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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 156**

**The Lochboisdale and Gasay Port  
(Harbour Empowerment) Order 2016**

**PART 4**

**CHARGES**

**Charges.**

**22.**—(1) The Company may levy charges for any services performed by it in the exercise and performance of its statutory powers and duties at the Port.

(2) In this article “charges” means any charges other than ship, passenger and goods dues.

**Liability for charges**

**23.**—(1) Charges or dues payable to the Company on or in respect of—

- (a) a Vessel, shall be payable by the owner or the Master thereof;
- (b) goods, shall be payable by the owner, consignee or shipper thereof; and the Master or representative of the vessel shall provide within 24 hours of arrival within the Port the type and tonnage of any goods loaded or to be loaded or discharged or to be discharged by the Vessel.

(2) Where a charge or due payable to the Company may be recovered from more than one person, the persons from whom it is recoverable shall be jointly and severally liable.

**Exemptions, rebates, etc. in respect of charges**

**24.**—(1) The Company may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to, charges or dues and may vary or extinguish any such exemption or composition.

(2) Nothing in section 30 of the Harbours Act 1964 shall require the Company to include in the list of ship, passenger and goods dues kept at the harbour office as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in that list.

**Security for charges**

**25.** The Company may require a person who incurs or is about to incur a charge or due to deposit with, or to guarantee, such sum of money as is, in the opinion of the Company, reasonable having regard to the amount or probable amount of the charge or due, and where such a person fails to deposit or guarantee the sum of money required by the Company, the Company may detain the vessel in the Port or goods on or in Port premises, in respect of which the charge or due has been or will be incurred, until the requirement has been complied with or the charge or due paid.

### **Liens for charges**

26.—(1) A person, who by agreement with the Company collects charges or dues on its behalf and who pays or gives security for the payment of charges or dues on goods in that person's possession, shall have a lien on those goods for the amount paid or security given.

(2) A wharfinger or carrier who is not itself liable for the payment of charges or dues may pay or by agreement with the Company give security for charges or dues on goods in its custody, and in that event it shall have a like lien on the goods for the amount of those charges or dues as it would have in respect of its charges for safe custody or carriage of the goods, as the case may be.

### **Refusal to pay charges for landing place, etc.**

27. An officer of the Company may prevent a Vessel from using a landing place or any other facilities provided by the Company, if the Master of the Vessel refuses to pay the charges or dues for such use.

### **Exemptions from charges**

28.—(1) Except insofar as may be agreed between the Company and the Government Department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Company to levy charges or dues shall extend to authorise them to levy dues on—

- (a) a Vessel—
  - (i) belonging to or in the service of Her Majesty or any member of the Royal Family;
  - (ii) in the service of the Commissioners of H.M. Revenue & Customs and not carrying goods for reward;
  - (iii) in the service of the Commissioners of Northern Lighthouses and not carrying goods for reward; or
  - (iv) belonging to or used by the lifeboat service whilst employed in or in connection with the functions of that service;
- (b) the Commissioners of H.M. Revenue & Customs in respect of a Vessel or goods under customs seizure.

(2) Officers of the Department for Transport and Ministers in the execution of their duty shall at all times be exempt from charges in respect of their Vessels and otherwise.

(3) This Order shall not extend to subject any person to liability for charges in respect of a Vessel which merely passes through the limits of the Port to gain access to the Inner Harbour.

### **Conditions as to payment of charges**

29.—(1) Charges and dues shall be payable subject to such terms and conditions as the Company may from time to time specify in its published list of charges.

(2) Without prejudice to the generality of paragraph (1), the terms and conditions may prescribe the time when the charge or due falls due for payment and may require such information to be given to the Company by the owner or Master of a Vessel or a person using a service or facility of the Company as the Company may require in connection with the assessment or collection of a charge or due.