
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 6

**The Caledonian Maritime Assets
(Brodick) Harbour Revision Order 2015**

PART 5

CHARGES

Charges

47.—(1) CMAL may levy charges for any services performed by it in the exercise and performance of its powers and duties at the harbour.

(2) CMAL may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig or floating plant, which is not a ship as defined in section 57 of the 1964 Act, entering, using or leaving the harbour such charges as CMAL thinks fit, and sections 30 and 31 of the 1964 Act shall with any necessary modifications apply to the charges authorised by this paragraph as they apply to ship, passenger and goods due.

(3) CMAL may make such charges for services and facilities provided by it or on its behalf in relation to the harbour as CMAL may from time to time determine.

(4) In this article “charges” means any charges other than ship, passenger and goods dues.

Liability for charges

48.—(1) Charges payable to CMAL on or in respect of—

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

(2) Where a charge payable to CMAL may be recovered from more than one person the persons from whom it is recoverable shall be jointly and severally liable.

Exemptions, rebates, etc. in respect of charges

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

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

Security for Charges

50. CMAL may require a person who incurs or is about to incur a charge to deposit with, or to guarantee, such sum of money as is, in the opinion of CMAL, reasonable having regard to the

amount or probable amount of the charge, and where such a person fails to deposit or guarantee the sum of money required by CMAL, CMAL may detain the vessel in the harbour or goods on or in harbour, 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

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

Refusal to pay charges for landing place, etc.

52. An officer of CMAL may prevent a vessel from using a landing place or any other facilities provided by CMAL, if the master of the vessel refuses to pay the charges for such use.

Exemptions from charges

53.—(1) Except insofar as may be agreed between CMAL and the government department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising CMAL to levy charges shall extend to authorise them to levy charges on—

- (a) a vessel—
 - (i) belonging to or in the service of Her Majesty or any member of the Royal Family;
 - (ii) in the service of the Commissioners of H.M Revenue & Customs and not carrying goods for reward;
 - (iii) in the service of the Commissioners of Northern Lighthouses and not carrying goods for reward; or
 - (iv) belonging to or used by the lifeboat service whilst employed in or in connection with the functions of that service; or
- (b) the Commissioners of H.M Revenue & Customs in respect of a vessel or goods under customs seizure.

(2) Officers of the Department for Transport and of the Scottish Ministers in the execution of their duty shall at all times be exempt from charges in respect of their vessels and otherwise.

(3) This Order shall not extend to subject any person to liability for charges in respect of a vessel which merely passes through the limits of the harbour without mooring or making use of any facilities provided by CMAL.

Conditions as to payment of charges

54.—(1) Charges shall be payable subject to such terms and conditions as CMAL may from time to time specify in its published list of charges.

(2) Without prejudice to the generality of paragraph (1) the terms and conditions may prescribe the time when the charge falls due for payment and may require such information to be given to CMAL by the owner or master of a vessel or a person using a service or facility of CMAL as CMAL may require in connection with the assessment or collection of a charge.