
STATUTORY INSTRUMENTS

1997 No. 2949

The Portland Harbour Revision Order 1997

**PART III
CHARGES**

Charges for services or facilities

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

Payment of charges

23.—(1) The charges which the Company are for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment shall be payable before the removal from the harbour or the harbour premises 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 terms and conditions as the Company may from time to time specify in their published list of charges.

(2) Charges payable to the Company on or in respect of—

- (a) a vessel, shall be payable by the owner or master thereof;
- (b) goods, shall be payable by the owner, consignee or shipper thereof.

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

(4) Without prejudice to the generality of paragraph (1) above, the terms and conditions as to the payment of charges which the Company may from time to time specify may include the time when a charge falls due for payment and may require such information to be given to the Company by the owner or master of a vessel or a person using a service or facility of the Company as the Company may require in connection with the assessment or collection of a charge.

Compounding arrangements and rebates

24. Nothing in section 30 of the Harbours Act 1964 shall require the Company to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.

Deposit for charges

25.—(1) The Company may, if they think fit, require a person who incurs or is about to incur a charge to deposit with them, or to guarantee, such sum of money as is, in the opinion of the Company, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required the Company may detain in the harbour or on the harbour premises the vessel or goods in respect of which the charge has been or will be incurred, until the requirement has been complied with or the charge paid.

Liens for charges

26.—(1) A person who by agreement with the Company collects charges on their behalf and who pays or gives security for the payment of charges on goods in his possession shall have a lien on those goods for the amount paid or security given in respect thereof.

(2) A wharfinger or carrier who is not himself liable for the payment of charges may pay or by agreement with the Company give security for charges on goods in his custody, and in that event he shall have a like lien on the goods for the amount of those charges as he would have in respect of his charges for safe custody or carriage of the goods, as the case may be.

Refusal to pay charges for landing place

27. An officer of the Company may prevent a vessel from using a landing place provided by the Company, if the master of the vessel refuses to pay the charges for such use.

Exemptions from harbour dues

28.—(1) Except insofar as may be agreed between the Company and the government department or person concerned the Company shall not be entitled to demand harbour dues from, or in respect of—

- (a) vessel—
 - (i) belonging to any member of the Royal Family;
 - (ii) in the service of the Commissioners of Customs and Excise and not carrying goods for reward;
 - (iii) belonging to or used by a lifeboat service whilst employed in or in connection with the functions of that service;
 - (iv) in the service of a police force or other emergency service;
- (b) the Commissioners of Customs and Excise or any officer or other person employed in their service in respect of a vessel or goods under customs seizure, or in respect of goods or other articles belonging to, or in the care or service of, the Commissioners;
- (c) an officer of the Commissioners of Customs and Excise or any other person employed in their service;
- (d) a person employed by the Secretary of State for Defence while in the execution of his duty.

(2) Officers of the Department of the Environment, Transport and the Regions in the execution of their duty shall at all times be exempt from harbour dues.

(3) No harbour dues shall be payable in respect of a vessel which merely passes through the limits of the outer harbour without mooring, anchoring or making use of any facilities provided by the Company.

(4) In this article “harbour dues” means ship, passenger and goods dues which the Company may demand under section 26 of the Harbours Act 1964.

Recovery of charges

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

Harbour master may prevent sailing of vessels

30. The harbour master may prevent the removal or sailing from the harbour of any vessel until evidence has been produced to him of the payment of any charges payable in respect of the vessel or of passengers thereon or of the goods imported or exported therein.