



## HARBOURS (ISLE OF MAN) ACT 1961

### HARBOUR DUES (MERCHANT VESSELS) REGULATIONS 2011

*Approved by Tynwald:* 15 March 2011  
*Coming into operation:* 1 April 2011

The Department of Infrastructure makes these Regulations under sections 55(1) and (3) and 56 of the Harbours (Isle of Man) Act 1961<sup>1</sup>.

#### **1 Title**

These Regulations are the Harbour Dues (Merchant Vessels) Regulations 2011

#### **2 Commencement**

If approved by Tynwald<sup>2</sup>, these Regulations come into effect on 1 April 2011.

#### **3 Interpretation**

In these Regulations —

"the Act" means the Harbours (Isle of Man) Act 1961;

"crew", in relation to a vessel, means a person who is employed on the vessel but does not include vehicle crew; or, in relation to a pleasure craft or a training vessel, means any person carried on the vessel;

"cycle" means a passenger-carrying vehicle steered by handlebars;

"fishing vessel", "work boat" and "construction barge" have the same meaning as in the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2011<sup>3</sup>;

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<sup>1</sup> Vol.XIX p.538

<sup>2</sup> As required by section 55(5) of the Act

<sup>3</sup> SD 96 /11

"goods vehicle" means a vehicle other than a vehicle which is constructed or adapted as a passenger carrying vehicle;

"heavy passenger vehicle" means a motor vehicle which is a passenger carrying vehicle other than a minibus, a motor car, a light passenger vehicle, or a motor cycle;

"house boat", "pleasure vessels", "large commercial yachts" and "tall ships" have same meaning as in the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011<sup>4</sup>;

"light passenger vehicle" means a motor vehicle which is a passenger carrying vehicle not exceeding 550kg unladen weight, other than a motor cycle;

"minibus" means a motor vehicle which is a passenger carrying vehicle having not more than 17 seats including the driver's seat, not being a motor car, a light passenger vehicle or a motor cycle;

"moped" means a motor cycle not exceeding 50cc engine capacity;

"motor car" means a motor vehicle which is a passenger carrying vehicle having not more than 9 seats including the driver's seat, not exceeding 6 metres in overall length, not exceeding 2 metres in overall height and not being a light passenger vehicle or a motor cycle;

"motor cycle" means a motor vehicle which is a cycle (including any sidecar or trailer which is attached) having two, three or four wheels; it includes a moped but does not include a motor-assisted pedal cycle;

"motor vehicle" means a mechanically propelled vehicle; it includes an articulated motor vehicle but does not include a pedal cycle or a motor-assisted pedal cycle;

"overall height" in relation to a vehicle, container, tank, pallet or other unitised cargo means its height including road wheels and any load, being the distance between the lowest point of the lowest fixed permanent structure or of road-wheels (if they are or could be attached) and the

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<sup>4</sup> SD 97/11

highest point of the fixed permanent structure or of the load, whichever is the higher;

"overall length" in relation to a vessel or a vehicle or other unitised goods carried on 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;

"passenger carrying vehicle" means a road vehicle constructed or adapted for the carrying of passengers and their personal effects; it includes a motor-caravan used as living accommodation, and if the vehicle is a trailer it includes a caravan used as living accommodation;

"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 —

- (a) provides 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 1979<sup>5</sup>;

"pleasure ferry" means a vessel licensed to ply for hire as a pleasure boat or a ferry boat under the Harbour Bye-Laws 1905<sup>6</sup> if any person on the vessel is employed to navigate the vessel;

"pleasure vessel", "house boat", "large commercial yacht" and "tall ship" have the same meaning as in the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011<sup>7</sup>;

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

"tonne" means a unit of weight equivalent to 1,000 kilograms;

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<sup>5</sup> 1979 c.11

<sup>6</sup> Made 19 May 1905

<sup>7</sup> SD /11

"unaccompanied" in relation to a vehicle, means a vehicle which is not accompanied by any vehicle passenger carried on the vessel;

"unladen weight" means the unladen weight of the vehicle stated in the manufacturer's specification for the vehicle or, if the vehicle is registered in any country or territory for use on a road, the unladen weight of the vehicle stated in the vehicle's registered particulars;

"vehicle" means a motor vehicle, a trailer, a pedal cycle or a motor-assisted pedal cycle;

"vehicle crew" in relation to a goods vehicle, minibus or heavy passenger vehicle means a person carried on a vessel who is the vehicle driver or any person who is employed on the vehicle;

"vehicle driver" means a passenger carried on a vessel who is a driver in charge of a vehicle carried on the vessel; and

"vehicle passenger" means a passenger carried on a vessel, other than vehicle crew, who is accompanying a vehicle which is carried on the vessel.

#### **4 Application**

- (1) These Regulations apply to all vessels entering, using or leaving a harbour.
- (2) But Part II (vessel dues) of the Schedule does not apply to —
  - (a) fishing vessels, work boats and construction barges in respect of which vessel dues are specified in the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2011; and
  - (b) pleasure vessels, house boats, large commercial yachts and tall ships in respect of which vessel dues are specified in the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011.

- (3) Part III (goods dues) and Part IV (passenger dues) of the Schedule apply to vessels specified in sub-paragraphs (a) and (b) of paragraph (2) only to such extent as is specified in the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2011 or, as the case may be, in the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011.

**5 Harbour dues**

The Schedule sets out the harbour dues prescribed in respect of merchant vessels.

**6 Revocation**

The Harbour Dues (Merchant Vessels) Regulations 2009<sup>8</sup> are revoked.

MADE

15.2.11



Minister for Infrastructure

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<sup>8</sup> SD No. 41/09

# SCHEDULE

[Regulation 5]

## HARBOUR DUES

### MERCHANT VESSELS

#### PART I

#### VESSEL DUES, GOODS DUES AND PASSENGER DUES

1. No dues shall be charged in accordance with Part II (vessel dues) or Part IV (passenger dues) 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.

But in those circumstance dues shall be charged in accordance with Part III (goods dues) in respect of unloading or loading of goods if the unshipping of the cargo was not necessary in the circumstances described in section 62(3) of the Act and the aggregate weight of goods unloaded and loaded exceeds 40 tonnes.

2. If by virtue of provisions in this Schedule dues may be charged —
  - (a) in respect of a vehicle, either in accordance with Part III (goods dues) or in accordance with Part IV (passenger dues); or
  - (b) in respect of a vehicle driver or any other person, either in accordance with Part III (goods dues) or in accordance with Part IV (passenger dues),

the dues shall be charged in accordance with only one of those Parts, as provided in paragraph 3.

3. If the circumstances referred to in paragraph 2(a) in respect of a vehicle or paragraph 2(b) in respect of a person apply to the charging of dues, the dues in respect of the vehicle, the vehicle crew and any vehicle passenger shall be charged —

- (a) in accordance with part III (goods dues) if the vehicle exceeds 6 metres in overall length, and is carrying any goods or burden which are not the personal effects of the vehicle crew or passengers; or
- (b) in any other case, in accordance with Part IV (passenger dues).

## PART II VESSEL DUES

### General

4. This Part applies to vessels entering or using a harbour (including remaining in, or being laid up or lying in, a harbour).

5. (1) Subject to sub-paragraphs (2), (3) and (4), in the case of a vessel entering harbour vessel dues shall be calculated by reference to the gross registered tonnage of the vessel and charged in accordance with Table A if –

- (a) the vessel is entering harbour for loading or unloading goods and the aggregate of the weights of the goods loaded and unloaded does not exceed 40 tonnes; or
- (b) the vessel is not entering harbour for embarking or disembarking passengers or for loading or unloading goods.

(2) No vessel dues shall be charged in respect of a vessel entering harbour if-

- (a) the vessel is entering harbour for loading or unloading goods and the aggregate of the weights of the goods loaded and unloaded exceeds 40 tonnes; or
- (b) the vessel is entering harbour for embarking or disembarking passengers.

(3) Vessel dues in respect of a vessel laid up or lying in a harbour undergoing repairs or maintenance, predominantly by an Isle of Man-based company shall be calculated by reference to the number of days or part of thereafter.

(4) No vessel dues shall be charged in accordance with Table A or paragraph 7 in respect of a training vessel whilst it remains a training vessel.

In this sub-paragraph, "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.

6. Table A applies to a vessel entering a harbour.

TABLE A Vessel Dues charged for entry of a vessel to harbour for 14 days or part thereof and for every 14 days or part of thereafter	
Per ton or part of a ton for each entry up to 14 days or part thereof and for every 14 days or part thereafter.	0.26p
Minimum charge for each entry up to 14 days or part thereof and for every 14 days or part thereafter.	£30.96

7. If a vessel is laid up or lying in a harbour and undergoing repairs or maintenance, predominantly by an Isle of Man-based company for more than 14 days, vessel dues of 0.14 pence per ton or part of ton.

### PART III GOODS DUES

8. This Part applies in respect of any vessel entering or leaving a harbour and which is carrying goods.

9. Goods dues shall be charged in respect of goods landed from or loaded onto a vessel in addition to vessel dues calculated in accordance with Part II and passenger dues calculated in accordance with Part IV, except where otherwise provided.

10. (1) Subject to sub-paragraph (2) goods dues shall be calculated and charged in accordance with Tables B, C, D or E.

(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 to which the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2011 apply.

(3) In this paragraph —

"pedal cycle" means a cycle propelled by traction pedals which is not otherwise mechanically propelled; and

"motor-assisted pedal cycle" means a pedal cycle which is assisted by an engine not exceeding 50cc capacity;

#### **Large unitised goods**

11. (1) Table B applies to a trailer, container, tank, pallet or other unitised cargo which, at the time it is cargo of a vessel entering or leaving harbour, does not form part of a motor vehicle, an articulated motor vehicle or a motor vehicle and trailer combination, and which exceeds 6 metres in overall length.

(2) For the purposes of the Table, goods dues shall be calculated by reference to the length of the goods.



<b>TABLE B</b> <b>GOODS DUES (TRAILERS &amp; LARGE CONTAINERS)</b> <b>Large Unitised Goods:</b> <b>not being a motor vehicle and not comprising a motor vehicle and trailer combination</b>	
Per metre or part of a metre,	£4.18; and
where a container is fully laden with scrap metal or waste material for environmental recycling, and is shipped onto a vessel, a maximum charge in respect of that container of:	£17.78

### Large motor vehicles

12. (1) Table C applies to:

- (a) a goods vehicle or a combination of goods vehicles which exceeds 6 metres in overall length; or
- (b) an unaccompanied heavy passenger vehicle.

(2) For the purposes of the Table-

- (a) goods dues shall be calculated by reference to the length of the motor vehicle and any trailer which it draws and, in addition, shall include dues in respect of the vehicle driver and other vehicle crew (if any);
- (b) the overall length of an articulated motor vehicle includes both the motor vehicle tractor unit and the semi-trailer, and the overall length of a combination of any other motor vehicle and a trailer is the overall length of the drawing motor vehicle and the drawn trailer including the draw-bar which joins the vehicles;
- (c) any person carried in a goods vehicle shall be deemed to be vehicle crew and not a vehicle passenger; and
- (d) "articulated motor vehicle" means a combination of a motor vehicle and a trailer in which the trailer is a semi-trailer partially superimposed on the motor vehicle which bears a portion of the semi-trailer's weight.

(3) If the vehicle is a heavy passenger vehicle accompanied by any person other than the vehicle crew, the dues in respect of the vehicle driver, vehicle and other persons carried shall be calculated in accordance with Part IV (passenger dues) and not in accordance with this Table.

<p style="text-align: center;"><b>TABLE C</b>  <b>GOODS DUES (LARGE MOTOR VEHICLES)</b>  <b>Unitised Goods (Large Motor Vehicles):</b>  <b>being a large goods vehicle, large goods vehicle and trailer combination,</b>  <b>or an unaccompanied large passenger vehicle</b></p>	
In respect of the vehicle or combination of vehicles: per metre or part of a metre:	£4.18
In respect of the motor vehicle, for the driver (if any) or any other vehicle crew carried with the vehicle, per person: ... except that:	£1.49
(a) where a goods vehicle (being either a motor vehicle or a trailer) is fully laden with scrap metal or waste material for environmental recycling, and is loaded onto a vessel, a maximum charge in respect of each vehicle (excluding the additional charge in respect of the driver or any other person carried) of:	£17.78, or
(b) where a heavy passenger vehicle is unaccompanied by vehicle passengers, a charge in respect of that vehicle (excluding the additional charge in respect of the driver or any other vehicle crew carried) of:	£8.68

#### **Smaller motor vehicles**

13. (1) Table D applies to:
- (a) a goods vehicle or trailer which does not exceed 6 metres in overall length; or
  - (b) an unaccompanied passenger-carrying vehicle other than a heavy passenger vehicle.
- (2) For the purposes of the Table, goods dues shall be charged for each vehicle and, in addition, for vehicle crew (if any).

- (3) If the vehicle is a vehicle specified in sub-paragraph (1) but is-
- (a) a minibus accompanied by any person other than the vehicle crew; or
  - (b) any other passenger carrying vehicle accompanied by a vehicle driver or any other person,

the dues in respect of the vehicle driver, vehicle and other persons carried shall be calculated in accordance with Part IV(passenger dues) and not in accordance with this Table.

<b>TABLE D</b> <b>GOODS DUES (SMALLER MOTOR VEHICLES)</b> <b>Smaller goods vehicles, minibuses, motor cars, and motorcycles</b> <b>not accompanied by passengers</b>		
(a)	An unaccompanied motor cycle or light passenger vehicle:	£2.08
(b)	An unaccompanied motor car or minibus:	£6.42
(c)	A goods vehicle which is a motor vehicle under 6 metres in length:	£6.42
(d)	Any other motor vehicle to which this Table applies not elsewhere specified in this Table:	£6.42
(e)	a driver or other vehicle crew carried, per person:	£1.49
(f)	A trailer (other than a trailer drawn by a motor cycle):	£4.18

### **Bulk ship cargo**

14. (1) Table E applies to bulk or general cargo, not being any vehicle or other goods which is chargeable in accordance with Tables B, C or D.

(2) For the purposes of the Table, goods dues shall be calculated by reference to the weight of the goods.

<b>TABLE E</b> <b>GOODS DUES (BULK CARGO)</b> <b>Bulk Ship Cargo</b> Goods Dues calculated by weight:	
(a) Liquid petroleum products, per tonne or part of a tonne :	£3.10
(b) Dangerous explosive substances for which special handling arrangements or precautions are required at harbour (not including liquid petroleum products referred to in entry (a)), for each tonne loaded or unloaded, per tonne or part of a tonne:	£17.37
(c) Bulk or general cargo, not elsewhere specified in this Table per tonne or part of a tonne:	£1.66

## PART IV PASSENGER DUES

### General

15. This Part applies in respect of a merchant vessel entering or leaving a harbour and which is carrying passengers.

16. Passenger dues shall be charged in respect of passengers (including any passenger carrying vehicle which they are accompanying) disembarked from or embarked on a vessel, and such charge shall be in addition to vessel dues calculated in accordance with Part II and goods dues calculated in accordance with Part III, except where otherwise provided.

17. (1) Subject to sub-paragraphs (2) and (3) passenger dues shall be calculated in accordance with Tables F, G, H or I.

(2) No passenger dues shall be charged in respect of a child under 5 years of age.

(3) A person embarking on or disembarking from-

- (a) a pleasure vessel, house boat, large commercial yacht or tall ship shall be charged passenger dues under the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011.
- (b) a fishing vessel, work boat or construction barge shall be charged passenger dues under the Harbour Dues (Fishing Vessels and Work Boats) Regulations 2011.

**Ordinary Passengers (other than day-excursion passengers)**

18. (1) Table F applies to a passenger who is not (or a passenger and the vehicle he is driving which are not) travelling in accordance with the conditions of carriage attached to a day-return ticket issued by or for the carrier.

(2) Passenger Dues shall be charged in respect of passengers disembarked from, or embarked on, a vessel in accordance with item (a), item (b) and item (c) in the Table which shall be added together in each case.

<b>TABLE F</b> <b>PASSENGER DUES (ORDINARY PASSENGERS)</b> <b>Other than Day-Excursion Passengers</b>	
<b>(a) Driver of the vehicle</b> One driver	£1.49
<b>(b) A passenger vehicle, where no goods dues are charged in respect of the vehicle</b>  (i) A motor cycle or a light passenger vehicle: ..... (ii) A motor car or a minibus: ..... (iii) A motor car or a minibus with trailer: ..... (iv) A heavy passenger vehicle: ..... (v) A heavy passenger vehicle with trailer..	£2.08 £6.42 £10.56 £8.69 £12.85
<b>(c) Passengers not included in item (a) (driver) who are accompanying a vehicle described in item (b) or are not accompanying any vehicle</b> (i) An adult: ..... (ii) A child over age 5 but under age 16: .....	£1.49 0.74

**Day-excursion passengers**

19. (1) Table G applies to a passenger (or a passenger and the vehicle they are driving) travelling in accordance with the conditions of carriage attached to a day-return ticket issued by or for the carrier.

(2) Passenger Dues shall be charged in respect of passengers disembarked from, or embarked on, a vessel in accordance with item (a), item (b) and item (c) in the Table which shall be added together in each case.

<b>TABLE G</b> <b>PASSENGER DUES (DAY-EXCURSION)</b> <b>Day-Excursion Return-Fare Passengers</b>	
<p>(a) <b>Driver of the vehicle</b> One driver .....</p>	<p>0.74</p>
<p>(b) <b>A passenger vehicle, where no goods dues are charged in respect of the vehicle</b></p> <p>(i) A motor cycle or a light passenger vehicle: .....</p> <p>(ii) A motor car or a minibus: .....</p> <p>(iii) A motor car or a minibus with trailer: .....</p> <p>(iv) A heavy passenger vehicle: .....</p> <p>(v) A heavy passenger vehicle with trailer: .....</p>	<p>£1.04</p> <p>£3.22</p> <p>£5.28</p> <p>£4.34</p> <p>£6.42</p>
<p>(c) <b>Passengers not included in item (a) (driver) who are accompanying a vehicle described in item (b) or are not accompanying any vehicle</b></p> <p>(i) An adult: .....</p> <p>(ii) A child over age 5 but under age 16: .....</p>	<p>0.74</p> <p>0.37</p>

### Visiting pleasure cruise passengers

20. (1) Despite anything in paragraph 21, Table H applies in respect of passengers disembarked from and embarked on a pleasure cruise vessel visiting the Island.

(2) A single passenger due shall be charged in respect of all passengers who both disembark from and embark on the vessel.

TABLE H Pleasure Cruise Passengers (PLEASURE CRUISE)	
per vessel	£690.90
plus per passenger landed	0.44

### *Passengers of visiting heritage cruise vessels*

21. A single annual due of £414.80 shall be charged in respect of all passengers who both disembark from and embark on a heritage cruise vessel visiting the Island.

Here "heritage cruise vessel" means a vessel, built not less than 50 years before the question of whether liability to harbour dues arises, being a passenger ship operated by a registered charity, and used for carrying passengers on excursion voyages only.

## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

The Harbour Dues (Merchant Vessels) Regulations 2011 increase harbour dues for merchant vessels by 4.7%. The Regulations are in respect of tonnage dues ("vessel dues") for merchant vessels entering or lying in harbour in specified circumstances, goods dues on goods landed or shipped, and passenger dues on passengers embarked or disembarked.

These Regulations replace the Harbour Dues (Merchant Vessels) Regulations 2009.

### ***Classification of Vehicles for Goods Dues or Passenger Dues:***

"Unaccompanied" and "accompanied" vehicles are distinguished for the purposes of determining whether the vehicle is subject to a goods due in its own right or is subject to a due which is supplementary to the passenger dues on the passengers who are accompanying it. Accordingly, either a goods due or a passenger due is charged in respect of the vehicle, not both.

### **Vehicles not carrying passengers:**

If the vehicle is a goods vehicle, or a minibus or coach which is not accompanied by passengers (other than the driver and crew), a "goods due" is charged in respect of the vehicle; and there is a supplementary charge in respect of the driver and crew.

### **Passenger vehicles carrying passengers:**

If passengers are carried in any passenger vehicle, a "passenger due" is charged in respect of them and the driver and any other crew of the vehicle; and there is a supplementary charge in respect of the vehicle.

### **Day-Excursion Passengers:**

Separate rates of passenger dues apply in respect of passengers (and their vehicles) who are in possession of day-excursion return fare tickets.

### **Pleasure Cruise Passengers and Heritage Cruise Passengers:**

Pleasure cruise passengers are charged at a "flat-rate" of due, per vessel, per visit; and heritage cruise passengers shall be charged at a "flat-rate" of due, per vessel, per annum.