



# Seafarers Wages Act 2023

## 2023 CHAPTER 8

### *Surcharges*

#### **11 Refusal of harbour access for failure to pay surcharge**

- (1) A harbour authority must refuse access to its harbour to a ship providing a service to which this Act applies if—
  - (a) the authority has imposed a surcharge on the operator of the service in respect of the entry into its harbour by any ship providing that service,
  - (b) the operator has not paid the surcharge in accordance with regulations under section 9(4)(c), and
  - (c) the period within which the surcharge must be paid has expired.
- (2) It does not matter for the purposes of subsection (1) whether an objection has been made to the surcharge under section 10.
- (3) Subsection (1) does not apply in relation to any surcharge imposed under subsection (3)(a) or (4) of section 6 which would, if paid, be required to be refunded under subsection (5) of that section.
- (4) But a harbour authority must not refuse access to a harbour—
  - (a) in cases of *force majeure*;
  - (b) where there are overriding safety concerns;
  - (c) where there is a need to reduce or minimise the risk of pollution;
  - (d) where there is a need to rectify deficiencies on the ship.
- (5) The duty under subsection (1) is also subject to any direction given by the Secretary of State under section 16(1)(a).
- (6) A harbour authority which fails to comply with subsection (1) is guilty of an offence and liable on summary conviction—
  - (a) in England and Wales, to a fine, or
  - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Regulations may make provision as to how a harbour authority is to communicate refusal of access under this section.
- (8) Nothing in section 33 of the Harbours, Docks and Piers Clauses Act 1847 prevents refusal of access to a harbour under this section.