

Chapter 114.
Port Charges Act 1957.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 114.

Port Charges Act 1957.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Port Charges Act 1957,

Being an Act to provide for the payment of port dues, wharfage, berthage, light dues, pilotage and storage charges.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**coastal vessel**” means a vessel declared under Section 4 to be a coastal vessel for the purposes of this Act;

“**declared port**” means a port under Section 3;

“**master**” means a person, other than a pilot, in charge or command of a vessel;

“**owner**” includes an owner, a part owner and a charterer, and an agent of any of those persons;

“**port**” means a port, harbour, haven, roadstead, channel or navigable river or creek where a vessel can ship or unship passengers or goods;

“**ton**”, in relation to goods, means at the option of the Collector of Customs, 20 hundred-weight by weight or 40 cubic feet by measurement, or a part thereof;

“**vessel**” means a ship, boat or other description of vessel used for any purpose on the sea or in navigation, but does not include—

- (a) a vessel used solely for pleasure where the net tonnage does not exceed 5 tons; or
- (b) a canoe; or
- (c) a ship of war;

“week” includes a part of a week.

2. APPLICATION.

¹The provisions of this Act relating to—

- (a) wharfage under Section 5; and
- (b) port dues under Section 8; and
- (c) berthage under Section 9; and
- (d) storage and storage charges under Section 10 or 11,

and any other provision of this Act that the Minister, by notice in the National Gazette, declares to be a provision to which this section applies do not apply to or in respect of a declared port within the meaning of the Harbours Act (Chapter 240).

3. DECLARED PORTS.

The Minister may, by notice in the National Gazette, declare a port to be a port to which this Act applies.

4. COASTAL VESSELS.

²On application by a master or owner of a vessel, the Commissioner General of Internal Revenue may declare the vessel to be a coastal vessel for the purposes of this Act.

¹ Section 2 Amended by No. 83 of 2006, Sched. 1.

² Section 4 amended by *Commissioner General of Internal Revenue (Consequential Amendments) Act 1993* (No. 1 of 1993), s11.

PART II. – CHARGES GENERALLY.

5. WHARFAGE.

(1) Subject to Subsection (2), a vessel lying in a declared port shall pay wharfage to the State in accordance with Schedule 1.

(2) Wharfage is not payable on–

- (a) coastal cargo loaded or unloaded at a wharf not owned by the State; or
- (b) overseas cargo in respect of which facilities are not provided by the State in the port in which they are loaded or unloaded.

6. LIGHT DUES.

(1) Subject to Subsection (2), a vessel entering a declared port shall pay to the State light dues at the rate of 10t per ton net register or K2.25, whichever is the greater, but no such vessel shall be liable for light dues exceeding K150.00 at any one time.

(2) A payment under Subsection (1) applies in respect of all declared ports entered within a period of three months after the date of payment.

7. PILOTAGE.

On each occasion on which a vessel takes a pilot at a port in the country, it shall pay pilotage to the State in accordance with Schedule 2.

8. PORT DUES.

(1) Subject to Subsections (2), (3), and (5), a vessel entering a declared port shall pay port dues to the State at the rate of 10t per 3 tons, or part of 3 tons gross register or K1.50, whichever is the greater.

(2) A payment under Subsection (1) applies in respect of all declared ports entered within a period of six months from the date of payment.

(3) Where a vessel arrives solely for or on account of–

- (a) effecting repairs; or
- (b) stress of weather; or
- (c) obtaining provisions or coal or oil, to enable her to continue her voyage; or
- (d) being in distress; or
- (e) obtaining medical attention for a person on board her,

or for any of those reasons, and after arrival does not–

- (f) discharge or load any cargo; or

- (g) disembark or embark any passenger other than a person referred to in Paragraph (e) and any person accompanying him and necessarily disembarked with him,

the port dues under this section are 5t per 3 gross tons or part of 3 gross tons.

(4)³ [*Repealed.*]

(5)⁴ ⁵Notwithstanding Subsection (1), where a vessel has, within the six months preceding the date of entry into a declared port, paid port dues under the Harbours Act (Chapter 240) it is not liable for any further port dues under this Act.

9. BERTHAGE.

(1) Subject to Subsections (2) and (3), a vessel that lies at or is moored to, or berthed in tier at, a Government wharf shall pay berthage to the State—

- (a) in declared ports, at the rate of K1.50 per day or 5t per 4 gross tons, or part of 4 gross tons, per day, whichever is the greater; and
- (b) in other ports and places, in the sum of K10.00 per annum for the first 100 tons gross register plus 25t per additional gross ton, with a minimum charge of K1.50 per day.

(2) Payment under Subsection (1)(a) applies in respect of all ports and places (other than declared ports) entered within a period of 12 months from the date of payment.

(3) In the calculation of days for the purposes of Subsection (1)—

- (a) a period not exceeding 6 hours shall be deemed to be a quarter of a day; and
- (b) a period exceeding 6 hours but not exceeding 12 hours shall be deemed to be a half a day; and
- (c) a period exceeding 12 hours but not exceeding 18 hours shall be deemed to be three-quarters of a day; and
- (d) a period exceeding 18 hours but not exceeding 24 hours shall be deemed to be a whole day.

³ Section 8 Subsection (4) omitted by No. 83 of 2006, Sched. 1.

⁴ Section 8 Subsection (5) amended by No. 83 of 2006, Sched. 1.

⁵ Section 8 Subsection (5) amended by No. 83 of 2006, Sched. 1.

PART III. – STORAGE OF GOODS.

10. REMOVAL OF IMPORTED GOODS, ETC.

- (1) All goods—
 - (a) imported; or
 - (b) arriving coastwise,

and landed on any Government wharf or placed in any shed on a Government wharf shall be removed within four working days for the Customs after the vessel has completed the unloading of its cargo at the wharf.

(2) Where any goods referred to in Subsection (1) are not removed from the wharf or shed within—

- (a) the time specified in that subsection; or
- (b) such further time as the Collector of Customs in a particular case allows,

the owner, importer, consignee of the goods or his agent shall, until the goods are removed, pay storage in respect of them—

- (c) for the first week, at the rate of 30t per ton; and
- (d) for every subsequent week, at a rate per ton being 8t additional to the amount per ton payable for the preceding week.

(3) Notwithstanding the preceding provisions of this section, after the end of the period referred to in Subsection (1) the Collector of Customs may, without notice to any person, remove the goods, or cause them to be removed, from the wharf or shed to a warehouse or place directed by him.

(4) The owner, importer or consignee of any goods removed under Subsection (3) shall pay all charges and expenses connected with the removal, including any warehouse rent and charges.

11. STORAGE OF GOODS FOR EXPORT.

(1) Goods intended for export may be stored in sheds provided by the State for the purpose.

(2) Subject to Subsection (3), the charge for the storage of goods referred to in Subsection (1) is 15t per ton per week.

(3) The charge for the storage of copra intended for export is 8t per ton per week.

- (4) For the purposes of this section—
 - (a) the minimum charge is the charge for one ton but after the first ton each quarter-ton or portion of a quarter-ton shall be charged as one quarter-ton; and

(b) the minimum charge is in respect of one week but after that period any part of a week not exceeding three days shall be charged as one half-week.

(5) An application for storage shall—

(a) be made in writing stating—

(i) the quantity and description of the goods requested to be stored; and

(ii) the name of the vessel concerned; and

(b) be presented to the Collector of Customs during office hours and at least two hours before the hour at which an officer is required to be in attendance for the purpose of receiving the goods.

(6) For the purposes of this Act the person making the application for storage shall be deemed to be the owner of the goods.

(7) Goods shall be stacked as required by the Collector of Customs or an officer in attendance on his behalf, and goods not properly bagged, cased or bundled will not be stored.

(8) Goods that, in the opinion of the Collector of Customs or officer in attendance on his behalf are—

(a) perishable or dangerous; or

(b) likely to cause damage to a shed or to other goods stored in the sheds,

shall not be received into the sheds.

(9) Copra in bags that are, or appear to be, wet will not be received for storage.

(10) All labour required for receiving and delivering the goods shall be provided by the owner of the goods.

(11) Goods stored remain in the shed at the risk of the owners, and the State is not liable for compensation for any loss or damage owing to fire, vermin or inevitable accident, or to any crime or misdemeanour.

(12) The Collector of Customs may detain all or any of the goods stored in a shed until all the charges on them (including storage charges incidental to the detention) have been paid or until he has received security for payment.

PART IV. – RECOVERY OF CHARGES.

12. PERSONS LIABLE.

The master and the owner of a vessel in respect of which any amounts are payable under this Act are jointly and severally liable for payment of the amounts.

13. PAYMENT OF CHARGES.

Amounts payable under this Act shall be paid—

- (a) to the principal officer of Customs at the declared port where they are levied; or
- (b) if there is no officer of Customs—
 - (i) to a District Officer; or
 - (ii)⁶ in the case of periodical amounts—to the Commissioner General of Internal Revenue.

14. REMISSION.

The Minister may in any case, for any reasons that he thinks proper, remit the whole or any part of any amount payable under this Act.

15. RECOVERY.

Any amount payable under this Act is recoverable by the State as a debt.

⁶ Section 13(b)(ii) amended by *Commissioner General of Internal Revenue (Consequential Amendments) Act 1993* (No. 1 of 1993), s12.

PART V. – MISCELLANEOUS.**16. PRODUCTION OF DOCUMENTS.**

At the request of a Collector the owner or master of a vessel shall produce any of the ship's documents for inspection.

17. EXEMPTIONS.

(1) A vessel that enters a port solely for the purpose of bringing mail under special contract with the Government is not liable for the payment of any amount under this Act in respect of the vessel.

(2) A vessel that is declared by the Head of State, acting on advice, by notice in the National Gazette to be exempt from all or any of the provisions of this Act is not liable for the payment of any amount that would, but for the exemption, have been payable under this Act in respect of that vessel.

18. PENALTY.

The master or owner of a vessel who omits or fails to pay any amount payable under this Act is guilty of an offence.

Penalty: Where the offence is committed with intent to defraud the State—a fine not exceeding K100.00 and in addition a further penalty equal to the amount of dues or rates unpaid.

In any other case—a fine not exceeding K40.00, and in addition a further penalty equal to the amount of dues or rates unpaid.

19. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

- (a) for providing for the delivery of manifests and other ship's documents to the Collector of Customs; and
- (b) for prescribing penalties of fines not exceeding K40.00 for offences against the regulations.

**SCHEDULE 1 – WHARFAGE RATES.
INWARD, TRANSHIPMENT AND OUTWARD RATES.**

Sec. 5(1).

Articles.	Inward wharfage rates on overseas cargo.	Inward wharfage rates on coastal cargo.	Transshipment rates.	Outward wharfage rates on overseas cargo.	Outward wharfage rates on coastal cargo.
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Animals—					
Horses and cattle each	30	15	15	20	20
Dogs, sheep, goats and pigs each	10	5	5	5	5
Charcoal, coal and coke per ton	15	8	8	10	10
Copra per ton	30	15	15	30	30
Fertilizers per ton	25	12	12	30	30
Fruit and vegetables, fresh, per ton	30	15	15	5	5
Iron tanks (empty) each	60	30	30	40	40
Oils, petroleum, per ton	40	20	20	20	20
Returned empties per ton	20	10	10	10	10
Road metal, sand and soil per ton	10	5	5	5	5
Timber-rough or sawn per 480 super feet	75	20	20	20	20
Ores (including crude ores) per ton	75	30	30	15	15
Goods not enumerated above (per ton by weight or per ton of 40 cubic feet measurement, whichever is the greater)	75	30	30	30	30

SCHEDULE 2 – PILOTAGE RATES.

- Sec. 7.
1. Subject to Item 3, on the arrival of a vessel, the pilotage rate is 5t per 2 tons, or part of 2 tons, net register.
- Provided that where a vessel arrives solely for or on account of any one or more of the following purposes or causes:—
- (a) pleasure; or
 - (b) calling for orders; or
 - (c) effecting repairs; or
 - (d) refitting or drydocking; or
 - (e) obtaining provisions or coal or oil, to enable her in continue her voyage; or
 - (f) stress of weather; or
 - (g) otherwise being in distress,
- and after arrival does not discharge any cargo or land any passenger, the pilotage rate is 5t per 4 tons, or part of 4 tons, net register.
2. Subject to Item 3 on the departure of a vessel, the pilotage rate is 5t per 2 tons, or part of 2 tons, net register.
- Provided that where a vessel, having arrived solely for or on account of any one or more of the purposes or causes mentioned in Item 1, whether or not having after arrival unloaded any cargo or taken on board any passenger, or where a vessel departs solely for or on account of any one or more of the purposes or causes mentioned in Item 1, and before departure does not load any cargo or take on board any passenger, the pilotage rate is 5t per 4 tons, or part of 4 tons, net register.
3. Notwithstanding anything contained in Items 1 and 2, the pilotage fees payable on a vessel on her arrival at or on her departure from a port shall be not less than K10.00 nor more than K100.00.
4. Subject to Item 5, after arrival, on the removal of a vessel from wharf to wharf or from wharf to stream or from stream to wharf, the pilotage rate is—
- (a) Where the vessel does not exceed 2,000 tons gross tonnage K10.00

(b) Where the vessel exceeds 2,000 tons gross tonnage K20.00

5. After her first three removals during any one visit to the port, on the removal of a vessel from wharf to wharf or from wharf to stream or from stream to wharf, the pilotage rate is one-half of the rates set out in the scale in Item 4.

1. Subject to Item 3, on the arrival of a vessel, the pilotage rate is 5t per 2 tons, or part of 2 tons, net register.

Provided that where a vessel arrives solely for or on account of any one or more of the following purposes or causes:-

- (a) pleasure; or
- (b) calling for orders; or
- (c) effecting repairs; or
- (d) refitting or drydocking; or
- (e) obtaining provisions or coal or oil, to enable her in continue her voyage; or
- (f) stress of weather; or
- (g) otherwise being in distress,

and after arrival does not discharge any cargo or land any passenger, the pilotage rate is 5t per 4 tons, or part of 4 tons, net register.

2. Subject to Item 3 on the departure of a vessel, the pilotage rate is 5t per 2 tons, or part of 2 tons, net register.

Provided that where a vessel, having arrived solely for or on account of any one or more of the purposes or causes mentioned in Item 1, whether or not having after arrival unloaded any cargo or taken on board any passenger, or where a vessel departs solely for or on account of any one or more of the purposes or causes mentioned in Item 1, and before departure does not load any cargo or take on board any passenger, the pilotage rate is 5t per 4 tons, or part of 4 tons, net register.

3. Notwithstanding anything contained in Items 1 and 2, the pilotage fees payable on a vessel on her arrival at or on her departure from a port shall be not less than K10.00 nor more than K100.00.

4. Subject to Item 5, after arrival, on the removal of a vessel from wharf to wharf or from wharf to stream or from stream to wharf, the pilotage rate is—
- | | |
|---|--------|
| (a) Where the vessel does not exceed 2,000 tons gross tonnage | K10.00 |
| (b) Where the vessel exceeds 2,000 tons gross tonnage | K20.00 |
5. After her first three removals during any one visit to the port, on the removal of a vessel from wharf to wharf or from wharf to stream or from stream to wharf, the pilotage rate is one-half of the rates set out in the scale in Item 4.