

COCHIN PORT TRUST NOTIFICATION

(As amended vide Notification dated 28-11-1978)

No. B/1872/69.

Dated : 29-7-1976.

The following regulations made by the Board of Trustees of Cochin Port in exercise of the powers conferred by sub-section (f) of section 123 of the Major Port Trust Act, 1963 (38 of 1963) and in supersession of the previous rules issued by the Cochin Port administration in this behalf are hereby published for the information of the public, the same having been published by the Board for two weeks successively in the official gazette and approved by the Central Government as required in section 124 thereof, namely -

1. Short title and commencement :

(i) These Regulations may be called the Cochin Port Trust Public Bonded warehouse (Rent & other charges) Regulations, 1967.

(ii) They shall come into force on the date on which they are finally published in the official gazette.

2. Definitions and interpretation :

In these Regulations, unless the context otherwise requires.

(a) 'Board' means the Board of Trustees constituted under the Major Port Trust Act, 1963, to Cochin Port.

(b) 'Collector of Customs & Central Excise' and 'Asst. Controller of Customs' have the same meaning in the Customs Act, 1962.

(c) All other words and expressions not defined in these Regulations have the meanings assigned to them in the Major Port Trust Act, 1963, or the Customs Act, 1962, as the case may be.

3. Warehousing of goods in the Board's Public Bonded warehouse :

The Board may store goods under Bond in its warehouse which may, from time to time, be appointed to the Public Bonded Warehouse by the Assistant Collector of Customs under Section 57, Customs Act, 1962. The class of goods that may be deposited in the warehouse will be subject to the decision of the Collector of Customs and Central Excise and the Board and will be duly notified to the Public.

Warehousing transactions are of two sorts:-

- (1) Rental of compartments or rooms to consignees on a monthly basis and
- (2) Storage of goods at daily rates.

The transport of goods from the Port Transit Sheds into the Public Bonded Warehouse or vice versa will be done by the owners of goods at their own expense and risk under customs supervision.

4. Appointment of warehouses :

The undernoted place under the control of the Board has been appointed by the Assistant Collector of Customs, Cochin to be a public bonded warehouse, wherein dutiable goods may be deposited without payment of duty on the first importation thereof under the Customs Department

Premises appointed

Part of storage shed 'A' in the Wharf area on the Willingdon Island.

Deposited

All dutiable goods except arms, Ammunition and combustibles

The Port Trust's official in charge of the Bonded warehouse is called the Bond Supervisor.

5. Conditions and rates of rent for Goods Warehoused :

The following are the rates of warehouse rent fixed by the Board under section 49 (1) of the Major Port Trust Act, 1963, for the storage of goods under bond in the warehouse above mentioned

(i) Rent for rooms allotted on a monthly basis:

Description	For first 30 days	From 31st day upto 120th day	From 121st day and above
For rooms measuring 39.1109 sq m.	Rs 600 per mensem or part thereof	Rs. 900 per mensem or part thereof.	Rs. 1,200 per mensem or part thereof.

(ii) Rent for storage of cargo at daily rate:

Warehouse dues on goods stored in the general spaces of bonded warehouse, i, e. space not allotted on a monthly basis

Item No.	Description of packages	Rent per day for the 1st 30 days	Rent per day from the 31st day upto 120th day	Rent per day from 121st day & above	
		Rs.	Rs	Rs.	
(i)	Bangs and bales	Each	0.20	0.30	0.45
(ii)	Cases and creates	"	0.40	0.60	0.90
(iii)	Casks, Kegs, drums & Jars	"	0.40	0.60	0.90
(iv)	Carriage and motor cars	"	4.00	6.00	9.00
(v)	Machinery unpacked	Per tonnage or part thereof	8.00	12.00	18.00
(vi)	Articles not enumerated	per 50 kgs	2.00	3.00	4 50

6. Rates for Bonding of goods in open space:

	<u>Upto 30 days</u>	<u>From 31st day upto 120th day</u>	<u>Beyond 120days</u>
For 100 sq. metre or less	Rs. 200 per mensem or part thereof	Rs. 300 per mensem or part thereof	Rs. 400 per mensem or part thereof

Notes:

- i) For occupation not covered by a valid permit obtained or renewed sufficient time in advance, penal rent at thrice the rate of normal rent specified in the Regulations shall be recovered on a pro-rata basis.
- ii) In this case, the Port will not issue any bond warrant as in the case of other bonded goods.
- iii) Open space will be let out at the above rate, only to such bonded goods, which cannot be taken to bonded warehouse.
- iv) Open space will be let out subject to the conditions that the party will have to pay demurrage charges for on the goods less the amount payable by way of rent of the space, if the goods are not accepted by the Customs in bond.

7 Warehousing: All transactions connected with warehousing of goods in the warehouse will be governed by the previous of Chapter IX of the Customs Act, 1962 and will be under the control of the Traffic Manager of the Port Trust who has been appointed the proper officer under Section 62 (1) of the Customs Act, 1962

8. Destruction of bonded goods by reason of damage etc Procedure:

An importer who has bonded his goods may be allowed to destroy them under the orders of the Collector of Customs if whilst in bond they become unfit for consumption. The destruction in such cases should take place in the presence of a Customs Officer. Any charges incurred by the Port Trust in this connection will be recovered from the importer, in addition to the usual warehouse dues.

9. Periods for which goods may remain in Bond: Subject to the Provisions of Section 61 of the Customs Act, 1962, goods may remain in a Warehouse for three years from the date of the bond (or any reduced or extended period as may be decided under Section 61 (1) and 61 (2), Customs Act, 1962 by the Collector of Customs executed under section 59 of the Customs Act, 1962, in respect of such goods and on the expiry of this period they must be cleared either for home consumption or shipment to a foreign Port

10. Delivery of goods when ownership changes: When the ownership of the whole of the bonded goods or part thereof changes, the obligation of the importer in terms of the bond executed by him under Section 59 (1) of the Customs Act, 1962, shall continue to be in force except as provided in the proviso to sub-section (3) of Section 59 of the Customs Act, 1962.

11. Hours of delivery for bond goods:

The Public Bonded Warehouse will be closed at 5 p.m. on full working days and by 4 p.m. on Saturdays. Unless specially ordered by the Traffic Manager cargo intended for bond will not be delivered from the Port Trust's transit space after 4 p.m. on full working days or 1 p.m. on Saturdays.

12. Admission of goods into and delivery from the Bonded warehouse on Sundays and Holidays:

Normally the bonded warehouse is not open for admission or delivery of cargo on Sundays and holidays. However, the bonders require admission or delivery on these days a written application should be made to the Trust's Traffic Manager who may arrange to comply, on payment of the fees at the rates prescribed in the Schedule 'A' attached to these Regulations provided:-

- (a) The removal of cargo is permitted from the Port Trust's transit space on such days or.
- (b) The cargo delivered out of bonded warehouse is for shipment a vessel which has applied to work on these days.
- (c) The bonders concerned obtain the necessary permission from the Customs Department by at least 3 p. m. on the previous working day (or by 12 noon if the previous working day is a Saturday.)

Admission of goods into the warehouse as also deliveries from the warehouse for shipment should be carried out under Customs supervision, which should be arranged for by the bonders with the Customs Department.

13. Admission into or delivery of goods from the Bonded warehouse after working hours on working days:

The normal working hours of the Public Bonded Warehouse under the Control of the Port Trust are from 8 a. m. to 12 noon and 1 p. m. to 5p. m. except on Sundays and holidays and upto 4 p. m. on Saturdays, should, however, bonders require admission or delivery after the working hours a written application should be made to the Traffic Manager, who will arrange to comply on payment of fees at the rates prescribed in Schedule 'A' provided:-

- (a) The removal of cargo is permitted from the Port Trust's transit space during each period.
- (b) The cargo delivered out of Bond is for shipment to a vessel which has applied to work during such period.
- (c) The bonders concerned obtain the necessary permission from the Collector of Customs & Central Excise by 3 p. m. on working days (or by 1 p. m. on Saturdays.)

Admission of goods into the warehouse as also deliveries from the warehouse for shipment should be carried out under Customs supervision, which can be arranged for by the bonders with Collector of Customs and Central Excise.

14. Loss of Warrants: (i) Goods shall not be delivered out of bond without the production of the original warrant issued for the goods.

(ii) In case the original warrant issued is lost duplicate warrant may be issued by the Traffic Manager on payment of the fees prescribed in the Schedule 'B' attached to these Regulations after the bonders have complied with the following procedure.

(a) The loss should be advertised in a local Malayalam Daily Newspaper and an English daily having local circulation at the expence of the Bonders.

(b) A Bond or Agreement, in form attached, indemnifying the Board from all loss which may be incurred by reason of the presentation of the original warrant should be executed by the bonders and a substantial surety for due performance of the obligations under such bond should be given by them to the satisfaction of the Board.

A duplicate warrant will be issued if necessary, after the lapse of seven clear days from the last date on which the loss was advertised.

SCHEDULE A

(Prescribed under Section 48 (1) of the Major Port Trust Act, 1963)

1. OVERTIME FEES

Item No. Description of Service	Charges Payable
(i) Admission or delivery done outside working hours on working days.	Rs. 30.00 per hour or part thereof subject to a minimum of Rs. 60.00 from each applicant.
(ii) Admission or delivery done on Sundays and holidays.	Rs. 60.00 per hour or part thereof subject to a minimum of Rs 120.00 from each applicant

Conditions :

(1) Application for (i) overtime work including night work on Sundays and holidays must reach the Traffic Manager, Cochin Port Trust with copy to Wharf Superintendent not later than 3 p.m. on the previous working day and (ii) for work, including night work, outside working hours on working days not later than 3 p. m. on the same day.

(2) Overtime work shall not ordinarily be permitted between 12 noon and 1 p.m., 5 p.m and 6 p.m., 10 p.m. and 11 p.m., 3 a.m. and 8 a.m.

(3) Applications for overtime work shall be accompanied by the full amount of fees chargeable for such work but the Traffic Manager may allow such payment to be made within a week of the date of the submission of the bill after obtaining the necessary guarantee to the effect.

(4) The overtime fees at the prescribed rates shall be paid by each applicant applying for such work, whether the services requisitioned are availed of or not.

(5) For purposes of these rules "Holiday" means any day declared to be holiday in this behalf by the Port Trust Authority and "working hours" means 8 a.m. to 12 Noon and 1 p. m. to 5 p. m.

(6) Applications for keeping open the Public Bonded warehouse will not entitle to overtime work in the Transit Sheds for delivery of import cargo into bond or receipt of export cargo for shipment from bond for which separate applications shall be made to the Traffic Manager, Cochin Port Trust, in accordance with the Port Trust Rules.

SCHEDULE B

(Prescribed under Section 48 (1) of the Major Port Trust Act, 1963)

II CHARGES FOR THE ISSUE OF WARRANTS :

- | | | |
|-------|---------------------------------------------------------------------------------|-----------------------------------------------|
| (i) | For issue of single warrant for goods covered by a Bond Bill of Entry. | Free |
| (ii) | For issue of warrants for each of the sub-items covered by a Bond Bill of Entry | Rs. 4.00 for each warrant in excess of one |
| (iii) | For issue of a duplicate warrant, original having been lost. | Rs. 12 00 per each copy of duplicate warrant. |
| (iv) | For issue of certificate of goods on hand covered by a warrant. | Rs 12.00 per each certificate. |

FORM OF INDEMNITY TO BE EXECUTED BY PERSONS REQUIRING DUPLICATE WARRANT FOR BONDED GOODS, WHEN THE ORIGINAL IS LOST,

UNDER REGULATION 13 (ii) (b).

We (or I), A. B., now of and C & D of the same place are jointly and severally bound to the Port Trust of Cochin, their successors and assigns in the sum of Rs to be paid to the said Port, their successors, or assigns for which payment we jointly and severally bind ourselves respectively and our legal representatives.

Dated this day of 19

Where as the warrant dated the day of ... 19 and bearing Number which was issued by the said Port Trust to in respect of has been lost or mislaid And whereas the said owners of the said goods and have on the advertised in the newspapers the loss of the said warrant but no answer has been received to the said advertisements and the said had applied to the said Port Trust to issue duplicate of the said warrant which they have agreed to do upon receiving this indemnity. And whereas the said have at the request of the said agreed to become their surety for the performance of the conditions hereinafter contained. Now the condition of the above written Bond is such that if the and the said and their respective legal representatives or any or either of them shall and will from time to time and at all times hereafter effectively indemnify and save harmless the said Port Trust, their successors assigns from and against all suits, costs, charges, damages, claim and demands whatsoever which shall or may at any time or times hereinafter be brought or prosecuted against the said Port Trust, their successors or assigns by any person or persons whomsoever by reason of the said warrant not having been handed over by the said Port Trust to the said or for or by any reason or on account of any other matter or thing whatsoever in anywise relating to premises, than the above written Bond is to be void and of no effect otherwise the same shall be and remain in full force and virtue

Signed, sealed and delivery by.