
STATUTORY INSTRUMENTS

1998 No. 1209

The Bristol City Docks Harbour Revision Order 1998

PART III

CHARGES

Power to make charges

7.—(1) Subject to paragraph (2) below, the Council may make such reasonable charges as they think fit for services and facilities provided by them in connection with their undertaking at the City Docks as from time to time authorised, including requirements as to the payment of interest on overdue charges.

(2) Paragraph (1) above does not authorise the levying of ship, passenger and goods dues within the meaning of the Harbours Act 1964.

(3) Nothing in this article shall affect the power to demand, take or recover charges which the Council have under or by virtue of any enactment.

(4) Without prejudice to any enactment relating to the payment or recovery of charges due to the Council—

(a) sections 27 to 41 and 44 to 46 of the Harbours, Docks, and Piers Clauses Act 1847⁽¹⁾ (which provide for various matters connected with liability for and collection of rates to be taken by the undertakers), as incorporated with or applied by any enactment relating to the Council; and

(b) section 17 of the 1961 Act (recovery of rates),

shall apply to charges made under paragraph (1) above as they apply to rates payable to the Council.

Payment of charges

8.—(1) The charges which the Council are for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment shall be payable before the removal from the City Docks or the docks estate of any vessel or goods in respect of which they are payable, and may be demanded, taken and recovered by such persons, at such places, at such times and under such terms and conditions as the Council may from time to time specify in their published list of charges.

(2) Charges payable to the Council on or in respect of—

(a) a vessel, shall be payable by the owner or master thereof; and

(b) goods, shall be payable by the owner, consignee or shipper thereof.

(3) Where charges payable to the Council may be recovered by them from more than one person, the persons from whom they may be recovered shall be jointly and severally liable.

(1) 1847 c. 27.

(4) Without prejudice to the generality of paragraph (1) above, the terms and conditions as to the payment of charges which the Council may from time to time specify may include the time when a charge falls due for payment and may require such information to be given to the Council by the owner or master of a vessel or a person using a service or facility of the Council as the Council may require in connection with the assessment or collection of a charge.

Deposit for charges

9.—(1) The Council may, if they think fit, require any person who is liable, or may become liable, to pay charges to them to deposit with them, or to guarantee, such sum as in their opinion is reasonable having regard to the amount or probable amount of the charges.

(2) Where such a person fails to deposit or guarantee the sum of money required the Council may detain in the City Docks or in the docks estate the vessel or goods in respect of which the charge has been or will be incurred until the requirement has been complied with or the charge paid.

Penalty for evading payment of charges

10. If the owner of any vessel or goods or any other person at any time eludes or attempts to elude or evade payment of, or wrongly refuses to pay, any charges payable by him to the Council at the time when they become due and payable, he shall be liable to pay to the Council a sum equal to three times the amount of such charges, which sum shall be a debt due to the Council and shall be recoverable by the Council in the same manner as penalties imposed by the Harbours, Docks, and Piers Clauses Act 1847 may be recovered, or by action in any court of competent jurisdiction.