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WELSH STATUTORY INSTRUMENTS

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**2011 No. 1565**

**The Saundersfoot Harbour Empowerment Order 2011**

**PART 5**

**CHARGES**

**Charges for services or facilities**

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

**Payment of charges**

**34.—(1)** The charges which the Commissioners are for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment are 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 terms and conditions as the Commissioners may from time to time specify in their published list of charges.

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

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

(4) Without prejudice to paragraph (1), the terms and conditions as to the payment of charges which the Commissioners 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 Commissioners by the owner or master of a vessel or a person using a service or facility of the Commissioners as the Commissioners may require in connection with the assessment or collection of a charge.

**Compounding arrangements and rebates**

**35.** Nothing in section 30 of the 1964 Act requires the Commissioners 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 list.

**Deposit for charges**

**36.—(1)** The Commissioners may 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 Commissioners, 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 Commissioners may detain in the harbour 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**

**37.**—(1) A person who by agreement with the Commissioners collects charges on their behalf and who pays or gives security for the payment of charges on goods in that person's possession has a lien on those goods for the amount paid or security given in respect of it.

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

### **Master of fishing vessel to report take of fish**

**38.**—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish must on the arrival of the vessel within the limits of the harbour provide to the collector of rates a true and accurate statement of his or her take or cargo of fish and the name of every person obtaining delivery of the take or cargo.

(2) A master or owner of a vessel who fails to comply with this article commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Harbour master may prevent sailing of vessels**

**39.** The harbour master may prevent the removal or sailing from the harbour of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of the vessel or of its passengers or of any goods imported or exported (and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the statement of his or her take or cargo of fish required by article 38).

### **Exemptions from dues**

**40.** Except as may be agreed between the Commissioners and the lifeboat service concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Commissioners to levy dues authorises them to levy dues on a vessel belonging to or used by a lifeboat service whilst employed in or in connection with the functions of that service.