

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2019 No. 296**

**The Caledonian Maritime Assets (East  
Loch Tarbert) Harbour Revision Order 2019**

**PART 5**

**CHARGES**

**Charges**

**40.**—(1) CMAL may make such reasonable charges for services and facilities provided by it or on its behalf in relation to the harbour as CMAL may from time to time determine.

(2) CMAL may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig or floating plant, which is not a ship as defined in section 57 of the 1964 Act, entering, using or leaving the harbour such reasonable charges as CMAL thinks fit, and sections 30 and 31 of the 1964 Act shall with any necessary modifications apply to the charges authorised by this paragraph as they apply to ship, passenger and goods dues.

(3) In this article “charges” means any charges other than ship, passenger and goods dues as defined in Section 57 of the 1964 Act.

**Liability for charges**

**41.**—(1) Charges payable to CMAL on or in respect of—

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

(2) Where a charge payable to CMAL 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**

**42.**—(1) CMAL may confer total or partial exemptions 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 1964 Act shall require CMAL 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.

(3) This Order shall not subject any person to liability for charges or dues in respect of a recreational craft merely for entering or passing through the harbour; and for this purpose “a recreational craft” is a vessel which has a hull of not more than 24 metres in length and is intended only for sport and leisure use.

### **Security for Charges**

43. CMAL may require a person who incurs or is about to incur a charge to deposit with, or to guarantee, such sum of money as is, in the opinion of CMAL, reasonable having regard to the amount or probable amount of the charge, and where such a person fails to deposit or guarantee the sum of money required by CMAL, CMAL may detain the vessel in the harbour or goods on or in the harbour, 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**

44.—(1) A person, who by agreement with CMAL collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession shall have a lien on those goods for the amount paid or security given in respect of those goods.

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

### **Refusal to pay charges for landing place, etc.**

45. An officer of CMAL may prevent a vessel from using a landing place or any other facilities provided by CMAL if the master of the vessel refuses to pay the charges for such use.

### **Conditions as to payment of charges**

46.—(1) Charges shall be payable subject to such terms and conditions as CMAL may from time to time specify in its published list of charges.

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