



HARBOURS (ISLE OF MAN) ACT 1961

HARBOUR DUES (PLEASURE VESSELS, HOUSE BOATS, LARGE COMMERCIAL YACHTS AND TALL SHIPS) REGULATIONS 2011

Approved by Tynwald:

15 March 2011

Coming into operation:

1 April 2011

The Department of Infrastructure makes these Regulations under section 55(1) and (3) of the Harbours (Isle of Man) Act 1961¹.

1 Title

These Regulations are the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011.

2 Commencement

If approved by Tynwald², these Regulations shall come into operation on 1 April 2011.

3 Interpretation

(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;

"fishing vessels", "work boats" and "construction barges" have the same meaning as in the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2011³;

"house boat" has the meaning given in paragraph (2);

¹ Vol. XIX p.538

² As required by section 55(5) of the Act

³ SD 96 /11

"large commercial yacht" means any vessel (motor or sail) of 24 metres overall length or over which is used for recreation or pleasure or is in commercial use at the time;

"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;

"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) 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 1979⁴;

"pleasure ferry" means a vessel licensed to ply for hire as a pleasure boat or a ferry boat under the Harbour Bye-Laws 1905⁵ if any person on the vessel is employed to navigate the vessel;

"pleasure vessel" means a pleasure craft or a pleasure ferry;

"principal regulations" means the Harbour Dues (Merchant Vessels) Regulations 2011⁶;

"tall ship" means a large, traditionally rigged sailing vessel with at least two tall masts;

"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; and

"year" means the period of 12 months ending on 31 March.

⁴ 1979 c.11

⁵ Made 19 May 1905

⁶ SD 95 /11

- (2) In these Regulations "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 by-laws having effect under the Act which apply to pleasure craft.
- (3) For the purposes of paragraph (2), "adapted for use" means that the vessel has been made apt for use as a habitation, whether by —
- (a) alteration of the vessel or alteration of the equipment, apparatus, fitments or furnishings on the vessel; or
 - (b) 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.
- (4) Expressions which are not defined in paragraphs (1) to (3) but which are defined in the principal regulations shall have the meaning given by those Regulations.

4 Application

Except in circumstances prescribed by sections 62 and 63 of the Act, and to the provisions of Part 1 of the Schedule, these Regulations apply to pleasure vessels, house boats, large commercial yachts, and tall ships entering, using, or leaving a harbour, or entering or leaving part of a harbour to which section 58 of the Act applies.

5 Harbour Dues

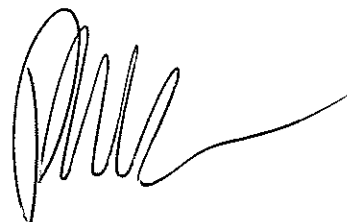
The Schedule sets out the harbour dues prescribed in respect of pleasure vessels, house boats, large commercial yachts and tall ships.

6 Revocation

The Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2010⁷ are revoked.

MADE

16.2.11



Minister for Infrastructure

⁷ SD 46/10

SCHEDULE

[Regulation 5]

HARBOUR DUES PLEASURE VESSELS AND HOUSE BOATS

PART I VESSEL DUES

General

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

(2) But 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 of Infrastructure 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. No dues shall be charged in accordance with this Part 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.

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 Table 2, dues shall be charged in accordance with Table 1 in respect of pleasure craft entering or using a harbour.

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

7. If a pleasure ferry is also a fishing vessel or work boat, vessel dues shall be charged in accordance with the Harbour Dues (Fishing Vessels, Work Boats and Construction Barges) Regulations 2011 (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 Table 3 —

- (a) for each entry, and
- (b) even though 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) But if a house boat ceases to be a house boat there shall be charged in respect of the vessel, from the day of cessation, vessel dues applicable to a pleasure vessel calculated and charged in accordance with Table 1 or (if an annual payment is made) in accordance with Table 2, unless —

- (a) vessel dues are otherwise chargeable in accordance with the principal Regulations; or
- (b) paragraph (3) applies.

(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 Table 3 for entry into or use of a harbour on and after the day on which the vessel resumed being a house boat.

Large commercial yachts

10. Vessel dues in respect of a large commercial yacht entering or using a harbour shall be calculated and charged by reference to the overall length of the vessel in accordance with Table 4.

Tall ships

11. Vessel dues in respect of a tall ship entering or using a harbour shall be calculated and charged by reference to the overall length of the vessel in accordance with Table 5.

Tables

12. Table 1 applies to pleasure vessels.

TABLE 1 PLEASURE VESSEL (Periodical payment)	
<p>(a) A vessel (other than a house boat) not berthed in the impounded areas of Douglas and Peel inner harbours for a period not exceeding 24 hours and for every subsequent period of 24 hours or part thereof —</p> <p style="margin-left: 40px;">(i) a single-hulled vessel per metre or part of a metre</p> <p style="margin-left: 40px;">(ii) a multi-hulled vessel 150% of the dues which would have been charged had the vessel been a single-hulled vessel of the same length.</p>	£1.03
<p>(b) A vessel (other than a house boat) berthed in the impounded areas of Douglas and Peel inner harbours for a period not exceeding 24 hours and for every subsequent period of 24 hours or part thereof —</p> <p style="margin-left: 40px;">(i) a single-hulled vessel per metre or part of metre</p> <p style="margin-left: 40px;">(ii) a multi-hulled vessel 150% of the dues which would have been charged had the vessel been a single-</p>	£1.53

hulled vessel of the same length.	
in this Table -"impounded area" means any part of a harbour in which water is impounded by means of a flapgate or lockgate allowing vessels to remain afloat at all states of the tide.	

13. Table 2 applies to pleasure vessels.

TABLE 2 PLEASURE VESSEL (Annual payment)	
<p>(a) Harbour Dues</p> <p>A vessel (other than a house boat or a vessel for which "Slipway Dues" are payable under paragraph (b) are payable) entering or remaining in any harbour, per metre or part of a metre of overall length per annum.</p>	£12.62
<p>(b) Slipway Dues</p> <p>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</p>	£7.13 per metre or part of a metre of overall length

14. Table 3 applies to vessels at any time when they are used as house boats.

TABLE 3 HOUSE BOATS	
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	£8.81
(ii) and for every subsequent 24 hours or part of thereof.	£8.81

15. Table 4 applies to vessels at any time when they are used as large commercial yachts.

TABLE 4 LARGE COMMERCIAL YACHTS	
A Vessel entering or remaining in any harbour –	
(i) for a period not exceeding 24 hours per metre or part of metre	£1.03
(ii) and for every 24 hours or part of thereafter per metre or part of metre.	£1.03

16. Table 5 applies to vessels at any time when they are used as tall ships.

TABLE 5 TALL SHIPS	
A Vessel entering or remaining in any harbour –	
(i) for a period not exceeding 24 hours per metre or part of metre	£1.03
(ii) and for every 24 hours or part of thereafter per metre or part of metre.	£1.03

PART II

GOODS AND PASSENGER DUES

17. This Part applies to —

- (a) goods unloaded from or loaded onto a pleasure vessel, house boat, large commercial yacht or tall ship; and
- (b) passengers embarking on or disembarking from a pleasure vessel, house boat, large commercial yacht or tall ship

18. 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 but no goods dues shall be charged in respect of a pedal cycle or motor-assisted pedal cycle.

19. (1) Subject to sub-paragraph (2), no passenger dues are payable in respect of any person embarking on or disembarking from a pleasure ferry engaged on voyages wholly within territorial sea of the Isle of Man.

(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, house boat, large commercial yacht or tall ship.

(3) Passenger dues are payable in addition to vessel dues in respect of any passenger embarking or disembarking from a pleasure vessel, house boat, large commercial yacht or tall ship when working as a pleasure ferry engaged on voyages to and from destinations outside territorial sea of the Isle of Man.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

The Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2011 provide for an increase of 4.7% in the rates of Harbour Dues to be applied to pleasure vessels, house boats, large commercial yachts and tall ships. The Regulations in respect of pleasure vessels, house boats, large commercial yachts and tall ships replace the Harbour Dues (Pleasure Vessels, House Boats, Large Commercial Yachts and Tall Ships) Regulations 2010. In the Regulations, a provision which applies to both 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 the vessel is single-hulled or multi-hulled or whether or not a vessel is berthed in a Harbour to which an order under section 58A of the Harbours Act 1961 applies, i.e. Peel and Douglas Inner Harbour. As previously, a higher rate of due applies to visiting pleasure vessels if they berth in the impounded areas of Douglas or Peel Inner Harbour 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. 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, a pleasure ferry, a houseboat, a large commercial yacht or a tall ship. However, passenger dues may be charged in respect of such passengers if the pleasure vessel, house boat, large commercial yacht or tall ship 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 2011.

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.

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