

THE MONGLA PORT AUTHORITY ORDINANCE, 1976

ORDINANCE NO. LIII OF 1976

[7th July, 1976]

An Ordinance to provide for the establishment of the Mongla Port Authority.*

WHEREAS it is expedient to provide for the establishment of an Authority for the management, maintenance and development of Mongla Port and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the Mongla Port Authority Ordinance, 1976. Short title and commencement

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

2. In this Ordinance, unless there is anything repugnant in the subject or context,- Definitions

- (a) "Authority" means the Mongla Port Authority established under section 4;
- (b) "Board" means the Board of the Authority constituted under section 6;
- (c) "Chairman" means the Chairman of the Board;
- (d) "dock" includes basins, locks, cuts, quays, wharves, warehouses, railways and other works and things appertaining to any dock;

* Throughout the Ordinance except in section 53 the words "Mongla Port" were substituted for the words "Port of Chalna" by section 2 of the Port of Chalna Authority (Amendment) Act, 1987 (Act No. I of 1987).

- ¹[(e) “goods” includes wares, merchandise and container of every description;]
- (f) “high water-mark” means a line drawn through the highest points reached by ordinary spring tides at any season of the year;
- (g) “land” includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth and the foreshore and the bed of the river below high water-mark;
- (h) “master”, when used in relation to any vessel, means any person, not being a pilot or harbour master, having for the time being command or charge of such vessel;
- (i) “member” means a member of the Board;
- (j) “owner”, when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, shipping, clearing or removing such goods, and when used in relation to any vessel, includes any part owner, charterer, consignee or mortgagee in possession thereof;
- (k) “pier” includes any stage, stairs, landing place, jetty, floating barge or pontoon and any bridge or other work connected therewith;
- (l) “Port” means the Mongla Port as for the time being defined for the purposes of this Ordinance;
- (m) “prescribed” means prescribed by rules;
- (n) “Regulations” means regulations made under this Ordinance;
- (o) “rules” means rules made under this Ordinance;
- (p) “vessel” includes any ship, barge, boat, raft or craft, or any other thing whatever, designed or used for the transport by water or passenger or goods;
- (q) “wharf” includes any bank of the river which may be improved to facilitate the loading or unloading of goods, and any foreshore used for the same, and any wall enclosing or adjoining such bank or foreshore.

¹ Clause (e) was substituted by section 2 of the Mongla Port Authority (Amendment) Act, 1995 (Act No. XX of 1995).

3. (1) The Government may, by notification in the *official Gazette*, define the limits of Mongla Port for the purposes of this Ordinance; and may, from time to time, by a like notification, alter such limits.

Declaration of limits of Port

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

CHAPTER II

ESTABLISHMENT OF THE AUTHORITY

4. (1) With effect from such date as the Government may, by notification in the *official Gazette*, appoint, there shall be established an Authority for Mongla Port to be called the Mongla Port Authority for carrying out the purposes of this Ordinance.

Establishment of the Authority

(2) The Authority shall be a body corporate, having perpetual succession, and a common seal, with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of ²[by lien, mortgage, sale, alienation or otherwise] property, both movable and immovable, and shall by the said name sue and be sued.

5. (1) The general direction and management of the Authority and its affairs shall vest in a Board which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

Management

(2) The Board in discharging its functions shall be guided on questions of policy by such directions as may be given to it, from time to time, by the Government.

¹ Sub-section (2) was substituted by section 3 of the Mongla Port Authority (Amendment) Act, 1995 (Act No. XX of 1995).

² The commas and the words “by lien, mortgage, sale, alienation or otherwise” were inserted by section 4 of the Mongla Port Authority (Amendment) Act, 1995 (Act No. XX of 1995).