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STATUTORY INSTRUMENTS

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**2007 No. 3463**

**The Maryport Harbour Revision Order 2007**

**PART 6**

*Charges*

**Charges on certain floating articles**

**45.** In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the Harbours Act 1964<sup>(1)</sup> the Authority may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig or other floating plant (not being a ship within the meaning of section 57 of that Act) entering, using or leaving the harbour such charges as the Authority think fit, and sections 30 and 31 of that Act (which require lists of charges to be available for inspection and sale; and give a right of objection to ship, passenger and goods dues) shall, with any necessary modifications, apply to the charges authorised by this article as they apply to ship, passenger and goods dues.

**Charges for services or facilities**

**46.** In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the Harbours Act 1964 the Authority 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**

**47.—(1)** A charge which the Authority 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 Authority may from time to time specify in their published list of charges.

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

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

**Compounding arrangements and rebates**

**48.** Nothing in section 30 of the Harbours Act 1964 shall require the Authority 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.

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(1) 1964 c. 40.

### **Deposit for charges**

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

### **Liens for charges**

50.—(1) A person who by agreement with the Authority 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 of them.

(2) A wharfinger or carrier who is not himself liable for the payment of charges may pay or by agreement with the Authority 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.

### **Recovery of charges**

51. In addition to any other remedy given by this Order or by the 1847 Act 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 Authority refuses or neglects to pay that charge or any part of it, whether or not an official or agent of the Authority has gone on board the vessel and demanded the charge pursuant to section 44 of that Act), the Authority may recover any dues, rates, rents or other charges payable to them as a debt in any court of competent jurisdiction.

### **Harbourmaster may prevent sailing of vessels**

52. The harbourmaster 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, its passengers or the goods transported on it.

### **Refusal to pay charges for landing place**

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

### **Payment of charges on warehoused goods**

54. Notwithstanding article 47, the owner or person having the charge of any goods warehoused, placed, stored or yarded in a warehouse, transit shed or area, store or yard of the Authority shall, before the removal of any of the goods from there and at such date or dates as shall be fixed by the Authority, pay such charges as shall be then due and payable on the goods.

### **Exemptions from charges**

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

- (a) a vessel—
  - (i) in the service of the Commissioners of Customs and Excise and not carrying goods for reward;
  - (ii) belonging to or used by a lifeboat service whilst employed in or in connection with the functions of that service;
  - (iii) 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, those 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 for Transport in the execution of their duty shall at all times be exempt from harbour dues.
- (3) In this article, “harbour dues” means ship, passenger and goods dues which the Authority may demand under section 26 of the Harbours Act 1964<sup>(2)</sup>.