

The Harbour Dues and Facilities Charges Regulations, 2010

No. 100

Made

[26] November, 2010

Coming into operation

1 January, 2011

Laid before the States

THE PUBLIC SERVICES DEPARTMENT, in exercise of the powers conferred upon it by sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^a, and all other powers enabling it in that behalf, hereby makes the following regulations:-

Charges.

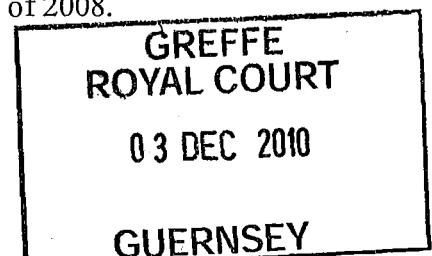
1. (1) The charges set out in the Schedule to these Regulations shall have effect.

(2) Subject to subsection (3), the charges as prescribed by the Harbour Dues and Facilities Charges Regulations, 2009^b shall cease to have effect.

(3) The ceasing of effect of the charges referred to in subsection (2) is without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred in respect of those charges.

^a No. VII of 2008; as amended by Ordinance No. VII of 2008.

^b G.S.I No. 1 of 2010.



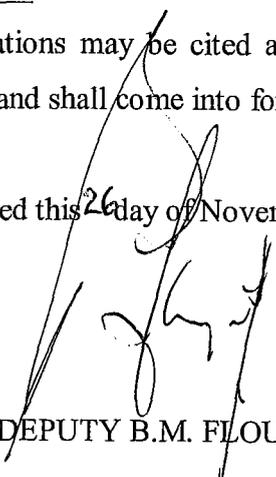
Repeal.

2. The Harbour Dues and Facilities Charges Regulations, 2009^c are repealed.

Citation and commencement.

3. These Regulations may be cited as the Harbour Dues and Facilities Charges Regulations, 2010, and shall come into force on the 1st January 2011.

Dated this 26th day of November, 2010



DEPUTY B.M. FLOUQUET

Minister of the States Public Services Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the harbour dues payable under section 2 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, and the charges payable for the use of harbour facilities under section 33(1) of the Harbours Ordinance, 1988. These Regulations increase the existing harbour dues and facilities charges by approximately 3.5 per cent. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the Public Services Department.

^c

G.S.I No. 1 of 2010.

Legislative background.

Harbour dues payable under section 2 of the 1957 Law were originally set out in a Schedule to that Law. Section 1 of the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986 amended section 2 of the 1957 Law to provide that the dues would be payable at such rates as the States may, from time to time, by Resolution determine. In 2001, the 1957 Law was further amended by section 1 of the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001 to provide that such a States resolution could authorise the Board of the Public Services Department to amend the amount of those dues in respect of any specified twelve month period or periods by an amount not exceeding the change in the Guernsey Retail Price Index during such earlier twelve month period or periods as may be so specified.

Charges for the use of harbour facilities under section 33 of the Harbours Ordinance, 1988 were originally payable at such rates as the States may from time to time determine by resolution. Section 33 was amended by section 1 of the Harbours (Amendment) Ordinance, 2001 to provide that such a States resolution could authorise the Board of the Public Services department to amend the amount of those charges in respect of any specified twelve month period or periods by an amount not exceeding the change in the Guernsey Retail Price Index during such earlier twelve month period or periods as may be so specified.

SCHEDULE

Regulation 1(1).

1.1 Passenger vessels entering or leaving either harbour:

	RATE
	Nil per Gross Tonnage ("GT")

1.2 Cargo vessels entering or leaving either harbour:

	RATE
(a) Not carrying hydrocarbon oils or gas in bulk	Nil per GT
(b) Carrying hydrocarbon oils or gas in bulk	Nil per GT plus £4.35 per metric tonne or part thereof, of fuel discharged or loaded

1.3 Self-discharging vessel entering or leaving either harbour:

	RATE
(a) Carrying stone, cement, sand, aggregate, coal or such other bulk cargo	Nil per GT plus £1.60 per metric tonne of cargo discharged or loaded

1.4 Vessels entering the Harbour of St. Sampsons from the Harbour of St. Peter Port and vice versa without quitting territorial waters:

	RATE
	Nil per GT

1.5 Cruise vessels entering either Harbour or the roadstead:

	RATE
	5.1p per GT subject to maximum dues of £916.00

1.6 Vessels remaining in either harbour or in the roadstead:

	RATE
	41.4p per GT for each week or part of a week. Maximum £455.40 per week

1.7 Passenger Dues

	RATE
<p>(a) Passengers landed or embarked from or on a vessel at either harbour from or for a place outside the Bailiwick (other than passengers landed or embarked from or on a cruise vessel):</p> <p>LONG HAUL (<i>more than 55 Nautical Miles from St. Peter Port</i>)</p>	<p>£2.95 per adult £1.45 per child Nil per infant</p>
<p>SHORT HAUL (<i>less than 55 Nautical Miles from St. Peter Port</i>)</p>	<p>£2.54 per adult £1.29 per child Nil per infant</p>
<p>(b) Passengers embarked on a vessel at either Harbour for another Island in the Bailiwick - inter-island (other than passengers landed or embarked from a cruise vessel)</p> <p>INTER-ISLAND</p>	<p>£0.72 per adult £0.36 per child Nil per infant</p>
<p><i>Adult – aged 15 years and over Child – aged 5 to 14 years Infant – up to 4 years of age</i></p>	

1.8 Crane Dues for loading/discharging vessels. The following tonnage charges will be raised for the use of Derrick/Portal/Mobile/Grab cranes, as the Board may, in its absolute discretion in any particular case determine (subject to the Note at the end of this Schedule):

	RATE
(a) St. Peter Port: all goods other than vehicles, hydrocarbon oils or gas in bulk	£ 8.25 per metric ton or part thereof
(b) St. Sampsons: all goods other than vehicles, hydrocarbon oils or gas in bulk	£ 8.25 per metric ton or part thereof
(c) Accompanied private vehicles	£12.20 per vehicle
(d) (i) Commercial vehicles (ii) Small commercial vehicles (<i>less than 3 metres</i>)	£17.25 per vehicle £ 3.65 per vehicle
(e) Unaccompanied private vehicles	£17.25 per vehicle
(f) Trade vehicles (<i>hire cars/new imports</i>)	£18.90 per vehicle
(g) Private caravans	£ 9.15 per vehicle
(h) Private trailers	£ 3.05 per trailer
(i) Private motorcycles	£ 3.05 per motorcycle

1.9 Crane Dues where the charges in 1.8 are not applicable, the following half hourly rates will apply (subject to the Note at the end of this Schedule):

	Rate per half hour or part thereof
(a) Portal cranes	£ 31.20
(b) Mobile cranes	£ 42.55
(c) Derrick cranes	£ 47.40
(d) Ro-Ro Ramp	£ 47.40
(e) Sand, aggregate, coal, or such other bulk cargo loaded or unloaded by grab	£120.35
A minimum period of one half hour shall be charged and subsequent to the first half hour, charges shall thereafter accrue for each half hour or part thereof.	

1.10 Quay Space Charges

	RATE per day
LO/LO	
(a) <10m flats, containers or equipment	£22.00
(b) >10m flats, containers or equipment	£44.15
RO/RO	
(c) <10m trailers	£22.00
(d) >10m trailers	£44.15
(e) Commercial vehicles	£22.00
(f) Private vehicles	£22.00
MISCELLANEOUS	£22.00 per square metre
Loose goods, bulk cargo, items not included in (a) to (f) above	
<p><i>Periods and items to be allowed to remain without charge:</i></p> <p>(a) Inbound. All inbound cargo and items arising holding or containing inbound cargo, but excluding vehicles for trade and unaccompanied vehicles, excepting those directly in connection with an arriving passenger: 1 working day (excluding the day of arrival)</p> <p>(b) Outbound and All Other items. Empty trailers, flats, containers and cargo for bulk carriers (all other freight): 1 working day (excluding day of departure)</p> <p>(c) All Vehicles: 1 working day</p> <p>(A working day is Monday to Friday (inclusive) 0800 to 1700 hours)</p>	

Note: calculation of crane dues under paragraphs 1.8 and 1.9.

Paragraphs 1.8 and 1.9 are to be construed in accordance with the following provisions:

1.8 Goods carried in or on a vehicle, other than the personal effects or baggage of the driver thereof or a passenger therein or thereon, shall be charged in addition to the charges in respect of the vehicle;

a trade or commercial trailer, whether accompanied by a prime mover or any other towing vehicle, shall be charged separately as a commercial vehicle;

an articulated vehicle shall be charged as one vehicle; and

where any goods are landed or embarked in a container specially designed or adapted for the conveyance of goods the charges under this paragraph shall not be chargeable in respect of any such container but shall be charged only on the goods forming the contents thereof.

1.9 Where the service is provided outside the normal working day of the port concerned, labour costs may be charged at the appropriate rate as advised to the Guernsey Commercial Port Users Association;

where the service is provided by the Mobile Crane, the cost of any escort required by law to accompany the crane movement may be charged;

where the service is provided by the Mobile Crane, the charge time will start from the time the crane leaves its base on the Cambridge Berth;

where the crane is used to provide several services at the same venue, each hirer will be charged a proportion of the crane's travelling time; and

where the service is provided before 0800 hours, after 1700 hours on a Saturday, Sunday or Public Holiday, labour costs at the appropriate rate as advised to the Guernsey Commercial Port Users' Association may be charged.