



# Seafarers Wages Act 2023

## 2023 CHAPTER 8

### *Surcharges*

#### **10 Objections to surcharges**

- (1) Where a surcharge is imposed by a harbour authority, an interested party may object to the imposition of the surcharge or its amount.
- (2) An objection under this section to the amount of a surcharge may be made only on the grounds that the amount is not in accordance with the tariff of surcharges specified in regulations under section 9(1).
- (3) An objection under this section is to be made to the Secretary of State in writing.
- (4) Regulations must provide for a period within which objections under this section must be made.
- (5) In subsection (1) “interested party” means—
  - (a) a person appearing to the Secretary of State to have a substantial interest in the imposition of the surcharge or its amount, or
  - (b) a body appearing to the Secretary of State to be representative of persons within paragraph (a).
- (6) Where an objection is made under this section, the Secretary of State must—
  - (a) send a copy of the objection to the harbour authority, and
  - (b) publish online a notice stating—
    - (i) that the objection has been made and the grounds on which it has been made, and
    - (ii) that representations in relation to the objection may be made to the Secretary of State within the period specified in the notice (which may not be less than six weeks from its publication).
- (7) If any representations are made under subsection (6)(b)(ii), the Secretary of State must—
  - (a) send copies to the harbour authority and the objector, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) allow them a reasonable time to comment on the representations.
- (8) After the expiry of the period referred to in subsection (6)(b)(ii) and, if relevant, the time referred to in subsection (7)(b), the Secretary of State must, unless the objection is withdrawn, proceed to consider the objection and any representations made.
- (9) Once the objection and any representations have been considered under subsection (8), the Secretary of State may decide—
- (a) to approve the imposition of the surcharge and its amount,
  - (b) to direct the harbour authority to revoke the imposition of the surcharge, or
  - (c) to direct the harbour authority to increase or decrease the amount of the surcharge so that it is in accordance with the tariff of surcharges specified in regulations under section 9(1).
- (10) The Secretary of State must—
- (a) communicate the decision to the harbour authority and the objector, and
  - (b) publish the decision online.
- (11) The Secretary of State may direct a harbour authority to repay any surcharges that appear to the Secretary of State to be appropriate to be repaid by that authority as the result of a decision under this section (and may vary or revoke any such direction).
- (12) Subsections (6) to (10) do not apply to an objection if the Secretary of State considers that the substance of the objection has already been, or is being, considered under this section in connection with another objection.