
STATUTORY INSTRUMENTS

2008 No. 1261

The London Gateway Port Harbour Empowerment Order 2008

PART 5

FUNCTIONS OF THE HARBOUR AUTHORITY

Recovery and enforcement of charges

37.—(1) Section 44 (recovery of tonnage rates by distraint and sale of ship and tackle) of the 1847 Act as incorporated in this Order by article 3 (incorporation of the Harbours, Docks and Piers Clauses Act 1847) is subject to the modification set out in paragraphs (2) and (3).

(2) Where the Harbour Authority has exercised any power of sale under section 44 (recovery of tonnage rates by distraint and sale of ship and tackle) of the 1847 Act, before rendering any overplus to the master of the vessel, the Harbour Authority shall apply such overplus in payment of any unpaid charge due to the PLA.

(3) In the exercise of the powers of section 44 (recovery of tonnage rates by distraint and sale of ship and tackle) of the 1847 Act as incorporated in this Order by article 3 (incorporation of the Harbours, Docks and Piers Clauses Act 1847)—

- (a) the Harbour Authority shall notify the PLA that it has exercised those powers in relation to any vessel;
- (b) the PLA shall not exercise its powers under section 39 (recovery and enforcement of charges) of the 1968 Act in respect of a vessel so notified; and
- (c) subject to sub-paragraph (b), nothing in this article affects the exercise of the PLA's powers under that section.

Commencement Information

II Art. 37 in force at 16.5.2008, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The London Gateway Port Harbour Empowerment Order 2008, Section 37.