

PORT DUES REVISION ORDINANCE, 1921.⁽¹⁾

No. 13 of 1921.

An Ordinance to provide for the Payment of Port Dues and Wharfage Rates.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Port Dues Revision Ordinance, 1921.*⁽¹⁾ Citation.

2. *The Port Dues Revision Ordinance of 1907 (No. 3 of 1908)* Repeal.
and the *Port Dues Revision Ordinance, 1916, (No. 6 of 1916)* are hereby repealed except as to anything done before the commencement of this Ordinance and except as far as relates to any arrears of dues or rates and except so far as may be necessary for the purpose of supporting or continuing any proceedings heretofore taken or to be taken after the commencement of this Ordinance and except as to the recovery or application of any penalty for any offence which shall have been committed or any forfeiture which shall have been incurred before the commencement of this Ordinance. Saving.

3. This Ordinance shall apply only to such ports as may be by notice⁽²⁾ in the *Gazette* declared ports within the meaning of the Ordinance. Such ports are called "Proclaimed Ports." Ordinance to apply to "Proclaimed Ports." Cf. Pap. No. 3 of 1908, s. 1.

4. Every vessel arriving at a proclaimed port shall if her first port of clearance or final port of destination is not in Papua or if her first port of clearance or final port of destination is in Papua but shall during any voyage call at any port not in Papua pay port dues and wharfage rates at such rate as the Lieutenant- Port dues and wharfage rates may be imposed. Pap. No. 6 of 1916, s. 2.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
22.9.1921	1.2.1922	22.9.1921 (<i>Ordinances etc. of Papua, 1921, p. 37</i>)

(2) An Order in Council dated 11.11.1921 and published in *Papua Govt. Gaz.* of 7.12.1921, declaring ports to be Proclaimed Ports and fixing wharfage rates, is printed on p. 4153. The Order in Council has been amended by four Orders in Council dated respectively 29.8.1927, 30.6.1931, 7.11.1932 and 28.7.1933 and published respectively in *Papua Govt. Gaz.* of 7.9.1927, 1.7.1931, 7.12.1932 and 2.8.1933 and is printed in its amended form.

SHIPPING—

Governor in Council⁽³⁾ may from time to time determine. The rate so determined shall be declared by notice⁽²⁾ in the *Gazette*. Wharfage rates shall only be payable at a port in which a wharf which is the property of the Crown exists for the convenience of shipping.

To whom dues
are payable.

Cf. Pap. No. 3
of 1908, s. 3.

5. Dues payable under this Ordinance shall be paid to the principal officer of customs at the port where they are levied or if there is no officer of customs then to a Resident Magistrate or an Assistant Resident Magistrate.

Persons liable
for dues.

Pap. *Ib.* s. 4.

6. The following persons shall be liable to pay the dues payable by or in respect of any vessel under this Ordinance that is to say the owner and master and such consignee or agent thereof as may have paid or made himself liable to pay any other charge on account of such vessel in the port of her arrival or discharge or in the port from which she clears out.

Penalty for
evading
payment of
dues.

Pap. *Ib.* s. 5.

7. If any owner master consignee or agent as aforesaid evades the payment of any such dues he shall forfeit and pay a sum equal to the amount of the dues which he has evaded and in addition a further penalty not exceeding Twenty pounds.

Recovery of
dues and
penalties.

Pap. *Ib.* s. 6.

8. Dues and penalties may be recovered by summary procedure before any Resident Magistrate or Assistant Resident Magistrate.

Exemption of
warships, etc.

Pap. *Ib.* s. 7.

9. Public vessels of any Government are exempt from the payment of harbour dues.

(2) See footnote (2) printed on p. 4151.

(3) See Section 19 (2) of the *Ordinance Interpretation Ordinance*, 1911-1940.