



HARBOURS (ISLE OF MAN) ACT 1961

HARBOUR DUES (FISHING VESSELS, WORK BOATS AND CONSTRUCTION BARGES) REGULATIONS 2004

Approved by Tynwald:

18 February 2004

Coming into operation:

1 April 2004

In exercise of the powers conferred on the Department of Transport by section 55(1) of the Harbours (Isle of Man) Act 1961¹, and of all other powers enabling it in that behalf, the following Regulations are hereby made:-

Citation, commencement and revocation

1. (1) These Regulations may be cited as the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2004 and, subject to section 55(5) of the Act, shall come into operation on 1 April 2004.

(2) The Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2003² are revoked.

Application

2. Without prejudice to sections 62 and 63 of the Act, and subject to the Schedule, these regulations apply to-

- (a) fishing vessels;
- (b) work boats; and
- (c) construction barges

entering, using or leaving a harbour.

¹ Vol. XIX p.538

² SD No. 52/03

Price: £ 1.15 Price Code: A

Harbour dues

3. The dues specified in the Schedule are the harbour dues prescribed for the purposes of section 55 of the Act and shall be charged from 1 April 2004 in respect of fishing vessels, work boats and construction barges.

Interpretation

4. (1) In these regulations-

"the Act"	means the Harbours (Isle of Man) Act 1961;
"construction barge"	means a vessel constructed to carry out and support 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 and house boat regulations"	means the Harbour Dues (Pleasure Vessels and House Boats) Regulations 2004 ³ or regulations which supersede those Regulations;
"the principal regulations"	means the Harbour Dues (Merchant Vessels) Regulations 2004 ⁴ or regulations which supersede those Regulations;
"ton"	means a ton of the gross registered tonnage of a vessel;
"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 tugs and other small vessels engaged in civil engineering works
"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 shall have the meaning given by those Regulations.

³ SD No. 30/04

⁴ SD No. 28/04

SCHEDULE

**HARBOUR DUES
FISHING VESSELS WORK BOATS AND CONSTRUCTION BARGES**

PART I

VESSEL DUES

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. Without prejudice to section 62 of the Act, where 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,

no dues shall be charged in accordance with this Part provided that the vessel leaves the harbour as soon as is practicable in the circumstances.

3. (1) Except where annual payment of dues has been made in accordance with Vessel Table 2, dues shall be charged in accordance with Vessel Table 1 in respect of fishing vessels, work boats or construction barges entering or using a harbour.
- (2) 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 Vessel Table 2.

Fishing vessels, work boats and construction barges:

4. 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 Vessel Table 2.
5. Vessel dues in respect of a fishing vessel, work boat or construction barge entering or using a harbour shall be calculated and charged-
 - (a) in accordance with Vessel 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 Vessel Table 2.

Fishing vessels and work boats:

6. 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 pleasure vessels and house boats regulations as they apply to pleasure ferries.

Tables:

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

**VESSEL TABLE 1
(Periodical payment)**

	£
For each entry to a harbour	30.33
	and
in addition, for each ton in excess of 125 tons	0.24
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	30.33
	and
in addition, for each such period, per ton in excess of 125 tons	0.24

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

VESSEL TABLE 2
(Annual payment)

	£
Vessels not exceeding 15 tons	61.30
Vessels exceeding 15 tons but not exceeding 40 tons	61.30 and
in addition, for every ton or part of a ton in excess of 15 tons	4.09
Vessels exceeding 40 tons but not exceeding 65 tons	163.48
Vessels exceeding 65 tons	265.66

PART II

GOODS AND PASSENGER DUES

9. 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.

10. (1) Subject to sub-paragraph (2), goods dues are payable in addition to vessel dues charged in accordance with Part I and shall be calculated and charged in accordance with the principal Regulations.

(2) 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.

11. (1) Subject to sub-paragraph (2), no passenger dues are payable in respect of any person embarking on or disembarking from a fishing vessel, work boat or construction barge.
- (2) Sub-paragraph (1) has effect without prejudice to passenger dues being payable in accordance with the principal Regulations in respect of passengers who embark on, or disembark from, another vessel notwithstanding that the passengers are carried to or from that other vessel on a fishing vessel, work boat or construction barge.

MADE 13th January 2004



Minister for Transport

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Isle of Man Harbours

Harbour Dues Regulations apply to the harbours vested in the Department of Transport:

DOUGLAS; LAXEY; RAMSEY; PEEL; PORT ERIN; PORT ST. MARY;
CASTLETOWN & DERBYHAVEN.

Liability to pay Harbour Dues

Chapter II of the Harbours (Isle of Man) Act 1961 makes provision as to the liability of persons to pay harbour dues (which may be on a vessel entering and using a harbour, goods landed or loaded, and passengers embarked or disembarked). It is the master or owner of the vessel who is liable to pay those harbour dues.

Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2004

The Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2004 provide for new rates of Harbour Dues to be applied with effect from 1 April 2004 in respect of fishing vessels, work boats and construction barges, and replace dues in respect of such vessels which were applied by the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2003 (*SD 52/03*). Dues are calculated according to the length of stay of the vessel and the gross registered tonnage of the vessel. Dues may be paid for each entry to harbour or they may be paid on an annual basis for the year ending 31 March, if the owner elects.

If goods are landed from or loaded onto a fishing vessel, work boat or construction barge, goods dues are chargeable at the same rates as apply to other merchant vessels. However, goods dues on fish landed from a fishing vessel ceased to be charged from 1 April 1995. No passenger dues are payable in respect of passengers embarking on or disembarking from a fishing vessel or work boat (but without prejudice to passenger dues being charged in respect of such passengers if the fishing vessel or work boat is used to ferry the passengers to and from another vessel such as a cruise liner, in which case passenger dues would be charged in accordance with the principal Regulations). The principal Regulations are the Harbour Dues (Merchant Vessels) Regulations 2004, (*SD 28/04*) which came into operation on 1 April 2004.

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 replace the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2003 (*SD 52/03*). The existing harbour dues rates contained in those Regulations commenced on 1 April 2003 and remain in force until superseded. The new rates set out in these Regulations, which supersede the existing rates, come into force on 1 April 2004.

