



# Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

## *Rates*

And with respect to the rates to be taken by the undertakers, be it enacted as follows:

**25 Rates not to be taken until the works shall be completed.**

Except where it is otherwise provided by the special Act, the undertakers shall not take any rate until the harbour, dock, or pier in respect of the use of which the same is payable is completed and fit for the reception of vessels, or other the purpose for which the same is intended.

**<sup>X1</sup>26 Certificate of magistrate to be evidence that the harbour &c. is completed.**

A certificate under the hand of the chairman of the quarter sessions in England or Ireland, and of the sheriff in Scotland, shall be conclusive evidence that the harbour, dock, or pier is completed and fit for the reception of vessels, or other the purpose intended; and such chairman or sheriff shall sign such certificate on proof being adduced to him of such completion and fitness.

**Editorial Information**

**X1** S. 26 repealed (E.W.) by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

**27 Tonnage of British registered vessels to be ascertained according to law; of other vessels according to established rules.**

For the purpose of ascertaining the tonnage rates payable upon vessels under this or the special Act, the tonnage of British vessels duly registered according to law shall be ascertained according to the certified tonnage in the register of such vessels, and the tonnage of all other vessels shall be ascertained according to the

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rules of admeasurement for the time being established by law for regulating the admeasurement of the tonnage and burthen of the merchant shipping of the United Kingdom.

#### Modifications etc. (not altering text)

- C1** Ss. 27-29, 31-33 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 9 para. 6\(2\)](#)
- C2** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), [art. 8\(3\)](#).
- C3** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), [art. 8\(3\)](#).
- C4** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), [art. 8\(3\)](#).
- C5** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), [art. 8\(3\)](#).
- C6** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), [art. 8\(3\)](#).  
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), [art. 7\(4\)](#)  
Ss. 27-41 applied (with modifications)(1.7.1994) by [S.I. 1994/1647](#), [art. 16\(4\)](#)
- C7** S. 27 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), [arts. 1, 3\(1\)-\(4\)](#) (with [arts. 21, 53\(3\), 55, 57](#))
- C8** S. 27 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), [arts. 1, 3](#) (with [arts. 31, 32](#))

## 28 Exemption of vessels in her Majesty's service, &c. from rates.

Nothing in this or the special Act contained shall extend to charge with rates or duties, or to regulate or subject to any control any vessel belonging to or employed in the service of her Majesty, or any member of the royal family, or in the service of the [<sup>F1</sup>Customs and Excise], or of the Corporation of Trinity House of Deptford Strond, or the Commissioners of Northern Lights, using the harbour, dock, or pier, and not conveying goods for hire, . . . <sup>F2</sup>, or any of the officers or persons employed in the service of the Admiralty, Ordnance, [<sup>F1</sup>Customs and Excise] . . . <sup>F2</sup>, or their baggage, or any vessel or goods being under seizure by the officers of revenue, or any naval, victualling, or ordnance stores, or other stores or goods for the service of or being the property of her Majesty, or any troops landed upon or delivered or disembarked from any of the quays of the harbour, dock, or pier, or their baggage; but all such vessels, officers, or persons as aforesaid shall have the free use of the harbour, dock, or pier, without any charge or rate being made for using the same: Provided always, that if any person claim and take the benefit of any such exemption as aforesaid without being entitled thereto, he shall for every such offence be liable to a penalty not exceeding [<sup>F3</sup>level 3 on the standard scale].

#### Textual Amendments

- F1** Words substituted by virtue of [S.R. & O. 1909/197](#), (Rev. V, p. 465; 1909, p. 239) art. 10
- F2** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 11 Pt. II](#)
- F3** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

#### Modifications etc. (not altering text)

- C9** Ss. 27-29, 31-33 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 9 para. 6\(2\)](#)
- C10** S. 28 extended by [S.R. & O. 1918/548 \(Rev. I, p. 896; 1918 I, p. 50\)](#), [Sch.](#), [S.I. 1972/971](#), [art. 4](#), [Sch. 1](#); incorporated with [Milford Haven Conservancy Act 1958 \(c. 23\)](#), [ibid.](#), s. 23(3) and by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), [s. 97\(3\)](#)
- C11** Power to apply s. 28 with modifications conferred by [Supply Powers Act 1975 \(c. 9\)](#), s. 2, [Sch. 1 Pt. II](#)

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- C12 Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C13 Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C14 Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C15 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C16 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.  
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**  
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**  
S. 28 applied (with modifications) (23.6.1999) by S.I. 1999/1736, **art. 10(1)**

## 29 Vessels returning from stress of weather not to pay rates again.

If any vessel for which the rates have been paid be obliged, from stress of weather or other sufficient cause, after leaving the harbour, dock, or pier, to return with the same cargo, the rates so paid shall not again be payable in respect of such vessel.

### Modifications etc. (not altering text)

- C17 Ss. 27-29, 31-33 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C18 Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C19 Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C20 Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C21 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C22 Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.  
Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**  
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**
- C23 S. 29 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodick\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C24 S. 29 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)

## 30 ..... F4

### Textual Amendments

- F4 Ss. 30, 47 repealed by [Harbours Act 1964 \(c. 40\)](#), **s. 38(1)(a)**

### Modifications etc. (not altering text)

- C25 Ss. 27-41 applied (20.5.1998) by S.I. 1998/1209, **art. 7(4)**  
Ss. 27-41 applied (with modifications) (1.7.1994) by S.I. 1994/1647, **art. 16(4)**

## 31 As to the rates on foreign vessels where treaties of reciprocity exist.

Provided always, that the rates chargeable by this or the special Act upon vessels not entitled to the privileges of a British ship, or upon goods imported or exported in such vessel, or upon persons not being British subjects, shall not be applicable to vessels belonging to countries with which treaties of reciprocity shall have been concluded, so long as such treaties shall continue in force, nor to the goods imported or exported therein, nor to the subjects of such countries, but during such period the same rates shall be levied upon the vessels of such countries, and upon the goods imported or

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exported therein, and upon the subjects of such countries, as may be from time to time payable under this or the special Act upon vessels entitled to the privileges of British ships, or upon goods imported or exported in such vessels, or upon the subjects of such countries.

**Modifications etc. (not altering text)**

- C26** Ss.27-29, 31-33 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 9 para. 6\(2\)](#)
- C27** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), [art. 8\(3\)](#).
- C28** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), [art. 8\(3\)](#).
- C29** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), [art. 8\(3\)](#).
- C30** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), [art. 8\(3\)](#).
- C31** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), [art. 8\(3\)](#).  
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), [art. 7\(4\)](#)  
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), [art. 16\(4\)](#)

**32 Power to compound for tolls payable in respect of passenger or pleasure vessels.**

The undertakers may from time to time agree with the proprietors or masters of vessels engaged in transporting passengers, or with any other persons using the dock, harbour, or pier, either for purposes of business or pleasure, for the payment of a fixed sum, payable in advance, as a composition, by the year or other shorter period, for the rates payable by or in respect of such passengers or their luggage, or by such other persons as aforesaid: Provided always, that if the undertakers at any time make any such agreement by way of composition as aforesaid, the proprietors or masters of all other vessels engaged in like manner, and all other persons using or frequenting the harbour, dock, or pier as aforesaid, may compound for the rates payable by them respectively upon the like terms as shall be contained in such agreement, and the undertakers shall accept such composition accordingly, to the intent that such rates may not be compounded for partially or in favour of any particular person or party whatsoever.

**Modifications etc. (not altering text)**

- C32** Ss. 27-29, 31-33 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 9 para. 6\(2\)](#)
- C33** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/106](#), [art. 8\(3\)](#).
- C34** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), [art. 8\(3\)](#).
- C35** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), [art. 8\(3\)](#).
- C36** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), [art. 8\(3\)](#).
- C37** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), [art. 8\(3\)](#).  
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), [art. 7\(4\)](#)  
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), [art. 16\(4\)](#)
- C38** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), [arts. 1\(1\)](#), [3\(2\)-\(5\)](#)
- C39** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), [arts. 1](#), [3](#) (with [arts. 31](#), [32](#))

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### 33 Harbour, dock, and pier free to the public on payment of rate.

Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers.

#### Modifications etc. (not altering text)

- C38** Ss. 32-35 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **3(2)-(5)**
- C39** Ss. 32-41 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C40** Ss. 27-29, 31-33 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 9 para. 6(2)**
- C41** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by [S.I. 1991/107](#), **art. 8(3)**.
- C42** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by [S.I. 1991/237](#), **art. 8(3)**.
- C43** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1257](#), **art. 8(3)**.
- C44** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by [S.I. 1991/1258](#), **art. 8(3)**.  
Ss. 27-41 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 7(4)**  
Ss. 27-41 applied (with modifications) (1.7.1994) by [S.I. 1994/1647](#), **art. 16(4)**  
s.33 modified (16.1.1995) by [1995 c. i, s. 26](#)  
s. 33 excluded (8.7.1996) by [S.I. 1996/1627](#), **arts. 16(1)**, 17(1)  
S. 33 excluded (10.4.1998) by [S.I. 1998/980](#), **art. 4(1)(2)(3)**
- C45** S. 33 excluded (E.W.S.) (16.5.2008) by [London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), arts. 1, **42(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C46** S. 33 excluded (E.W.S.) (17.3.2010) by [The Harwich Parkeston Quay Harbour Revision Order 2010 \(S.I. 2010/626\)](#), arts. 1, **11** (with art. 20)
- C47** S. 33 restricted (E.W.S.) (13.4.2010) by [The Port of Bristol \(Deep Sea Container Terminal\) Harbour Revision Order 2010 \(S.I. 2010/2020\)](#), arts. 1(2), **25(1)** (with arts. 18, 19)
- C48** Ss. 33-35 incorporated (with modifications) (E.W.S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)
- C49** Ss. 33-35 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)
- C50** Ss. 33-35 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Broddick\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)

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