
STATUTORY INSTRUMENTS

1994 No. 1647

The Lancaster Port Commission Harbour Revision Order 1994

**PART III
CHARGES**

Power to make charges

16.—(1) Subject to paragraph (2) below, the Commissioners may make such reasonable charges as they think fit for services and facilities provided by them in connection with the undertaking, including requirements as to the payment of interest on overdue charges.

(2) Paragraph (1) above does not authorise the levying of ship, passenger and goods dues within the meaning of the Harbours Act 1964.

(3) Nothing in this article shall affect the power to demand, take or recover charges which the Commissioners have under or by virtue of any enactment.

(4) Without prejudice to any provision of this Order or any other enactment relating to the payment or recovery of charges due to the Commissioners, sections 27 to 41 and 44 to 46 of the Harbours, Docks, and Piers Clauses Act 1847 (which provide for various matters connected with liability for and collection of rates to be taken by the undertakers), as incorporated with or applied by any enactment relating to the Commissioners, apply to the charges under paragraph (1) above as if they were rates payable under that enactment.

Payment of charges

17.—(1) The several charges which the Commissioners are for the time being authorised to demand, take and recover in respect of vessels and goods under any enactment shall be payable before the removal from the port of any vessel or goods in respect of which they are payable and may be demanded, taken or recovered by such person, at such places and at such times as the Commissioners may from time to time appoint and under such regulations as they may from time to time make.

(2) Charges payable to the Commissioners in relation to a vessel or goods shall be so payable by the owner of the vessel or goods.

(3) Where charges payable to the Commissioners may be recovered by them from more than one person, the said persons shall be jointly and severally liable.

Deposit for charges

18. The Commissioners may, if they think fit, require any person who is liable, or may become liable, to pay charges to them to deposit with them, or to guarantee, such sum as in their opinion is reasonable having regard to the probable amount of the charges.

Penalty for evading payment of charges

19. If the owner of any vessel or goods or any other person at any time eludes or attempts to elude or evade payment of, or refuses or neglects to pay, any charges payable by him to the Commissioners at the time when they become due and payable, he shall be liable to pay to the Commissioners a sum equal to three times the amount of such charges, which sum shall be a debt due to the Commissioners and shall be recoverable by the Commissioners in the same manner as penalties imposed by the Harbours, Docks, and Piers Clauses Act 1847 may be recovered, or by action in any court of competent jurisdiction.

Claims for repayment of charges

20. Any person claiming the return of the whole or any part of any charges paid to the Commissioners

- (a) shall make his claim within one year from the time of payment; and
- (b) shall produce all documents and give all information required by the Commissioners in proof thereof within two months from being requested by them to do so; and, if the person concerned fails to comply with paragraph (a) or (b) above, the claim shall cease to be enforceable.

Payment of charges on warehoused goods

21. The owner of any goods warehoused, placed or stored in a warehouse, transit shed, area, store or yard of the Commissioners shall, before the removal of those goods from the warehouse, transit shed, area, store or yard and at such date or dates as shall be fixed by the Commissioners, pay such charges as shall be then due and payable on those goods.