

Government of India

Ministry of Shipping and Transport

(Transport Wing)

New Delhi, the 6th December, 1977.

NOTIFICATION

(Merchant Shipping)

G.S.R. 1705 – In exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of section 414, read with section 457, of the Merchant Shipping Act, 1958 (44 of 1958), and in supersession of the Control of Shipping (Rates) Rules, 1949, the Central Government hereby makes the following rules, namely :-

1. Short title – (1) These rules may be called Merchant Shipping (Rates) Rules, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions – In these rules --

(a) "Act" means the Merchant Shipping Act, 1958 (44 of 1958) ;

(b) "Board" means the Shipping Rates Advisory Board constituted under rule 3.

3. Constitution of the Board – (1) The Central Government may, by notification in the Official Gazette, constitute one or more Boards to be called the Shipping Rates Advisory Board to advise it in respect of such matters relating to fixation of rates under section 412 of the Act as it may deem expedient or necessary to refer to the Board.

(2) A Board shall consist of such number of person or persons as the Central Government may, by notification in the Official Gazette, fix in this behalf.

(3) The members of the Board shall be nominated by the Central Government.

4. Headquarters - The Board shall have its headquarters in Bombay or at such other place as may be notified by the Central Government in this behalf.

5. Procedure - When any matter is referred to a Board, the Board may consult the interests affected, examine or cause to be examined such witnesses and such document and accounts as it may consider necessary for determining the rates to be fixed and shall submit a report to the Central Government with its recommendations.

6. Power to deal with evidence taken before a previous Board – Where a Shipping Rates Advisory Board constituted under rule 3 is reconstituted, the reconstituted Board may deal with any evidence or memorandum taken by or made before predecessor Board as if such evidence or memorandum had been taken by or made before it or under its directions and may proceed with any inquiry from the stage at which its predecessor Board had left it.

7. Fixation of rates – (1) Where the Central Government has referred any matter relating to fixation of rates for advice to the Board, it may, on receipt of the report referred to in rule 5, and after considering the recommendations of the Board, fix by order published in the Official Gazette, such rates under section 412 of the Act as it may deem proper.

(2) Where the Central Government does not refer any matter relating to fixation of rates for advice to the Board, it may, after such inquiry as it thinks fit, fix by order published in the Official Gazette such rates as it may deem proper.

(No.5-MSR(18)/76-MA)

Sd/-

(Smt. B. NIRMAL)

Under Secretary to the Government of India