



HARBOURS (ISLE OF MAN) ACT 1961

**HARBOUR DUES (PLEASURE VESSELS AND HOUSE BOATS)
REGULATIONS 2007**

Approved by Tynwald: 20th February 2007

Coming into operation: 1 April 2007

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 (Pleasure Vessels and House Boats) Regulations 2007 and, subject to section 55(5) of the Act, shall come into operation on 1 April 2007.

(2) The Harbour Dues (Pleasure Vessels and House Boats) Regulations 2006² are revoked.

Application

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

- (a) pleasure vessels, and
- (b) house boats

¹ Vol. XIX p.538

² SD No. 4/06

entering, using, or leaving a harbour, or entering or leaving part of a harbour to which section 58 of the Harbours Act applies.

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 2007 in respect of pleasure vessels and house boats.

Interpretation

4. (1) In these Regulations-

"the Act"	means the Harbours (Isle of Man) Act 1961;
"crew"	means - (a) a person who is employed on the vessel; or (b) in relation to a pleasure craft means any person carried on the vessel.
"dry berth"	means any part of a harbour which is not enclosed and where a vessel may "dry out" at certain states of the tide.
"fishing vessels and work boats regulations"	means the Harbour Dues (Fishing Vessels and Work Boats) Regulations 2007 ³ or regulations which supersede those Regulations;
"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;
"goods"	includes livestock, minerals, wares, chattels and merchandise of every description.
"house boat"	means a vessel which is used, or is constructed or adapted for use, for the purpose of permanent habitation in a harbour; but a pleasure craft so used is not a house boat if at all times whilst it is in a harbour it is equipped, maintained and crewed in a condition of readiness for use in navigation as a pleasure craft and the master of the vessel complies with those provisions of the Act and bye-laws having effect under the Act which apply to pleasure craft; For the purposes of the definition of "house boat", "adapted for use" means that the vessel has been made apt for use as a habitation, whether by-

³ SD No. 64/07

	(i) alteration of the vessel or alteration of the equipment, apparatus, fitments or furnishings on the vessel; or
	(ii) the installation by or for the master of the vessel of equipment, apparatus, fitments or furnishings in the harbour in relation to that vessel which are provided for or in connection with that particular vessel and its use as a habitation;
"overall length"	in relation to a vessel means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure;
"passenger"	in relation to a vessel, means any person carried on the vessel, other than the crew of the vessel.
"the principal Regulations"	means the Harbour Dues (Merchant Vessels) Regulations 2007 ⁴ or regulations which supersede those Regulations;
"pleasure craft"	means a vessel used in navigation which is not used for any purpose other than the recreation or pleasure of the persons carried on the vessel, and - <ul style="list-style-type: none"> (a) provide space or accommodation only for the vessel's equipment and effects, the persons carried on the vessel, and the personal effects of those persons; (b) is not a fishing vessel; (c) is not a pleasure ferry; (d) is not a training vessel; and (e) is not a passenger ship within the meaning of the Merchant Shipping (Passenger Ships Survey) Act 1979⁵;
"pleasure ferry"	means a vessel licensed to ply for hire as a pleasure boat or a ferry boat under the Harbour Bye-Laws 1905 ⁶ if any person on the vessel is employed to navigate the vessel;
"pleasure vessel"	means a pleasure craft or a pleasure ferry;
"training vessel"	means a vessel which is being used only for the purpose of bona-fide training as crew of persons carried on the vessel, irrespective of whether that training is vocational or recreational.

⁴ SD No. 63/07

⁵ 1979 c.11

⁶ Made 19 May 1905

"wet berth"

any enclosed part of a harbour where a vessel can remain afloat at all states of the tide.

"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.

Regulation 3

SCHEDULE

HARBOUR DUES PLEASURE VESSELS AND HOUSE BOATS

PART I

VESSEL DUES

General:

1. (1) Subject to sub-paragraph (2), this Part applies to vessels entering or using a harbour (including remaining in, or being laid up or lying in, a harbour).

(2) For the purposes of this Part, a pleasure vessel (being a pleasure craft or a pleasure ferry) shall not be regarded as using a harbour if it is occupying an area on a pier, quay or land above high water mark specified in a licence or agreement granted by the Department as a place where the vessel may be parked, provided that the vessel is parked on that specified area in accordance with the terms of the licence or agreement.

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. Payment of vessel dues in respect of a pleasure vessel shall be treated as a payment in respect of all harbours.

Pleasure craft:

4. (1) Except where annual payment of dues has been made in accordance with Pleasure Vessels Table 2, dues shall be charged in accordance with Pleasure Vessel Table 1 in respect of pleasure craft entering or using a harbour.

(2) A person liable to pay dues in accordance with Pleasure Vessel Table 1 may at any time during the year elect to pay dues for the remaining part of the year in accordance with Pleasure Vessels Table 2.

5. Vessel dues in respect of a pleasure craft entering or using a harbour shall be calculated and charged-

(a) in accordance with Pleasure Vessel Table 1 by reference to the day or number of days during which the vessel is to enter and use harbours, or otherwise by reference to the day or number of days during which the vessel has entered and used harbours; 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 overall length of the vessel, in accordance with Pleasure Vessels Table 2.

Pleasure ferries:

6. Vessel dues in respect of a pleasure ferry entering or using a harbour shall be calculated and charged by reference to the overall length of the vessel in accordance with Pleasure Vessels Table 2.

7. If a pleasure ferry is also a fishing vessel or work boat, vessel dues shall be charged in accordance with fishing vessels, work boats and construction barges regulations (as they apply to fishing vessels and work boats) and not in accordance with this Part as it applies to pleasure ferries.

House boats:

8. A payment of vessel dues in respect of a house boat shall be treated as a payment in respect only of the harbour at which liability to vessel dues arises by reason of the vessel entering or using that harbour;

9. (1) Subject to sub-paragraph (2), vessel dues in respect of a house boat entering or using a harbour shall be calculated and charged in accordance with House Boats Table 3-

(a) for each entry, and

(b) notwithstanding that the vessel may have previously entered or remained in harbour other than as a house boat, by reference to-

(i) the use of any pier, quay or mooring at a time when the vessel is a house boat, and

- (ii) the number of days during which the vessel remains in harbour as a house boat using any such facilities.

(2) Except where sub-paragraph (3) applies, if a house boat ceases to be a house boat there shall be charged in respect of the vessel, from the day on which it so ceases to be a house boat, vessel dues applicable to a pleasure vessel calculated and charged in accordance with Pleasure Vessel Table 1 or (if an annual payment is made) in accordance with Pleasure Vessels Table 2, unless vessel dues are otherwise chargeable in accordance with the principal Regulations.

(3) If a vessel to which sub-paragraph (2) applies resumes being a house boat vessel dues in respect of the vessel shall be charged in accordance with House Boats Table 3 for entry into or use of a harbour on and after the day on which the vessel resumed being a house boat.

Tables:

10. The following Pleasure Vessel Table 1 applies to pleasure craft.

**PLEASURE VESSEL TABLE 1
(Periodical payment)**

		£
(a)	A vessel (not being a house boat) entering or remaining in any harbour using a dry berth -	
	(i) for a period not exceeding 24 hours	7.11
	(ii) and for every 24 hours or part thereafter.	7.11
		£
(b)	A vessel (not being a house boat) entering or remaining in any harbour using a wet berth -	
	(i) for a period not exceeding 24 hours	8.72
	(ii) and for every 24 hours or part thereafter	8.72

11. The following Pleasure Vessels Table 2 applies to pleasure vessels (being pleasure craft or pleasure ferries).

**PLEASURE VESSELS TABLE 2
(Annual payment)**

		£
(a)	<u>Harbour Dues</u>	
	A vessel (not being a house boat and not being a vessel for which "Slipway Dues" in paragraph (b) are payable) entering or remaining in any harbour, per metre or part of a metre of overall length per annum	10.21
		£
(b)	<u>Slipway Dues</u>	
	A vessel (not being a house boat) entering or remaining in any harbour which does not at any time during the period from sunset to sunrise remain unattended, berthed, moored laid up or lying in a harbour per annum	5.74 per metre or part of a metre of overall length.

12. The following House Boats Table 3 applies to vessels at any time when they are used as house boats.

HOUSE BOATS TABLE 3

		£
	For remaining in harbour at any quay, pier or mooring, or being laid up or otherwise lying in harbour-	
	(i) for a period not exceeding 24 hours	7.11
	(ii) and for every 24 hours or part of thereafter.	7.11

PART II

GOODS AND PASSENGER DUES

13. This Part applies to-

- (a) goods unloaded from or loaded onto a pleasure vessel or house boat; and
- (b) passengers embarking on or disembarking from a pleasure vessel or house boat.

14. (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 pedal cycle or motor-assisted pedal cycle.

15. (1) Subject to sub-paragraph (2), no passenger dues are payable in respect of any person embarking on or disembarking from a pleasure vessel or house boat when working as a pleasure ferry engaged on "domestic" voyages within the Isle of Man Territorial Waters.

(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 pleasure vessel or house boat.

(3) Passenger dues are payable in addition to vessel dues in respect of any passenger embarking or disembarking from a pleasure vessel or house boat when working as a pleasure ferry engaged on "international" voyages (i.e. to and from destinations outside Isle of Man Territorial Waters).

MADE 18th January 2007

DMA

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, 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 (Pleasure Vessels and House Boats) Regulations 2007

The Harbour Dues (Pleasure Vessels and House Boats) Regulations 2007 provide for an increase of 2.6% in the rates of Harbour Dues to be applied to pleasure vessels and house boats with effect from 1 April 2007. The Regulations in respect of pleasure vessels and house boats replace the Harbour Dues Regulations (Pleasure Vessels and House Boats) Regulations 2006 (SD 7/06). In the Regulations, a provision which applies to a "pleasure craft" and a "pleasure ferry" is expressed to apply to a "pleasure vessel".

Dues are calculated according to the length of stay of the vessel or the overall length of the vessel, or whether a vessel is berthed in a Harbour to which an order under Section 58A of The Harbours Act Applies, i.e. Peel and Douglas Inner Harbour "wet berth". In respect of pleasure craft, dues may be paid for short periods by the day or (if the owner elects) they may be paid annually for the year ending 31 March. Dues in respect of a pleasure ferry are to be paid annually. With regard to a vessel which enters a harbour as, or becomes used in harbour as, a habitation, (i.e. if it becomes chargeable to harbour dues as a house boat) dues may be paid only by the day.

Vessel dues are chargeable under these Regulations on pleasure ferries (such as those used for taking passengers on angling trips or to the Calf of Man) only if the pleasure ferry is not a fishing vessel in respect of which harbour dues have been paid under regulations which relate to fishing vessels. No passenger dues are payable for passengers embarking on or disembarking from a pleasure craft, pleasure ferry or a houseboat (but without prejudice to passenger dues being charged in respect of such passengers if the pleasure vessel or house 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 2007 (SD 63/07) which came into operation on 1 April 2007 or regulations which supersede those Regulations.

As previously, a higher rate of due applies to visiting Pleasure Vessels if they use Douglas or Peel Inner Harbour "wet berths" where they can remain afloat over the low water period. This higher rate of dues is recognition of the added benefit in vessels remaining afloat.

Dues paid on a pleasure vessel cover entry into, and use of, all harbours during the period for which dues are paid. Dues paid on a vessel which is used as a house boat, covers entry into, and use of, only the harbour at which the liability to pay vessel dues arises.

These Regulations replace the Harbour Dues (Pleasure Vessels and House Boats) Regulations 2006 (*SD 7/06*). The existing harbour dues rates contained in those Regulations commenced on 1 April 2006 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 2007.

The Harbour Dues shown in the Regulations do not include any Value Added Tax which is payable in addition