
- (c) carry on any such activities in association with other bodies or persons including Government authorities or as managing agents or otherwise on its own behalf;
- (d) do any thing and enter into any transaction whether or not involving expenditure, borrowing, granting of loans or investment of money in accordance with this Act in that behalf, the acquisition of any real or

personal property or rights, or the disposal of any real or personal property or rights, which in its opinion is calculated to facilitate the proper discharge of its function or is incidental or conducive thereto.

10. (1) The Authority may, with the written consent of the President, sell, demise or otherwise dispose of any real or personal property or rights vested in it by this Act.

Power to dispose of real or personal property generally. [8 of 1964].

(2) The powers conferred by subsection (1) shall be in addition to and not in derogation of any powers conferred on the Authority by section 9 (2)(d) relating to the disposal of real or personal property or rights.

11. No act done or proceeding taken under this Act shall be questioned on the ground—

Validity of acts of Authority.

- (a) of the existence of any vacancy in the membership of, or of any defect in the constitution of, the Authority; or
- (b) of the contravention by a Commissioner of the provisions of section 13; or
- (c) of any omission, defect or irregularity not affecting the merits of the case.

12. A Commissioner is not personally liable in respect of anything done or suffered in good faith under this Act, and any sums of money, damages or costs which may be recovered against any such Commissioner in respect of any act or thing done *bona fide* for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Authority.

Protection of Commissioners of Authority.

13. (1) It is the duty of a Commissioner who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority, to declare the nature of his interest at the first meeting of the Authority at which it is practicable for him to do so.

Declaration of interest.

(2) A Commissioner shall not vote in respect of any contract or proposed contract with the Authority in which he is in any way interested, whether directly or indirectly.

14. The Authority shall pay to each Commissioner, in respect of his office, such, if any, remuneration as the President may determine and to the Chairman and to the deputy Chairman, in respect of his office, such, if any, remuneration in addition to any

Remuneration of Commissioners.

remuneration to which he may be entitled in respect of his office as a Commissioner as may be so determined.

Policy
directions.

15. (1) The President may from time to time give the Authority directions of a special or general character on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Authority by or under this Act in relation to matters that appear to the President to affect the public interests.

(2) The Authority shall, as soon as practicable, give effect to all directions issued pursuant to subsection (1).

Accommodation
of Comptroller
of Customs and
Excise.

16. The Authority shall provide and maintain from time to time such reasonable office accommodation and facilities as the Comptroller shall require for the carrying out of their duties by the officers of his department within a harbour.

*STAFF

Appointment of
officers and
other
employees.
[45 of 1979].

17. The Authority may appoint, subject to section 18(1), a General Manager (who shall be the chief executive officer and responsible for carrying out the decisions of the Authority), a Secretary, an Accountant and such other officers and employees as may be necessary and proper for the due and efficient administration, management and performance by the Authority of its duties under this Act.

Staff of
Authority.

18. (1) On the commencement of this Act the officers and other employees who are members of the staff of the—

- (a) Port Services Department;
- (b) the Dredging and Towage services of the Harbour Master's Department; and
- (c) Coastal Steamers services,

shall comprise the staff of the Authority.

(2) Whenever a vacancy occurs in the membership of the staff of the Authority as comprised in subsection (1), the Authority may exercise its powers of appointment under section 17 to fill the vacancy.

19. Notwithstanding anything contained in this Act or any other law, the persons to whom section 18(1) applies, are liable to be suspended or dismissed by the Authority, but every such person shall be entitled—

Disciplinary proceedings against members of staff of former Port Services Departments.

- (a) to a hearing in accordance with the procedure followed in disciplinary cases against public officers of Government departments if such procedure would have been followed in any similar case against such person investigated immediately before the commencement of this Act;
- (b) to have representations on his behalf made by any competent association or body if such representations would have been entertained in connection with any similar case against such person investigated immediately before the commencement of this Act; and
- (c) if he so desires, to have the proceedings in the matter referred for the consideration of the President who may make such order in the matter as he thinks fit.

20. (1) There is preserved to the staff of the Authority to whom section 18(1) applies, their pension or superannuation rights accruing to them at the time of their transfer to the Authority.

Pension and superannuation rights preserved.

(2) The President may approve the transfer of an officer from the service of the Authority to the service of the Government or from the service of the Government to the service of the Authority:

Provided that, in every such case—

- (a) any pension, gratuity or other allowance which is ultimately provided shall be paid from public funds;
- (b) the Authority shall pay from its funds to the Government such contributions as may be provided for in rules made by the President, and any such rules may make different provisions in different classes of cases.

21. The Authority may, with the approval of and subject to such terms and conditions as may be imposed by the President, provide for the establishment and maintenance of a Pension Scheme or a Provident Fund Scheme for the benefit of the officers and employees of the Authority, and in every such Scheme different provisions may be made for different classes of officers and employees.

Establishment and maintenance of superannuation schemes.

Authority to
consult
appropriate
organisation.

22. It is the duty of the Authority except so far as the Authority is satisfied that adequate machinery exists for achieving the purposes of this section, to seek consultation with any organisation, appearing to the Authority to be appropriate, with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Authority;
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Authority and the discussion of other matters of mutual interest to the Authority and such persons, including efficiency in the operation of the services contemplated by this Act.

Responsibility
of certain
officers.

23. All officers charged with the receipt, accounting for, or disbursement of moneys, or with the custody or delivery of stores, or other property belonging to the Authority are individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all the property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

PART III

FINANCIAL PROVISIONS

Authority may
borrow, secure
or raise money.

24. (1) The Authority may, from time to time, with the approval of the President, borrow, secure or raise money by the issue of debentures or debenture stock, or other security, of all or any of the following purposes:

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Authority under this Act;
- (c) the provision of capital for the expansion of, and additions to, its fixed assets;

- (d) the redemption of any debenture or debenture stock or other security that the Authority is required or entitled to redeem;
- (e) any other expenditures properly chargeable to capital account.

(2) The Authority may, from time to time, borrow by way of overdraft or otherwise for periods not exceeding one year such sums as the Authority may require for meeting its obligations and discharging its functions under this Act.

25. (1) The Authority may, from time to time, borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this Act but notice of any such advance shall be given by the Minister to both Houses of Parliament.

Powers of the Authority to borrow from Government.

(2) For the purpose of making approved advances to the Authority under this section, the Minister may authorise advances out of the proceeds of any loan raised for the purpose or out of the reserve fund, revenues or surplus balances of the State.

(3) Pending the raising of any such loan, the Minister by warrant under his hand may authorise the Comptroller of Accounts to make advances out of public funds to the Authority in such sums and on such terms and conditions as the Minister may think fit for the purposes authorised by this Act.

(4) The repayment of any such advances and the payment of interest thereon shall be made by the Authority in like manner and on like conditions as borrowings by the Authority, subject to any special terms and conditions which may be stipulated with respect to any such advance by the Minister upon the making thereof.

(5) In this section "Minister" means the Minister responsible for Finance.

26. (1) The revenue of the Authority for any financial year shall be applied in defraying the following charges:

Application of revenue.

- (a) the remuneration, fees and allowances of the members of the Authority or of any committee thereof;
- (b) the salaries, fees, remuneration and gratuities, including payments for the maintenance of the Provident Fund or Pension Fund authorised by this Act, of the officers, agents and employees, and technical and other advisers, of the Authority;

- (c) working and establishment expenses, and expenditure on, or provision for, the maintenance of the property and of any of the works of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by, the Authority;
- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of the revenue under paragraph (e);
- (g) any other expenditure authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to the creation of reserve funds to finance future modernisation and expansion.

Authorised investments.

27. Funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities approved by the President for investment by the Authority.

Dues, etc., chargeable by the Authority.

28. The dues, charges and fees to be charged by the Authority shall be in accordance with such dues and charges as may, from time to time, be fixed by regulations made under section 75.

Accounting of Authority.

29. (1) All decisions, orders, rules and regulations relating to the financial operations of the Authority and authorised by this Act shall be made by resolution of the Authority at a meeting thereof and shall be recorded in the minutes of the Authority.

(2) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement in respect of each financial year.

(3) Subject to section 31 of the Exchequer and Audit Act, Ch. 69:01. the accounts of the Authority shall be audited by auditors to be appointed annually by the Authority.

(4) The Authority shall, before the commencement of each financial year, submit to the Minister for the information of Parliament a copy of its budget relating to capital expenditure and the financing thereof, and a copy of its income and expenditure budget, in relation to such year. The President shall cause copies of such budgets to be laid on the table of each House of Parliament.

(5) After the end of each financial year of the Authority, the Authority shall, as soon as the accounts of the Authority have been audited, cause a copy of the statement of accounts to be transmitted to the President, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority. The President shall cause a copy of every statement and report to be laid on the table of each House of Parliament.

(6) Notwithstanding any power of the Authority conferred by this Act, where the Authority intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys upon the credit of the State or that will require a longer period than one year to complete, the Authority shall obtain the approval of the President before incurring any liability in respect thereof.

30. (1) All moneys of the Authority accruing from its operations under this Act shall be paid into some bank or banks appointed by resolution of the Authority, and such moneys shall as far as practicable be paid into the bank from day to day, except such sum as the accountant may be authorised by rules made under section 32 to retain in his hands to meet petty disbursements for immediate payments.

Cash deposits
and payments.

(2) All payments out of the funds of the Authority except petty disbursements not exceeding a sum to be fixed by rules made under section 32, shall be made by the accountant, or on his behalf by any other officer appointed by the Authority, in accordance with any such rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the chairman of the Authority or any member of the Authority or any officer of the Authority appointed by resolution of the Authority for the purpose, and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

Preparation of documents under the Act. [43 of 1969].

31. The Authority shall cause to be prepared and in such manner as it thinks fit—

- (a) a tariff book containing all matters which under this Act are required to be contained therein, together with such other matters as the Authority may think fit;
- (b) such other books and other documents as under this Act are required to be kept.

Rules.

32. The Authority shall by resolution make rules in respect of the following matters:

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Authority are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Authority or an officer of the Authority to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Authority; and
- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finance of the Authority.

Annual report.

33. (1) The Authority shall, as soon as practicable after the end of each financial year of the Authority, make and transmit to the President a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the operations and policy of the Authority as the President may from time to time direct.

(2) The President shall cause a copy of every such report to be laid on the table of each House of Parliament.

Non-application of Ch. 69:01.

34. Notwithstanding section 32 of the Exchequer and Audit Act, sections 33, 34, 36(1), 37 and 38 of that Act do not apply to the Authority.

35. (1) Notwithstanding anything in any other Act contained, all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into Trinidad and Tobago by the Authority for the purpose of carrying out its functions under this Act shall be free of all customs duty whatsoever.

Exemption from Customs duty and Income Tax.

(2) Notwithstanding anything contained in the Income Tax Ordinance, the income of the Authority shall be wholly exempt from payment of income tax.

Ch. 33. No. 1. (1950 Ed.).

36. (1) The Authority may enter into a contract with any local authority for the supply of water or for the scavenging of harbour premises or for any other service which the local authority may be rendering or be prepared to render within any part of the area under its control.

Service contracts with local authorities. [16 of 1965].

(2) In this section "local authority" means a municipal corporation or a County Council entitled to the control or management of a municipal or other fund and includes the Water and Sewerage Authority established under section 3 of the Water and Sewerage Authority Act.

Ch. 54:40.

PART IV

RESPONSIBILITY OF THE AUTHORITY AS A WAREHOUSEMAN

37. (1) Subject to this Act or of any contract, the Authority is not liable for the loss, misdelivery or detention of or damage to goods—

Liability for loss, etc., of goods.

- (a)** delivered to or in the possession of the Authority, otherwise than for the purposes of carriage, storage or warehousing except where such loss, misdelivery, detention or damage is caused by the want of reasonable foresight and care on the part of any person employed in or for the purposes of the Authority;
- (b)** accepted by the Authority for carriage, storage or warehousing where such loss, misdelivery, detention or damage occurs otherwise than while the goods are being carried, stored or warehoused and is not caused by the want of reasonable foresight and care on the part of any person employed in or for the purpose of the Authority.

(2) The Authority is in no case liable for such loss, misdelivery, detention or damage arising from—

- (a) act of God;
- (b) act of war or of enemies of the State;
- (c) arrest or restraint of princes or rulers, or seizure under legal process;
- (d) act or omission of the consignor, consignee or depositor, or of the servant or agent of any such person;
- (e) fire, flood, hurricane, tempest, earthquake, riot, civil commotion, strike, lock-out, stoppage or restraint of labour from whatever cause, whether partial or general;
- (f) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;
- (g) deficiency in the content of unbroken packages;
- (h) insufficient or improper packing or from leakage from defective drums, containers or packages.

(3) Where any loss, misdelivery, detention or damage referred to in subsection (1) occurs in relation to goods accepted by the Authority for carriage, storage or warehousing, the limitation contained in section 38 applies.

Limitation for loss, etc., where false account is given.

38. The liability of the Authority in respect of any goods accepted by the Authority for carriage, storage or warehousing and in relation to which an account false in any material particular has been given under section 40(4) shall be based on the true value of such goods, or on the value thereof as calculated in accordance with the description contained in such false account, whichever is less.

Burden of proof.

39. In any proceedings brought against the Authority, it is not necessary for the person claiming damages or compensation to prove how the loss, misdelivery, detention or damage to the goods was caused.

PART V

GOODS

Description, etc., of goods to be delivered.

40. (1) The consignor of, or the person tendering, any goods for carriage, storage or warehousing by means of the Authority

and, on request by an authorised employee, the consignee of, or person receiving, any goods which have been carried, stored or warehoused by means of the Authority, shall deliver to an authorised employee an account in writing signed by such consignor, person or consignee, as the case may be, containing such description of the goods as may be sufficient to enable such employee to determine the dues and charges payable in respect of the carriage, storage or warehousing thereof by means of the Authority.

(2) An authorised employee may, for the purpose of checking any accounts delivered under subsection (1), require such consignor, person or consignee, as the case may be, to permit him to examine such goods.

(3) If such consignor, person or consignee fails to deliver the account referred to in subsection (1) or to permit such goods to be examined as required under subsection (2), an authorised employee may, in respect of goods which are tendered for carriage, storage or warehousing by means of the Authority, refuse to accept the goods for such carriage, storage or warehousing, and in respect of goods which have been carried, stored or warehoused by means of the Authority, refuse to deliver the same unless, in either case, a charge not exceeding the highest charge payable for any class of goods is paid.

(4) If, in respect of goods which have been carried, stored or warehoused by means of the Authority, an account delivered under subsection (1) is found to be false in any material particular with respect to the description of any goods to which it purports to relate, an authorised employee may refuse to deliver such goods unless in respect of warehousing, storage or carriage of the goods a charge not exceeding double the highest charge payable for any class of goods is paid.

*41. (1) Where any goods in the possession of the Authority are not claimed by the owner or any other person appearing to the General Manager to be entitled thereto, the General Manager shall, if such owner or person is known, take all reasonable steps to cause a notice to be served upon him requiring him to remove the goods.

Unclaimed
goods in the
possession of
the Authority.

(2) If—

(a) the owner of any goods in the possession of the Authority is not known and no person appears to be entitled thereto; or

*See Disposal of Uncleared Goods Act 1978 (46 of 1978).

(b) the notice referred to in subsection (1) cannot for any reason be served; or

(c) there has been a non-compliance with the provisions of any notice served under subsection (1),

the General Manager may, within a reasonable time not being less, except in the case of perishable goods, than two months, sell the goods by public auction and after deducting from the proceeds of sale the expenses of such sale shall pay the balance, if any, into the funds of the Authority; but no imported goods shall be sold under this section until they have been entered for home consumption in accordance with the laws of Trinidad and Tobago relating to customs.

Dangerous or
offensive goods,
etc.
[136/1976].

42. (1) No person shall tender to the Authority for carriage, storage or warehousing any goods to which this section applies without giving notice of the nature of such goods—

(a) in the case of goods taken with a person, to the person in charge of the port of embarkation at which such first mentioned person commences his journey; or

(b) in the case of goods tendered to the Authority for carriage, storage or warehousing, to the authorised employee to whom such goods are tendered.

(2) An authorised employee may—

(a) refuse to accept for carriage, storage or warehousing by means of the Authority, goods to which this section applies or may accept them only under and in accordance with any special provisions relating to the carriage, storage or warehousing of any such goods;

(b) require any such goods to be marked and packed in such manner as may be specified in regulations made under this Act.

(3) Where any authorised employee has reason to believe that any goods to which this section applies are being carried, stored or warehoused by means of the Authority or have been accepted for carriage, storage or warehousing by means of the Authority in contravention of subsection (1) or (2), he may examine such goods and, if on examination they are found to be goods to which this section applies, he may, upon informing an officer of customs of the place to which the goods are to be removed, order their removal from any premises occupied for the

purposes of the Authority, or may order them to be destroyed or otherwise disposed of, and the Authority may recover from the person on whose behalf such goods have been carried, stored or warehoused the cost of such removal and of any further expenses reasonably incurred in connection with the disposal thereof.

(4) This section applies to any dangerous or offensive goods.

(5) Nothing in this section shall apply—

- (a) to any goods carried, stored or warehoused by means of the Authority for or on behalf of the Government;
- (b) to any goods carried by any member of any force established for the defence of Trinidad and Tobago or by any constable in the course of his duty.

PART VI

SAFETY OF NAVIGATION

43. (1) The consent of the Port Authority to the carrying out of the following operations on the seashore shall first be obtained, that is to say—

- (a) constructing, altering or improving any works on, under or over any part of the seashore lying below high water mark of ordinary spring tides;
- (b) depositing any object or any materials on any such part of the seashore as mentioned above; or
- (c) removing any object or any materials from any part of the seashore lying below low mark of ordinary spring tides,

if obstruction or danger to navigation is likely to result.

(2) A person who contravenes the provisions of subsection (1) is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months.

PART VII

EMBARKATION AND DISEMBARKATION OF PASSENGERS AND GOODS

44. (1) Subject to subsection (2), no ship shall embark or disembark any passenger or goods at any place other than a harbour.

Passengers, etc., to be embarked, etc., only at a harbour.

(2) The General Manager may, with the prior agreement of the Comptroller, authorise the master of any ship to embark or disembark passengers or goods at such place other than a harbour as may be agreed by the Comptroller.

Master to supply information.

45. The master of any ship arriving in a harbour shall produce on demand to an authorised employee—

- (a) the ship's register and the ship's papers;
- (b) a list of the passengers, if any, showing particulars of their sex and occupation;
- (c) a list showing the deaths, if any, which have occurred during the voyage;
- (d) a list showing the stowaways, if any, on the ship;

and shall also supply such other information in relation to the ship's passengers and cargo as such employee may require.

Harbour dues and charges to be levied.

46. (1) There shall be levied upon every ship entering a harbour such dues and charges as may be fixed by the Authority by regulations made under this Act.

(2) A book specifying all harbour dues and charges shall be available for public inspection at the office of the General Manager.

Power to arrest ship for dues and charges.

47. (1) Where any dues or charges are owing in respect of any vessel, an authorised employee may arrest the vessel and the tackle, apparel and furniture thereof, and such employee may detain the vessel until the amount of such dues or charges are paid to the Authority.

(2) Where, after such arrest, any such dues or charges remain unpaid for a period of seven days, the authorised employee may cause the ship and the tackle, apparel and furniture thereof arrested to be sold, and out of the proceeds of such sale he shall retain the amount necessary to meet the expenses of the detention and sale thereof and shall, after paying the amount of any dues or charges which are owing to the Authority, deliver the balance, if any, to the master, owner or agent of the ship.

(3) Where any ship, in respect of which dues or charges are owing and have not been secured to the satisfaction of an authorised employee, leaves any harbour and enters or is in any other harbour, then such ship may be dealt with as if the dues or charges so owing and not secured were dues or charges owing in respect of such other harbour.

48. Before the master of any ship in a harbour requests outward clearance from the proper officer of Customs of such harbour he shall first obtain—

Master required to obtain certificate of clearance.

(a) from the Harbour Master a certificate issued under section 27 of the Harbours Ordinance; and

Ch. 18. No.1. (1950 Ed.).

(b) from an authorised employee a certificate stating that—

(i) dues and charges in respect of the ship, and all penalties and expenses to which the ship and her master are liable under this Act have been paid or secured to the satisfaction of the authorised employee;

(ii) he has complied with the provisions of this Act.

49. (1) An authorised employee—

Power of authorised employee with respect to wrecks, etc.

(a) may in case of urgent necessity take any action in a harbour which in his opinion may be necessary to prevent any danger to life or shipping;

(b) may enter upon any ship or into any building in a harbour if it is necessary for him to do so in the performance of any duty under this Act or if he has reasonable grounds for believing that an offence against this Act has been, or is about to be, committed therein; and

(c) shall, if so required by the Harbour Master, remove any wreck in, or other obstruction to, a harbour or its approaches, or any timber, raft or other thing floating in a harbour which endangers or obstructs, or is likely to endanger or obstruct, the free navigation of the harbour or the use of any wharf or dock therein.

(2) The owner of any wreck or other thing removed by an authorised employee under the provisions of subsection (1), without prejudice to any other action which may be taken against him, is liable to pay the reasonable expenses of such removal; and such wreck or other thing shall be detained by such employee until such expenses and any customs duties and dues or charges payable have been paid.

(3) Where any wreck or other thing is removed under subsection (1) and the expenses of removal have not been paid within seven days of such removal, the General Manager may

cause such wreck or other thing to be sold by public auction and shall out of the proceeds of sale retain the amount necessary to meet the expenses of such removal, detention and sale and any customs duties and dues or charges payable and shall deliver the balance, if any, to the person appearing to him to be entitled thereto.

General
Manager may
retain goods
until freight,
etc., is paid.

50. (1) Where the master of a ship from which any goods have been landed at a harbour and accepted by the Authority for carriage, storage or warehousing notifies the General Manager in writing that freight or other charges to the amount specified in the notice remain unpaid in respect of the goods, the General Manager shall retain the goods and refuse delivery thereof to the consignee or any other person until—

- (a) the payment of any dues, charges and customs duties due in respect of such goods; and either
- (b) the production of a receipt for, or a release from, the payment of such amount signed, or purporting to be signed, by or on behalf of the owner of such ship; or
- (c) the payment of the amount specified in the notice has been made by the person entitled to take delivery thereof.

(2) Where the General Manager causes any goods in respect of which a notice has been given under subsection (1) to be delivered to a person producing such receipt or release, or making such payment as is referred to in paragraph (a) or (b) of that subsection, the Authority shall be freed from all liability to any person in respect of the goods.

(3) An authorised employee shall be entitled to levy such charges as may be determined under this Act in respect of the custody of any goods delivered to him in accordance with this section, and he may do all such reasonable acts and incur such reasonable expenses as are necessary for the proper custody and preservation of the goods, and the Authority shall have a lien on the goods for such charges and any other expenses so incurred.

(4) Nothing in this section shall be construed as requiring any person to take into the custody of the Authority any goods which would not otherwise be receivable by means of the Authority under the provisions of this Act, or as requiring the General Manager to enquire into the validity of any claim for freight or any other charges made in any notice given by a master under subsection (1).

51. The Authority shall not be liable for any delay or demurrage which may occur or be due in respect of any ship, however such delay or demurrage may have been caused.

Liability for delay or demurrage.

52. The master of a ship is responsible for the compliance in respect of such ship with the provisions of this Act and, in the event of a contravention, he may be proceeded against and held liable for the contravention.

Master responsible for contravention of Act, etc.

53. The General Manager shall, on the demand of the master of any ship arriving at any harbour, cause to be delivered to such master on loan for the duration of the visit of such ship a copy of this Act and of any other written law relating to harbours, quarantine and matters incidental thereto.

Delivery to masters of copy of Act.

PART VIII

VESTING OF CERTAIN PROPERTY RIGHTS AND LIABILITIES IN THE AUTHORITY

54. Subject to section 55, all lands, buildings, installations, equipment and all other forms of property, whether real or personal and all interests therein of whatsoever nature within the areas specified in the First and the Second Schedules are hereby vested in the Authority and shall be deemed always to have been vested in the Authority from the commencement of this Act.

Vesting of property rights and liabilities in the Authority. [8 of 1971].

First and Second Schedules.

55. (1) As from 27th March 1975, the land and buildings and all other forms of property, whether real or personal, and all interests therein of any kind within the area specified in the Third Schedule that were vested in the Authority by section 54 are hereby vested in the State.

Revesting in State of portion of land and property. [2 of 1975]. Third Schedule.

(2) All the rights, privileges and advantages and all the liabilities and obligations in relation to the land and buildings, and the other forms of property and interests therein, referred to in subsection (1) that immediately before 27th March 1975 the Authority was entitled or subject to are as from that date transferred to and conferred or imposed upon the State.

(3) A reference in any deed, contract, bond or security or other document to the Authority, in relation to its rights, titles and obligations concerning the land and buildings, and the other forms of property and interests therein, referred to in subsection (1) shall, as from 27th March 1975, be construed as a reference to the State.

Transitional provisions.

56. (1) The President may, with the approval of both Houses of Parliament, by Order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this Act, including provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Port Services Department in connection with any powers or duties transferred, and may, with the like approval, make such orders as may be necessary to make exercisable by the Authority and their officers the powers and duties so transferred.

(2) If any difficulty arises with respect to the foregoing transitional provisions of this Act, the President may, with the approval of both Houses of Parliament, by Order make such modifications in these provisions as may appear to him necessary for preventing anomalies during the period affected by the transition to the provisions of this Act from the provisions of the Port Services (Dues, Charges and Management) Ordinance repealed by section 76 of this Act.

Ch. 18. No. 2.
(1950 Ed.).

(3) The President shall not exercise the powers conferred by subsection (2) after the expiration of twelve months from the coming into operation of this Act.

(4) In the construction and for the purposes of any Act, rules, regulations, bye-laws, judgments, decree, order, award, deed, contract or other document passed or made before the transfer to the Authority of any powers or duties by or under this Act, but so far only as may be necessary for the purpose or in consequence of such transfer, the name of the Authority shall be substituted for the name of the Port Services Department.

(5) Where at the time of the transfer of any powers or duties by or under this Act any legal proceedings are pending to which the Port Services Department is a party, and such proceedings have reference to the powers and duties transferred by or under this Act, the Authority shall be substituted in such proceedings for the Port Services Department, and such proceedings shall not abate by reason of the substitution.

(6) The rights and obligations of the Sub-Intendant of State Lands under all existing agreements entered into by him with other parties in respect of the operation of private wharves and leases of land for storage of any commodity, the erection of buildings or for any other purpose, within the harbours are vested in the Authority.

(7) All debts and liabilities standing in the books of the Port Services Department shall be assumed by the Authority at the time of transfer.

(8) All work, capital as well as otherwise, negotiations of any kind and anything whatever incomplete at the time of transfer from the Port Services Department to the Authority shall be continued just as if there had been no transfer from one body to another.

57. The President may from time to time by Order vest in the Authority any port and harbour in Trinidad and Tobago.

Vesting of other ports and harbours in Authority.

58. The President may from time to time by Order make such provisions as he may consider necessary to safeguard the interests of the State or of other persons having occasion to make use of or to come upon any premises for the time being vested in the Authority.

Safeguarding interests of the State and other persons.

59. (1) The tugs, motor launches, boats, lighters, trucks, trolleys, cranes, tools, plant, machinery, fittings, workshop materials, effects or any other articles whatsoever used or provided by the Authority shall not be liable to be taken in execution of any order of any Court, or of any local authority or person having by law power to attach or distrain property or otherwise to cause property to be taken in execution.

Restriction on execution against property of Authority.

(2) In this section "local authority" has the same meaning assigned to it by section 36.

PART IX

GOVERNMENT SHIPPING SERVICE

60. In this Part "Government Shipping Service" means the service supplied by vessels owned by the State and engaged in the carriage of passengers and goods between Trinidad and Tobago.

Interpretation.

61. (1) The Authority shall operate the Government Shipping Service, in this Part referred to as "the service", as the agent of the State, and subject to such regulations as may be made by the President in that behalf.

Operation of services by Authority.

(2) The rates to be paid in respect of passengers and freight in the operation of the service shall be fixed by regulations made by the President.

Authority not to subsidise service.

62. The Authority shall in no circumstances finance or subsidise the service from surpluses accruing from the operation of port services.

Authority to keep separate accounts.

63. The Authority shall keep separate accounts in respect of the service which shall show—

- (a) the revenues and costs; and
- (b) the surpluses or deficits resulting from the operation of the service.

Government to meet deficits by subvention.

64. Any deficit in any year arising out of the operation of the service shall be met by a subvention from the Government that shall amount to the deficit suffered by the operation by the Authority of the service for that year.

Surplus to be transferred to special account.

65. A surplus in any year arising out of the operation of the service shall be transferred to a special account to be kept by the Authority and, subject to the discretion of the President, shall be used either—

- (a) to offset any deficits arising out of the operation of the service in any year or years; or
- (b) for such other purpose as the President may determine.

PART X

OFFENCES

Damaging property in a manner likely to endanger life.

66. Any person who unlawfully damages or in any way interferes with any buoy, mark, beacon or other property of the Authority in such manner as to endanger, or as might endanger the life of any person, is liable on conviction on indictment to imprisonment for ten years.

False returns.

67. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document, which is required or authorised to be made under this Act is liable on summary conviction to a fine of eight thousand dollars and to imprisonment for two years.

Endangering safety of operations.

68. Any person who, while on duty or lawfully employed on any premises of the Authority or upon any ship or vehicle used by or for the purposes of the Authority, endangers the safety of any other person—

- (a) by contravening any of the provisions of this Act or of any regulations made thereunder;
- (b) by contravening any lawful order, direction or rule given to such person, or made in respect of his service;
- (c) by being under the influence of alcohol; or
- (d) by any rash or negligent act;

is liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months.

69. Any person who, with intent to defraud, demands or receives from any other person delivering goods for carriage, storage or warehousing by means of the Authority, or from any other person making use of the services or facilities provided by means of the Authority, any greater or less amount than he should demand or receive is liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months.

Fraudulently
demanding
improper
amount.

70. Any person who—

- (a) being a trespasser on any premises of the Authority, or upon any ship or vehicle used by or for the purposes of the Authority, refuses to leave such premises, ship or vehicle after being requested to do so by any authorised employee or a constable;
- (b) being on any premises of the Authority, or upon any ship or vehicle used by or for the purposes of the Authority—
 - (i) refuses when called upon by an authorised employee or a constable to give his name and address, or gives a false name or address, for the purpose of avoiding prosecution; or
 - (ii) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person; or
 - (iii) discharges any firearm or does anything which may cause injury to any person on such premises or upon such ship or vehicle; or
 - (iv) commits any nuisance or act of indecency, or uses profane, obscene, indecent or abusive language, or

Miscellaneous
summary
offences.

- (v) without lawful excuse contravenes any lawful directions given by any authorised employee; or
- (vi) save with the express permission of the General Manager, hawks, sells or exposes for sale any article, or touts, or importunes any person or applies for or solicits custom of any description; or
- (vii) smokes in any part of such premises, ship or vehicle bearing a notice that smoking is not permitted in that part;
- (c) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation or character upon any premises of the Authority, or upon any ship or vehicle used by or for the purposes of the Authority;
- (d) defaces the writing on any board or any notice authorised to be maintained upon any premises of the Authority, or upon any ship or vehicle used by or for the purposes of the Authority;
- (e) damages or without lawful excuse interferes with any property of the Authority;
- (f) without lawful excuse does any act which obstructs, or is likely to obstruct, the free navigation of any harbour or the use of any wharf or dock therein;
- (g) being a driver or conductor of any vehicle, disobeys while upon premises of the Authority any reasonable directions given by any authorised employee or constable;
- (h) fails to deliver at the earliest possible opportunity to any authorised employee any property, which there is reason to believe has been lost or forgotten, found on any premises of the Authority, or on any ship or vehicle used by or for the purposes of the Authority;
- (i) wilfully obstructs or impedes any other person in the discharge of his duties arising out of his employment in or for the purposes of the Authority;
- (j) gives or offers to any other person money or money's worth for the purpose of avoiding payment of any sum due to the Authority; or
- (k) unlawfully removes any property of the Authority;

is liable on summary conviction to a fine of seven hundred and fifty dollars and to imprisonment for three months.

71. Any master, owner or agent who produces any document or gives any information which is false in any material particular is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for three months.

Offences by
Masters.

72. (1) Any person who commits any offence mentioned in section 66, 68 or 70, may be arrested without warrant by any authorised employee or by a constable.

Power of arrest
or removal.

(2) Any person who commits any offence against this Act or any regulations made thereunder other than an offence mentioned in subsection (1), may be arrested without warrant by any authorised employee or by a constable if—

- (a) there is reason to believe that such person will abscond;
- (b) he refuses on demand to give his name and address; or
- (c) there is reason to believe that the name or address given by him is incorrect.

However, where there is reason to believe that such person will abscond, he shall, if his true name and address are ascertained, be released on his executing a bond without sureties for his appearance before a magistrate when required.

(3) Any person who commits any of the offences set out in section 70 may be required by any authorised employee or constable to leave the premises, ship or vehicle, as the case may be, in which such person is at the time of the commission of the offence; and if such person fails to comply with such requirement he may be removed therefrom with such force as may be reasonably necessary in the circumstances.

73. (1) Any person charged with any offence against this Act, other than an offence mentioned in section 70, may be proceeded against, tried and punished in any place in which he may be in custody for that offence as if the offence had been committed in such place; and the offence shall, for all purposes incidental to, or consequent upon, the prosecution, trial or punishment thereof, be deemed to have been committed in that place.

Place of trial.

(2) Nothing contained in this Act shall preclude the prosecution, trial and punishment of such person in any place in which, but for the provisions of this section, such person might have been prosecuted, tried and punished.

Power of Authority to confer powers of police on employees.

74. The Authority may, by notice in writing, authorise any employee to maintain order upon any premises used by or for the purposes of the Authority, or in any port, ship or vehicle used by or for the purposes of the Authority, and any employee so authorised shall, in the performance of such duty, have all the powers, rights, privileges and protection of a constable.

PART XI

REGULATIONS, REPEAL, COMMENCEMENT, ETC.

Regulations.

75. (1) The Authority may make regulations for the fixing of the rates of dues and other charges for or in connection with the carriage, storage or warehousing of goods by means of the Authority, or any other service or facility performed or provided by means of the Authority and for the fixing of the rates of ships' dues, wharfage charges, fees, dues and charges, and for the payment, exemption from payment, refund or remission thereof; and such regulations may fix different rates of dues, or charges, or fees for different classes of goods, or for different ships or classes of ships or in relation to different circumstances or conditions.

(2) In the making of regulations in respect of the matters specified in subsection (1), the Authority shall ensure that the rates fixed thereby are adequate to provide sufficient revenue—

- (a) to cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;
- (b) to meet periodic repayments on long-term indebtedness to the extent that any such repayments exceed the provisions for depreciation;
- (c) to create reserves to finance a reasonable part of the cost of future expansion.

(3) The Authority with the approval of the President may make regulations generally with respect to the services performed and the facilities provided by means of the Authority, generally for the maintenance of order on any premises used by or for the purposes of the Authority, or in any harbour, ship or vehicle used by or for the purpose of the Authority and, without prejudice to the generality of the foregoing, may—

- (a) make regulations with respect to—
 - (i) the collection, receipt, storage, conditions of carriage, storage or warehousing and delivery of goods or any class of goods to or by means of the Authority, and the disposal of perishable or unclaimed goods;

- (ii) the prohibition of smoking in any portion of any such premises, ship or vehicles;
 - (iii) the proper control and management of foreshores, harbours and the entrances thereof, the prevention and removal of obstructions therein, and the regulation of any work, service or facility performed or provided there;
 - (iv) the control of all persons and vehicles on any such premises, the maintenance of order thereon and the admission or exclusion of persons therefrom, and the charges, if any, to be made for such admission;
 - (v) the protection of ships and cargoes, and the removal, destruction, sale or abandonment of stranded ships and their cargoes and appurtenances which obstruct or are likely to obstruct the fairway of any harbour, the payment of expenses in connection therewith, and the levy and recovery of a rent for the right of a hulk or wreck or wreckage to lie in any harbour;
 - (vi) the licensing of porters, landing agents, stevedores, forwarding agents, shipping agents, baggage and parcel agents, and contractors for the supply of water or ballast, or other persons concerned in harbour work;
 - (vii) the defining of dangerous or offensive goods and the conditions under which they may be carried, stored or warehoused;
 - (viii) the sale of any article on any premises occupied for the purposes of the Authority;
 - (ix) any matter required by this Act to be prescribed;
- (b) subject to the provisions of any law relating to merchant shipping, make regulations with respect to the taking of measures for the prevention of ships from leaving any harbour if overloaded, improperly loaded, improperly found, insufficiently manned or without qualified officers or engineers or with a number of passengers in excess of the number that can be carried with reasonable safety, or if otherwise unseaworthy.

(4) The power of the Authority to make regulations under this section in relation to any matter, shall not be construed as derogating from any other powers conferred upon the Authority or upon the General Manager under this Act to make provisions in relation to any such matter in any different manner.

(5) Regulations made under this section may provide that any breach or contravention of any regulation is punished by the imposition of a fine of one thousand five hundred dollars and to imprisonment for three months.

(6) All regulations made under subsection (3) shall be laid before both Houses of Parliament and shall be subject to negative resolution of the House of Representatives.

Repeal and saving.

76. (1) Subject to this section the Port Services (Dues, Charges and Management) Ordinance is hereby repealed.

Ch. 18, No. 2.
(1950 Ed.).

(2) Sections 3 to 8 inclusive of the Port Services (Dues, Charges and Management) Ordinance and the bye-laws made under section 22 of that Ordinance shall remain in force and shall continue to have effect until amended or revoked or until other provisions are substituted therefor by regulations made under this Act.

Saving of rights and powers of the Harbour Master.

77. Nothing in this Act shall be construed as derogating in any way from any rights or powers conferred on the Harbour Master by any law for the time being in force in Trinidad and Tobago.

Section 54.
[8 of 1971
2 of 1975].

FIRST SCHEDULE

BOUNDARIES OF THE PORT AUTHORITY OF TRINIDAD AND TOBAGO

Port of Port-of-Spain

1. LAND

All that portion of land containing approximately 350 acres bounded on the West by the *eastern* bank of the Maraval River and on the North commencing at a point on the *eastern* bank of the Maraval River by the *southern* edge of Wrightson Road

Extension as shown in the National Transportation Plan (1967) as prepared in the Report by C. C. Parker & Parsons, Brinckerhoff, Ltd., and the *southern* edge of the existing section of Wrightson Road including those areas now occupied by the State and the former Pumping Station but excluding the areas allocated to the John S. Donaldson Technical Institute, the area of the Caribbean Medical Centre, the Licensing Office and those holdings *East* of the Licensing Office to the *eastern* boundary of the General Post Office and then by a line crossing the *eastern* end of Dock Road and continuing along the *south-western* edge of Wrightson Road then in a *south-easterly* direction diverting to the *southern* edge of the Beetham Highway and continuing in an *easterly* direction up to the *western* edge of Pioneer Drive at West Sea Lots along Pioneer Drive, thence *South-West* along the *northern* edge of Concession Drive up to a point where the *northern* edge of Concession Drive produced meets the water edge just North of the Percival Bain Wharf and on the East by a line in a *southerly* direction and on the South by the Sea.

Also that portion of land at the *East* I.D.C. Sea Lots Estate bounded on the West by the *eastern* bank of the St. Ann's Dry River on the North by the *southern* boundary of the I.D.C. Lot, (which lies *South* of the Beetham Highway between the Dry River and Trinidad Warehouses Ltd.) and then by the *southern* boundary of the Trinidad Warehouses Ltd. and then by a line in a *southerly* direction along the *western* boundary of the I.D.C. East Sea Lots Estate to the *northern* edge of Production Avenue and then by the *northern* edge of Production Avenue to the *southern* edge of Development Circular Road and then by the *southern* edge of Development Circular Road in a *north-easterly* direction and the *southern* edge of the Beetham Highway immediately *East* of the Flyover Roundabout on the South by the W.A.S.A. outfall Drain and Sea, on the East by the *western* boundary of the W.A.S.A. Pump House and then by the *southern* boundary of the East Pump House and then by the *western* edge of the W.A.S.A. road (approximately 3,800 ft.) which runs in a *south-easterly* direction from the W.A.S.A. Pump House to the W.A.S.A. settling tanks.

Also the block of land bounded by lower Edward Street on the East and immediately North of Wrightson Road and immediately South of Independence Square except for that area now occupied by Textel Limited. The block includes the area occupied by the Mariners' Club and the Immigration Office.

These areas are more particularly shown on plans signed by the Director of Surveys and filed in the vault of the Survey Department, Red House, as A.M.11.

2. SEA

All that area of sea from the *eastern* bank of the mouth of the Maraval River to the East of a line bearing $61^{\circ} 15'$ from sea and parallel to the centre line of the Grier Channel and *Seaward* to a distance of 2.96 nautical miles to the Geographical position Lat. N $10^{\circ} 38' 2''$ Long. W $61^{\circ} 34' 51''$ and thence in a *south-easterly* direction to Lat. N. $10^{\circ} 36' 24''$ Long. W. $61^{\circ} 32' 30''$ thence due East to the Low Water Mark, on the East by the Low Water Mark of the Coastline in the area of the Caroni Swamp and Sea Lots and on the North by the Low Water Mark of port and I.D.C. lands.

These areas are more particularly shown on plans signed by the Director of Surveys and filed in the vault of the Survey Department, Red House, as A.M. 10.

Section 54.

SECOND SCHEDULE

PORT OF SCARBOROUGH, TOBAGO

(i) All those lands bounded on the North by the Southern edge of Milford Road, on the South by the Sea, on the East by the centre line of the Cook's River, on the West by a line drawn through the existing leading lights;

(ii) All the portion of Rockly Bay, i.e., the area of sea within a radius of half a nautical mile from the South-western corner of the Custom House.

These areas are more particularly shown on plans signed by the Director of Surveys and filed in the vault of the Survey Department, Red House, as R.D. 23.

Section 55(1).
[2 of 1975].

THIRD SCHEDULE

All that portion of land bounded on the North by Independence Square South, on the East by lower St. Vincent Street, on the West by lower Edward Street and on the South by Wrightson Road.

The said portion of land is more particularly shown on plans signed by the Director of Surveys and filed in the Vault of the Survey Department, Red House, as A.M.11.

SUBSIDIARY LEGISLATION

**THE GOVERNMENT SHIPPING SERVICE
(PASSENGER AND FREIGHT RATES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Passenger rates on coastal steamers.
3. Freight rates for motor vehicles and trailers.
4. Commencement.

[Subsidiary] *The Government Shipping Service (Passenger and Freight Rates) Regulations*

10/1984.

**THE GOVERNMENT SHIPPING SERVICE
(PASSENGER AND FREIGHT RATES)
REGULATIONS**

made under section 61(2)

Citation.

1. These Regulations may be cited as the Government Shipping Service (Passenger and Freight Rates) Regulations, 1984.

Passenger rates on coastal steamers.

2. Passenger rates on the Government Shipping Service (hereinafter referred to as "the service") are as follows:

- (a) Tourist Class—\$13.00 one way: \$26.00 return;
- (b) Cabin Class—\$20.00 one way: \$40.00 return.

The rates for children 3–12 years old are 50 per cent of the rates set out above; children under the age of three years travel free.

Freight rates for motor vehicles and trailers.

3. Freight rates on the service for motor vehicles and trailers are as follows:

Motor vehicles or trailers under			
2,000 lb.	\$25.00
2,000 to 3,000 lb.		...	\$50.00
over 3,000 to 4,000 lb.		...	\$60.00
over 4,000 to 8,000 lb.		...	\$100.00
over 8,000 to 10,000 lb.		...	\$150.00
over 10,000 lb.	\$150.00 plus
			\$10.00 for
			every additional
			500 lb. or
			part there-
			of.

Freight rates on goods vehicles are calculated on the tare weight when the vehicle is unloaded and on the gross weight when the vehicle is loaded, whether fully or not.

Commencement.

4. These Regulations come into operation on the 12th day of January, 1984.