

Declaration of limits of Port

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

<sup>1</sup>[(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

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 Chittagong Port to be called the Chittagong Port Authority for carrying out the purposes of this Ordinance.

(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 <sup>2</sup>[, by lien, mortgage, sell, alienation or otherwise] property, both movable and immovable, and shall by the said name sue and be sued.

Management

**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 done by the Authority.

<sup>1</sup> Sub-section (2) was substituted by section 3 of the Chittagong Port Authority (Amendment) Act, 1995 (Act No. XIX of 1995).

<sup>2</sup> The commas and the words “, by lien, mortgage, sell, alienation or otherwise” were inserted by section 4 of the Chittagong Port Authority (Amendment) Act, 1995 (Act No. XIX of 1995).

(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.

6. (1) The Board of the Authority shall consist of a Chairman and not more than <sup>1</sup>[four other members] to be appointed by the Government. The Board

(2) The Chairman and other members shall be full-time officers of the Authority and shall hold office on such terms and conditions as may be determined by the Government.

(3) The Chairman shall be the chief executive officer of the Authority.

(4) The Chairman and other members shall perform such functions and discharge such duties as are assigned to them by or under this Ordinance.

7. (1) The meetings of the Board shall be held at such times and places and in such manner as may be provided by regulations: Meetings

Provided that, until regulations are made in this behalf, the meetings of the Board shall be held as and when convened by the Chairman.

(2) To constitute a quorum at a meeting of the Board not less than two members shall be present.

(3) At a meeting of the Board each member shall have one vote, and in the event of equality of votes the Chairman shall have a second or casting vote.

(4) The meetings of the Board shall be presided over by the Chairman, and, in his absence, by a member elected for the purpose by the members present.

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<sup>1</sup> The words “four other members” were substituted for the words “three other members” by section 5 of the Chittagong Port Authority (Amendment) Act, 1995 (Act No. XIX of 1995).

(5) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

Advisory  
Committee

**8.** The Government may, in consultation with the Authority, appoint an Advisory Committee consisting of such number of persons as it may think fit for the purpose of advising the Authority in respect of such matters as may be referred to it by Authority or by the Government.

### CHAPTER III

#### POWERS AND FUNCTIONS OF THE AUTHORITY

Functions of the  
Authority

**9.** The functions of the Authority shall be-

- (a) to manage, maintain, improve and develop the Port;
- (b) to provide and maintain adequate and efficient port services and facilities in the Port or the approaches to the Port;
- (c) to regulate and control berthing and movement of vessels and navigation within the Port;
- (d) to do such acts and things as may be necessary or convenient to be done in connection with, or incidental or conducive to, the performance of its functions under this Ordinance.

Powers of the  
Authority

**10.** (1) Subject to the other provisions of this Ordinance, the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Authority shall, in particular, have power-

- (a) to construct, maintain and operate docks, moorings, piers and bridges within the Port, with all necessary and convenient drains, arches, culverts, roads, railways, fences and approaches;
- (b) to undertake any work of or in connection with the loading, unloading and storing of goods in the Port;