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STATUTORY INSTRUMENTS

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**2021 No. 43**

**The Weymouth Harbour Revision Order 2021**

**PART 4**

**CHARGES**

**Charges other than ship, passenger and goods dues**

**10.** The Council may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig, or floating platform or any other vessel not being a ship as defined in section 57(1) of the Act of 1964 entering, using or leaving the harbour such reasonable charges as it may determine and sections 30 (duty of harbour and local lighthouse authorities to make available for inspection, and to keep for sale, copies of lists of certain charges) and 31 (right of objection to ship, passenger and goods dues) of the Act of 1964 shall with all necessary modification apply to the charges authorised by this article as they may apply to ship, passenger and goods dues demanded under section 26 (repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues charged by them) of the Act of 1964.

**Charges for services or facilities**

**11.** In addition to article 10 of this Order and its power to demand ship, passenger and goods dues under section 26 of the Act of 1964, the Council may demand, take and recover such reasonable charges for services and facilities (including pontoons) provided by the Council at the harbour as it may from time to time determine.

**Payment of charges**

**12.—(1)** The charges which the Council is for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment shall be payable before the removal from the harbour or the harbour premises 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 terms and conditions as the Council may from time to time specify in its published list of charges.

(2) Charges payable to the Council on or in respect of—

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

(3) Where paragraph (2) provides that charges are payable by more than one person, those persons shall be jointly and severally liable.

(4) Without prejudice to paragraph (1) above, the terms and conditions as to the payment of charges which the Council may from time to time specify may include the time when a charge falls due for payment and may require such information to be given to the Council by the owner or master of a vessel or a person using a service or facility of the Council as the Council may require in connection with the assessment or collection of a charge.

### **Compounding arrangements and rebates**

13.—(1) The Council may confer total or partial exemptions from, or allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption, rebate or composition.

(2) Nothing in section 30 of the Act of 1964 shall require the Council 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 total or partial exemption, a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.

### **Deposit for charges**

14.—(1) The Council may, if it thinks fit, require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Council, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required the Council may detain in the harbour the vessel or goods 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**

15.—(1) A person who by agreement with the Council collects charges on their behalf and who pays or gives security for the payment of charges on goods in their 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 personally liable for the payment of charges may pay or by agreement with the Council give security for charges on goods in their custody, and in that event they shall have a like lien on the goods for the amount of those charges as they would have in respect of their charges for safe custody or carriage of the goods, as the case may be.

### **Refusal to pay charges for a landing place**

16. The harbour master may prevent a vessel from using a landing place provided by the Council, if the master of the vessel refuses to pay the charges for such use.

### **Exemptions from harbour dues**

17.—(1) Except insofar as may be agreed between the Council and the government department or person concerned the Council shall not be entitled to demand harbour dues from, or in respect of—

- (a) a vessel—
  - (i) in the service of HM Revenue and Customs in the execution of their core duties and not carrying persons or goods for reward;
  - (ii) belonging to or used by a lifeboat service whilst employed in or in connection with the core functions of that service;
  - (iii) in the service of a police force or other emergency service in the execution of their core duties and not carrying persons or goods for reward;
- (b) HM Revenue and Customs or any officer or other person employed in their service in execution of their core duties in respect of a vessel or goods under customs seizure, or in respect of goods or other articles belonging to, or in the care or service of, HM Revenue and Customs;
- (c) an officer of HM Revenue and Customs or any other person employed in their service while in the execution of their core duties;

- (d) a person employed by the Secretary of State for Defence while in the execution of core duties;
- (e) Officers of the Department for Transport in the execution of their core duties shall at all times be exempt from dues.

(2) In this article “dues” means ship, passenger and goods dues which the Council may demand under section 26 of the Act of 1964.

### **Recovery of charges**

**18.** In addition to any other remedy given by this Order and by the Act of 1847 as incorporated with this Order, (and, in a case where the master of a vessel in respect of which a charge is payable to the Council refuses or neglects to pay the same or any part thereof, whether or not the Councils’ collector has gone on board the vessel and demanded the charge pursuant to section 44 of that Act), the Council may recover any charges payable to it as a debt in any court of competent jurisdiction.

### **Harbour master may prevent sailing of vessels**

**19.** The harbour master may prevent the removal or sailing from the harbour of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

- (a) the vessel;
- (b) passengers on the vessel; or
- (c) goods imported or exported on the vessel.