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STATUTORY INSTRUMENTS

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**2023 No. 470**

**The Dee Estuary Conservancy Harbour Revision Order 2023**

**PART 3**

**CHARGES**

**Charges for services or facilities**

**19.** In addition to its power to demand ship, passenger and goods dues under section 26 (charges for services or facilities) of the 1964 Act, the conservancy authority may demand, take and recover such reasonable charges for services and facilities provided by it within the estuary as it may from time to time determine.

**Payment of charges**

**20.—(1)** The charges which the conservancy authority is for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment must be payable before the removal from the estuary 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 authority may from time to time specify in its published list of charges.

(2) Charges payable to the conservancy authority shall be payable by the owner of any vessel or goods in relation to which the charges are payable.

(3) Where charges payable to the conservancy authority may be recovered by it from more than one person, the persons from whom they may be recovered are 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 conservancy authority may from time to time specify—

- (a) may include the time when a charge falls due for payment, and
- (b) may require such information to be given to the authority by—
  - (i) the owner or master of a vessel, or
  - (ii) a person using a service or facility of the authority,

as the conservancy authority may require in connection with the assessment or collection of a charge.

**Compounding arrangements and rebates**

**21.—(1)** The conservancy authority may confer total or partial exemptions from, or allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption, rebate or composition.

(2) Nothing in section 30 (duty to make available for inspection etc. certain charges) of the 1964 Act requires the conservancy authority to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in that list.

### **Deposit for charges**

**22.**—(1) The conservancy authority may 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 authority, 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 conservancy authority may detain in the estuary 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.

### **Liens for charges**

**23.**—(1) A person who by agreement with the conservancy authority collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession has a lien on those goods for the amount paid or security given.

(2) A person being a wharfinger or carrier who does not have personal liability for the payment of charges may pay or by agreement with the conservancy authority give security for charges on goods in that person's custody.

(3) Where paragraph (2) applies, the person has a like lien on the goods for the amount of the charges as that person would have in respect of their charges for safe custody or carriage of the goods, as the case may be.

### **Exemptions from dues**

**24.**—(1) Except as may be agreed between the conservancy authority and the Secretary of State or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising the conservancy authority to levy dues authorises it to levy dues on—

- (a) a vessel—
  - (i) belonging to or in the service of Her Majesty or any member of the Royal Family;
  - (ii) in the service of HM Revenue and Customs and not carrying goods for reward;
  - (iii) belonging to or used by a lifeboat service whilst employed in or in connection with the functions of that service;
  - (iv) in the service of a police force or other emergency service; or
  - (v) belonging to or in the service of Trinity House;
- (b) HM Revenue and Customs or an officer or other person employed in their service in respect of a vessel or goods under customs seizure or in respect of goods or other articles belonging to, or in the care or service of, HM Revenue and Customs;
- (c) an officer of HM Revenue and Customs or any other person employed in their service; or
- (d) a person employed by the Secretary of State for Defence while in the execution of that person's duty.

(2) An officer of the Department for Transport in the execution of that officer's duty is at all times exempt from dues in respect of a vessel belonging to or in the service of the Department.

(3) No dues are payable by any small vessel.

(4) No dues are payable by any vessel navigating—

- (a) from Dee Locks on the Shropshire Union Canal to Chester Weir, or
- (b) to Dee Locks on the Shropshire Union Canal from Chester Weir.

(5) No dues in respect of passengers or goods may be demanded by the conservancy authority in relation to any vessel that is inbound from the sea to the port or outbound for the sea from the port.

(6) In this article “dues” means ship, passenger and goods dues which the conservancy authority may demand under section 26 (charges for services or facilities) of the 1964 Act.

**Harbour master may prevent sailing of vessels**

**25.** The harbour master may prevent the removal or sailing from the estuary of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

- (a) the vessel,
- (b) any passengers on it, or
- (c) any goods carried by it.