



Harbours and Passing Tolls, &c. Act 1861

1861 CHAPTER 47

PART IV

ABOLITION OF DIFFERENTIAL DUES, AND COMPENSATION THEREFOR

10 Abolition of Differential Dues.

All Differential Dues shall cease and be abolished on and after the First Day of *January* One thousand eight hundred and sixty-two.

11 Compensation for Differential Dues, when to cease.

All Payments which, would but for such Abolition have been made out of Public Monies by way of Compensation for Differential Dues, under the Authority of the Acts enumerated in the Second Schedule hereto annexed, or of any other Act or Acts relating to such Dues, shall continue until the First Day of *January* One thousand eight hundred and seventy-two, and shall then cease.

12 Compensation, whilst continued, to be limited.

From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one the Compensation for Differential Dues paid to any Corporation, Body of Persons, or Person in any One Year shall be the Amount paid to such Corporation, Body, or Person in the Year One thousand eight hundred and sixty; and the Commissioners of Her Majesty's Treasury may cause the said Compensation to be paid to the said Corporations, Bodies, or Persons, without requiring them to transmit their Claims to the *Trinity House of Deptford Strond* for Examination.

13 Commutation of Compensation.

The Commissioners of Her Majesty's Treasury may at any Time, on giving Three Months Notice of their Intention so to do, commute annual Payments by way of Compensation for Differential Dues, by paying to the Parties entitled thereto a gross Sum, equal to such Number of Years Purchase as may for the Time being remain

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unexpired of the Period for which the said Payments are to continue, after deducting Interest on the anticipated Payments at the Rate of Four per Cent.

14 Indemnity to Public Authorities.

All such Harbour and Pilotage Authorities and other Bodies Corporate, Bodies of Persons, and Persons as have heretofore applied to Shipping Purposes or to other public Purposes, Compensation paid to them for Differential Dues, or as have contracted Debts for such Purposes, may, from and after such Time as such Compensation ceases to be paid to them, with the Consent of Her Majesty in Council, indemnify themselves for the Loss thereof by raising any Bates which they have Power to levy, to such an Amount as will produce a Sum that will enable them to perform such Services, subject to this Proviso, that no Rates or Dues of any Kind shall in pursuance of the Power hereby given be made payable in respect of any Foreign Ship, or Goods carried in any Foreign Ship, over and above the Rates and Dues made payable under like Circumstances in respect of *British* Ships and the Goods carried in *British* Ships.

15 Power to recover increased Dues.

In the event of any Increase of Taxes or Bates being sanctioned by Her Majesty in Council, the Body Corporate, Persons, or Body of Persons empowered to increase the same shall, notwithstanding any Act of Parliament, Charter, or Usage to the contrary, have the same Powers and Remedies for levying such increased Taxes or Bates as they had for levying the same Taxes or Bates previously to such Increase.

16 Saving of Rights of Creditors.

Nothing herein contained shall prejudice or affect the Right of any Creditor who may have advanced Monies either wholly or partially on the Security of any Differential Dues, or of any Payments out of the Public Monies made by way of Compensation for Differential Dues ; but if the Commissioners of Her Majesty's Treasury make any Payment to such Creditor in respect of such Compensation the Sum so paid shall be deemed to be a Debt due to the Crown from the Persons or Body to whom the Creditor made the Advance in respect of which the Payment Js made, and shall be recoverable accordingly.