



Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

Collection of rates

44 Recovery of tonnage rates by distraint of ship and tackle.

If the master of any vessel in respect of which any rate is payable to the undertakers refuse or neglect to pay the same or any part thereof, the collector of rates may, with such assistance as he may deem necessary, go on board of such vessel and demand such rates, and on nonpayment thereof, or of any part thereof, take, distrain, or arrest, of his own authority, such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the matters so distrained or arrested until the rates are paid; and in case any of the said rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said collector may cause the matters so distrained or arrested to be appraised by two or more sworn appraisers, and afterwards cause the matters distrained or arrested, or any part thereof, to be sold, and with the proceeds of such sale may satisfy the rates so unpaid, and the expences of taking, keeping, appraising, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel upon demand.

Modifications etc. (not altering text)

- C1 Ss. 34-46, 48 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. 44-46 applied (with modifications)(1.7.1994) by [S.I. 1994/1647, art. 16\(4\)](#)
Ss. 44 - 46 applied (20.5.1998) by [S.I. 1998/1209, art. 7\(4\)](#)
- C7 Ss. 43-48 applied (S.) (7.11.2008) by [Whitness Marina Harbour Revision Order 2008 \(S.S.I. 2008/361\), arts. 1\(1\), 19\(10\)](#) (with arts. 31, 33)

Status: Point in time view as at 18/03/2016. This version of this provision has been superseded.

Changes to legislation: Harbours, Docks and Piers Clauses Act 1847, Section 44 is up to date with all changes known to be in force on or before 10 June 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)

- C8** Ss. 43-46 applied (E.W.S.) (18.9.2009) by [Penzance Harbour Revision Order 2009 \(S.I. 2009/2325\)](#), arts. 1, **19(10)** (with arts. 39, 40)
- C9** Ss. 43-46 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)

Status:

Point in time view as at 18/03/2016. This version of this provision has been superseded.

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