



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).

27 Certain charges of certain harbour authorities to be reasonable.

- (1) In place of any limitation imposed, by a statutory provision made with respect to them in particular, on the discretion of a harbour authority as to charges (of any kind other than excepted charges) that may be made by them at a harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing (not being a limitation by way of expressly providing for freedom from charges or in any other manner prohibiting the making of a charge or by way of providing, by what form of words soever, that the charges shall be such as may be reasonable), there shall, by virtue of this subsection, be imposed the limitation that the charges shall be such as may be reasonable.
- (2) For the purposes of the foregoing subsection the following shall be excepted charges, namely,—
- (a) ship, passenger and goods dues;
 - (b) charges ascribable to the running of a ferry service in or from a harbour;
 - (c) contributions which, by virtue of a provision included in an order [^{F2}section 28 of the ^{M4}Salmon and Freshwater Fisheries Act 1975 by virtue of paragraph

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1(a) of Schedule 3 to that Act]^{F3} under section 142 of the Water Resources Act 1991], fall to be assessed on several fisheries or the owners or occupiers thereof;

- (d) duties on licences granted under [^{F4}section 25 of the said Act of 1975] to fish;
- (e) charges in respect of licences under [^{F5}the ^{M5}Water Resources Act 1963]^{F5}Chapter II of Part II of the Water Resources Act 1991] to abstract water or in respect of water authorised by such licences to be abstracted.

(3) In this section “harbour authority” has the same meaning as in the last foregoing section.

Textual Amendments

- F2** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **s. 17(2)(a)**
- F3** Words in s. 27(2)(c) substituted (E.W.) (1.12.1991) for the words "section 28 of the Salmon and Freshwater Fisheries Act 1975 by virtue of paragraph 1(a) of Schedule 3 to that Act" by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF:130\)](#), **ss. 2(1), 4(2)** Sch. 1 para. 13(2) (a)
- F4** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF:1\)](#), **s. 17(2)(a)**
- F5** Words in s. 27(2)(e) substituted (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF:130\)](#), **ss. 2(1), 4(2)**, **Sch. 1 para. 13(2)(b)**

Modifications etc. (not altering text)

- C3** S. 27 extended by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 4 para. 1(2)(a)**
- C4** S. 27(1) explained by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), **s. 46(1)**

Marginal Citations

- M4** [1975 c. 51 \(52:2\)](#).
- M5** [1963 c. 38 \(130\)](#).

^{F6}27A Combined charges.

(1) Where a harbour authority have power, whether by virtue of section 26 of this Act or any other statutory provision—

- (a) to levy ship, passenger and goods dues or equivalent dues; and
- (b) to make other charges,

the authority may, subject to the next following subsection, make a combined charge, that is to say, a single charge referable in part to matters for which ship, passenger and goods dues or equivalent dues may be levied and in part to matters for which other charges may be made.

(2) A harbour authority may not make a combined charge in any case where—

- (a) the person who would be liable to pay the charge objects to paying a combined charge; or
- (b) a number of persons would be jointly and severally liable to pay the charge and any of them objects to paying a combined charge:

but without prejudice to the power of the authority to make separate charges in such a case.

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- (3) A person may not object under subsection (2) above to the payment of a combined charge previously incurred or incurred in pursuance of a prior agreement between that person and the harbour authority.
- (4) In this section “equivalent dues” means dues exigible in respect of things other than ships for entering, using or leaving a harbour, including charges for marking or lighting the harbour.]

Textual Amendments

F6 S. 27A inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 8\(1\)](#)

28 **Repeal of provisions limiting discretion of nationalised transport bodies as to ship, passenger and merchandise dues chargeable at certain harbours owned or managed by them.**

Schedule 9 to the ^{M6}Transport Act 1962 shall cease to have effect in so far as it limits the discretion of the Boards as to the ship, passenger and merchandise dues chargeable by them at the harbours specified in that Schedule.

Marginal Citations

M6 [1962 c. 46 \(126\)](#).

29 **Repeal of provisions limiting discretion of local lighthouse authorities as to local light dues.**

- (1)^{F7}any.....^{F7}
^{F7} statutory provision made with respect to a local lighthouse authority shall,^{F8}, cease to have effect in so far as it limits the discretion of the authority as to the charges to be made by them.

^{F9}(2)

^{F9}(3)

- (4) Any dues fixed by virtue of the said section 655(1) or by virtue of any other statutory provision, being dues that are in force immediately before the coming into operation of this section and are to be paid to a local lighthouse authority who are not a harbour authority, shall, so far as they could be imposed by virtue of this section, be deemed to have been so imposed.

Textual Amendments

F7 Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F8 Words repealed by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), [s. 46\(2\)\(4\)\(a\)](#)

F9 S. 29(2)(3) repealed (1.1.1996) by [1995 c.21, ss. 314\(1\), 316\(2\)](#), [Sch. 12](#) (with [s. 312\(1\)](#), [Sch. 14 para. 1](#))

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30 Duty of harbour and local lighthouse authorities to make available for inspection, and to keep for sale, copies of lists of certain charges.

- (1) A list showing the ship, passenger and goods dues for the time being exigible—
- (a) by virtue of section 26 of this Act by a harbour authority at a harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing; ^{F10}...
 - ^{F11}(b) by virtue of section 43 of the ^{M7}Transport Act 1962 by any of the Boards at a harbour which, in the exercise and performance of statutory powers and duties, that Board are engaged in improving, maintaining or managing, except where the Board in question are . . . ^{F12F13} . . . the British Waterways Board and the harbour in question is not specified in Schedule 9 to that Act;]^{F14}or
 - (c) by virtue of section 43 of the Transport Act 1962 by Canal & River Trust at a harbour specified in Schedule 9 to that Act;]

shall be kept at the harbour office and shall be open there during reasonable hours for inspection by any person without charge, and copies of the list shall be kept for sale at that office at a price not exceeding [^{F15}5p] for each copy.

^{F16}(2)

- (3) No ship, passenger or goods due exigible as mentioned in paragraph [^{F17}(a), (b) or (c)] of subsection (1) above shall be levied by, as the case may be the harbour authority or Board concerned [^{F18}or by Canal & River Trust] if, at the time at which it is exigible, the authority or Board [^{F19}or Canal & River Trust] are in default in compliance with the requirement of subsection (1) of this section with respect to the keeping of a list of dues at the harbour office or the due is not shown in the list kept there at that time in compliance with that requirement; ^{F16} . . .

- (4) A copy of a list which, in pursuance of subsection (1) of this section, is for the time being kept by a harbour authority . . . ^{F20} at the office of a harbour which is not a fishery harbour or marine work . . . ^{F20} or, in pursuance of subsection (2) of this section, is for the time being kept by a local lighthouse authority at their office, shall be supplied by them to [^{F21}the Secretary of State] without charge; a copy of a list which, in pursuance of the said subsection (1), is for the time being kept by a harbour authority at the office of a fishery harbour shall be supplied by them to the Minister of Agriculture, Fisheries and Food [^{F22}or, if the fishery harbour is in Wales, to the Secretary of State] without charge; and a copy of a list which, in pursuance of the said subsection (1), is for the time being kept by a harbour authority at the office of a harbour which is a marine work shall be supplied by them to the Secretary of State without charge.

^{F23}(5) Subsection (1) of this section does not apply to combined charges within the meaning of section 27A of this Act.

- (6) References in this section to the dues or charges exigible by an authority or Board [^{F24}or by Canal & River Trust,] are references to the amount exigible where no composition agreement applies and no specially agreed rebate is allowed.]

Textual Amendments

- F10** Word in s. 30(1)(a) omitted (2.7.2012) by virtue of [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 2(3)(a)(i)** (with arts. 4-6)
- F11** S. 30(1)(b) substituted by [Transport Act 1968 \(c. 73, SIF 126\)](#), **Sch. 16 para. 8(1)**
- F12** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. I**

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- F13** Words in s. 30(1)(b) repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I**
- F14** S. 30(1)(c) and preceding word 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(3)(a)(ii)** (with arts. 4-6)
- F15** Words substituted by virtue of Decimal Currency Act 1969 (c. 19, SIF 10), **s. 10(1)**
- F16** S.30(2), and words in s.30(3) repealed (1.1.1996) by 1995 c.21, ss.314(1), 316(2), **Sch. 12** (with s. 312(1), **Sch. 14 para. 1**)
- F17** Words in s. 30(3) substituted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 2(3)(b)(i)** (with arts. 4-6)
- F18** Words in s. 30(3) 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(3)(b)(ii)** (with arts. 4-6)
- F19** Words in s. 30(3) 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(3)(b)(iii)** (with arts. 4-6)
- F20** Words repealed by Transport Act 1968 (c. 73, SIF 126), **Sch. 18 Pt. III**
- F21** Words substituted by Transport Act 1981 (c. 56, SIF 58), 10(1)(3)
- F22** Words inserted by S.I. 1978/272, art. 6, **Sch. 5 para. 11**
- F23** S. 30(5)(6) inserted by Transport Act 1981 (c. 56, SIF 58), **Sch. 6 para. 8(2)**
- F24** Words in s. 30(6) 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(3)(c)** (with arts. 4-6)

Modifications etc. (not altering text)

- C5** S. 30 extended by Transport Act 1981 (c. 56), **Sch. 4 para. 1(2)(a)**
- C6** Functions of Minister of Agriculture, Fisheries and Food under s. 30 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: S.I. 1978/272, art. 2, **Sch. 1**
- C7** S. 30 applied (with modifications) (25.7.1991) by Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. ii), **s. 39(1)**.
S. 30 applied (with modifications) (12.6.1993) by S.I. 1993/1592, **arts. 1(1), 6**.
S. 30: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
S. 30 restricted (S.) (23.12.1999) by S.S.I. 1999/202, **art. 27(2)**
S. 30 excluded (10.7.2001) by S.S.I. 2001/262, **art. 32(2)**
- C8** S. 30 applied (with modifications) (S.) (30.9.2004) by The Dunbar Harbour Revision (Transfer) Order 2004 (S.S.I. 2004/421), arts. 1, **4(7)**
- C9** S. 30 excluded (31.12.2004) by The Falmouth Harbour Revision (Constitution) Order 2004 (S.I. 2004/3400), arts. 1(1), **19(3)**
- C10** S. 30 applied (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), arts. 1(1), **20**
- C11** S. 30 excluded (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), arts. 1(1), **48** (with arts. 78, 80, 81)
- C12** S. 30 applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), arts. 1(1), **45** (with arts. 78, 80, 81)
- C13** S. 30 excluded (S.) (23.5.2008) by The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008 (S.S.I. 2008/189), arts. 1, **41(2)** (with arts. 53-56)
- C14** S. 30 excluded (S.) (23.5.2008) by The Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, **41(2)** (with arts. 53(1), 54-56)
- C15** S. 30 excluded (S.) (23.5.2008) by The Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008 (S.S.I. 2008/188), arts. 1, **41(2)** (with arts. 53-56)
- C16** S. 30 applied (with modifications) (S.) (23.5.2008) by The Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, **39(1)** (with arts. 53(1), 54-56)
- C17** S. 30 excluded (S.) (29.1.2009) by The Port Babcock Rosyth Harbour Empowerment Order 2009 (S.S.I. 2009/27), arts. 1, **29(2)** (with arts. 36, 37)
- C18** S. 30 excluded (18.9.2009) by The Penzance Harbour Revision Order 2009 (S.I. 2009/2325), arts. 1, **31(2)** (with arts. 39, 40)

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- C19** S. 30 excluded (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **49(2)** (with arts. 21, 53(3), 55, 57)
- C20** S. 30 excluded (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **24(2)** (with arts. 31, 32)
- C21** S. 30 excluded (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **30(2)** (with arts. 36-40)
- C22** S. 30: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(b)(v)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278](#), [reg. 2](#), [Sch.](#))

Marginal Citations

M7 1962 c. 46

31 Right of objection to ship, passenger and goods dues.

- (1) Subject to the following provisions of this Act, charges to which this section applies are ship, passenger and goods dues [^{F25}other than combined charges within the meaning of section 27A of this Act; and references in this section to the rate at which any such charge is imposed are to the amount where no composition agreement applies and no specially agreed rebate is allowed].
- (2) Subject to subsections (10) to (12) below . . . ^{F26} the provisions of subsections (3) to (6) below shall have effect where written objection to a charge to which this section applies imposed by a harbour authority at a harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing, is lodged with [^{F27}the Secretary of State] by—
- (a) a person appearing to [^{F27}him] to have a substantial interest; or
 - (b) a body representative of persons so appearing;
- and the objection is expressed to be made on all or any of the following grounds, namely,—
- (i) that the charge ought not to be imposed at all;
 - (ii) that the charge ought to be imposed at a rate lower than that at which it is imposed;
 - (iii) that, according to the circumstances of the case, ships, passengers or goods of a class specified in the objection ought to be excluded from the scope of the charge either generally or in circumstances so specified;
 - (iv) that, according to the circumstances of the case, the charge ought to be imposed, either generally or in circumstances specified in the objection, on ships, passengers or goods of a class so specified at a rate lower than that at which it is imposed on others.
- (3) [^{F27}The Secretary of State] shall, forthwith after the objection is lodged, send a copy thereof to the authority and shall give notice to the objector that, as a condition precedent to the taking by [^{F27}the Secretary of State] of further steps in the matter of the objection, he must publish in specified newspapers a notice (which, if a form therefor is specified, must be in that form)—
- (a) stating that he has lodged with [^{F27}him] an objection to the charge (and specifying the ground or grounds on which it is expressed to be made); and
 - (b) stating that any such person or body as the following who desires to make to [^{F27}the Secretary of State] representations in the matter, that is to say, a person having a substantial interest and a body representative of persons who

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have such an interest, should do so in writing within the time specified in the notice (which shall not be less than forty-two days from the publication or first publication thereof).

- (4) Where the proper notice concerning the objection has been duly published, then so soon as practicable after the expiration of the time therein specified (but subject to the next following subsection), [F27the Secretary of State] shall, unless the objection has been withdrawn before the expiration of that time and no written representations in the matter have been made to [F27him] by any such person or body as is mentioned in subsection (3)(b) above before the expiration of that time, proceed to consideration of the charge and any representations made and, unless [F27he is] satisfied that [F27he] can properly proceed to a decision in the matter without causing an inquiry to be held with respect to it, shall cause an inquiry to be so held.
- (5) Where written representations are made as mentioned in subsection (4) above, [F27the Secretary of State] shall send copies thereof to the authority and (except where the objection has been withdrawn) to the objector, and shall not proceed to consideration of the charge until such period for consideration of, and comment upon, the representations by the authority and by the objector (if the objection has not been withdrawn) as [F27the Secretary of State thinks] reasonable has elapsed.
- (6) [F27the Secretary of State], after effect has been given to subsection (4) above, shall either—
 - (a) approve the charge but set a limit (not being later than the expiration of twelve months from the date on which [F27he approves it] to the period during which the approval is to be of effect, and give to the authority written notice that [F27he has approved it], stating the limit set; or
 - (b) give to the authority such direction with respect to the charge as would meet objection thereto made on any of the grounds specified in subsection (2) above (whether that is or is not the ground, or is or is not included amongst the grounds, on which the objection whose lodging gives rise to the proceedings is expressed to be made).
- (7) A direction given under the last foregoing subsection to an authority must be in writing and must specify a date for its coming into operation and the period from that date (which shall not exceed twelve months) during which it is to have effect, and the authority shall comply with it.
- (8) If a harbour authority fail to comply with an obligation to which they are subject by virtue of the last foregoing subsection, they shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [F28level 4 on the standard scale].
- (9) Forthwith after complying on any occasion with subsection (6) above, [F27the Secretary of State] shall publish, in the newspapers in which was published notice of the lodging of the objection the lodging whereof gave rise to the proceedings that resulted in the compliance on that occasion, the notice or direction given by [F27him] to the harbour authority concerned.
- (10) Where, by virtue of this section, a charge imposed at a harbour is approved, subsections (3) to (6) above shall not have effect by virtue of the lodging of a further objection thereto during the period during which the approval is of effect; and where, by virtue of this section, a direction is given with respect to a charge so imposed, the said subsections shall not have effect by virtue of the lodging of a further objection to that charge during the period during which the direction has effect or of the lodging, during

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that period, of an objection to a charge that has come into existence by virtue of the direction.

- (11) Where effect to subsections (3) to (5) above is in course of being given in consequence of the lodging with [^{F27}the Secretary of State] of an objection to a charge and a further objection to that charge is lodged with [^{F27}the Secretary of State] subsections (3) to (6) above shall not have effect by virtue of the lodging of that further objection.
- (12) If it appears to [^{F27}the Secretary of State] that [^{F29}the Sea Fish Industry Authority] are, or may be, concerned with a charge, [^{F27}the Secretary of State] shall not give effect to subsection (6) above in relation to that charge without having consulted [^{F29}the Authority].
- (13) In relation to charges to which this section applies imposed by a harbour authority at a fishery harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing, the foregoing provisions of this section shall have effect with the substitution, for references to [^{F27}the Secretary of State], of references to the Minister of Agriculture, Fisheries and Food, . . . ^{F26}

Textual Amendments

- F25** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 10\(3\)](#), [Sch. 6 para. 8\(3\)](#)
- F26** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 10\(3\)](#), [Sch. 12 Pt. II](#)
- F27** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 10\(2\)\(a\)\(3\)](#)
- F28** Words substituted by virtue of [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 10\(3\)](#), [Sch. 6 para. 13\(2\)\(4\)](#) and (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 54](#))
- F29** Words substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [Sch. 3 para. 8\(1\)\(a\)\(2\)\(4\)](#)

Modifications etc. (not altering text)

- C23** Functions of Minister of Agriculture, Fisheries and Food under s. 31 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: [S.I. 1969/388, art. 3, Sch. 2](#) and [1978/272, art. 2, Sch. 1](#)
- C24** S. 31 applied (with modifications) (25.07.1991) by [Highland Regional Council \(Harbours\) Order Confirmation Act 1991 \(c. ii, SIF 200\)](#), s. 39(1).
S. 31 applied (with modifications) (12.6.1993) by [S.I. 1993/1592, arts. 1\(1\), 6](#).
S. 31 applied (5.11.1993) by [1993 c. 42, s. 15\(4\)](#).
S.31 applied (with modifications)(1.1.1996) by [1995 c. 21, s. 210\(8\), 216\(2\)](#) (with s. 132(1))
S.31 modified (1.1.1996) by [1995 c. 21, ss. 210, 216\(2\)](#) Sch. 10 (with s. 132(1))
S. 31: transfer of certain functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)
- C25** S. 31 applied (with modifications) (30.9.2004) by [The Dunbar Harbour Revision \(Transfer\) Order 2004 \(S.S.I. 2004/421\)](#), [arts. 1, 4\(7\)](#)
- C26** S. 31 applied (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), [arts. 1\(1\), 20](#)
- C27** S. 31 applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [arts. 1\(1\), 45](#) (with [arts. 78, 80, 81](#))
- C28** S. 31 applied (with modifications) (23.5.2008) by [The Dumfries and Galloway Council \(Garlieston\) Harbour Empowerment Order 2008 \(S.S.I. 2008/190\)](#), [arts. 1, 39\(1\)](#) (with [arts. 53\(1\), 54-56](#))
- C29** S. 31: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 29\(2\)\(b\)\(v\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278, reg. 2, Sch.](#))
- C30** S. 31(2)–(11) extended with modifications by [Greater London Council \(General Powers\) Act 1973 \(c. xxx\)](#), [s. 8\(5\)\(a\)\(b\)](#)

Status: Point in time view as at 01/04/2018.

Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Charges is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C31** S. 31(2)–(12) applied (with modifications) by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), [s. 10\(6\)](#)
- C32** S. 31(2)–(12) applied (with modifications) (15.7.2003) by [The Merchant Shipping and Fishing Vessels \(Port Waste Reception Facilities\) Regulations 2003 \(S.I. 2003/1809\)](#), [regs. 1\(1\), 14\(6\)](#) (with [reg. 3](#))
- C33** S. 31(2)–(12) applied (with modifications) (15.7.2003) by [The Merchant Shipping and Fishing Vessels \(Port Waste Reception Facilities\) Regulations 2003 \(S.I. 2003/1809\)](#), [regs. 1\(1\), 14\(5\)](#) (with [reg. 3](#))

32—34 ^{F30}

Textual Amendments

- F30** Ss. 32–34 repealed by [Transport Act 1981 \(c. 56\)](#), [Sch. 12 Pt. II](#) (both as originally enacted and as applied by any enactment)

^{F31}**35**

Textual Amendments

- F31** S.35 repealed (1.1.1996) by [1995 c. 21, ss.314\(1\), 316\(2\)](#), [Sch. 12](#) (with [s. 312\(1\)](#), [Sch. 14 para. 1](#))

36

Sections 31^{F32} . . . of this Act shall not apply to charges—

- (a) imposed by [^{F33} . . . ^{F34F35} . . . the British Waterways Board][^{F36}or Canal & River Trust] at a harbour not specified in Schedule 9 to the ^{M8}Transport Act 1962;
- (b) imposed at a harbour owned or managed by a person carrying on an inland waterway undertaking to which provisions of section 43 of that Act apply by virtue of section 52(2) thereof; or
- (c) imposed at a harbour owned or managed by 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 [^{F37}or by the Scottish Ministers].

Textual Amendments

- F32** Words repealed by [Transport Act 1981 \(c. 56\)](#), [Sch. 12 Pt. II](#)
- F33** Words substituted by [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 8\(1\)](#)
- F34** Words repealed by [Transport Act 1981 \(c. 56\)](#), [Sch. 12 Pt. I](#)
- F35** Words in s. 36(a) repealed (1.2.2001) by [2000 c. 38, s. 274](#), [Sch. 31 Pt. IV](#); [S.I. 2001/57](#), [art. 3](#), [Sch. 2 Pt. I](#)
- F36** Words in s. 36(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\(4\)](#) (with [arts. 4-6](#))
- F37** Words in s. 36(c) inserted (1.7.1999) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), [Sch. 2 Pt. 1 para. 34](#)

Marginal Citations

- M8** 1962 c. 46.

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37 Special provisions with respect to certain aviation charges.

Section 26(2) of this Act and subsection (3) of section 43 of the Transport Act 1962 (as enacted in that section and as applied by section 52(2) of that Act) shall, so far as regards charges regulated by any such provision of an Order in Council under [^{F38}section 60 of the ^{M9}Civil Aviation Act 1982] as has effect by virtue of paragraph (o) (regulation of charges for use of licensed aerodromes and for services provided thereat) of [^{F38}subsection (3) of that section], have effect subject to that provision; and sections 27 and 31 . . . ^{F39} of this Act shall not apply to any charges so regulated.

Textual Amendments

F38 Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), [Sch. 15 para. 4](#)

F39 Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

Marginal Citations

M9 [1982 c. 16 \(9\)](#).

38 Repeal of certain enactments relating to harbour charges.

(1) The following provisions shall cease to have effect, namely,—

- (a) ^{F40}
- (b) any statutory provision (other than the said section 47 or one in this Act) applying to a harbour authority in so far as (however it is expressed) it requires a list of charges imposed by the authority in the exercise of their powers as such to be published;
- (c) ^{F41} any other statutory provision applying to a harbour authority in so far as (however it is expressed) it prohibits the authority from discriminating in the matter of charges imposed as aforesaid against any person in favour of any other person.

(2) In the foregoing subsection “harbour authority” does not include any such person as is mentioned in section 26(5)(c) of this Act.

(3) ^{F42}

Textual Amendments

F40 S. 38(1)(a) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F41 Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F42 S. 38(3) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

Modifications etc. (not altering text)

C34 The “said section 47” means [Harbours, Docks and Piers Clauses Act 1847 \(c. 27, SIF 58\)](#), [s. 47](#)

39 Amendments of Acts consequential on sections 26 to 37.

(1) In the definition of “inland waterway undertaking” in section 13(1) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954, after the word “navigation” there shall be inserted the words “not navigated by sea-going ships” and after the word “water” there shall be added the words “not so navigated”.

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- (2) In section 12(7) of the Milford Haven Conservancy Act 1958, for the words “charges under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act 1954” there shall be substituted the words “charges in respect of the aircraft”.
- (3) For paragraph 5 of Schedule 9 to the Transport Act 1962 there shall be substituted the following paragraph :—

“5 (1) The charges made by any of the Boards for the use of services or facilities provided in, or in connection with, a harbour specified in this Schedule (other than ship, passenger and goods dues, charges for the carriage of goods or passengers on any railway, charges for the use of a railway or charges in respect of railway wagons) shall be such as may be reasonable.

(2) In this paragraph the expression “ship, passenger and goods dues” has the same meaning assigned to it by section 57(1) of the Harbours Act 1964” ;

and in paragraph 6(2) of that Schedule for the words “for which the charges are regulated by” there shall be substituted the words “specified in”.

- (4) An order under section 21(8) of the ^{M10}Sea Fish Industry Act 1951 declaring that a harbour has become or has ceased to be a fishery harbour may make such provision with respect to proceedings under the provisions of this Act relating to charges at the harbour which are uncompleted when the order is made and to the effect of any order or scheme made under those provisions with respect to any such charges as [^{F43}the Secretary of State thinks] requisite or expedient in view of the change of status of the harbour.

- (5) ^{F44}

Textual Amendments

F43 Words in s. 39(4) substituted (3.12.2001) by [S.I. 2001/3503, art. 5, Sch. para. 2](#)

F44 S. 39(5) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

Modifications etc. (not altering text)

C35 The text of s. 39(1)(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

C36 [S. 39\(4\)](#): transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 29\(2\)\(b\)\(vi\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179, reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278, reg. 2, Sch.](#))

Marginal Citations

M10 [1951 c. 30. \(58\)](#).

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Changes to legislation:

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