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STATUTORY INSTRUMENTS

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**2017 No. 601**

**The Folkestone Harbour Revision Order 2017**

**PART 5**

**CHARGES**

**Charges for services and facilities**

**38.** In addition to its power to demand ship, passenger and goods dues under section 26 of the Harbours Act 1964, the Company may demand, take and recover such reasonable charges for services and facilities requested by any party and provided by or on behalf of the Company at the harbour as it may from time to time determine.

**Charges for services not otherwise provided for**

**39.** Subject to the provisions of this Order the Company may demand, take and recover such reasonable charges or other consideration as it may determine in respect of any services rendered by it in connection with the harbour.

**Payment of charges**

**40.—(1)** The charges which the Company is authorised to demand, take and recover in respect of vessels and goods under article 38 or any other enactment shall be payable before the removal from the harbour 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 Company may from time to time specify in its published list of charges.

(2) Charges payable to the Company—

- (a) in respect of a vessel, shall be payable by the owner or master of the vessel; and
- (b) in respect of goods, shall be payable by the owner, consignee or shipper of the goods.

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

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

**Deposit for charges**

**41.—(1)** The Company may, if it thinks fit, require a person who incurs, or is about to incur, a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Company, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required the Company may detain at the harbour 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 has been paid.

#### **Refusal to pay charges for landing place**

**42.** An officer of the Company may prevent a vessel from using a landing place provided by the Company if the master of the vessel refuses to pay the charges for such use.

#### **Recovery of charges**

**43.** In addition to any other remedy given by this Order or by the Act of 1847 as incorporated with this Order the Company may recover any charges payable to it as a debt in any court of competent jurisdiction (including, in a case where the master of a vessel in respect of which a charge is payable to the Company refuses or neglects to pay the same or any part thereof, whether or not an official or agent of the Company has gone on board the vessel and demanded the charge pursuant to section 44 of the Act of 1847).

#### **Harbour master may prevent sailing of vessels**

**44.** The harbour master may prevent the removal or sailing from the harbour of a vessel until evidence has been produced to him of the payment of any charges payable in respect of the vessel or of passengers thereon or of the goods imported or exported therein.