
STATUTORY INSTRUMENTS

1996 No. 1627

The Whitehaven Harbour Revision Order 1996

PART IV

Financial and miscellaneous

Charges for services or facilities

37. In addition to their power to demand ship, passenger and goods dues under section 26 of the Harbours Act 1964, the Commissioners may demand, take and recover such reasonable charges for services and facilities provided by them at the harbour as they may from time to time determine.

Payment of charges

38.—(1) A charge which the Commissioners are for the time being authorised to demand, take and recover in respect of a vessel or goods or otherwise shall be payable before the removal from the harbour of any vessel or goods in respect of which they are payable, and may be demanded, taken and recovered by such persons, at such places, at such times and under such conditions as the Commissioners may from time to time specify in their published list of charges.

(2) Charges payable to the Commissioners shall be payable by the owners of any vessel or goods in relation to which the charges are payable.

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

Deposit for charges

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

Recovery of charges

40. In addition to any other remedy given by this Order and by the Act of 1847 as incorporated with the Whitehaven Town and Harbour Acts and Orders 1708 to 1991 (and, in a case where the master of a vessel in respect of which a charge is payable to the Commissioners refuses or neglects to pay the same or any part thereof, whether or not the Commissioners' collector has gone on board the vessel and demanded the charge pursuant to section 44 of that Act), the Commissioners may recover any dues, rates, rents or other charges payable to them as a debt in any court of competent jurisdiction.

Power to lease etc.

41.—(1) The Commissioners may at any time lease or grant for harbour purposes the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment

or other property forming part of the harbour for such period or periods and on such terms and conditions as may be agreed between the Commissioners and the persons taking the same.

(2) Section 23 of the Act of 1847 (Power to lease wharfs, warehouses, etc.), as incorporated by any provision of the Whitehaven Town and Harbour Acts and Orders 1708 to 1991, shall cease to have effect.

Crown rights

42. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing in this Order authorises the Commissioners to take, use or in any manner interfere with any part of the shore or bed of the sea or any river, channel, creek, bay or estuary or any land, hereditaments, or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners, on behalf of Her Majesty, first had and obtained for that purpose.