

20 DEC 2013

GUERNSEY

**The Harbour Dues and Facilities Charges (Guernsey)****Regulations, 2013**

No. 85

*Made**19<sup>th</sup> December, 2013**Coming into operation**1<sup>st</sup> January, 2014**Laid before the States*

**THE PUBLIC SERVICES DEPARTMENT**, in exercise of the powers conferred upon it by sections 2 and 3 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957<sup>a</sup>, section 33 of the Harbours Ordinance, 1988<sup>b</sup>, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007<sup>c</sup>, 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 (Guernsey) Regulations, 2012<sup>d</sup> shall cease to have effect.

<sup>a</sup> Ordres en Conseil Vol. XVII, p. 264; as amended by Vol. XXIX, p. 340 and Vol. XLI, p. 681. There are other amendments not relevant to these Regulations.

<sup>b</sup> Recueil d'Ordonnances Tome XXIV, p. 418; as amended by Tome XXVIII, p. 424. There are other amendments not relevant to these Regulations.

<sup>c</sup> No. VII of 2008; as amended by Order in Council No. VIII of 2010; Ordinance No. VII of 2008; and No. IV of 2011.

<sup>d</sup> G.S.I No. 82 of 2013.



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

**Interpretation.**

2. The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of these regulations.

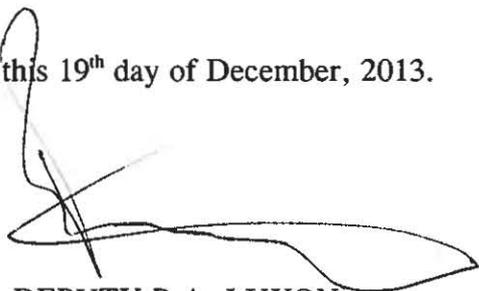
**Revocation.**

3. The Harbour Dues and Facilities Charges Regulations, 2012 are revoked.

**Citation and commencement.**

4. These Regulations may be cited as the Harbour Dues and Facilities Charges (Guernsey) Regulations, 2013, and shall come into force on the 1<sup>st</sup> January, 2014.

Dated this 19<sup>th</sup> day of December, 2013.



DEPUTY P.A. LUXON

Minister of the States Public Services Department  
For and on behalf of the Department

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<sup>e</sup> Ordres en Conseil Vol. XIII, p. 355.

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## 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 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.

These Regulations come into force on the 1<sup>st</sup> day of January, 2014.

### 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 the harbour of Saint Peter Port or the harbour of Saint Sampson:

	RATE
	£0.00 per Gross Tonnage ("GT")

### 1.2 Cargo vessels entering or leaving either the harbour of Saint Peter Port or the harbour of Saint Sampson:

	RATE
(a) Not carrying hydrocarbon oils or gas in bulk	£0.00 per GT
(b) Carrying hydrocarbon oils or gas in bulk	£0.00 per GT plus £4.80 per metric tonne or part thereof, of fuel discharged or loaded

### 1.3 Self-discharging vessel entering or leaving either harbour of Saint Peter Port or the harbour of Saint Sampson:

	RATE
(a) Carrying stone, cement, sand, aggregate, coal or such other bulk cargo	£0.00 per GT plus £1.76 per metric tonne of cargo discharged or loaded

### 1.4 Vessels entering the harbour of Saint Sampson from the harbour of Saint Peter Port and vice versa without quitting territorial waters:

	RATE
	£0.00 per GT

### 1.5 Cruise vessels entering either the harbour of Saint Peter Port or the harbour of Saint Sampson or the roadstead:

	RATE
	5.67p per GT subject to maximum dues of £1,015.94

**1.6 Vessels remaining in either the harbour of Saint Peter Port or the harbour of Saint Sampson or in the roadstead:**

	<b>RATE</b>
	45.90p per GT for each week or part of a week. Maximum £504.91 per week

**1.7 Passenger Dues**

	<b>RATE</b>
(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):	
LONG HAUL ( <i>more than 55 Nautical Miles from St. Peter Port</i> )	£3.25 per adult £1.60 per child £0.00 per infant
SHORT HAUL ( <i>less than 55 Nautical Miles from St. Peter Port</i> )	£2.82 per adult £1.44 per child £0.00 per infant
(b) INTER ISLAND. Passengers embarked on a vessel at either harbour for another Island in the Bailiwick (other than passengers landed or embarked from a cruise vessel)	£0.80 per adult £0.42 per child £0.00 per infant
<i>For the purposes of this paragraph, "adult" means a passenger over the age of 15 years, "child" means a passenger who has attained the age of 5 years but is under the age of 14 years, "infant" means a passenger under the age of 5 years.</i>	

**1.8 Crane Dues for loading or discharging vessels.**

The following tonnage charges will be raised for the use of Dockside Mobile, Portal, Road Mobile or Grab cranes (subject to the Note at the end of this Schedule):

	<b>RATE</b>
(a) St. Peter Port: all goods other than vehicles, hydrocarbon oils or gas in bulk	£ 9.17 per metric ton or part thereof
(b) St. Sampsons: all goods other than vehicles, hydrocarbon oils or gas in bulk	
(c) Accompanied private vehicles	£13.53 per vehicle
(d) (i) Commercial vehicles (ii) Small commercial vehicles ( <i>less than 3 metres</i> )	£19.14 per vehicle £ 4.05 per vehicle
(e) Unaccompanied private vehicles	£19.14 per vehicle

(f)	Trade vehicles ( <i>hire cars/new imports</i> )	£20.95 per vehicle
(g)	Private caravans	£10.12 per vehicle
(h)	Private trailers	£ 3.36 per trailer
(i)	Private motorcycles	£ 3.36 per motorcycle

**1.9 Crane Dues where the charges in paragraph 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	£ 34.60
(b) Dockside Mobile cranes	£ 52.56
(c) Road Mobile crane	£ 47.17
(d) Ro-Ro Ramp	£ 52.56
(e) Sand, aggregate, coal, or such other bulk cargo loaded or unloaded by grab	£133.41
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 upon the commencement of charges (see note below)
<u>Lift On/Lift Off Ports</u>	
(a) <10m flats, containers or equipment	£24.41
(b) >10m flats, containers or equipment	£48.94
<u>Roll On/Roll Off Ports</u>	
(c) <10m trailers	£24.41 (days 1 and 2), £73.23 (day 3 onwards)
(d) >10m trailers	£48.94 (days 1 and 2), £146.81 (day 3 onwards)

(e) Commercial vehicles	£24.41 (days 1 and 2), £73.23 (day 3 onwards)
(f) Private vehicles	£24.41 (days 1 and 2), £73.23 (day 3 onwards)
MISCELLANEOUS Loose goods, bulk cargo, items not included in sub paragraphs (a) to (f) above	£24.41 per square metre
<p><u>Note</u></p> <p><i>Periods and items to be allowed to remain without charge:</i></p> <p>(a) <b>Inbound.</b> <i>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:</i></p> <p style="padding-left: 40px;"><i>1 working day (excluding the day of arrival)</i></p> <p>(b) <b>Outbound and All Other items.</b> <i>Empty trailers, flats, containers and cargo for bulk carriers (all other freight):</i></p> <p style="padding-left: 40px;"><i>1 working day (excluding day of departure)</i></p> <p>(c) <b>All Vehicles:</b></p> <p style="padding-left: 40px;"><i>1 working day</i></p> <p><i>For the purposes of this paragraph, a "working day" means Monday to Friday (inclusive) 0800 to 1700 hours.</i></p>	

Note: calculation of crane dues under paragraphs 1.8 and 1.9

*Paragraph 1.8 shall be construed in accordance with the following provisions:*

- (a) *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;*
- (b) *a trade or commercial trailer, whether accompanied by a prime mover or any other towing vehicle, shall be charged separately as a commercial vehicle;*
- (c) *an articulated vehicle shall be charged as one vehicle; and*

- (d) *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.*

*Paragraph 1.9 shall be construed in accordance with the following provisions:*

- (a) *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;*
- (b) *where the service is provided by the Road Mobile Crane, the cost of any escort required by law to accompany the crane movement may be charged;*
- (c) *where the service is provided by the Road Mobile Crane, the charge time will start from the time the crane leaves its base on the Cambridge Berth;*
- (d) *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*
- (e) *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.*