



Transport Act 1962

1962 CHAPTER 46

PART III

TRANSPORT CHARGES AND FACILITIES

Charges and conditions at harbours

50 Port charges and conditions at harbours

- (1) The provisions of the Ninth Schedule to this Act shall have effect as regards the powers of the Boards to make port charges at the harbours specified in that Schedule.
- (2) Subsection (3) of section fortythree of this Act shall not authorise the Boards to make the use of their services and facilities at the said harbours subject to any term or condition which the Boards would not be able to impose apart from that subsection.
- (3) In this and the next following section, and in the Ninth Schedule to this Act—
 - " port charges" in relation to a harbour means ship, passenger and merchandise dues, and charges for any other services and facilities provided in, or in connection with, a harbour but does not include charges for the carriage of merchandise or passengers on any railway, charges for the use of any railway or charges in respect of railway wagons ;
 - " ship, passenger and merchandise dues " means charges for—
 - (a) any ship entering, using or leaving a harbour,
 - (b) any passengers embarking or disembarking at a harbour, and
 - (c) merchandise shipped or unshipped into or from a ship entering, using or leaving any harbour;
 - " charges for any ship entering, using or leaving a harbour " includes charges made on any such ship in respect of marking and lighting the harbour;
 - " merchandise " includes goods, fish, livestock and animals of all descriptions, and minerals.

51 Revision of harbour dues

- (1) An application may be made to the Minister—
 - (a) by the Docks Board, the Railways Board or the British Waterways Board, or
 - (b) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,for the revision of any of the limitations on ship, passenger and merchandise dues imposed in respect of any harbour by paragraph 1, paragraph 2 and sub-paragraph (2) of paragraph 3 of the Ninth Schedule to this Act.
- (2) On an application relating to dues at a harbour to which paragraph 3 of the said Schedule applies the Minister may take into review and regulate by order under this section any ship, passenger and merchandise dues which are subject to the limitation imposed by sub-paragraph (3) of that paragraph.
- (3) The Minister shall not under this section vary any charge other than those to which the application relates except after consultation with the Board concerned and such other persons, or such bodies representative of such other persons, appearing to him to have a substantial interest as may appear to him appropriate.
- (4) On an application under this section the applicant and, where the application is not made by the Board concerned, the Board shall furnish the Minister with such information and particulars, certified in such manner, as the Minister may require, and the applicant shall publish in such newspapers as the Minister may require a notice stating—
 - (a) the general effect of the application ; and
 - (b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the applicant.
- (5) Before making an order on an application under this section, the Minister may, if he thinks fit, cause an inquiry to be held and shall do so if required by the applicant or by any person who has objected to the application and has not withdrawn his objection or, where the order would vary any charge other than those to which the application relates, by any person or body with whom he has consulted in pursuance of subsection (3) of this section.
- (6) If on an application under this section the Minister is satisfied that in the circumstances then existing it is proper so to do, he may, subject to the provisions of this section, make an order revising in such manner as he may think fit, with effect from such date as may be specified in the order, all or any of the ship, passenger and merchandise dues at the harbour in question, whether or not the subject-matter of the application, including any classification by reference to which the amount of any of those dues is to be determined.
- (7) In making any order on an application under this section, the Minister shall have regard to the financial position and future prospects of the Board concerned in respect of the harbour in question and shall not make any revision of the charges which, in his opinion, would be likely to result in the Board receiving an annual revenue from that harbour either substantially less or substantially more than adequate to meet the expenses and charges of the Board in respect of the harbour which are properly chargeable to revenue:

Status: This is the original version (as it was originally enacted).

Provided that the Minister may make an order which results in the Board receiving an annual revenue from the harbour which is substantially less than adequate to meet those expenses and charges if he is satisfied that, in view of the financial position of the Board with respect to the harbour during such period immediately preceding the application as may appear to him to be appropriate, there are special circumstances affecting the harbour.

- (8) Any order made under this section shall be made by statutory instrument and may vary or revoke any previous order so made.
- (9) The Minister may refuse to entertain an application under this section where the application relates to a matter which has been the subject of consideration by him under this section within the twelve months preceding the making of the application.
- (10) Subject to the last foregoing subsection an application may be made under this section at any time.
- (11) For the purposes of the promotion by any of the Boards of a Bill, or of the making of a Provisional Order, being a Bill or Order containing a provision revising any of the dues authorised for any harbour under this Act, it shall be deemed, notwithstanding this section, that the objects of that provision cannot be attained except with new authority from Parliament.