



Harbours Act 1964

1964 CHAPTER 40

Harbour Charges

- 26 Repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues charged by them.**
- (1) Subject to the following provisions of this Act, any statutory provision made with respect to a particular harbour authority shall cease to have effect in so far as (otherwise than by way of expressly providing for freedom from dues or in any other manner prohibiting the levying of a due) it limits the discretion of the authority as to the ship, passenger and goods dues chargeable by them at a harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing (whether by specifying, or providing for specifying, the dues to be levied, or fixing or providing for fixing, dues, or otherwise).
 - (2) Subject to the following provisions of this Act and to any such statutory provision made with respect to them in particular as expressly provides for freedom from dues or in any other manner prohibits the levying of a due, a harbour authority shall have power to demand, take and recover such ship, passenger and goods dues as they think fit at such a harbour as aforesaid.
 - (3) Any such provision of the ^{M1}Harbours, Docks and Piers Clauses Act 1847 as incorporated in a statutory provision made with respect to a harbour authority as refers to rates shall, with any necessary modifications, apply to charges imposed by virtue of this section by that authority as if they were rates payable under a statutory provision made with respect to them, and any such enactment of a statutory provision made with respect to a harbour authority as refers (in whatever terms) to charges payable to them under a statutory provision made with respect to them or to charges so payable of a specified class shall (in so far as it does not cease to have effect by virtue of subsection (1) of this section) apply with any necessary modifications to charges imposed by that authority by virtue of this section or, as the case may be, to charges so imposed of that class as if they were charges so payable or, as the case may be, charges so payable of that class.
 - (4) Any ship, passenger and goods dues in force immediately before this section comes into operation which are exigible by a harbour authority at a harbour which, in

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the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing, being dues imposed or deemed to have been imposed by or by virtue of a statutory provision made with respect to the authority, shall be deemed to have been imposed by virtue of this section.

- (5) In this section “harbour authority” does not include—
- (a) any of the Boards [^{F1}or Canal & River Trust];
 - (b) a person carrying on an inland waterway undertaking to which provisions of section 43 of the ^{M2}Transport Act 1962 apply by virtue of section 52(2) of that Act;
 - (c) a person carrying on an undertaking all or any of the charges of which are, under the statutory provisions relating to the undertaking, subject to revision by the Minister and some other Minister acting together;

and “statutory provision” includes an order made under Regulation 56 of the Defence (General) Regulations 1939 or under an order confirmed by the Minister of Agriculture and Fisheries or the Minister of Agriculture, Fisheries and Food in pursuance of section 2(3)(2) of the ^{M3}Fishery Harbours Act 1915.

Textual Amendments

- F1** Words in s. 26(5)(a) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 2(2)** (with arts. 4-6)

Modifications etc. (not altering text)

- C1** S. 26 extended by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 4 para. 1(2)(a)**
- C2** S. 26(2) applied (7.3.2016) by [The Newhaven Harbour Revision Order 2016 \(S.I. 2016/151\)](#), arts. 1(1), **27(1)** (with arts. 29, 30)

Marginal Citations

- M1** 1847 c. 27 (**58**).
- M2** 1962 c. 46 (**126**).
- M3** 1915 c. 48 (**58**).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 c. 8 s. 9\(7\)](#)