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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2020 No 87

The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2020

*Made*10th September, 2020*Coming into operation*1st January, 2021*Laid before the States*

, 2020

THE STATES' TRADING SUPERVISORY BOARD, 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^a, section 33 of the Harbours Ordinance, 1988^b, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^c, 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.

^a Ordres en Conseil Vol. XVII, p. 264; as amended by Vol. XXIX, p. 340; Vol. XLI, p. 681; Ordinance No. XXXIII of 2003; and No. IX of 2016. There are other amendments not relevant to these Regulations.

^b Recueil d'Ordonnances Tome XXIV, p. 418; as amended by Tome XXVIII, p. 424; Ordinance No. XXXIII of 2003; and No. IX of 2016. There are other amendments not relevant to these Regulations.

^c Order in Council No. VII of 2008; as amended by Order in Council No. VIII of 2010; No. IV of 2016; Ordinance No. VII of 2008; No. IV of 2011; No. XLIII of 2013; No. XLIII of 2014; No. IX of 2016; and No. XLI of 2017.

(2) Subject to subsection (3), the charges as prescribed by the Harbour Dues and Facilities Charges (Guernsey) (No. 2) Regulations, 2019^d shall cease to have effect.

(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.

Revocation.

2. The Harbour Dues and Facilities Charges (Guernsey) (No. 2) Regulations, 2019 are revoked.

Citation and commencement.

3. These Regulations may be cited as the Harbour Dues and Facilities Charges (Guernsey) Regulations, 2020, and shall come into force on the 1st January, 2021.

Dated this 10th day of September, 2020



DEPUTY P T R FERBRACHE

President of the States' Trading Supervisory Board

For and on behalf of the Board

^d G.S.I No. 95 of 2019.

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. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on the 1st day of January, 2021.

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.

Under the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, the functions of the Public Services Department in this regard were transferred to the States' Trading Supervisory Board.

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 £5.49 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 £2.02 per metric tonne of cargo discharged or loaded

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

	RATE
	6.5p per GT subject to a maximum of £1,619

1.5 Vessels berthing in either the harbour of Saint Peter Port or the harbour of Saint Sampson:

	RATE
26.00 – 39.99m	£133
40.00 – 49.99m	£199
50.00 – 69.99m	£243
70m+	£277

1.6 Passenger Dues:

	RATE
(a) FROM OUTSIDE THE BAILIWICK	
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)	£3.58 per adult £1.76 per child £0.00 per infant
Passengers landed or embarked from or on a cruise vessel at either harbour from or for a place outside the Bailiwick	£1.53 per adult £1.53 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)	£0.93 per adult £0.48 per child £0.00 per infant
<i>For the purposes of this paragraph, "adult" means a passenger of 16 years of age and over, "child" means a passenger of between 5 and 15 years of age, "infant" means a passenger under 5 years of age.</i>	

1.7 Vessels coming from a place situate outside Guernsey and otherwise performing an act of trade in the territorial waters:

	RATE
	53p per GT for each week or part thereof, subject to a maximum of £1,069

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):

	RATE
(a) All goods other than vehicles, hydrocarbon oils or gas in bulk	£10.50 per metric ton or part thereof
(b) Accompanied private vehicles	£15.47 per vehicle
(c) Accompanied commercial vehicles	£21.89 per vehicle
(d) Unaccompanied vehicles (private or commercial)	£21.89 per vehicle
(e) Imported vehicles	£23.98 per vehicle
(f) Caravans	£11.57 per vehicle

(g)	Trailers over 3 metres	£11.57 per trailer
(h)	Motorcycles, and trailers under 3 metres	£3.85 per motorcycle /trailer

1.9 Crane Dues where the charges in paragraph 1.8 are not applicable:

The following half hourly rates will apply (subject to the Notes at the end of this paragraph, and of this Schedule):

	Rate per half hour or part thereof
(a) Portal cranes	£ 39.60
(b) Dockside Mobile cranes and Ro-Ro ramp	£ 60.13
(c) Sand, aggregate, coal, or such other bulk cargo loaded or unloaded by grab	£152.64
<i>Note: subject to the notes at the end of this schedule, a minimum period of one half hour shall be charged.</i>	
<i>A handling fee shall be charge for freight transfer at the rate of £12.01 per re-stow</i>	

1.10 Quay Space Charges:

The following daily rates will apply (subject to the Note at the end of this paragraph):

	Rate per day upon the commencement of charges (see Note below)
<u>Lift On/Lift Off Ports and Roll On/Roll Off Ports</u>	
(a) <10m flats, containers or equipment; commercial vehicles, private vehicles	£ 27.91 (days 1 and 2) £ 83.78 (day 3 onward)
(b) >10m flats, containers or equipment	£ 56.00 (days 1 and 2) £167.97 (day 3 onward)
MISCELLANEOUS Loose goods, bulk cargo, items not included in sub paragraphs (a) and (b) above	£1.65 per square metre (days 1 and 2) £4.95 per square metre (day 3 onwards)
<i>Note: items shall be allowed to remain without accrual of a charge for the first 24 hours.</i>	

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.*

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

- (a) where the service is provided outside 06:00 – 22:00 Monday – Friday or 0800 – 1700 Saturday, Sunday or Public Holiday, labour costs (subject to a minimum of 3 hours) will be charged at the appropriate rate as advised to the Commercial Ports and Marine Traders Users Groups.*