



CHAPTER 140.

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CHAPTER 140.

PORT OF FREETOWN.

20 of 1953.

An Ordinance to provide for the management and regulation of the Port of Freetown.

[1ST MAY, 1954.]

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Port of Freetown Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“General Manager” means the General Manager for the time being of the Sierra Leone Government Railway;

“goods” means goods, luggage, or other moveable property of any description and includes animals and birds, whether alive or dead;

“perishable goods” means goods liable to rapid deterioration, and includes fish, fruit, vegetables, potatoes, plants, bread, meat, game, butter, eggs, milk, cheese, dogs, small animals, birds, poultry and any other thing which may hereafter be declared by notice in the *Gazette* to be perishable goods;

“Port” means the Port of Freetown as defined by or under section 3 and includes all structures, buildings, and erections therein or thereon;

“Port Authority” means the Freetown Port Authority;

“Port Manager” means the officer appointed by the Governor under section 5 to take charge, under the Port Authority, of the Port and the organisation, management and working thereof;

“servant” means any person employed by the Port Authority;

“ship” includes any vessel, ship, tug, lighter or boat of any kind whatsoever, whether propelled by steam or otherwise or towed.

3. Except in so far as the Governor in Council may from time to time by order otherwise direct, the extent and boundaries of the Port of Freetown for the purposes of this Ordinance shall be as defined in the Schedule. Extent of Port.

4. The General Manager shall, subject to the orders and directions of the Governor, have the control and management of the Port and for the purposes of this Ordinance shall be designated the Freetown Port Authority: The Port Authority.

Provided that nothing in this Ordinance contained shall be construed as taking away from the Harbour-master any of the powers vested in him or any of the duties imposed upon him by the Ports and Inland Waters Ordinance. Harbour-master.
Cap. 138.

5. The Governor may appoint a Port Manager and such other officers to assist him in the management and the operation of the Port as the Governor in Council may consider necessary or desirable. Port Manager and his staff.

6. All acts, orders, or directions by this Ordinance or by any regulations authorised to be done or given by the Port Authority shall be deemed to have been done or given by the Port Authority if they are done or given by the Port Manager or other officer at the Port duly authorised by him in that behalf. Acts, etc. done on behalf of Port Authority.

PART II.—DELEGATION OF POWERS.

7. The Governor in Council shall have power as follows— Powers.

(a) In so far as is not inconsistent with the provisions of any law, to acquire, take, use, hire, purchase, work, sell, lease, deliver, transfer or otherwise lawfully dispose of property, whether moveable or immovable, including water, ships, and other rights for Port purposes and turn the same to account;

(b) To construct, maintain and repair any Port works or any roads, bridges, or any other works whatever, or to negotiate with any person for such construction and to complete agreements concerning the same:

Provided that no quay or similar work shall be constructed without the sanction of the House of Representatives, and

that no such sanction shall be given without a prior report thereon by the Port Authority;

(c) To enter into agreements with any person whether in Sierra Leone or elsewhere in connection with matters affecting or incidental to the control, working and management of the Port, including contracts for the supply of water or electric energy to ships or persons, and to grant powers of attorney and like authorities;

(d) To construct, provide, lay down and repair moorings and all means and appliances for berthing, loading and unloading vessels;

(e) To construct, provide, maintain and repair, and moor vessels for the storage and working of coal and other goods;

(f) To supply water to shipping in the Port, and for that purpose to construct, procure, maintain and repair, and use ships or appliances;

(g) To carry on the business of a lighterman and carrier by land and sea, and to construct, procure, maintain and repair ships and carts, wagons, and other means of conveyance necessary for such purpose;

(h) To control, manage and superintend all quays, wharves, jetties, or other similar works within his jurisdiction, the persons working or otherwise engaged therein or thereon, the ships, goods and persons arriving at or departing from the same, and if deemed necessary, to limit the right to land, warehouse, deliver or ship any goods within the Port;

(i) To stevedore, land, ship, transfer or lighter goods, regulate and control lighterage within the Port, and to warehouse, deliver and collect any such goods, and to land or ship persons, either himself or by his duly constituted agents;

(j) To establish and maintain life-saving apparatus, and such other works, institutions, or appliances as the Governor in Council may deem to be necessary for the requirements of the Port;

(k) To fix, demand and alter from time to time the charges in respect of wharfage, crantage, portorage, rent, warehousing, storage, depositing of goods at or within any wharf, quay or jetty, land, building or place, and fees for berthing, mooring, landing and embarking passengers, or other services at the Port;

(l) To delegate to the Port Authority by Order any of the powers conferred upon the Governor in Council by this Ordinance;

(m) Generally, to execute and do all such acts, deeds and things as may be necessary for the control, working and management of the Port.

8. (1) The Governor in Council may make regulations for the maintenance, control, operation and management of the Port and for the maintenance of good order therein, and in particular, but without derogation from the generality of his powers, may make regulations for all or any of the following purposes— Regulations.

(a) The erection of buildings or other structures, within the limits of the Port, or the planting therein of posts or poles that may interfere with the proper working of the port or the signals or beacons thereat;

(b) The regulation of the stevedoring, landing, portorage, shipping, trans-shipping, delivery, collection and warehousing of goods at the Port, the fixing of minimum hours of work in ships loading or discharging cargo and the minimum tonnage to be loaded or discharged in a working day, and the declaration of the tonnage and valuation of goods imported or exported and the necessary declarations and statements in support thereof;

(c) The landing and embarkation of passengers;

(d) The declaration and definition of the wharves, quays, jetties or landing places on which goods, or passengers shall be landed from vessels or shipped or embarked on board vessels, and the regulation of the use thereof and the use of sheds, warehouses, railways, and other parts of the Port;

(e) The regulation within the Port of the lightering of cargo between ships, or between ships and the land;

(f) The prevention of damage or injury to the Port or any part thereof or to any vessel or goods within the Port;

(g) The prescription of the duties of persons engaged in or supervising, unshipping, landing and transport of explosives or dangerous cargo;

(h) The regulation and licensing of porters and carriers and any other labourers working the Port;

(i) The fees to be paid for any registration or licences provided for, or in respect of, any other matter or thing prescribed or to be prescribed;

(j) The exclusion and removal from the Port of disorderly or other undesirable persons and of trespassers;

(k) The prohibition of smoking in or on wharves, jetties, quays, buildings, or rolling stock;

(l) The duties and conduct of carmen, dragmen, carriers and persons other than servants of the Port Authority who ply for hire to or from any quay, building, or other place which is under the control of the Port Authority;

(m) The prevention of the commission of any nuisance in or upon any wharf, quay, jetty or landing place, and generally the promotion of good sanitation, cleanliness and decency within the Port;

(n) The definition for the purposes of this Ordinance of dangerous or offensive goods and the conditions under which and the times when such goods shall be landed, shipped, or trans-shipped, and the prohibition of the landing, shipping or trans-shipping of such goods, and the removal or destruction thereof;

(o) The prescription of a scale of rates, and the conditions under which the same are to be levied—

(i) in respect of port dues on vessels and goods respectively;

(ii) in respect of permission for vessels to approach or lie alongside any wharf, quay, jetty, land, building or place;

(iii) in respect of wharfage, portorage, crantage, rent, warehousing, storage, depositing or demurrage of goods at or within any wharf, quay, jetty, land, building, or place;

(iv) in respect of passengers landing and embarking;

(v) in respect of any other facilities or services;

(p) The exemption of any vessels or classes of vessels, or any goods or classes of goods, either wholly or partially, from the payment of the prescribed rates, and the conditions attaching to any such exemption;

(q) The method of payment and collection of the prescribed rates;

(r) The sale of refreshments within the Port, and the imposition of licensing fees in respect of the sale thereof.

Penalties.

(2) For the breach of any regulation made under this section the Governor in Council may prescribe as a penalty a fine not exceeding one hundred pounds, and in the case of a continuing breach a fine not exceeding five pounds a day for every day after the first during which such breach continues, or a term of imprisonment with or without hard labour not exceeding six months, or both such term of imprisonment and fine, and may prescribe which Courts will have jurisdiction to try cases arising out of any allegation of the breach of any such regulation.

(3) A copy of all regulations made under this section and for the time being in force shall be kept at the office of the Port Manager and any person shall at all reasonable times be allowed to inspect the same free of charge. The Port Manager or other authorised officer shall on demand cause to be delivered to the master of any ship arriving at the Port a copy of this Ordinance and of such regulations made thereunder as may be in force.

9. (1) Subject to any regulations, the Port Authority shall have the following powers—

Powers of
Port
Authority.

(a) to direct or regulate the traffic;

(i) of persons and goods on any road, wharf, jetty, quay or landing place within the Port;

(ii) of ships alongside any wharf, jetty, quay or landing place within the Port;

(b) to give directions in any matter with regard to which he is empowered to give directions by any regulation;

(c) to go on board any ship in the Port, either alone or with any other persons;

(d) to vary or add to any directions given by him under this section.

(2) Any person who fails to comply with any lawful order or direction which the Port Authority may give under this section shall be guilty of an offence, and may be arrested without a warrant by any member of the Police Force in uniform; and on summary conviction for such offence such person shall be liable to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding two months, or to both such fine and imprisonment.

Penalties.

PART III.—LIENS AND CLAIMS FOR COMPENSATION.

10. If any person fails to pay on demand made by or on behalf of the Port Authority any portorage or other charge due from him to the Port Authority in respect of any goods, the Port Authority shall have a lien on such goods and may detain the whole or any part thereof, or, if they have been removed from the Port, on any other goods of such person then being in or thereafter coming into the possession of the Port Authority.

Lien for
charges.

11. The lien for such charges shall have priority over all other liens and claims, except for Customs duties or charges owing in respect of the goods.

Priority of
Port
Authority's
lien.

Preservation
of liens.

12. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any wharf, quay, jetty or other landing place in the Port, gives to the Port Authority notice in writing that such goods are to remain subject to a lien for freight or other charges to the amount specified in such notice, such goods shall continue liable to such lien to such amount.

Power to
retain goods.

13. Such goods shall be retained in the custody of the Port Authority, or, with the consent of the Comptroller of Customs, on or in public Customs wharves and warehouses, at the risk and expense of the owner of the said goods, until such lien is discharged as hereinafter mentioned. The Port Authority shall be entitled to rent in respect of the same, and shall also have the power to do, at the expense of the consignee of the goods, all such reasonable acts as in the judgment of the Port Authority are necessary for the proper custody and preservation of the goods, and the Port Authority shall have a lien on such goods for rent and for expenses reasonably incurred in terms of this section.

Discharge of
liens.

14. Upon the production to the Port Authority of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by whom or on whose behalf such notice as aforesaid has been given, the Port Authority may permit such goods to be removed without regard to such lien:

Provided that the Port Authority shall have used reasonable care in respect to the authenticity of such document.

Notices.

15. Wherever under sections 10, 11, 12, 13 and 14 of this Ordinance any act requires to be done, any notice to be given, or any receipt and release to be produced to the Port Authority, such act, notice or receipt and release shall be deemed to have been validly done, given or produced if done by, given to, or produced to the Port Manager or other officer at the Port authorised thereto by him.

Sale of goods.

16. If the charges payable to the Port Authority in respect of any goods are not paid, or if the lien of the shipowner for freight or other charges when such notice as aforesaid has been given, is not discharged, the Port Authority may, and if required by or on behalf of the person claiming such lien for freight or other charges shall, at the expiration of two months from the time when the goods were placed in the Port Authority's custody, or, if the goods are of a perishable nature, at such earlier period

(being not less than twenty-four hours after landing of the goods) as the Port Authority shall think fit, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the proceeds of such sale.

17. Before such sale takes place, ten days' notice of the same shall be given by publication thereof in the *Gazette*, unless the goods are of so perishable a nature, as, in the opinion of the Port Authority, to render their immediate sale necessary or advisable, in which event such notice shall be given as may be reasonably possible in the circumstances.

Notice of sale.

18. If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Port Authority, or is otherwise known, notice shall, if practicable, also be given to the owner of the goods by letter delivered at such address, or sent by post; but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to enquire whether such notice has been sent.

Notice to owner.

19. (1) The proceeds of every such sale shall be applied in the following order of preference—

Application of proceeds.

(a) in payment of the expenses of the sale;

(b) in payment of Customs duties or charges owing in respect of the goods sold;

(c) in payment of the charges and expenses of landing, removing, storing, or warehousing the same, and of all other charges due to the Port Authority in respect thereof;

(d) in payment, according to their respective priorities, of general average, primage, and such other liens as may exist or have been preserved in the manner provided in section 12.

(2) The surplus, if any, shall be paid to the owner, or consignee of the goods, or to his agents, on his applying for the same:

Provided such application be made within one year from the date of the sale, or reason be shown to the satisfaction of the Port Authority why such application was not made within that period.

20. (1) No person shall be entitled to compensation for the loss of goods within the Port unless his claim for compensation,

Claims for compensation.

containing full and detailed information as to the goods lost and supported by such documentary evidence as may be reasonably required, has been preferred in writing by him or on his behalf to the Port Authority within four months from the date of delivery of such goods to the Port Authority.

(2) No person shall be entitled to compensation for damage to or deterioration of goods while in the Port unless his claim for compensation, containing full and detailed information as to the goods and supported by such documentary evidence as may be reasonably required, has been preferred in writing by him or on his behalf to the Port Authority within one month from the date of the delivery of the goods to the consignee.

Relief from liability.

21. The Port Authority shall not be responsible for loss, destruction or deterioration of any goods in respect of which a wrong or improper or insufficient description or address for delivery has been given, if the loss, destruction or deterioration is in any way brought about by giving such wrong or improper or insufficient description or address.

Acts of God, etc.

22. (1) The Port Authority shall in no case be liable for any loss or damage to any goods in his custody at the Port, if the loss or damage be caused by the act of God or of the Queen's enemies, the perils or accidents of the sea, fire, flood, tempest, civil commotion, riots or strikes; or for—

(a) the loss of weight or measure or the deterioration of goods by heat, decay, rust, sweat or change of character of such goods as may be handled by the Port Authority or deposited in warehouses, or on premises under his control, or as may otherwise be in his charge; or for any loss of contents of bags through shifting or for internal breakage, or for deficiency in contents of unbroken packages; or for

(b) loss or damage to castings, machinery or other goods not protected or insufficiently protected, or insecurely packed, or from leakage arising from defective drums, tins or packages; or for

(c) the loss of or damage to goods by vermin or insect pests except upon proof that such loss or damage arises from the negligence of his servants; or for

(d) loss of or damage to animals arising from inherent vice or from any cause other than that arising from the negligence of his servants; or for

(e) loss of or damage to goods caused from failure of machinery or plant not due to negligence on the part of the servants of the Port Authority.

(2) The Port Authority shall not be liable for any demurrage which may accrue or be due on any ship howsoever caused.

PART IV.—OFFENCES.

23. Any person who does or causes or procures to be done any of the following acts, namely, who— Minor offences.

(a) trespasses upon any portion of the Port closed to the public or on any ship within the Port or on any work under construction or under repair, or in a specially prohibited place;

(b) wilfully gives a false name and address to a servant or police officer;

(c) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others in or about the Port or upon any ship therein;

(d) does or attempts to do anything which may cause injury to persons employed or being in or about the Port or upon any ship therein;

(e) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language in or about the Port or upon any ship therein;

(f) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation or character upon any part of the Port or upon any ship therein;

(g) defaces the writing on any board or any notice authorised to be maintained at the Port or upon any ship therein;

(h) smokes in any goods shed, warehouse, or in proximity to any cargo or inflammable material or in any other places within the Port or upon any ship therein, where notice boards prohibiting smoking are erected;

(i) disobeys while upon Port premises the reasonable directions of a servant or police officer;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

More serious offences.

24. Any person who does or causes or procures to be done any of the following acts, namely, who—

(a) pulls down or attempts to pull down or wilfully injures or attempts to injure any board or document set up or posted by order of the Port Authority in the Port or upon any ship therein;

(b) gives or offers to a servant any money or anything of value for the purpose of evading payment of any sum due under this Ordinance;

(c) fails to deliver at the earliest possible opportunity to a servant any property found in or about the Port or upon any ship therein or removes from the Port or any ship therein any property so found;

(d) wilfully obstructs or impedes a servant in the discharge of his duty;

(e) discharges from a ship or within the Port any firearm, or throws stones, metal, bricks, gravel, timber, glass, bottles, or other articles likely to obstruct or injure anyone engaged in working in or about the Port or a ship therein, or attempts to do any of the foregoing acts;

(f) removes or attempts to remove from the Port or any ship therein the property of the Port Authority or from any Port premises any rolling stock, tarpaulins, tools, appliances, or property of any kind, whether of a similar nature to the foregoing or not, or permits any such rolling stock, tarpaulins, tools, appliances or property to be unlawfully in his possession or on his premises;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Grave offences.

25. Any person who voluntarily and without lawful authority or excuse does or causes or procures to be done any of the following acts, namely, who—

(a) sets adrift, or otherwise causes damage to any ship, or causes any damage to Port property or equipment;

(b) cuts down, breaks, removes, destroys, or injures any fence, building or any other property in or about the Port;

(c) removes any cranes or tackle, points, wires, sleepers, rails or machinery or mechanical or other equipment in or about the Port, or moves any part of the rolling stock or mechanical equipment in or about the Port;

(d) obstructs or does anything which may obstruct the free use of any wharf, jetty, quay, railway, or foreshore, or the approaches thereto;

shall be guilty of an offence and shall be liable on conviction on information to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding ten years or to both such fine and imprisonment.

26. (1) If any person wilfully makes, in any claim, return or particulars required by this Ordinance, any statement which is untrue or incorrect in any particular, that person shall be liable on summary conviction to a fine not exceeding fifty pounds, and shall, in addition, pay to the Port Authority as penalty double the amount of the charges leviable under the Port Tariff on the goods in respect of which the untrue or incorrect statement has been made.

False claims,
etc.

(2) If any person negligently makes in any claim, return or particulars required by this Ordinance any statement which is untrue or incorrect in any particular, the Port Authority may require such person to pay as penalty a sum not exceeding double the amount of the charges leviable under the Port Tariff on the goods in respect of which the untrue or incorrect statement has been made, and the said sum shall, on the application of the Port Authority, be recoverable under the warrant of a Magistrate's Court as if it were a fine inflicted by such Court.

27. If any person wilfully or without lawful excuse fails to obey any lawful direction of the Port Manager, he shall, for every such offence, be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which he shall without lawful excuse continue to disobey such instructions.

Failing to
obey lawful
direction of
Port
Manager.

28. If a servant is in a state of intoxication while on duty, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, or where the improper performance of the duty resulting from such intoxication would be likely to endanger the safety of any person employed or being upon Port premises or upon any ship within the Port, shall be liable on conviction on information to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

Drunkenness.

Endangering
the safety of
persons.

29. If a servant, when on duty, endangers the safety of any person—

(a) by disobeying any regulation made under this Ordinance; or

(b) by disobeying any rule or order which is not inconsistent with any such regulation, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or with which he was required to make himself acquainted, or

(c) by any rash or negligent act or omission;

he shall be guilty of an offence and liable on conviction on information to a fine not exceeding fifty pounds, or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

Demanding
more than is
due.

30. Any servant who, with intent to defraud, asks or receives a greater sum or a lesser sum than is allowed by law and is provided by the regulations or tariff then in force for the facilities provided at the Port by the Port Authority, or for any other services performed by the Port Authority, shall, in addition to such other action as may be decided by the Port Authority in regard to the termination of his employment, be guilty of an offence and liable on conviction on information to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

Powers of
arrest.

31. (1) If a person commits any of the offences mentioned in sections 23, 24, 25, 28 and 29, he may be arrested without warrant or other written authority by any police officer, or in the absence of a police officer by any servant or by any other person whom such police officer or servant may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or commit him for trial, to be dealt with according to law.

PART V.—SUPPLEMENTAL.

Remedy by
suit.

32. Notwithstanding anything in this Ordinance contained any rates, damages, expenses, costs, or in the case of a sale of which the proceeds are insufficient, the balance thereof, may be sued for by action in the name of the Port Authority in any Court having jurisdiction.

33. No person shall be entitled to a refund of an overcharge, in respect of goods landed at the Port, if for import, or admitted into the Port, if for export, unless his claim to the refund has been preferred in writing by him or on his behalf to the Port Authority within six calendar months from the date of payment. Refunds.

34. Any person who removes or attempts to remove, or abets the removal of, any ship or goods with the intention of evading payment of the rates lawfully due in respect thereof to the Port Authority shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred pounds. Evasion.

35. (1) If the master or owner of any ship in respect of which any charges are payable under this Ordinance, or under any regulations, refuses or neglects to pay the same or any part thereof on demand, the Port Authority may seize such ship and any tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Port Authority is paid. Seizure and detention.

(2) In case any part of the said charges, or of the cost of the seizure or of the detention, remains unpaid for the space of five days next after the seizure, the Port Authority may cause the ship or other thing so seized to be sold, and, with the proceeds of such sale, shall satisfy such charges and costs, including the cost of sale, remaining unpaid, rendering the surplus, if any, to the master or owner of such ship on demand.

36. If, through the negligence of any person having the guidance or command of any ship, or any of the mariners or persons employed on such ship, damage shall be caused to any wharf, jetty, quay or other work in the Port the amount of such damage shall, on application of the Port Authority, be recoverable, together with the cost of such recovery by distress and sale, under the warrant of a Magistrate's Court, of a sufficient portion of the boats, spars, ropes, cables, anchors, or stores belonging to such ship: Damage to wharf, etc.

Provided that no such warrant shall issue until the master of such ship has been duly summoned to appear, or if he appears, until he has been heard: and

Provided also that no such warrant shall issue if the ship was at the time under the orders of a proper Port Officer or of such a pilot as the ship was required to employ, at the time such damage was caused, in virtue of any regulation, unless the

damage caused was in no way attributable to the order, act, or improper omission of such officer or pilot.

Taxation
by local
authorities.

37. Notwithstanding anything to the contrary in any enactment, or in any agreement or award based on any enactment, the following rules shall regulate the levy of rates or taxes in respect of the Port in aid of funds of local authorities, namely—

(a) The Port Authority shall not be liable to pay any sum in respect of rates and taxes to the funds of any local authority unless the Governor in Council has by order declared the Port Authority to be liable to pay such sums;

(b) The Governor in Council may at any time revoke or vary any Order made under paragraph (a) of this section;

(c) Nothing in this section is to be construed as debarring the Port Authority from entering into a contract with any local authority for the supply of water or light, or for the scavenging of Port premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control;

(d) "local authority" in this section means a municipal corporation or committee or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or other fund.

Erections.

38. (1) Any person who shall, without first obtaining the written consent of the Port Authority to his so doing, make, set up, or fix within the Port, any wharf, quay, pier, mooring, or other erection whatsoever, whether of a similar nature to the foregoing or not, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds, and to a further fine not exceeding five pounds for every day during which he shall permit such wharf, quay, pier, mooring, or other erection, to remain after notice to remove the same has been given to him.

(2) Any such wharf, quay, pier, mooring, or other erection within the Port may be removed by the Port Authority and the person who made, set up or fixed the same, shall be liable to pay all expenses which may be incurred by the Port Authority in the removal thereof.

Arrest of a
servant.

39. (1) When the immediate arrest of a servant, either with or without a warrant, would be likely to endanger the safety of any person being in or about the Port or upon any ship, so to cause serious inconvenience to the Port Authority, the police

officer whose duty it is to make such arrest shall at once apply to the Port Manager to relieve such servant, and shall arrange so to watch him that he does not escape, and on such servant being relieved such police officer shall arrest him and proceed according to law.

(2) The relief of a servant under the preceding sub-section shall be effected with the least possible delay.

40. The Port Authority may make rules with respect to the guidance, conduct and discipline of Port officers and others who are employed in the Port service in the performance of their several duties and functions.

Rules for the conduct of servants.

41. Subject to the provisions of this Ordinance and any regulations made thereunder, the Port Authority may from time to time prescribe forms required to be used for the control, management and working of the Port, and may, by notice in the *Gazette*, declare any class of goods to be perishable goods.

Prescription of forms and gazetting of perishables.

SCHEDULE.

Section 3.

THE PORT OF FREETOWN COMPRISES—

1. All that area of the Sierra Leone River and its tributaries enclosed within High Water Mark ordinary Spring Tides to the East of a line drawn between the most northern point of High Water Mark at Cape Sierra Leone in a general northerly direction to the most southerly point of High Water Mark of Leopard Island and continued due East to that point on High Water Mark on Sierra Leone Protectorate shore near the village of Mayaia, including all jetties, wharves or similar structures lying within this area, but excluding all jetties, wharves, moorings or other works whatever of the Sierra Leone Development Company on or adjacent to the Island of Pepel established in connection with their iron ore loading depot and all moorings and anchorages adjacent to the said Island required for the purpose of the said iron ore loading depot, including Tasso Pool anchorage and all buoys, marks, beacons and navigational aids whatever established by the Sierra Leone Development Company for the assistance of ships proceeding to or from Pepel Island.

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2. ALL THAT PIECE OR PARCEL OF LAND situate at Cline Town in the East Ward of the City of Freetown and known as the Queen Elizabeth II Quay (Controlled Area) comprising all that land north of a line starting from a point on High Water Mark Ordinary Spring Tides which is 145 feet on a bearing of 10° from beacon F.T.S. 608; thence on a bearing of 109° for a distance of 300 feet, passing along the northern boundary of a plot of Shell Company property to a point marked A which is on the eastern edge of College Road, which forms the western access road to the Queen Elizabeth II Quay, thence along the eastern edge of College Road in a northerly direction for a distance of 215 feet to a point marked

B, which is 25 feet east of Bench Mark 305; thence on a bearing of 113° for a distance of 105 feet to a point marked C; thence on a bearing of 104° for a distance of 80 feet to a point marked D; thence on a bearing of 25° for a distance of 30 feet to a point marked E; thence on a bearing of 106° for a distance of 75 feet to a point marked F; thence on a bearing of 19° for a distance of 70 feet to a point marked G; thence in a south-easterly direction for a distance of 375 feet to a point marked H, which is on the western edge of the central access road to the Queen Elizabeth II Quay, thence along the western edge of the central access road in a southerly direction for a distance of 545 feet to a point marked J; thence on a bearing of 100° for a distance of 45 feet to a point marked K, which is on the eastern edge of the central access road; thence along the eastern edge of the central access road in a northerly direction for a distance of 130 feet to a point marked L; thence on a bearing of 92° for a distance of 80 feet to a point marked M; thence on a bearing of 191° for a distance of 150 feet to a point marked N; thence on a bearing of 90° for a distance of 750 feet to a point marked O, which is on the northern edge of Cline Street; thence along the northern edge of Cline Street in an easterly direction for a distance of 535 feet to a point marked P, which is on the eastern edge of the eastern access road to the Queen Elizabeth II Quay, and at the south-western corner of the Chromite area; thence along the western and north-western boundaries of the Chromite area in a general northerly and north-easterly direction for a distance of 560 feet to a point marked Q; thence on a bearing of 360° for a distance of 160 feet to a point on High Water Mark Ordinary Spring Tides, which is the finishing point, be the same several dimensions little more or less, as the same is more particularly delineated on Plan S.L.S. No. 108/46 registered in the offices of the Registrar General and the Director of Surveys and Lands and on which the above lettered points are marked and the boundary verged in RED.

3. ALL THAT PIECE OR PARCEL OF LAND situate in the City of Freetown and known as the Government Wharf, the boundaries of which are as follows—

Starting at a point where the fence meets Railway Department property on the western side of the central wharf approach ramp near the railway line—the accepted Colony Co-ordinates of which are 664,020 feet NORTH and 53,255 feet EAST, thence in a general south-westerly direction along the line of the fence for a distance of 240 feet to a point where the fence meets the boundary of the Customs House compound; thence in a straight line in a north-westerly direction for a distance of 150 feet to the north-east corner of the Customs House compound; thence in a south-westerly direction following the Customs House compound boundary wall to the south-west corner of the above compound; thence in a straight line in a south-easterly direction to a point on the southern boundary of Railway Department property near the Customs House garages; thence in a general westerly and north-westerly direction along the line of the said fence to a point situated on the Low Water Mark at the western extremity of the Camber wall; thence in a general north-easterly direction along Low Water Mark, around, and including, any jetty, to that point on Low Water Mark near the Fixed Green navigational light exhibited at the eastern extremity of Government Wharf; thence in a general southerly direction along the eastern and southern boundary walls of a building adjoining the said light and by way of P.B. 53 to the corner of the wall on the eastern side of

the foot of Portuguese steps; thence in a general south-westerly direction by a wire fence across the foot of the Portuguese steps to a point on the north-east corner of War Department property known as the Lower Commissariat; thence in a general south-westerly direction along the War Department property boundary to beacon W.D. 10 which is situated on the eastern side of the wharf approach ramp; thence in a south-westerly direction along the eastern side of the wharf approach ramp to a point on the southern boundary of Railway Department property; thence in a straight line across the wharf approach ramp in a south-westerly direction for a distance of 50 feet to the wire fence which is the Starting point; the same as is more particularly delineated on Plan No. S.L.S. 12/46 which is registered in the office of the Registrar General; and in the office of the Director of Surveys and Lands.
