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## SUBSIDIARY LEGISLATION

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### HARBOURS

#### Harbours (Fees) Regulations 2011

S. R. & O. No. 2 of 2011

*Made: ..... 25 August 2011*

*Published: ..... 9 September 2011*

*Coming into force: on publication*

I make these regulations under section 3 of the Harbours Ordinance<sup>(a)</sup>.

#### PART 1 INTRODUCTION

##### 1. Title

These regulations are the Harbours (Fees) Regulations 2011.

##### 2. Commencement

These regulations come into force on publication in the *Gazette*.

##### 3. Interpretation

In these regulations —

“authorised collector” means a person authorised by (or on behalf of) the Commissioner to collect harbour fees;

“harbour fees for a vessel” means either —

(a) in the case of a yacht, the fee payable for it under regulation 4; or

(b) in the case of a vessel other than a yacht, the fees payable for it under regulations 6, 7(1) and 8(1);

“load line length” means, in relation to a vessel, the greater of —

(a) 96% of the total length of its relevant waterline; and

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<sup>(a)</sup> Cap. 30, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

(b) the length on that waterline from the fore side of its stem to the axis of its rudder stock;

“relevant waterline” means, in relation to a vessel, the waterline that is —

(a) at 85% of the vessel’s least moulded depth (measured from the top of the keel); and

(b) in the case of a vessel designed with a rake of keel, parallel to its design waterline;

“yacht” means a small sailing or motor vessel in relation to which both of the following conditions are satisfied —

(a) it is used for pleasure cruises; and

(b) its load line length is not more than 24 metres.

## **PART 2 FEE PAYABLE IN RESPECT OF YACHTS**

### **4. Fee payable in respect of yachts**

A fee of £50 is payable in respect of every yacht on the first day of its stay in a harbour.

## **PART 3 FEES PAYABLE IN RESPECT OF VESSELS OTHER THAN YACHTS**

### **5. Application of Part 3**

This Part applies only in relation to vessels that are not yachts.

### **6. Fee payable on entering or leaving harbour**

A fee of £35 is payable in respect of every vessel entering or leaving harbour.

### **7. Initial fee**

(1) An initial fee (based on the net tonnage of the vessel and the number of passengers on board when it enters the harbour) is payable in respect of every vessel in relation to the first day of its stay in a harbour.

(2) The amount of the initial fee for a vessel carrying 12 passengers or fewer is the amount in column 2 of the table in the Schedule corresponding to the net tonnage of the vessel.

(3) The amount of the initial fee for a vessel carrying more than 12 passengers is the amount in column 3 of the table in the Schedule corresponding to the net tonnage of the vessel.

### **8. Daily fee**

(1) A daily fee (based on the initial fee payable under regulation 7 is payable in respect of every vessel for each day (or part of a day) during which it remains in a harbour after the first day of its stay in that harbour.

(2) The amount of the daily fee for a vessel is 50% of the initial fee payable under regulation 7 for that vessel.

#### **PART 4 PAYMENT OF FEES**

##### **9. Arrangements for payment of harbour fees**

(1) The Commissioner (or a person acting on behalf of the Commissioner) may enter into arrangements with the owner or operator of a vessel for the payment of harbour fees for that vessel.

(2) The fees must be paid in accordance with those arrangements.

##### **10. Payment of harbour fees where no arrangement applies**

(1) This regulation applies in relation to vessels in respect of which no arrangement has been made under regulation 9(1).

(2) It also applies to a vessel to the extent that an arrangement made under regulation 9(1) does not apply.

(3) If this regulation applies, payment of the harbour fees for the vessel may be demanded by an authorised collector from whomever appears to be in charge of the vessel.

(4) Harbour fees demanded under paragraph (3) must be paid —

(a) in cash; or

(b) by another method approved by (or on behalf of) the Commissioner.

(5) The harbour fees may be paid in one of the following currencies —

(a) the currency of the United Kingdom;

(b) the currency of the Falkland Islands; or

(c) another currency, if it is a currency that has been approved by (or on behalf of) the Commissioner.

(6) If the harbour fees are paid in another currency that has been approved under paragraph 5(c), the Commissioner (or a person acting on behalf of the Commissioner) may determine the equivalent amount payable in that currency.

##### **11. Recovery of unpaid harbour fees**

Amounts due in respect of unpaid harbour fees for a vessel may be recovered as a debt in a court of competent jurisdiction from either —

- (a) the owner or operator of the vessel; or
- (b) the person from whom they were demanded under regulation 10(3).

**12. Application of proceeds**

Harbour fees paid or recovered under this Part form part of the general revenues of the Territory.

**PART 5  
REVOCATION**

**13. Harbours Fees Regulations 1994 (and amending regulations) revoked**

The following regulations are revoked —

- (a) Harbours Fees Regulations 1994 (S.R. & O. No 1 of 1994);
- (b) Harbours Fees (Amendment) Regulations 1995 (S.R. & O. No 1 of 1995);
- (c) Harbours (Fees) (Amendment) Regulations 1998 (S.R. & O. No 3 of 1998); and
- (d) Harbours (Fees) (Amendment) Regulations 2003 (S.R. & O. No 3 of 2003).

**SCHEDULE  
TABLE OF INITIAL FEES**

regulation 7

Net tonnage	Column 2 (12 or fewer passengers)	Column 3 (More than 12 passengers)
Less than 100 tons	£220	£440
100 tons or more but less than 800 tons	£310	£620
800 tons or more but less than 1,000 tons	£390	£780
1,000 tons or more but less than 1,500 tons	£450	£900
1,500 tons or more but less than 2,000 tons	£550	£1,100
2,000 tons or more but less than 5,000 tons	£660	£1,320

<b>Net tonnage</b>	<b>Column 2</b> (12 or fewer passengers)	<b>Column 3</b> (More than 12 passengers)
5,000 tons or more but less than 7,000 tons	£820	£1,640
7,000 tons or more but less than 10,000 tons	£1,220	£2,440
10,000 tons or more but less than 15,000 tons	£1,490	£2,980
15,000 tons or more but less than 20,000 tons	£1,750	£3,500
20,000 tons or more	£1,840	£3,680

Made 25<sup>th</sup> August 2011

N. R. Haywood C.V.O.,  
*Commissioner.*

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**EXPLANATORY NOTE**  
*(not part of the order)*

These regulations replace the Harbours Fees Regulations 1994 <sup>(a)</sup>.

Yachts are defined as small sailing or motor vessels, with a load line length up to 24 m, that are used for pleasure cruises.

The schedule of harbour fees is updated for the first time since 2003.

Fees for yachts that fall within the new definition remain the same but, for all other vessels, a sliding scale of harbour fees based on tonnage applies.

For vessels other than yachts entry and exit fees remain unchanged at £35. Vessels, other than yachts, must pay an initial fee in respect of the first day spent in harbour and a daily fee for each subsequent day spent in harbour.

A higher rate applies to vessels with more than 12 passengers on board at the time of entry into harbour.

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<sup>(a)</sup> S. R. & O. No. 1 of 1994, as amended by S. R. & O.No. 1 of 1995, S. R. & O. No. 3 of 1998 and S. R. & O. No. 3 of 2003.