

No. 35

New Delhi, the 6th April, 2000

TARIFF AUTHORITY FOR MAJOR PORTS

NOTIFICATION

No.TAMP/15/2000-PPT - In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby decides about charging Port Dues with reference to the reduced gross tonnage of tankers with segregated ballast tanks, as in the Order appended hereto.

SCHEDULE

Case No.TAMP/15/2000-PPT

The Paradip Port Trust

...

Non-Applicant

ORDER

(Passed on this 15th day of March 2000)

This case relates to charging of Port Dues with reference to the reduced gross tonnage of tankers with segregated ballast tanks, and arises from Circular No.ENG/TON/Misc. dated 5 August 99 issued on the subject by the Director General of Shipping.

2.1. The International Maritime Organisation (IMO) had reportedly adopted a Resolution concerning tonnage measurements of segregated ballast tanks in oil tankers with the advice that, in the International Tonnage Certificate of such a vessel, under “Remarks” an entry was to be made for the tonnage of segregated ballast tanks. This Resolution was meant to move the Port/Harbour Authorities to use the reduced gross tonnage of oil tankers with segregated ballast capacity while assessing fees. In his circular in reference, the Director General of Shipping has drawn this position to the attention of the Port Trusts for necessary action; and, has further advised them to reflect the reduced gross tonnage of all such vessels in the ‘remarks’ column of their tonnage certificates. It has also been specifically suggested that, for oil tankers with segregated ballast, Port Dues may be charged with reference to the said reduced gross tonnage.

2.2. Acting on this circular, the Paradip Port Trust (PPT) has proposed introduction of a new clause under Head “Vessel-Related Charges” in its Scale of Rates to enable action as advised in the circular of the Director General of Shipping.

2.3. Although this case has arisen with reference to the said proposal of the PPT, since action in this matter has originated from a circular of the Director General of Shipping commonly to all the Port Trusts for incorporation of a principle that has been uniformly adopted internationally, this Authority has decided to treat this as a case applicable to all the major Port Trusts.

3. With reference to the totality of information collected during the processing of this case, and based on a collective application of mind, the following decisions are taken:

(i). Since the PPT proposal is based on a circular issued by the Director General of Shipping with reference to a Resolution adopted by the IMO, the issue in reference can be accepted at face value without any further scrutiny.

(ii). Since the action in this matter has originated from a circular issued by the Director General of Shipping commonly to all the major Port Trusts for incorporation of a principle that has been uniformly adopted internationally, this order can be made equally applicable to all the major Port Trusts.

(iii). This proposition can be effectively implemented if all the major Port Trusts amend their Scale of Rates to incorporate the following clause appropriately under the Heading 'Port Dues':

“For oil tankers with segregated ballast, the reduced gross tonnage that is indicated in the ‘Remarks’ column of its International Tonnage Certificate will be taken to be its gross tonnage.”

4. All the major Port Trusts are hereby directed to introduce appropriate changes accordingly in their Scale of Rates.

5. This Order shall come into effect on expiry of thirty days from the date of publication of this Order in the Gazette of India.

S.SATHYAM, Chairman