



# Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

*Collection of rates*

**46 Disputes concerning rates or charges occasioned by distress to be settled by a justice in England or Ireland, and in Scotland by the sheriff.**

If any dispute arise concerning the amount of any rates due, or the charges occasioned by any distress or arrestment, by virtue of this or the special Act, the person making such distress or using such arrestment may detain the goods distrained or arrested until the amount of the rates due, or the charges of such distress or arrestment, be ascertained by a justice, if in England or Ireland, and by the sheriff, if in Scotland, who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either of the parties to the other of them as he shall think reasonable, and such costs, if not paid on demand, shall be levied by distress or [<sup>F1</sup>attachment][<sup>F2</sup>or money attachment], and such justice or sheriff shall issue his warrant accordingly.

#### Textual Amendments

- F1** Words in s. 46 substituted (S.) (30.12.2002) by 2002 asp 17, ss. 61, 64(2), **Sch. 3 Pt. 1 para. 5** (with art. 63)
- F2** Words in s. 46 inserted (23.11.2009) by **Bankruptcy and Diligence etc. (Scotland) Act 2007** (asp 3), s. 227(3), **Sch. 5 para. 2** (with s. 223); S.S.I. 2009/369, art. 3(2)(3), Sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))

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

- C1** Ss. 34-46, 48 extended by **Transport Act 1962** (c. 46), **Sch. 9 para. 6(2)**
- C2** S. 46 applied (S.) (5.9.2002) by S.S.I. 2002/410, **art. 46(3)(b)** (with arts. 59, 61)
- C3** Ss. 27-32, 34-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/106, **art. 8(3)**.
- C4** Ss. 27-48 applied (with modifications)(E.W.S.)(22. 1. 1991) by S.I. 1991/107, **art. 8(3)**.
- C5** Ss. 27-48 applied (with modifications)(E.W.S.)(8. 2. 1991) by S.I. 1991/237, **art. 8(3)**.
- C6** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1257, **art. 8(3)**.
- C7** Ss. 27-48 applied (with modifications)(E.W.S.)(23. 5. 1991) by S.I. 1991/1258, **art. 8(3)**.

*Changes to legislation: Harbours, Docks and Piers Clauses Act 1847, Section 46 is up to date with all changes known to be in force on or before 07 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) View outstanding changes*

- 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)**
- C8** S. 46 applied (S.) (23.5.2008) by The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008 (S.S.I. 2008/189), arts. 1, **42(3)** (with arts. 53-56)
- C9** S. 46 applied (S.) (23.5.2008) by Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008 (S.S.I. 2008/188), arts. 1, **42(3)** (with arts. 53-56)
- C10** S. 46 applied (S.) (23.5.2008) by Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008 (S.S.I. 2008/190), arts. 1, **42(3)(b)** (with arts. 53(1), arts. 54-56)
- C11** Ss. 43-48 applied (S.) (7.11.2008) by Whiteness Marina Harbour Revision Order 2008 (S.S.I. 2008/361), arts. 1(1), **19(10)** (with arts. 31, 33)
- C12** 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)
- C13** 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)
- C14** Ss. 42-46 incorporated (with modifications) (S.) (10.6.2017) by The Tobermory Harbour Empowerment Order 2017 (S.S.I. 2017/196), arts. 1, **3** (with arts. 36-40)
- C15** Ss. 42-46 incorporated (with modifications) (S.) (4.3.2021) by The Eyemouth Harbour Revision Order 2021 (S.S.I. 2021/118), arts. 1(1), **3(2)-(5)** (with arts. 36, 37)

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act excluded by [2023 c. 8 s. 11\(8\)](#)