



# Medway Ports Authority Act 1973

## 1973 CHAPTER xxi

### PART IV

#### CHARGES

#### **60 Power to make certain charges**

- (1) The Authority may demand, take and recover in respect of any dracone or floating dock, crane rig, drilling rig or other floating plant which is not a ship, as defined by section 57 of the Harbours Act, 1964, entering or leaving the port such charge as they think fit, and the provisions of sections 30, 31, 32 and 34 of the Harbours Act, 1964, shall with any necessary modifications apply to the charges authorised by this subsection as they apply to ship, passenger and goods dues.
- (2) (a) The Authority may demand, take and recover in respect of anything done or provided by them or on their behalf such reasonable charge as they may determine.  
(b) In this subsection " charge " does not include a ship, passenger or goods due as defined by section 57 of the Harbours Act, 1964, or a charge authorised by subsection (1) of this section.

#### **61 Conditions relating to payment of charges**

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

#### **62 As to payment of charges**

- (1) The several charges which the Authority are for the time being authorised to demand, take and recover in respect of vessels and goods under any enactment shall be payable before the removal from the port 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 Authority may from time to time appoint.

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- (2) An officer as defined in the Customs and Excise Act, 1952, may refuse clearance of any vessel if he is satisfied that payment of any charges payable to the Authority in respect of that vessel or any goods therein have not been made or satisfactorily secured.
- (3) Charges payable to the Authority 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 Authority may be recovered by them from more than one person, the said persons shall be jointly and severally liable.

### **63 As to compounded charges**

Nothing in section 30 of the Harbours Act, 1964, shall require the Authority to include, in the list of ship, passenger and goods dues to be kept, as required by subsection (1) of that section, charges reduced by virtue of a compounding arrangement in respect of, or any rebate allowed on, a due included in the said list.

### **64 Penalty for evading payment of charges**

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

### **65 Claims for repayment of charges**

Any person claiming the return of the whole or any part of any charges paid to the Authority shall make his claim, and produce all documents and give all information required by the Authority in proof thereof, within three years from the time of payment; and in default thereof the claim shall cease to be enforceable.

### **66 Payment of charges on warehoused goods**

The owner or person having the charge of any goods warehoused, placed, stored or yarded in a warehouse, transit shed or area, store or yard of the Authority shall, before the removal of those goods from the warehouse, transit shed or area, store or yard and at such date or dates as shall be fixed by the Authority, pay such charges as shall be then due and payable on those goods.

### **67 Deposit for charges**

The Authority may, if they think fit, require any person liable, or to become liable, to pay charges to the Authority to deposit with their collector, or to guarantee, such sum as, in the opinion of the Authority, is reasonable' having regard to the probable amount of the charges.

### **68 Recovery of charges**

In addition to any other remedy given by this Act and by the Harbours Clauses Act, 1847, as incorporated with this Act, and whether the demand required by section 44

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of that Act has been made or not, the Authority may recover any charges payable to them as a debt in any court of competent jurisdiction.

## **69 Exemptions from charges**

- (1) Except in so far as may be agreed between the Authority and the government department concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Authority to levy charges shall extend to authorise the Authority to levy charges on—
  - (a) a vessel—
    - (i) belonging to or in the service of Her Majesty or any member of the Royal Family; or
    - (ii) in the service of the Commissioners of Customs and Excise, not being a vessel carrying goods for reward; or
    - (iii) in the service of Trinity House and not carrying goods for reward;
  - (b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;
  - (c) troops landed at the docks or a person employed by the Secretary of State for Defence while in the execution of his duty;
  - (d) goods or stores belonging to the Secretary of State for Defence.
- (2) A person who takes the benefit of an exemption under subsection (1) of this section but is not entitled thereto shall be liable on summary conviction to a fine not exceeding twenty pounds.