
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 202

**Scottish Natural Heritage (Rum)
Harbour Empowerment Order 1999**

**PART IV
CHARGES**

Liability for charges

26.—(1) Charges payable to Scottish Natural Heritage 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.

(2) Where a charge payable to Scottish Natural Heritage may be recovered from more than one person the persons from whom it is recoverable shall be jointly and severally liable.

Exemptions, rebates, etc., in respect of charges

27.—(1) Scottish Natural Heritage may confer total or partial exemption from, allow rebates to or make compositions with any person with respect to, charges and may vary or extinguish any such exemption or composition.

(2) Nothing in section 30 of the Harbours Act 1964 shall require Scottish Natural Heritage 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 that list.

Security for charges

28. Scottish Natural Heritage may require a person who incurs or is about to incur a charge to deposit with them, or to give security for, such sum of money as is, in the opinion of Scottish Natural Heritage, reasonable having regard to the amount or probable amount of the charge, and where such a person fails to deposit or give security for the sum of money required Scottish Natural Heritage may detain the vessel in the harbour or goods on or in harbour premises, 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

29.—(1) A person who by agreement with Scottish Natural Heritage 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 Scottish Natural Heritage 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 places

30. The harbourmaster may prevent a vessel from using a landing place provided by Scottish Natural Heritage, if the master of the vessel refuses to pay the charges for such use.

Exemptions from charges

31.—(1) Except in so far as may be agreed between Scottish Natural Heritage and the government department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising Scottish Natural Heritage to levy charges shall extend to authorise them to levy charges in respect of—

- (a) a vessel—
 - (i) belonging to or in the service of Her Majesty or any member of the Royal Family; or
 - (ii) in the service of the Commissioners of Customs and Excise and not carrying goods for reward; or
 - (iii) in the service of the Commissioners of Northern Lighthouses and not carrying goods for reward; or
 - (iv) belonging to or used by the lifeboat service whilst employed in or in connection with the functions of that service;
- (b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;
- (c) goods or stores belonging to the Secretary of State for Defence.

(2) Members of staff of the Scottish Ministers in the execution of their duty shall at all times be exempt from charges in respect of their vessels and otherwise.

(3) This Order shall not extend to subject any person to liability for charges in respect of a vessel which—

- (a) merely passes through the limits of the harbour area without mooring or making use of any facilities therein provided by Scottish Natural Heritage; or
- (b) is forced by stress of weather to make use of a harbour area but without breaking bulk.

Conditions as to payment of charges

32.—(1) Charges shall be payable subject to such terms and conditions as Scottish Natural Heritage may from time to time specify in their published list of charges.

(2) Without prejudice to the generality of paragraph (1) above the terms and conditions may prescribe the time when a charge falls due for payment and may require such information to be given to Scottish Natural Heritage by the owner or master of a vessel or a person using a service or facility of Scottish Natural Heritage as Scottish Natural Heritage may require in connection with the assessment or collection of a charge.