



TRINIDAD AND TOBAGO

No. 39—1961

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

23rd October, 1961.

AN ORDINANCE 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.

[On Proclamation]

Commencement.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Port Authority Ordinance, 1961.

Interpretation.

2. In this Ordinance—

“Accountant” means the person appointed by the Authority under section 16 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 the Territory 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 73;

“dues and charges” includes harbour dues, wharf dues, basin dues and all sums which may, under the provisions of this Ordinance or any regulations made thereunder, be levied for or in respect of the carriage, storage or warehousing of goods by means of the Authority or 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 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 the Island of Trinidad and the port of Scarborough in the Island of 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 52, 53 and 54 in the Authority, and includes any port and harbour when such port and harbour is vested by section 55 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;
- “Minister” means the member of the Cabinet charged with the administration of the subject of external communications;
- “offensive goods” means goods defined as such by regulations made under section 73;
- “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, poultry, game, butter, eggs, milk, cheese, plants, small animals and any other thing which the Authority may prescribe;
- “port of Port-of-Spain” means the port within the limits described in the First Schedule;
- “port of Scarborough” means the port of Scarborough in the Island of Tobago within the limits described in the Second Schedule;
- “tariff book” means the tariff book prepared and published under the provisions of section 41;
- “Territory” means Trinidad and Tobago;

“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) A reference in this Ordinance to a Part or section or Schedule shall, unless the contrary intention appears, be read as a reference to a Part or section or Schedule of this Ordinance; and a reference in this Ordinance to a subsection, paragraph or sub-paragraph shall, unless the contrary intention appears, be read as a reference to a subsection, paragraph or sub-paragraph of the section, subsection or paragraph, as the case may be, in which the reference appears.

(3) In this Ordinance and in all documents issued under this Ordinance, unless the context otherwise requires, the expression:—

- (a) “accepted by the Authority” subject to the provisions of any regulations made under this Ordinance, means accepted by an authorised employee in the course of his duty for carriage, storage or warehousing in accordance with the provisions of this Ordinance or any regulations made thereunder;
- (b) “delivered to the Authority”, subject to the provisions of any regulations made under this Ordinance, means delivered to an authorised employee in the course of his duty under this Ordinance or any regulations made thereunder;
- (c) “the possession of the Authority”, subject to the provisions of any regulations made under this Ordinance, means the possession of any authorised employee in the course of his duty under this Ordinance or any regulations made thereunder;
- (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 Ordinance or any regulations made thereunder.

PART II

PORT AUTHORITY

3. (1) There shall be established for the purpose of this Ordinance a body to be called the Port Authority of Trinidad and Tobago.

Establishment
and constitu-
tion of
Authority.

(2) The Authority shall consist of five persons to be designated Commissioners, appointed by the Governor in Council from amongst persons appearing to him to be qualified by reason of having had experience of and shown capacity in matters relating to trade, law, finance, science, administration or labour relations.

(3) The Governor in Council 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 the provisions of subsections (6) and (7), be for such period, being not less than two years nor more than five years, as the Governor in Council shall specify at the time of the appointment, but any Commissioner shall be eligible for re-appointment.

(5) The Governor in Council may appoint any person appearing to him to have the qualifications necessary for appointment under the provisions of subsection (2) as a Commissioner to act temporarily in the place of any Commissioner who may be absent or unable to act.

(6) 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.

(7) The Governor in Council may at any time revoke the appointment of any Commissioner if he thinks it expedient so to do.

(8) 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 *Royal Gazette*.

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

Incorporation.

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.

(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.

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, shall preside at all meetings of the Authority.

(4) The chairman, or in his absence the deputy chairman, and two other Commissioners form a quorum.

(5) The decisions of the Authority shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal the chairman or deputy chairman presiding at the meeting shall have a casting vote.

(6) 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.

(7) 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.

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

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 Ordinance.

(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 the provisions of subsection (7) of section 5, the Authority may with the approval of the Governor in Council 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 the provisions of this Ordinance 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—

(a) to develop the harbours of the Territory described in the First and Second Schedules and such other harbours as may from time to time be vested in the Authority under section 55;

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

Functions of
Authority.

- (c) to operate the Government Shipping Service between the Islands of Trinidad and Tobago in accordance with the provisions of Part IX;
- (d) to collect the dues and charges authorised by this Ordinance or by any regulations made thereunder; and
- (e) generally to be responsible for the carrying out of the provisions of this Ordinance.

(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 said 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 the provisions of this Ordinance 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. No act done or proceeding taken under this Ordinance 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 12, or
- (c) of any omission, defect or irregularity not affecting the merits of the case.

11. A Commissioner is not personally liable in respect of anything done or suffered in good faith under this Ordinance, 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 Ordinance into effect shall be paid out of the funds and resources of the Authority.

Protection of
Commissioners
of Authority.

Declaration
of interest.

12. (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.

(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.

Remuneration
of
Commissioners.

13. The Authority shall pay to each Commissioner, in respect of his office, such, if any, remuneration as the Governor in Council 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 to which he may be entitled in respect of his office as a Commissioner as may be so determined.

Policy
directions.

14. (1) The Governor in Council 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 Ordinance in relation to matters that appear to the Governor in Council to affect the public interests of the Territory.

(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.

15. 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.

16. The Authority may appoint, subject to subsection (1) of section 17, a General Manager, 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 Ordinance.

Staff of
Authority.

17. (1) On the commencement of this Ordinance, 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,

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 16 to fill the vacancy.

18. Notwithstanding anything contained in this Ordinance or any other law, the persons to whom subsection (1) of section 17 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 Department of Dredging and Towing Service of Harbour Master's Department, and Coastal Steamers Service.

- (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 Ordinance;
- (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 Ordinance; and
- (c) if he so desires, to have the proceedings in the matter referred for the consideration of the Governor who may make such order in the matter as to him shall seem fit.

19. (1) There is preserved to the staff of the Authority to whom subsection (1) of section 17 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 Governor 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 the public funds of the Territory;
- (b) the Authority shall pay from its funds to the Government such contributions as may be provided for in rules made by the Governor in Council, and any such rules may make different provisions in different classes of cases.

Establishment and maintenance of superannuation schemes.

20. The Authority may, with the approval of and subject to such terms and conditions as may be imposed by the Governor in Council, 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.

Authority to consult appropriate organisation.

21. 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 Ordinance.

Responsibility of certain officers.

22. 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

Power to borrow or raise capital.

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

- (a) the provision of working capital;

- (b) the fulfilling of the functions of the Authority under this Ordinance;
- (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 Ordinance.

24. (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 Ordinance, but notice of any such advance shall be given by the Minister to both Chambers of the Legislature.

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 Territory.

(3) Pending the raising of any such loan, the Minister by warrant under his hand may authorise the Accountant General to make advances out of the revenues of the Territory to the Authority in such sums and on such terms and conditions as the Minister may think fit for the purposes authorised by this Ordinance.

(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 member of the Cabinet for the time being charged with the administration of the subject of finance.

25. (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 authorized by this Ordinance, 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.

26. 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 Governor in Council for investment by the Authority.

Dues, etc.
chargeable
by the
Authority.

27. 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 73.

Accounting of
Authority.

28. (1) All decisions, orders, rules and regulations relating to the financial operations of the Authority and authorised by this Ordinance 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 36 of the Exchequer and Audit Ordinance, 1959, 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 the Legislature 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 Governor in Council shall cause copies of such budgets to be laid on the table of each Chamber of the Legislature.

(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 Governor in Council, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority. The Governor in Council shall cause a copy of every statement and report to be laid on the table of each Chamber of the Legislature.

(6) Notwithstanding any power of the Authority conferred by this Ordinance, 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 Territory of Trinidad and Tobago or that will require a longer period than one year to complete, the Authority shall obtain the approval of the Governor in Council thereto before incurring any liability in respect thereof.

29. (1) All moneys of the Authority accruing from its operations under this Ordinance 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 30 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 30, 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.

Rules.

30. 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.

31. (1) The Authority shall as soon as practicable after the end of each financial year of the Authority, make and transmit to the Governor in Council 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 Governor in Council may from time to time direct.

(2) The Governor in Council shall cause a copy of every such report to be laid on the table of each Chamber of the Legislature.

Non-applica-
tion of
Ord. 20—1959.

32. Notwithstanding section 37 of the Exchequer and Audit Ordinance, 1959 sections 38, 39, subsection (1) of section 41, sections 42 and 43 of that Ordinance do not apply to the Authority.

33. (1) Notwithstanding anything in any other Ordinance contained, all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into the Territory by the Authority for the purpose of carrying out its functions under this Ordinance 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.

34. (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.

(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 Central Water Distribution Authority established under section 3 of the Central Water Distribution Authority Ordinance.

Ch. 37. No. 1.

PART IV

RESPONSIBILITY OF THE AUTHORITY AS A WAREHOUSEMAN

35. (1) Subject to the provisions of this Ordinance or of any regulations made thereunder 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 the Queen's enemies;
- (c) arrest or restraint of princes or rulers, or seizure under legal process;
- (d) act or order of the Government of the West Indies Federation;
- (e) act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person;
- (f) fire, flood, hurricane, tempest, earthquake, riot, civil commotion, strike, lock-out, stoppage or restraint of labour from whatever cause, whether partial or general;
- (g) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;
- (h) deficiency in the contents of unbroken packages;
- (i) 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 36 applies.

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

36. 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 subsection (4) of section 38, 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 shall be the less.

Burden of
proof.

37. 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

38. (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.

Description,
etc., of goods
to be
delivered.

(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, in respect thereof 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.

39. (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
- (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 thereof the expenses of such sale shall pay the balance thereof, if any, into the funds of the Authority; but no imported goods shall be sold under this section until they shall have been entered for home consumption in accordance with the provisions of the laws of the Territory relating to customs.

Dangerous or
offensive
goods, etc.

40. (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 Ordinance.

(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 the provisions 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 Her Majesty's Government, the Government of the West Indies Federation or the Government of this Territory;

(b) to any goods carried by any member of Her Majesty's armed forces, by any member of any force established for the defence of the Territory or of the West Indies Federation or by any constable in the course of his duty.

PART VI

GENERAL

41. The Authority shall cause to be prepared and published Tariff Book. in such manner as it may think fit—

(a) a tariff book containing all matters which under this Ordinance or any regulations made thereunder 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 Ordinance or any regulations made thereunder are required to be kept.

PART VII

EMBARKATION AND DISEMBARKATION OF PASSENGERS AND GOODS

42. (1) Subject to the provisions of 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.

43. 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.

44. (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 Ordinance.

(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.

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

(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.

46. 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—

- (a) from the Harbour Master a certificate issued under section 27 of the Harbours Ordinance; and
- (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 Ordinance or any regulations made thereunder have been paid or secured to the satisfaction of the authorised employee;
 - (ii) he has complied with the provisions of this Ordinance and of any regulations made thereunder.

Master required to obtain certificate of Harbour Master and authorised employee before requesting outward clearance from the Customs.
Ch. 18. No. 1.

47. (1) An authorised employee—

- (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 Ordinance or any regulations made thereunder or if he has reasonable grounds for believing that an offence against this Ordinance or any regulations made thereunder 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.

Power of authorised employee with respect to wrecks, etc.

(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 in respect thereof shall have been paid.

(3) Where any wreck or other thing is removed under the provisions of 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 in respect thereof 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.

48. (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
- (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;
- (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 Ordinance or any regulations made thereunder 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 Ordinance or any regulations made thereunder, 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).

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

50. The master of a ship is responsible for the compliance in respect of such ship with the provisions of this Ordinance and any regulations made thereunder and, in the event of a contravention thereof, he may be proceeded against and held liable for the contravention. Master responsible for contravention of Ordinance, etc.

51. 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 Ordinance and of any other Ordinance or any regulations relating to harbours, quarantine and matters incidental thereto. Delivery to masters of copy of Ordinance.

PART VIII

VESTING OF CERTAIN PROPERTY RIGHTS AND LIABILITIES IN THE AUTHORITY

52. (1) On the commencement of this Ordinance all lands, buildings, installations, equipment and all other forms of property, whether real or personal, and all interests therein, of whatsoever nature, belonging to the Crown in the port of Port-of-Spain and used exclusively for the purposes of the Port Services Department including the area known as King's Wharf Extension become, subject to the provisions of section 56, vested in the Authority. Vesting of certain property rights and liabilities in the Authority.

(2) If any question shall arise under subsection (1) whether any land, building, installation or equipment was used exclusively for purposes of the Port Services Department, a certificate under the hand of the Minister shall be conclusive.

53. On the commencement of this Ordinance all lands, buildings, installations, equipment and all other forms of property whether real or personal and all interest therein of whatsoever nature belonging to the Crown in the port of Scarborough vest in the Authority. Port of Scarborough.

Transitional provisions.

54. (1) The Governor in Council may, with the approval of both Chambers of the Legislature, 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 Ordinance 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 Ordinance, the Governor in Council may, with the approval of both Chambers of the Legislature, 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 Ordinance from the provisions of the Port Services (Dues, Charges and Management) Ordinance.

Ch. 18. No. 2.

(3) The Governor in Council shall not exercise the powers conferred by subsection (2) after the expiration of twelve months from the coming into force of this Ordinance.

(4) In the construction and for the purposes of any Ordinance, 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 Ordinance, 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 Ordinance 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 Ordinance, 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 Crown 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 whatsoever 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.

55. The Governor in Council may from time to time by order published in the *Royal Gazette* vest in the Authority any port and harbour in the Territory. Vesting of other ports and harbours in Authority.

56. The Governor in Council may from time to time by order published in the *Royal Gazette* make such provisions as he may consider necessary to safeguard the interests of the Crown 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 Crown and other persons.

57. (1) The tugs, motor launches, boats, lighters, trucks, trollies, 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 34.

PART IX

GOVERNMENT SHIPPING SERVICE

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

59. (1) The Authority shall operate the Government Shipping Service, in this Part referred to as "the service", as the agent of the Government of Trinidad and Tobago, and subject to such regulations as may be made by the Governor in Council 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 Governor in Council.

Authority not to subsidise service.

60. 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.

61. 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.

62. 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.

63. 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 Governor in Council, 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 Governor in Council may determine.

PART X

OFFENCES

Damaging property in a manner likely to endanger life.

64. 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 guilty of an offence and liable on conviction therefor on indictment to imprisonment for a term of ten years.

False returns.

65. 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 Ordinance or any regulations thereunder, is guilty of an offence and liable on summary conviction therefor to a fine of two thousand five hundred dollars or to imprisonment for a term of two years, or to both such fine and such imprisonment.

66. 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—

Endangering
safety of
operations.

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

is guilty of an offence and liable on summary conviction therefor to a fine not exceeding one thousand dollars or to imprisonment for a term of six months, or to both such fine and such imprisonment.

67. 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 guilty of an offence and liable on summary conviction therefor to a fine of five hundred dollars or to imprisonment for a term of three months or to both such fine and such imprisonment.

Fraudulently
demanding
improper
amount.

68. 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

Miscellaneous
summary
offences.

- (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
 - (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;
- (k) unlawfully removes any property of the Authority;

is guilty of an offence and liable on summary conviction therefor to a fine of two hundred dollars or to imprisonment for a term of three months, or to both such fine and such imprisonment.

69. Any master, owner or agent who produces any document or gives any information which is false in any material particular, is guilty of an offence and liable on summary conviction therefor to a fine of two hundred and fifty dollars or to imprisonment for a term of three months. Offences by Masters.

70. (1) Any person who commits any offence mentioned in section 64, 66 or 68, 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 Ordinance 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; or
- (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 :

Provided that, save 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 68, 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.

Place of
trial.

71. (1) Any person charged with any offence against this Ordinance, other than an offence mentioned in section 68, 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.

(2) Nothing contained in this Ordinance 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.

72. 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.

73. (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 Governor in Council 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 thereat;
- (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 Ordinance 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 Ordinance or any regulations made thereunder 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 five hundred dollars or of a term of imprisonment of three months or of both such fine and such imprisonment.

(6) All regulations made under subsection (3) shall be laid before both Chambers of the Legislature as soon as may be after they are made, and if within the period of forty days beginning with the day on which such regulations are so laid before it, the House of Representatives resolve that the regulations be annulled, they shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

Repeal and
saving.

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

Ch. 18. No. 2.

(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 the provisions of this Ordinance.

75. Nothing in this Ordinance 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 the Territory.

Saving of rights and powers of the Harbour Master.

76. This Ordinance shall come into force on a day to be appointed by the Governor by proclamation published in the *Royal Gazette*.

Commencement.

FIRST SCHEDULE

PORT OF PORT-OF-SPAIN

(i) All that portion of land containing approximately 170 acres bounded on the North by the Southern edge of the proposed extension of Wrightson Road, the Western and Southern boundaries of the Pumping Station, and thence along the Southern edge of the existing portion of Wrightson Road excluding that area allocated to the Technical College now under construction, that area of the Caribbean Medical Centre, the Licensing Office and those other areas of Private Holdings east of the Licensing Office to the eastern boundary of Trinidad and Tobago Electricity Commission and from thence along the western edge of drain No. 7 and along the Southern boundaries of the premises of the Seamen and Waterfront Workers Trade Union, the Marine Police, the Fire Service and the General Post Office, and thence along the eastern boundary of the General Post Office up to its intersection with the south edge of Wrightson Road thence in a south-easterly direction diverting to the south edge of the Beetham Highway to a point where the West edge of Charlotte Street produced intersects the Wharf in the vicinity of the old Petroleum Jetty bounded on the South and East by this intersection and the sea and on the West by a line parallel to the existing western boundary fence of King's Wharf Extension at a distance of 1,650 feet West of this fence and where this line intersects the foreshore is hereinafter called the south-western limit;

(ii) All that area of sea from the south-western limit to the east of a line bearing $61^{\circ} .15'$ from sea and parallel to the centre line of the dredged channel and seaward to a distance of 3 nautical miles to the Geographical position Lat.: N. $10^{\circ} .37' 54''$ W. $61^{\circ} .34' 40''$ 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 and bounded on the East by the Low Water Mark up to a point where a line drawn due West intersects the Seheult Beacon also known as the Caroni Beacon from thence to a point where the Western edge of Charlotte Street produced intersects the Wharf as described in paragraph (i) of this Schedule.

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 XF. 56.

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.

Passed in Council this nineteenth day of September, in the year of Our Lord one thousand nine hundred and sixty-one.

J. P. OTTLEY

Acting Clerk of the Council