



# HARBOUR DUES (FISHING VESSELS, WORK BOATS AND CONSTRUCTION BARGES) REGULATIONS 2013

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Statutory Document No. 0082/2013



*Harbours Act 2010*

## **HARBOUR DUES (FISHING VESSELS, WORK BOATS AND CONSTRUCTION BARGES) REGULATIONS 2013**

*Approved by Tynwald:* 19 March 2013  
*Coming into Operation:* 1 April 2013

The Department of Infrastructure makes the following Regulations under section 38(1) and 39 of the Harbours Act 2010.

### **1 Title**

These Regulations are the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2013.

### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on 1 April 2013.

### **3 Interpretation**

(1) In these Regulations —

“**the Act**” means the Harbours Act 2010;

“**construction barge**” means a vessel constructed to carry out and support marine and civil engineering works which is working within harbour limits;

“**fishing vessel**” means a vessel which is for the time being used for or in connection with sea fishing but does not include a vessel used for fishing otherwise than for profit;

“**pleasure vessels**”, “**house boats**”, “**large commercial yachts**” and “**tall ships**” have the same meaning as in the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2013<sup>1</sup>;

“**the principal Regulations**” means the Harbour Dues (Merchant Vessels) Regulations 2013<sup>2</sup>;

<sup>1</sup> SD 81/13

<sup>2</sup> SD 80/13

“**ton**” means a ton of the gross tonnage of a vessel where a ton is equal to a volume of 100 cubic feet;

“**tug**” means a vessel constructed solely for the purposes of, and normally used for, providing external motive power for floating objects or vessels;

“**work boat**” means small vessels used as tugs and other small vessels engaged in or supporting marine and civil engineering works; and

“**year**” means the period of 12 months ending on 31 March.

(2) Expressions which are not defined in paragraph (1) but which are defined in the principal Regulations have the meaning given by those Regulations.

#### **4 Application**

Except in circumstances prescribed in Part 1 of the Schedule, these Regulations apply to fishing vessels, work boats and construction barges entering, using or leaving a harbour.

#### **5 Harbour dues**

The Schedule sets out the harbour dues prescribed in respect of fishing vessels, work boats and construction barges.

#### **6 Revocation**

The Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2012<sup>3</sup> are revoked.

**MADE: 18<sup>TH</sup> FEBRUARY 2013**

**D C CRETNEY**

*Minister for Infrastructure*

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<sup>3</sup> SD 106/12

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**HARBOUR DUES**

(Regulation 5)

**PART 1 – VESSEL DUES**

**1 General**

- (1) This Part applies to vessels entering or using a harbour (including remaining in, or being laid up or lying in, a harbour).
- (2) No dues shall be charged in accordance with this Part if a vessel is obliged to enter a harbour to –
  - (a) land a crew member or a passenger for urgent medical treatment; or
  - (b) obtain emergency services with respect to safety of life on board, provided that the vessel leaves the harbour as soon as is practicable in the circumstances.
- (3) Tonnage dues shall not be charged in respect of any vessel, not conveying goods for hire, that –
  - (a) belongs to or is employed in the service of Her Majesty's forces;
  - (b) is in the service of the Northern Lighthouses Board, the Corporation of Trinity House or the Commissioners of Irish Lights;
  - (c) is a lifeboat; or
  - (d) is in the service of, or under detention or seizure by, the Treasury.
- (4) Except where annual payment of dues has been made in accordance with Table 2, dues shall be charged in accordance with Table 1 in respect of fishing vessels, work boats or construction barges entering or using a harbour.
- (5) A person liable to pay dues in accordance with this Part may, at any time during the year, elect to pay dues for the remaining part of the year in accordance with Table 2.

**2 Fishing vessels, work boats and construction barges**

- (1) A payment of vessel dues in respect of a fishing vessel, work boat or construction barge shall be treated as a payment in respect of all harbours if an annual payment is made in accordance with Table 2.
- (2) Vessel dues in respect of a fishing vessel, work boat or construction barge entering or using a harbour shall be calculated and charged –

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- (a) in accordance with Table 1 by reference to the number of entries made by the vessel into harbour, the number of days during which the vessel remains in harbour, and the tonnage of the vessel; or
- (b) if a person having responsibility for the vessel elects to make a payment of vessel dues in respect of the year or the remaining part of the year, by reference to the tonnage of the vessel, in accordance with Table 2.

**3 Fishing vessels and work boats**

- (1) If a fishing vessel or work boat is also a pleasure ferry, vessel dues shall be charged in accordance with this Part and not in accordance with the fees applicable in the Harbour Dues (Pleasure Vessels, Live-aboard Boats, Large Commercial Yachts and Tall Ships) Regulations 2013 as they apply to pleasure ferries.

**4 Tables**

Table 1 applies to fishing vessels, work boats and construction barges, for each entry to harbour.

<b>TABLE 1 (Periodical payment)</b>	
For each entry to a harbour; and	£40.38
in addition, for each ton in excess of 125 tons	0.33
Laid up or lying in a harbour for each period of 3 days or any period less than 3 days, after the first 3 days following entry to the harbour;	£40.38
in addition, for each such period, per ton in excess of 125 tons	0.33

Table 2 applies to fishing vessels, work boats and construction barges where an annual payment is made.

<b>TABLE 2 (Annual payment)</b>	
Vessels not exceeding 15 tons	£81.62
Vessels exceeding 15 tons but not exceeding 40 tons in addition, for every ton or part of a ton in excess of 15 tons	£81.62 £5.44
Vessels exceeding 40 tons but not exceeding 65 tons	£217.81
Vessels exceeding 65 tons but not exceeding 125 tons	£353.96
Vessels exceeding 125 tons	£753.75



## PART 2 – GOODS AND PASSENGER DUES

### 5 Application

- (1) This Part applies to –
  - (a) goods unloaded from or loaded onto a fishing vessel, work boat or construction barge; and
  - (b) passengers embarking on or disembarking from a fishing vessel, work boat or construction barge.
- (2) Goods dues shall not be charged in respect of –
  - (a) naval, victualling or Ordnance stores, or other stores or goods for the service of or being the property of her Majesty;
  - (b) stores or goods for the service of, or being the property of the Northern Lighthouses Board, the Corporation of Trinity House or the Commissioners of Irish Lights;
  - (c) the outfit, stores or provisions of any vessel;
  - (d) any apparatus for saving life; and
  - (e) any goods under detention or seizure by the Treasury.
- (3) Passenger dues shall not be charged in respect of any person employed in the service of Her Majesty or the Northern Lighthouse Board, the Corporation of Trinity House or the Commissioners of Irish Lights, or employed on any pilot boat, embarking or disembarking in the execution of his or her duty, or in respect of any person using a lifeboat.
- (4) Goods dues are payable in addition to vessel dues charged in accordance with Part 1 and shall be calculated and charged in accordance with the principal Regulations but no goods dues shall be charged in respect of –
  - (a) a pedal cycle or motor-assisted pedal cycle; or
  - (b) fish landed from a fishing vessel.

### 6 Passenger dues

- (1) No passenger dues are payable in respect of any passenger embarking on or disembarking from a fishing vessel, work boat or construction barge when that vessel is working as a pleasure ferry engaged on voyages wholly within territorial sea of the Isle of Man.
- (2) Sub-paragraph (1) does not apply to passenger dues payable in accordance with the principal Regulations in respect of passengers who embark on, or disembark from, another vessel and who are carried to or from that other vessel on a fishing vessel, work boat or construction barge.
- (3) Passenger dues are payable in addition to vessel dues in respect of any passenger embarking on or disembarking from a fishing vessel, work

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boat or construction barge when that vessel is working as a pleasure ferry engaged on voyages to and from destinations outside territorial sea of the Isle of Man.



*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations increase the rate of harbour dues payable for fishing vessels, work boats and construction barges by 3%. Dues are calculated according to the length of stay of the vessel and the gross tonnage of the vessel. Dues may be paid for each entry to a harbour or, if the owner or master elects, on an annual basis.

If goods are landed from or loaded onto a fishing vessel, work boat or construction barge, then goods dues are chargeable at the same rates as apply to merchant vessels. Goods dues in respect of fish landed from a fishing vessel ceased to be charged from 1 April 1995. Passenger dues are not payable for passengers embarking or disembarking from a fishing vessel or work boat engaged on domestic voyages.

Dues paid in respect of a fishing vessel, work boat or construction barge cover entry into a single harbour unless an annual payment is made, in which case the dues cover entry into, and use of, all harbours.

These Regulations revoke the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2012 (SD 106/12).