



MERCHANT SHIPPING (MISCELLANEOUS PROVISIONS) ACT 1996

MERCHANT SHIPPING (FEES) REGULATIONS 2007

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MERCHANT SHIPPING (FEES) REGULATIONS 2007

Approved by Tynwald: 21 March 2007

Coming into operation: 1 April 2007

In exercise of the powers conferred on the Department of Trade and Industry by Section 17(1) of the Merchant Shipping (Miscellaneous Provisions) Act 1996¹ 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 2007 and subject to Section 17(2) of the Merchant Shipping (Miscellaneous Provisions) Act 1996 shall come into operation on the 1 April 2007.

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 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;

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

“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 1991²;

“International Safety Management Code means the International Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the International Maritime Organisation by resolution A.741(18) of 4th November 1993, as amended;

“MARPOL” 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 2nd November, 1973, as amended;

“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:

²

1991 c.15

(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

(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 ” means the International Convention for the Safety of Life at Sea 1974, amended by its

Protocol of 1988, as amended.

Revocation

3. The Merchant Shipping (Fees) Regulations 2006 are hereby revoked³

Application

4. These Regulations apply to operators of merchant vessels, commercial yachts, fishing vessels and small ships.

³ SD 96/06

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 £544 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 £544 shall be payable.

(4) The Department may recover courier transportation fees should such costs be incurred as a result of undertaking any work.

(5) 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.

(6) The Stationary Office (United Kingdom publications) or Isle of Man publications shall be charged at their face value.

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 in regulations 5, 7 and 8 in respect of any cargo ship, commercial yacht or MODU an operator may elect to pay alternative fees 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 intermediate and renewal audits for compliance with the International Ship and Port Facility Security Code;
- (c) the conduct of any periodical or renewal inspection for compliance with ILO Convention No. 178 Inspection of Seafarers Living and Working Conditions adopted on 22 October 1996;
- (d) the conduct of any periodical or renewal inspection for compliance with ILO Convention No. 92 adopted on 18 June 1949 and No.133 Crew Accommodation on Board Ships, adopted on 30 October 1970;
- (e) the issue of any certificate, document of compliance or report associated with (a) to (d), except for the issue of a CSR;
- (f) the issue of any ships statutory certificate replacing one previously issued by the Department, except for the issue of a CSR.

(2) Alternative fees referred to at (1) shall be £187 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 the alternative 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) Alternative fees paid under (1) and (2) are non-refundable

- (5) Alternative fees do not include:
- (a) the issue of an exemption certificate in exercise of any power to grant an exemption from any statutory provision;
 - (b) the extension of any certificate;
 - (c) the assessment and issue of any letter of comfort or dispensation.

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 Merchant Shipping 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 Merchant Shipping 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 and miscellaneous fees for fishing vessels

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

Made: 20 February 2007

D.C. Cretney M.H.K.

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 | £66 |
| Work undertaken in the United Kingdom, any EU country or any EEA country | £99 |
| Work undertaken in any other country | £121 |

Schedule 2**Regulation 6 - Hourly Charges For Fishing Vessels**

| SERVICE | FEE CHARGE PER HOUR |
|---|---------------------|
| Work undertaken in the Isle of Man | £42 |
| Work undertaken in the United Kingdom, any EU country, or any EEA country | £83 |
| Work undertaken in any other country | £114 |

Schedule 3

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 £109 per year of validity | £544 |
| Issue of an exemption certificate in exercise of any power to grant an exemption from any statutory provision. | £218 |
| Extension of any certificate. | £218 |
| Assessment and issue of any letter of comfort or dispensation. | £218 |
| Document of compliance - crew accommodation, carriage of dangerous goods or similar specific requirement | £273 |
| Document of compliance with the Commercial Yacht Code | £544 |
| Passenger ship safety certificate | £327 |
| Certificate of financial insurance (CLC) or other financial security for civil liability for oil pollution damage | £82 |
| Company document of compliance with the ISM Code | £273 |
| Replacement or duplicates of certificates issued at a rate of £55 per hour – minimum fee £55. | £55 |

Regulation 9 - Assessment and Approval of Manuals and Plans

| MANUALS AND PLANS | FEES |
|--|------|
| First ship security plan submitted by company | £979 |
| Subsequent ship security plans submitted by company | £490 |
| Sister ship - ship security plans submitted by company | £55 |
| Assessment and approval of any manual, operating plan or similar (other than Ship Security Plan) | £218 |
| Assessment and approval of subsequent manuals or plans which are based on the same manual or plan (other than ship security plans) | £55 |

Regulation 10 - Seafarers Certificates and Documents

| SEAFARERS CERTIFICATES AND DOCUMENTS | FEES |
|---|------|
| AB certificate of competency | £22 |
| Discharge book or British seaman's card | £34 |
| Endorsement recognising a non-UK certificate of competency | £153 |
| Watch rating certificate | £55 |
| Replacement Endorsement recognising a non-UK certificate of competency | £20 |
| Additional fee for express processing of an Endorsement recognising a non-UK certificate of competency in exceptional circumstances | £20 |

Schedule 6

**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 | £544 |
| Transfer of ownership by bill of sale or transmission Register of mortgage Transfer of mortgage Discharge of mortgage | £218 |
| Recording mortgage of intent | £39 |
| Replacement certificate of registry or a certified copy of the certificate of registry | £82 |
| Certified copy of the particulars recorded in the register | £39 |
| Inspection of the particulars recorded in the register | £22 |
| Change to the registered particulars which does not affect the CSR | £39 |
| Issue of a new certificate of registry if requested, following a change to the registered particulars which does not affect the CSR | £82 |
| Issue of an updated CSR and new certificate of registry (where appropriate) subsequent to a change to any of the following particulars: a) Name of ship b) Name of registered owners and/or registered address c) Name of registered bareboat charterer and/or registered address d) Name of company (ISM company) and/or registered address and/or the addresses from where it carries out the safety-management activities e) Classification society | £218 |
| Certified copy of a document | £39 |
| Request for letter from the Department | £39 |

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 | £544 |
| Replacement certificate of registry or a certified copy of the certificate of registry | £82 |
| Certified copy of the particulars recorded in the register | £39 |
| Inspection of the particulars recorded in the register | £22 |
| Change to the registered particulars which does not affect the CSR | £39 |
| Issue of a new certificate of registry if requested, following a change to the registered particulars which does not affect the CSR | £82 |
| Issue of an updated CSR and new certificate of registry (where appropriate) subsequent to a change to any of the following particulars: a) Name of ship b) Name of registered owners and/or registered address c) Name of registered bareboat charterer and/or registered address d) Name of company (ISM company) and/or registered address and/or the addresses from where it carries out the safety-management activities e) Classification society | £218 |
| Certified copy of a document | £39 |
| Request for letter from the Department | £39 |

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 | £544 |
| Granting permission for a Manx ship to register in a demise charter registry other than in the Island | £544 |
| Transfer of ownership by bill of sale or transmission | £218 |
| Register of mortgage | |
| Transfer of mortgage | |
| Discharge of mortgage | |
| Recording mortgage of intent | £39 |
| Certified copy of the particulars recorded in the register | |
| Change to the registered particulars | |
| Inspection of the particulars recorded in the register | £22 |
| Certifying a change of ships name | £164 |
| Certified copy of any declaration or documents to be produced in evidence under any statutory provision relating to merchant shipping | £39 |
| Each transcript of the demise charter register | £39 |
| 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 | |
| Certified copy of a document | £39 |
| Request for letter from the Department | £39 |

Schedule 9

Regulation 16 - Registry Fees for Pleasure Vessels

| REGISTRY | FEE |
|--|------|
| First registry, re-registry or transfer of registry including the issue of a certificate of registry where appropriate | £518 |
| Transfer of ownership by bill of sale or transmission Register of mortgage Transfer of mortgage Discharge of mortgage | £207 |
| Recording mortgage of intent | £37 |
| New certificate of registry, replacement certificate of registry or a certified copy of the certificate of registry | £78 |
| Certified copy of the particulars recorded in the register | £37 |
| Inspection of the particulars recorded in the register | £21 |
| Change to the registered particulars | £37 |
| Change of name | £156 |
| Certified copy of a document | £37 |
| Request for letter from the Department | £37 |

Regulation 17 - Registry Fees for Small Ships

| REGISTRY | FEES |
|--|------|
| Certificate of registry | £34 |
| 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 | £22 |
| Inspection of the particulars recorded in the register | £17 |
| Certified copy of a document | £22 |
| Request for letter from the Department | £22 |

Schedule 11

Regulation 18 - Registry and Miscellaneous Fees for Fishing Vessels

| REGISTRY | FEE |
|--|-----|
| First full registry including issue of a certificate of registry | £83 |
| First simple registration including issue of a certificate of registry | £52 |
| Re-registration from simple to full registry | £52 |
| Transfer of ownership by bill of sale or transmission | |
| Transfer or discharge of mortgage | |
| Noting of a mortgage of intent | £37 |
| Register of mortgage | £52 |
| Transfer of port of registry | £42 |
| Issue of transcript | £26 |
| Issue of duplicate certificate of registry | £37 |
| Inspection of register | £21 |
| Radio survey | £94 |
| Certified copy of a document | £26 |
| Request for letter from the Department | £26 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Merchant Shipping (Fees) Regulations 2007 prescribe charges for services carried out by the Isle of Man Ship Registry, Department of Trade and Industry. They revoke and replace the previous fees regulations SD 96/06 Merchant Shipping (Fees) Regulations 2006.

Please note the new fee structure in these Regulations will be implemented from the 1st April 2007.

The fees represent a 3.5% increase over the previous year. In addition, the following Regulations have been included:

- Part II – Survey and Certification Fees - a charge at cost for courier transportation fees;
- Part III Alternative Fees Scheme and Fix Fee - clarification of what is and is not covered under the Alternative Fees scheme;
- Schedule 3 Regulation 8 – Certificate Fees include a fee for replacement or duplicate certificates charged at an hourly rate with a minimum fee;
- Schedule 5 Regulation 10 - Seafarers Certificates and Documents included a fee for duplicate endorsements recognising a non-UK certificate of competency in exceptional circumstances;
- Schedules 7, 8, 9, 10 and 11 the Registry include a fee for a certified copy of a document and request for a letter.

