



Medway Ports Authority Act 1973

1973 CHAPTER xxi

PART V

GOODS

70 As to entry of dangerous goods

- (1) The Authority may-
 - (a) refuse entry into the port of any goods which in their opinion would endanger or be liable to endanger persons or property; or
 - (b) permit the entry of any such goods subject to compliance with such terms and conditions (including the part or parts of the port where such entry is permitted) as they think fit.
- (2) The Authority shall publish a schedule of such goods—
 - (a) entry of which is forbidden by them; and
 - (b) entry of which is permitted by them only upon terms and conditions specified in the schedule.
- (3) A person who after publication of the schedule referred to in subsection (2) of this section—
 - (a) brings or causes or permits to be brought into the port any goods the entry of which is forbidden; or
 - (b) fails in relation to any goods brought into the port to comply with any terms or conditions imposed by the Authority under subsection (1) of this section; shall—
 - (i) be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment, to a fine; and
 - (ii) indemnify the Authority against all claims, demands, proceedings, costs, damages and expenses which may be made against or recovered from or incurred by the Authority in consequence of the commission of the offence;

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and the Authority may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

71 Notice before entry of dangerous goods

- (1) Except in case of emergency, the owner or master of a vessel—
- (a) which it is intended to bring into the port carrying dangerous goods; or
 - (b) which is within the port and on which it is intended to place dangerous goods;
- shall, before that vessel enters the port or before the dangerous goods are placed on board, as the case may be, give notice to the harbour master of the nature and quantity of the dangerous goods in question and, if such notice is not given, the owner or master of the vessel shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that the notice required by this subsection shall, when practicable, be given not less than twenty-four hours before the vessel enters the port or the dangerous goods are placed on board, as the case may be.

- (2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section it shall be a defence to prove that he did not know and could not with reasonable diligence have ascertained the nature of the goods in respect of which the proceedings are taken.
- (3) The Authority may exempt owners or masters from the requirements of this section where the Authority consider a notice unnecessary.

72 Power to survey goods

- (1) The Authority may survey and examine—
- (a) goods at the docks; and
 - (b) goods on board a vessel at the docks when those goods are to be or have been handled by the Authority or when the master of the vessel asks for a survey or examination to be made by the Authority.
- (2) The Authority may make a reasonable charge for a survey or examination carried out under this section.
- (3) Where a written report is made on a survey or examination under this section, the Authority shall on request supply a copy of the report at a reasonable price to the owner or consignee of the goods and, if the survey was requested by the master of a vessel, to that master.

73 Power to remove goods

The Authority may remove, or cause to be removed, any goods remaining on or in any part of the port after the expiry of the periods prescribed, or to be prescribed, by the Authority, to their own or any other public warehouse or store, and such removal shall be carried out at the expense and risk of the owner:

Provided always that—

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- (a) notwithstanding such removal or placing in store, such goods shall be liable to a general lien for the cost of removal, and for any charges payable to the Authority by the owner; and
- (b) the power of the Authority for preventing the removal of goods until the cost of removal, and the charges, have been paid shall extend and apply to any goods removed or placed in store under the provisions of this section.

74 Liability for safety of goods

The Authority shall not be responsible for the safety of any goods deposited in any part of the port not specifically set apart by them for the purpose of warehousing.

75 Authority may issue warrants for deposited goods

- (1) The Authority may at the request of a person—
 - (a) warehousing or depositing goods in a warehouse or place in the port specially appropriated for the purpose; or
 - (b) entitled to goods so warehoused or deposited;issue to him a warrant for the delivery of the goods so warehoused or deposited or such part thereof as may be specified in the warrant.
- (2) A warrant issued under subsection (1) of this section shall be transferable by endorsement and shall entitle the person named therein or the last endorsee thereof to the delivery of the goods specified therein and the goods so specified shall for all purposes be deemed to be his property.

76 Power to give directions as to loading or unloading of certain goods

- (1) The Authority may, by resolution, designate any dock, wharf or other works, or any portion thereof, for the loading and unloading of any goods to which this section applies.
- (2) Where pursuant to subsection (1) of this section the Authority have designated a place for the loading or unloading of goods of any description the harbour master may direct that goods of that description intended to be loaded on board, or unloaded from, a vessel shall not be deposited or received elsewhere than at the place so designated and in the event of any person disobeying any such direction the Authority may remove the goods to the place so designated, and any expense incurred by them in so doing may be recovered by them from that person as a simple contract debt in any court of competent jurisdiction.
- (3) The goods to which this section applies are goods in bulk and goods the nature or character of which is such as, in the opinion of the Authority, to give rise to special risk of contamination, taint, stain, injury or danger to other goods or to persons, or to necessitate the provision of special facilities for the handling thereof or for the safety, protection, welfare or accommodation of persons employed in or in connection with such handling.

77 Use of warehouses as bonded warehouses

- (1) The Authority may, at their discretion, use as a bonded warehouse any of their warehouses, sheds or other buildings, or any part thereof which may be duly approved

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by the Commissioners of Customs and Excise, when such are intended for the deposit of goods liable to duties of customs and excise.

- (2) The Authority may, if required, give to the Commissioners of Customs and Excise general security by bond under their common seal for payment of duties of customs and excise on or for the due exportation of goods deposited in their warehouses, sheds, buildings, yards or storage areas.
- (3) The Authority may give such bonds or securities under their common seal as may be required by the laws for the time being in force relating to all premises for which the Commissioners of Customs and Excise may require bonds and securities to be given.
- (4) All warehouses, sheds or other buildings belonging to the Authority in which goods prohibited to be used for home consumption, or liable to duties of customs and excise, may be deposited shall, if required by the Commissioners of Customs and Excise, be secured in such manner as shall be approved by such Commissioners.