



## MERCHANT SHIPPING (MISCELLANEOUS PROVISIONS) ACT 1996

### MERCHANT SHIPPING (FEES) REGULATIONS 2004

#### ARRANGEMENT OF REGULATIONS

##### PART 1 - GENERAL

Regulation 1	Citation and Commencement
Regulation 2	Interpretation
Regulation 3	Revocation
Regulation 4	Application

##### PART II - SURVEY AND CERTIFICATION FEES

Regulation 5	Hourly Charges for Merchant Vessels	(Schedule 1)
Regulation 6	Hourly Charges for Fishing Vessels	(Schedule 2)
Regulation 7	Additional Charges	
Regulation 8	Certificate Fees	(Schedule 3)
Regulation 9	Assessment and Approval of Manual and Plans	(Schedule 4)
Regulation 10	Seafarers Certificates and Documents	(Schedule 5)

##### PART III - ALTERNATIVE FEES AND FIXED FEE

Regulation 11	Fixed Fee
Regulation 12	Alternative Fees

##### PART IV - REGISTRY FEES

Regulation 13	Registry Fees for Merchant Vessels	(Schedule 6)
Regulation 14	Registry Fees for Demised In Vessels	(Schedule 7)
Regulation 15	Registry Fees for Demised Out Vessels	(Schedule 8)
Regulation 16	Registry Fees for Pleasure Vessels	(Schedule 9)
Regulation 17	Registry Fees for Small Ships	(Schedule 10)
Regulation 18	Registry Fees for Fishing Vessels	(Schedule 11)



## MERCHANT SHIPPING (MISCELLANEOUS PROVISIONS) ACT 1996

### MERCHANT SHIPPING (FEES) REGULATIONS 2004

*Approved by Tynwald: 16 March 2004*

*Coming into operation: 1 April 2004*

In exercise of the powers conferred on the Department of Trade and Industry by Section 17(1) of the Merchant Shipping (Miscellaneous Provisions) Act 1996<sup>1</sup> and all other powers enabling it in that behalf, and with the consent of the Treasury, the following regulations are hereby made:-

#### PART I - GENERAL

##### Citation and commencement

1. These regulations may be cited as the Merchant Shipping (Fees) Regulations 2004 and subject to Section 17(2) of the Merchant Shipping (Miscellaneous Provisions) Act 1996 shall come into operation on the 1<sup>st</sup> April 2004.

##### Interpretation

2. For the purposes of these regulations:

“Cargo Ship” means a mechanically propelled ship which is not a passenger ship, troop ship, pleasure vessel or fishing vessel;

“Commercial Yacht” means a vessel which is registered under Part 1 of the Registration Act and is described in the register and on the certificate of registry as a commercial vessel and is not a pleasure vessel;

“Company” means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the

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<sup>1</sup> 1996.c.20 Functions transferred to the Department of Trade and Industry by SD51/97

owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;

“CSR” means a Continuous Synopsis Record as required by SOLAS CH XI-1, Regulation 5;

“Department” means the Department of Trade and Industry;

“EEA country” means any country which is included within the European Economic Area;

“EU country” means any country which is a member state of the European Union;

“Fishing vessel” means a ship which is a fishing vessel registered or to be registered in the Isle of Man under Part III of the Merchant Shipping Registration Act 1991<sup>2</sup>;

“MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2<sup>nd</sup> November, 1973;

“Merchant Vessel” means a ship registered or to be registered in the Isle of Man under either part I or part IV of the Merchant Shipping (Registration) Act 1991 and includes a Commercial Yacht;

“Mobile Offshore Drilling Unit” or “MODU” means:

- (a) a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt;
- (b) a surface unit with a ship - or - barge- type displacement hull of single or multiple hull construction intended for operation in the floating condition;
- (c) a self- elevating unit with movable legs capable of raising its hull above the surface of the sea; or
- (d) a column-stabilised unit with the main deck connected to the underwater hull above the surface of the sea.

“Operator” in connection with any vessel means the person, Company, Charterer or other person responsible for the day to day operation of the vessel;

“Passenger ship” means a sea-going ship which carries more than 12 passengers;

“Pleasure Vessel” means any vessel which at the time it is being used:

- (a) is wholly owned by an individual or individuals, and is used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

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<sup>2</sup> 1991 c.15

(b) is owned by a body corporate, and is carrying only such persons as are the employees or officers of the body corporate, or their immediate family or friends; and

(c) is on a voyage or excursion which is one for which the owner does not receive money or money's worth for or in connection with the operation of the vessel or the carrying of any person other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the owner; or

(d) is owned by a body corporate but pursuant to a long term lease agreement, is used only for the sport or pleasure of the lessee, and the immediate friends or family of the lessee, if an individual, or the employees or officers and their immediate friends and family, if a corporate lessee.

Such lease agreement must specify that:

- (i) the vessel may only be used for private purposes and must not be used for commercial purposes;
- (ii) the vessel must not be sub-leased or chartered; and
- (iii) no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the lessee.

(e) is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure, and at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and any charges levied in respect of that use are paid into club funds and applied for the general use of the club, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the club;

“Ship security plan” means a ship security plan as required by Regulation 9 of the International Ship and Port Facility Security Code (ISPS Code) adopted by the International Maritime Organization 12 December 2003;

“Sister ship” means any ship having the same hull form, dimensions and cargo tank or cargo hold configuration that have been built to the same plans;

“Small Ship” means a vessel registered or to be registered in the Isle of Man under Part II of the Merchant Shipping (Registration) Act 1991;

“ SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, as amended by its Protocol of 1988 and the resolution of the Maritime Safety Committee of the IMO, published by the IMO as Resolution MSC.99(73) of December 2000.

**Revocation**

3. The following regulations are revoked in their entirety:
  - (a) Merchant Shipping (Fees) Regulations 1999<sup>3</sup>;
  - (b) Merchant Shipping (Fees) (Amendment) Regulations 2000<sup>4</sup>.

**Application**

4. These Regulations apply to operators of Merchant Vessels, Commercial Yachts, Fishing Vessels and Small Ships.

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<sup>3</sup> SD662/99

<sup>4</sup> SD 212/00

## **PART II - SURVEY AND CERTIFICATION FEES**

### **Hourly Charges for Merchant Vessels**

5. Schedule 1, fees for any work done including any audit, survey, inspection or examination or similar work in connection with any Merchant Vessel shall have effect.

### **Hourly Charges for Fishing Vessels**

6. Schedule 2, fees for any work done including any audit, survey, inspection or examination or similar work in connection with any fishing vessel shall have effect.

### **Additional Charges**

7. (1) In the course of undertaking any work for which charges are due under regulations 5 or 6 where the surveyor undertaking the work is required to travel to the location of the vessel, the Department shall, in calculating the total fees due, include the costs of the surveyor's travel and subsistence.

(2) Where a surveyor is required to travel to the location of the vessel, for each day of travel on a day during which no survey work is undertaken, or in the case of a day when, after travel it would be unreasonable for the surveyor to commence work on that day prior to obtaining sufficient rest an additional charge of £500 shall be payable.

(3) Where a surveyor is required to travel to the location of the vessel, for each day a surveyor is kept waiting and is unable to commence work an additional charge of £500 shall be payable.

(4) The Department may waive at its discretion one or more days charges under subparagraphs (2) or (3) where the delay arises through causes outside the control of the operator of the ship.

### **Certificate Fees**

8. Schedule 3, fees for the issue of statutory certificates shall have effect.

### **Assessment and Approval of Manuals and Plans**

9. Schedule 4, fees for the assessment and approval of manuals and plans shall have effect.

### **Seafarers Certificates and Documents**

10. Schedule 5, fees for the issue of Seafarers certificates and documents shall have effect.

### **PART III - ALTERNATIVE FEES SCHEME AND FIXED FEE**

#### **Fixed Fee**

11. (1) Notwithstanding the fees specified in regulations 5 to 9, the Department may charge a fixed fee for the inspection, registration and issue of certificates for any new build or registry transfer.

(2) The fixed fee specified at (1) shall include the cost of surveyors travel and subsistence.

#### **Alternative Fees**

12. (1) In lieu of the charges specified at regulations 5, 7 and 8 in respect of any Cargo Ship, Commercial Yacht or MODU an operator may elect to pay a fee which shall entitle them to:

- (a) the conduct of intermediate and renewal audits of the ships Safety Management System in accordance with the ISM Code;
- (b) the conduct of any periodical or renewal inspection for compliance with ILO Convention No. 178 Inspection of Seafarers Living and Working Conditions;
- (c) the conduct of any periodical or renewal inspection for compliance with ILO Convention No. 92 and No.133 Crew Accommodation on Board Ships;
- (d) the issue of any certificate, Document of Compliance or report associated with (a) to (c).
- (e) the issue of any ships statutory certificate replacing one previously issued by the Department.

(2) The Alternative Fee shall be £160 per ship per month and may be paid on a monthly, quarterly or annual basis and the operator shall pay the fee or first instalment of the fee as appropriate within 30 days of the date of entry into the scheme.

(3) If an operator fails to pay fees as required under (2) their vessel or vessels shall no longer be entitled to the services specified at (1) and any future services shall be charged on the basis of the fees set out in regulations 5, 7 and 8.

(4) Fees paid under the Alternative Fees Scheme are non-refundable.

## **PART IV - REGISTRY FEES**

### **Registry Fees for Merchant Vessels (excluding demised out and demised in vessels and pleasure vessels)**

13. Schedule 6, registry fees for merchant vessels, excluding Demised Out and Demised In and Pleasure Vessels shall have effect.

### **Registry Fees for Demised In Vessels**

14. Schedule 7, registry fees for a vessel “demised in” in accordance with Part IV of the Registration Act 1991 shall have effect.

### **Registry Fees for Demised out vessels**

15. Schedule 8, registry fees for a vessel “demised out” in accordance with Part I of the Registration Act 1991 shall have effect:

### **Registry Fees for Pleasure Vessels**

16. Schedule 9, registry fees for pleasure vessels shall have effect.

### **Registry Fees for Small Ships**

17. Schedule 10, registry fees for small ships shall have effect.

### **Registry Fees for Fishing Vessels**

18. Schedule 11, registry fees for fishing vessels shall have effect.

**Made: 5 Feb 2004**

*Alex F. Downie,*

**Minister for Trade and Industry**



**Schedule 1**

**Regulation 5 - Hourly Charges For Merchant Vessels**

SERVICE	FEE CHARGE PER HOUR
Work undertaken in the Isle of Man	£60
Work undertaken in the United Kingdom, any EU Country or any EEA Country	£80
Work undertaken in any other country	£110

**Schedule 2**

**Regulation 6 - Hourly Charges For Fishing Vessels**

SERVICE	FEE CHARGE PER HOUR
Work undertaken in the Isle of Man	£40
Work undertaken in the United Kingdom, any EU country, or any EEA country	£80
Work undertaken in any other country	£110

**Regulation 8 - Certificate Fees**

CERTIFICATE	FEE
5 Year SOLAS , MARPOL or any other Convention Certificate provided that if the certificate has a validity of less than 5 years the fee shall be £100 per year of validity	£500
Exemption from any requirement where permitted by the Convention and agreed by the Department	£200
Extension of any Certificate where permitted by the Convention and agreed by the Department	£200
Assessment and issue of any exemption from any other statutory requirement	£200
Document of Compliance - Crew Accommodation, Carriage of Dangerous Good or similar specific requirement	£250
Document of Compliance with the Commercial Yacht Code	£500
Passenger Ship Safety Certificate	£300
Certificate of Financial Insurance (CLC) or other financial security for civil liability for oil pollution damage	£ 75
Company Document of Compliance with the ISM Code	£250

**Regulation 9 - Assessment and Approval of Manuals and Plans**

MANUALS AND PLANS	FEES
First Ship Security Plan submitted by Company	£900
Subsequent Ship Security Plans submitted by Company	£450
Sister Ship - Ship Security Plans submitted by Company	£50
Assessment and approval of any manual, operating plan or similar (other than Ship Security Plan)	£200
Assessment and approval of subsequent manuals or plans which are based on the same manual or plan (other than Ship Security Plans)	£50

**Regulation 10 - Seafarers Certificates and Documents**

SEAFARERS CERTIFICATES AND DOCUMENTS	FEES
AB Certificate of Competency	£15
Discharge Book or British Seaman's Card	£25
Endorsement recognising a non-UK Certificate of Competency	£140
Watch Rating Certificate	£50

**Regulation 13 - Registry Fees For Merchant Vessels  
(Excluding Demised Out Vessels, Demised In Vessels And Pleasure Vessels)**

REGISTRY	FEE
First registry, re-registry or transfer of registry including the issue of a Certificate of Registry where appropriate	£500
Transfer of ownership by Bill of Sale or transmission Register of Mortgage Transfer of Mortgage Discharge of Mortgage	£200
Recording Mortgage of Intent	£35
Replacement Certificate of Registry or a certificated copy of the certificate of registry	£75
Certified copy of the particulars recorded in the register	£35
Inspection of the particulars recorded in the register	£20
Change to the registered particulars which does not affect the CSR	£35
Issue of a new Certificate of Registry if requested, following a change to the registered particulars which does not affect the CSR	£75
Change in registered particulars which requires the issue of an updated CSR including the issue of new certificate of registry	£250

**Regulation 14 - Registry Fees For Demised In Vessels**

REGISTRY	FEE
First registry, re-registry or transfer of registry including the issue of a Certificate of Registry where appropriate	£500
Replacement Certificate of Registry or a certificated copy of the certificate of registry	£75
Certified copy of the particulars recorded in the register	£35
Inspection of the particulars recorded in the register	£20
Change to the registered particulars which does not affect the CSR	£35
Issue of a new Certificate of Registry if requested, following a change to the registered particulars which does not affect the CSR	£75
Change in the registered particulars which requires the issue of an updated CSR including the issue of new certificate of registry	£250

## Regulation 15 - Registry Fees For Demised Out Vessels

REGISTRY	FEE
First registry, re-registry or transfer of registry including the issue of a Certificate of Registry where appropriate	£500
Granting permission for a Manx Ship to register in a demise charter registry other than the Island	£500
Transfer of ownership by Bill of Sale or transmission	£200
Register of Mortgage	
Transfer of Mortgage	
Discharge of Mortgage	
Recording Mortgage of Intent	£35
Certified copy of the particulars recorded in the register	
Change to the registered particulars	
Inspection of the particulars recorded in the register	£20
Certifying a change of ships name	£150
Certified copy of any declaration or documents to be produced in evidence under the Merchant Shipping Acts	£35
Each transcript of the demise charter register	£35
Each transcript to show particulars of a ship on a specified date	
Each transcript of a closed register	
Other certified extracts of the demise charter register, for each folio or portion thereof	

**Regulation 16 - Registry Fees For Pleasure Vessels**

<b>REGISTRY</b>	<b>FEE</b>
First registry, re-registry or transfer of registry including the issue of a Certificate of Registry where appropriate	£500
Transfer of ownership by Bill of Sale or transmission Register of Mortgage Transfer of Mortgage Discharge of Mortgage	£200
Recording Mortgage of Intent	£35
New Certificate of Registry, Replacement Certificate of Registry or a certificated copy of the certificate of registry	£75
Certified copy of the particulars recorded in the register	£35
Inspection of the particulars recorded in the register	£20
Change to the registered particulars	£35
Change of name	£150



**Regulation 17 - Registry Fees For Small Ships**

REGISTRY	FEES
Certificate of registry	£30
Duplicate copy of a certificate of registry	
Amendment to the certificate of registry	
New certificate of registry, if requested following an amendment	
Certificate of registry following renewal of registration	
Copy of the registered particulars	£20
Inspection of the particulars recorded in the register	£15

**Regulation 18 - Registry Fees For Fishing Vessels**

REGISTRY	FEE
First full registry including issue of a certificate of registry	£80
First simple registration including issue of a certificate of registry	£50
Re-registration from simple to full registry	£50
Transfer of ownership by Bill of Sale or transmission	
Transfer or discharge of mortgage	
Noting of a Mortgage of Intent	£35
Register of mortgage	£50
Transfer of Port of Registry	£40
Issue of Transcript	£25
Issue of Duplicate Certificate of Registry	£35
Inspection of Register	£20

**EXPLANATORY NOTE**

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

The Merchant Shipping (Fees) Regulations 2004 prescribe charges for services carried out by the Marine Administration, Department of Trade and Industry.

The Regulations revoke and replace all previous fees regulations including GC20/00 Alternative Fees Scheme and introduce a provision which allows the Administration to charge on a fixed fee basis for any new build or registry transfer.

