



Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

Collection of rates

And with respect to the collection and recovery of rates, be it enacted as follows:

34 Collector may enter vessels to ascertain rates payable.

The collector of rates may, either alone or with any other persons, enter into any vessel within the limits of the harbour, dock, or pier, in order to ascertain the rates payable in respect of such vessel, or of any goods therein.

Modifications etc. (not altering text)

- C1** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 9 para. 6\(2\)](#)
- C2** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), [art. 8\(3\)](#).
- C3** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), [art. 8\(3\)](#).
- C4** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), [art. 8\(3\)](#).
- C5** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), [art. 8\(3\)](#).
- C6** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), [art. 8\(3\)](#).
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), [art. 7\(4\)](#)
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), [art. 16\(4\)](#)
S. 34 modified (4.9.2000) by [S.I. 2000/2251](#), [art. 3](#)
- C7** S. 34 incorporated (with modifications) (E.W.S.) (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), [arts. 1\(1\), 3](#) (with [arts. 34, 35, 37, 40](#))
- C8** Ss. 33-35 incorporated (with modifications) (E.W.S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), [arts. 1, 3](#) (with [arts. 21-23](#))
- C9** S. 34 incorporated (with modifications) (S.) (2.11.2013) by [The Whitehills Harbour and Marina \(Constitution\) Order 2013 \(S.S.I. 2013/308\)](#), [arts. 1\(1\), 3](#)
- C10** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), [arts. 1\(1\), 3\(2\)-\(5\)](#)

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- C11** Ss. 33-35 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)
- C12** Ss. 33-35 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C13** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C14** Ss. 33-35 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(2)-(5)**
- C15** Ss. 33-35 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)
- C16** Ss. 33-35 incorporated (with modifications) (S.) (4.3.2021) by [The Eyemouth Harbour Revision Order 2021 \(S.S.I. 2021/118\)](#), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)

35 Master to report arrival of vessel.

Within twenty-four hours after the arrival within the limits of the harbour, dock, or pier of any vessel liable to rates, the master of such vessel shall report such arrival to the harbour master; and if he fail to make such report within the time aforesaid he shall be liable to a penalty not exceeding [^{F1}level 1 on the standard scale].

Textual Amendments

- F1** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

Modifications etc. (not altering text)

- C8** Ss. 33-35 incorporated (with modifications) (E.W.S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)
- C10** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **3(2)-(5)**
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- C17** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C18** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C19** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C20** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C21** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C22** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**

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- C23** S. 35 incorporated (with modifications) (E.W.S.) (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), **3** (with arts. 34, 35, 37, 40)
- C24** S. 35 incorporated (with modifications) (S.) (2.11.2013) by [The Whitehills Harbour and Marina \(Constitution\) Order 2013 \(S.S.I. 2013/308\)](#), arts. 1(1), **3**
- C25** S. 35 incorporated (with modifications) (S.) (8.6.2018) by [The Dumfries and Galloway Council \(Kirkcudbright\) Harbour Revision Order 2018 \(S.S.I. 2018/188\)](#), arts. 1, **3** (with arts. 14, 35(3), 38, 39, 40, 41)

36 Master of vessel to produce certificate of registry.

The master of every registered vessel shall, on demand, produce the certificate of the registry of such vessel to the collector of rates; and if any such master refuse or neglect to make such production, on demand, he shall be liable to a penalty not exceeding [^{F2}level 2 on the standard scale].

Textual Amendments

- F2** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. **46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. **289G**

Modifications etc. (not altering text)

- C13** [Ss. 32-41](#) incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C26** [Ss. 34-46, 48](#) extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C27** [Ss. 27-32, 34-48](#) applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), art. 8(3).
- C28** [Ss. 27-48](#) applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C29** [Ss. 27-48](#) applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C30** [Ss. 27-48](#) applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C31** [Ss. 27-48](#) applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
[Ss. 27-41](#) applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**
[Ss. 27-41](#) applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**
- C32** [S. 36](#) incorporated (with modifications) (S.) (8.6.2018) by [The Dumfries and Galloway Council \(Kirkcudbright\) Harbour Revision Order 2018 \(S.S.I. 2018/188\)](#), arts. 1, **3** (with arts. 14, 35(3), 38, 39, 40, 41)

37 Masters of vessels to give accounts of goods intended to be unshipped within the limits, &c.

When any goods are intended to be unshipped within the limits of the harbour, dock, or pier, the master of the vessel containing such goods shall, within twelve hours after the arrival of such vessel within the limits of the harbour, dock, or pier, deliver to the collector of rates the name of the consignee of the goods intended to be unshipped, or other person to whom the same are to be delivered, and, if the whole cargo be intended to be unshipped, a copy of the bill of lading or manifest of the cargo, or, if part only of the cargo be intended to be unshipped, the best account in writing in his power of the kinds, weights, and quantities of the several goods intended to be unshipped; and every such master shall, if required so to do by the collector of rates, give to him twelve hours notice of the time at which the cargo of such vessel, or any part of the same, is intended to be unshipped.

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- C33** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C34** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C35** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C36** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C37** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C38** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**
- C39** Ss. 37-39 incorporated (with modifications) (E.W.S.) (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), **3** (with arts. 34, 35, 37, 40)
- C40** Ss. 37-39 incorporated (with modifications) (S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)
- C41** Ss. 37-39 incorporated (with modifications) (S.) (2.11.2013) by [The Whitehills Harbour and Marina \(Constitution\) Order 2013 \(S.S.I. 2013/308\)](#), arts. 1(1), **3**
- C42** Ss. 37-39 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **art. 3(2)-(5)**
- C43** Ss. 37-39 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)
- C44** Ss. 37-39 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C45** Ss. 37-39 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(2)-(5)**
- C46** Ss. 37-39 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)
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38 Penalty on masters giving no account, or a false account, of goods to be unshipped.

Every master of a vessel of which the cargo or part of the cargo shall be unshipped within the limits of the harbour, dock, or pier, who shall have failed to deliver or to give any of the particulars in regard to the cargo or the notice in regard to the unshipment thereof herein-before required to be delivered or given by such master, or who shall deliver or give any false particulars or notice, shall for every such offence be liable to a penalty not exceeding [^{F3}level 3 on the standard scale].

Textual Amendments

- F3** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

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- C40** Ss. 37-39 incorporated (with modifications) (S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)
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- C42** Ss. 37-39 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **art. 3(2)-(5)**
- C43** Ss. 37-39 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)
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Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**

39 Shippers to give an account of goods intended to be shipped.

Before any person shall ship any goods on board of any vessel lying within the limits of the harbour, dock, or pier, he shall give to the collector of rates a true account, signed by him, of the kinds, quantities, and weights of such goods; and every person who shall ship any goods in any such vessel without having given such accounts, or who shall give or sign a false account of such goods, shall for every such offence be liable to a penalty not exceeding [^{F4}level 3 on the standard scale].

Textual Amendments

- F4** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

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- C54** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C55** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C56** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C57** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C58** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C59** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
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Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**

40 In case of dispute between collector and master, &c. goods to be weighed or measured.

If any difference arise between the collector of the rates and the master of any vessel or the owner of any goods, concerning the weight or quantities of the goods in respect of which any rates are payable, such collector may cause all such goods to be weighed or measured, and, if necessary, may detain the vessel containing such goods until they have been weighed or measured.

Modifications etc. (not altering text)

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- C60** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C61** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
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- C64** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C65** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**

41 As to the expences of weighing or measuring goods.

If the weight or quantity of such goods be greater than that shown by the manifest, bill of lading, account, or statement delivered by the master of the vessel or by the owner of the goods, the expences of such weighing or measuring shall be paid to the undertakers, and shall be recoverable by the same means as are herein or in the special Act provided for the recovery of rates; but if the weight or quantity of such goods be the same or less than that shown by the manifest, bill of lading, account, or

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statement so delivered, the undertakers shall pay all the expences of such weighing or measuring, and shall also pay to the master of the vessel or the owner of the goods all the expences occasioned by such weighing or measuring, or by the detention of the vessel for that purpose.

Modifications etc. (not altering text)

- C13** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C66** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C67** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C68** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C69** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C70** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C71** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**

42 Rates on goods when payable.

The rates payable to the undertakers in respect of any goods shipped or unshipped within the limits of the harbour, dock, or pier shall be paid as follows; (that is to say,) if such goods are to be shipped they shall be paid before the shipment, or if such goods are to be unshipped they shall be paid before the removal of the goods from the premises of the undertakers, and before the expiration of two months next after they were unshipped.

Modifications etc. (not altering text)

- C72** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C73** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C74** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C75** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C76** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C77** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
- C78** S. 42 incorporated (with modifications) (E.W.S.) (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), **3** (with arts. 34, 35, 37, 40)
- C79** S. 42 incorporated (with modifications) (S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)
- C80** S. 42 incorporated (with modifications) (S.) (2.11.2013) by [The Whitehills Harbour and Marina \(Constitution\) Order 2013 \(S.S.I. 2013/308\)](#), arts. 1(1), **3**
- C81** S. 42 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **3(2)-(5)**
- C82** S. 42 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)
- C83** S. 42 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C84** S. 42 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(2)-(5)**
- C85** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)

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- C86** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by [The Eyemouth Harbour Revision Order 2021 \(S.S.I. 2021/118\)](#), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)

43 Penalty on evading payment of rates.

If the master of any vessel or the owner of any goods evade the payment of the rates payable to the undertakers in respect of such vessel or goods, or any part thereof, he shall pay to them three times the amount of the rates of which he shall so have evaded the payment, and the same shall be recovered from such master or owner respectively in the same manner as penalties imposed by this Act are directed to be recovered, or by action in any court of competent jurisdiction.

Modifications etc. (not altering text)

- C85** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)
- C86** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by [The Eyemouth Harbour Revision Order 2021 \(S.S.I. 2021/118\)](#), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C87** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C88** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C89** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C90** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C91** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C92** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
- C93** Ss. 43-48 applied (S.) (7.11.2008) by [Whiteness Marina Harbour Revision Order 2008 \(S.S.I. 2008/361\)](#), arts. 1(1), **19(10)** (with arts. 31, 33)
- C94** Ss. 43-46 applied (E.W.S.) (18.9.2009) by [Penzance Harbour Revision Order 2009 \(S.I. 2009/2325\)](#), arts. 1, **19(10)** (with arts. 39, 40)
- C95** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)

44 Recovery of tonnage rates by distraint of ship and tackle.

If the master of any vessel in respect of which any rate is payable to the undertakers refuse or neglect to pay the same or any part thereof, the collector of rates may, with such assistance as he may deem necessary, go on board of such vessel and demand such rates, and on nonpayment thereof, or of any part thereof, take, distraint, or arrest, of his own authority, such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the matters so distrained or arrested until the rates are paid; and in case any of the said rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said collector may cause the matters so distrained or arrested to be appraised by two or more sworn appraisers, and afterwards cause the matters distrained or arrested, or any part thereof, to be sold, and with the proceeds of such sale may satisfy the rates so unpaid, and the expences of taking, keeping, appraising, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel upon demand.

Modifications etc. (not altering text)

- C85** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)

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- C86** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by [The Eyemouth Harbour Revision Order 2021 \(S.S.I. 2021/118\)](#), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C93** Ss. 43-48 applied (S.) (7.11.2008) by [Whiteness Marina Harbour Revision Order 2008 \(S.S.I. 2008/361\)](#), arts. 1(1), **19(10)** (with arts. 31, 33)
- C94** Ss. 43-46 applied (E.W.S.) (18.9.2009) by [Penzance Harbour Revision Order 2009 \(S.I. 2009/2325\)](#), arts. 1, **19(10)** (with arts. 39, 40)
- C95** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C96** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C97** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C98** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C99** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C100** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C101** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.
Ss. 44-46 applied (with modifications)(1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**
Ss. 44 - 46 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**

45 Recovery of rates on goods.

If default be made in the payment of the rates payable in respect of any such goods, the collector of rates may distrain or arrest, of his own authority, such goods, and for that purpose may enter any vessel within the limits of the harbour, dock, or pier in which the goods may be, with such assistance as he shall deem necessary, or, if the said goods have been removed without payment of such rates, he may distrain or arrest any other goods within the limits of the harbour, dock, or pier, or the premises of the undertakers, belonging to the person liable to pay such rates, and may sell the goods so distrained or arrested, and out of the proceeds of such sale pay the rates due to the undertakers, rendering the overplus, if any, to the owner of such goods, on demand; or the undertakers may recover such rates by action in any court having competent jurisdiction: Provided always, that the collector of rates shall, before making any such distress or arrestment as aforesaid, pay all duties which may be payable to her Majesty in respect of the goods so distrained or arrested, and he may retain the amount of duties so paid out of the proceeds arising from the sale of such goods.

Modifications etc. (not altering text)

- C85** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)
- C86** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by [The Eyemouth Harbour Revision Order 2021 \(S.S.I. 2021/118\)](#), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)
- C93** Ss. 43-48 applied (S.) (7.11.2008) by [Whiteness Marina Harbour Revision Order 2008 \(S.S.I. 2008/361\)](#), arts. 1(1), **19(10)** (with arts. 31, 33)
- C94** Ss. 43-46 applied (E.W.S.) (18.9.2009) by [Penzance Harbour Revision Order 2009 \(S.I. 2009/2325\)](#), arts. 1, **19(10)** (with arts. 39, 40)
- C95** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C102** Ss. 34-46, 48 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C103** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), **art. 8(3)**.
- C104** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C105** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C106** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C107** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.

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Ss. 44 - 46 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**
Ss. 44 - 46 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**

46 Disputes concerning rates or charges occasioned by distress to be settled by a justice in England or Ireland, and in Scotland by the sheriff.

If any dispute arise concerning the amount of any rates due, or the charges occasioned by any distress or arrestment, by virtue of this or the special Act, the person making such distress or using such arrestment may detain the goods distrained or arrested until the amount of the rates due, or the charges of such distress or arrestment, be ascertained by a justice, if in England or Ireland, and by the sheriff, if in Scotland, who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either of the parties to the other of them as he shall think reasonable, and such costs, if not paid on demand, shall be levied by distress or [^{F5}attachment][^{F6}or money attachment], and such justice or sheriff shall issue his warrant accordingly.

Textual Amendments

- F5** Words in s. 46 substituted (S.) (30.12.2002) by 2002 asp 17, ss. 61, 64(2), **Sch. 3 Pt. 1 para. 5** (with art. 63)
- F6** Words in s. 46 inserted (23.11.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **Sch. 5 para. 2** (with s. 223); S.S.I. 2009/369, art. 3(2)(3), Sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))

Modifications etc. (not altering text)

- C85** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, 3 (with arts. 36-40)
- C86** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), 3(2)-(5) (with arts. 36, 37)
- C93** Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 19(10) (with arts. 31, 33)
- C94** Ss. 43-46 applied (E.W.S.) (18.9.2009) by Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, 19(10) (with arts. 39, 40)
- C95** Ss. 43-46 incorporated (with modifications) (S.) (18.3.2016) by The Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (S.S.I. 2016/156), arts. 1, 3 (with arts. 31, 32)
- C108** Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), **Sch. 9 para. 6(2)**
- C109** S. 46 applied (S.) (5.9.2002) by S.S.I. 2002/410, **art. 46(3)(b)** (with arts. 59, 61)
- C110** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C111** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C112** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C113** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C114** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.
Ss. 44 - 46 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**
Ss. 44 - 46 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**
- C115** S. 46 applied (S.) (23.5.2008) by The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008 (S.S.I. 2008/189), arts. 1, 42(3) (with arts. 53-56)
- C116** S. 46 applied (S.) (23.5.2008) by Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008 (S.S.I. 2008/188), arts. 1, 42(3) (with arts. 53-56)
- C117** S. 46 applied (S.) (23.5.2008) by Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, 42(3)(b) (with arts. 53(1), arts. 54-56)

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47 F7

Textual Amendments

F7 Ss. 30, 47 repealed by Harbours Act 1964 (c. 40), s. 38(1)(a)

Modifications etc. (not altering text)

C93 Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 19(10) (with arts. 31, 33)

48 **Collector of customs may withhold a clearance to any vessel until the rates paid.**

The collector or other proper officer of her Majesty's Customs for the district within which the harbour, dock, or pier is situate may, with the consent of the Commissioners of her Majesty's [^{F8}Customs and Excise], refuse to receive any entry or give any cocquet, discharge, or clearance, or to take any report inwards or outwards of any vessel liable to the payment of any of the rates imposed by the special Act, until the master of such vessel produced to such collector or officer a certificate, under the hand of the collector of rates, that the rates payable in respect of such vessel, and any goods imported or exported by such vessel, have been paid, or, if there be any dispute as to the rates payable, until such collector or officer shall be satisfied that sufficient security has been given for the payment of such rates when ascertained, together with the expences arising from the non-payment thereof.

Textual Amendments

F8 Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

Modifications etc. (not altering text)

C93 Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), 19(10) (with arts. 31, 33)

C118 Ss. 34-46, 48 extended by Transport Act 1962 (c. 46), Sch. 9 para. 6(2)

C119 Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, art. 8(3).

C120 Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, art. 8(3).

C121 Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, art. 8(3).

C122 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, art. 8(3).

C123 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, art. 8(3).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.I. 2024/147 art. 4](#)
- Act excluded by [2023 c. 8 s. 11\(8\)](#)