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STATUTORY INSTRUMENTS

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**2006 No. 2167**

**The Dover Harbour Revision Order 2006**

**PART 6**

**FINANCIAL**

**Borrowing and guarantees**

**19.**—(1) The Board may borrow money for any of the purposes of their undertaking or those of their subsidiaries and in connection with activities relating to the harbour or harbour land whether the purposes concerned are of a capital or revenue nature and may do so in such a manner and on such terms as they consider expedient.

(2) Without prejudice to the generality of paragraph (1) of this article the power to borrow conferred by that sub-paragraph may be exercised—

- (a) by the issue of debentures on such terms as the Board think fit;
- (b) by borrowing from a government source or bank or other provider on overdraft or loan;
- (c) by opening an acceptance credit with a bank or accepting house;
- (d) by accepting money on deposit.

(3) The Board may by way of security for any borrowing authorised or any guarantee given by them under this paragraph grant any mortgage or charge which they think fit over all or any part of their revenues (present or future) and by way of security for any overdraft or temporary loan under sub-paragraph (b) of paragraph (2) of this article charge all or any part of the Board's assets.

(4) The Board may for the purposes of their undertaking or those of their subsidiaries give guarantees to any person for the benefit of any undertaking carried on by him or if that person shall be a company of any subsidiary of that person.

**Charges**

**20.** In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the 1964 Act and combined charges under section 27A of the 1964 Act, the Board may demand, take and recover in respect of any floating manufactured article (not being a ship within the meaning of the 1964 Act) entering, using or leaving the harbour such charges as they think fit; and the provisions of sections 30 and 31 of the 1964 Act (which require lists of charges to be available for inspection and sale and give a right of objection to ship, passenger and goods dues) shall apply to the charges authorised by this article as they apply to ship, passenger and goods dues.

**Charges for services**

**21.** The Board may demand, take and recover such reasonable charges for services and facilities provided by them as they may from time to time determine and may compound for and make such special arrangements in relation to such charges as they think fit.

## **Conditions**

**22.** Charges shall be payable subject to such conditions as the Board may from time to time specify in their published list of charges.

## **Payment of charges**

**23.—(1)** The charges which the Board are authorised to demand, take and recover in respect of vessels and goods under any enactment shall be 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 regulations as the Board may from time to time appoint.

(2) An officer as defined in the Customs and Excise Management Act 1979<sup>(1)</sup> may refuse clearance of any vessel if he is satisfied that payment of any charges payable to the Board in respect of that vessel or any goods therein has not been made or satisfactorily secured.

(3) Charges payable to the Board shall be payable by the owner of any vessel or goods in relation to which the charges are payable.

(4) Where charges payable to the Board may be recovered by them from more than one person, such persons shall be jointly and severally liable.

## **Non payment**

**24.** If the owner of any vessel or goods or any other person at any time eludes or attempts to elude or evade payment of, or refuses or neglects to pay, any charges payable by such owner or person to the Board at the time when they become due and payable, he shall be liable to pay to the Board a sum equal to three times the amount of such charges, which sum shall be a debt due to the Board and shall be recoverable by the Board in any court of competent jurisdiction.

## **Charges recoverable as a debt**

**25.** In addition to any remedy given by this Order and by the 1847 Act, as incorporated with the Acts, and whether the demand required by section 44 of that Act has been made or not, the Board may recover any charges payable to them as a debt in any court of competent jurisdiction.

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(1) 1979 c. 2.