

STATES OF JERSEY

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DRAFT AMENDMENT (No. 28) TO THE TARIFF OF HARBOUR AND LIGHT DUES

**Lodged au Greffe on 25th November 2003
by the Harbours and Airport Committee**

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 28) TO THE TARIFF OF HARBOUR AND LIGHT DUES

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in accordance with Article 6 of the Harbour and Light Dues (Jersey) Law 1947, as amended, to approve the draft Amendment (No. 28) to the Tariff of Harbour and Light Dues as set out in the Appendix to the Report of the Harbours and Airport Committee dated 20th November 2003.

HARBOURS AND AIRPORT COMMITTEE

REPORT

1. Section A – Dues payable on arrival and on departure

1.1 Proposed Harbour Charges Law

The final stages of the new law “Harbour Charges (Jersey) Law 200-” is being worked upon by the Law Draftsman. This new Law will repeal and replace the 1947 Harbour and Light Dues Law under which the tariff of harbour charges is made. The reason for producing a new Law was the advice from the Attorney General that the current charges for cargo may not be compliant with European Union Law. Whilst only minor drafting details remain, further legal advice is anticipated in regard to addressing why virtually all ports in the U.K. continue to charge dues on cargo in the same manner as Jersey. This is a very real complication, as port users remain emphatic that they should not have to abandon the existing freight tonnage-based charged, as they and their customers recognise these as soundly based and universally accepted. It is considered that at the very least the frequency of freight vessels to the Island will be impaired if this method of charging is abandoned.

1.2 Freight charges

In the meantime, in order to maintain the level of income required to operate the Harbours, freight charges have been dealt with under the Committee’s powers to permit any trade or business activity within the harbour, subject to such conditions as it may think fit (Article 29, Harbours (Jersey) Regulations 1962, as amended).

Thus the dues for cargo have been dealt with by this interim arrangement and are omitted from the proposed Tariff.

1.3 Passengers and passenger vehicles

The dues for passengers and passenger vehicles are not affected by the advice given on E.U. Law and therefore are contained in Section A of Amendment No. 28. These, last year, were dealt with by the same interim arrangement as described above, but due to the possibility of further delay in introducing the new Law and because they are outside of the E.U. competition issue, it has been felt appropriate by the Committee that they should now be placed before the States.

The effective increase for the passenger due is 2.5% overall compared with that charged in 2003. With regard to passenger vehicles the increase over 2 years is 5%. In line with its policy for landing charges at the Airport, the Committee has removed the 14p discount for adults and 7p discount for children for short-haul journeys, namely France and inter-island. The reason for this discount has been lost in the mists of time, but the Committee feels that as it already has the discretionary powers to reduce landing charges, that discounts of this nature should be judged on their own merits and not automatically introduced without a basis. For example, due to the considerable increase in vehicle landings over this season, the Committee was in a position to agree with the main passenger carriers a winter incentive of a 50% reduction in the passenger and passenger vehicle charges and still achieve its budgetary targets.

2. Section B– Dues payable in respect of marina and other mooring space

The Committee’s policy remains the same as in previous years with regard to charges for marine leisure. Essentially, this area should be entirely self-financing. Last year, there was evidence of cross-subsidy, but activity this year shows that this area of harbour business is clearly moving towards self-sufficiency. As part of the Department’s 20-year forward capital programme, a shortfall in annual surplus income of £75,000 per year was identified to pay for major replacements. Through discussions with the boat-owners’ representative, a number of savings and income generating projects have been mutually identified and providing these bear fruit in 2004, then the need to raise surcharges against moorings can be avoided. In the meantime, in line with previous Committee policy, it is proposed that these fees be increased by the cost of living. The exception is the visitor fees and, once again, for the sixth consecutive year, it is proposed that these remain unchanged in line with Guernsey with whom the Department is now jointly marketing for visiting yachtsmen.

There are no additional manpower implications.

20th November 2003.

Explanatory Note

The object of this instrument, to be made under Article 6 of the Harbour and Light Dues (Jersey) Law 1947, is to change the Tariff of Harbour and Lights Dues in a number of respects and to delete certain elements of that Tariff.

The changes are broadly as follows –

- (a) the charge for a sea passenger who embarks or disembarks in Jersey is decreased by 1%, but the reduction of 8% for passengers to or from the Cotentin, nearby Brittany and the other Channel Islands is omitted;
- (b) the charges for embarking or disembarking non-commercial vehicles are increased by up to 5%; but the charges for commercial vehicles and freight are omitted, being dealt with temporarily by agreement;
- (c) the mooring charges for the various harbours and marinas of Jersey are increased by 8%; but for the La Collette Yacht Basin Marina, St Helier Marina and Elizabeth Marina and certain other berths, the daily and weekly rates remain as before, with longer-period rates increasing by between 4% and 8%.



Jersey

DRAFT AMENDMENT (No. 28) TO THE TARIFF OF HARBOUR AND LIGHT DUES

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE HARBOURS AND AIRPORT COMMITTEE, in pursuance of Article 6 of the Harbour and Light Dues (Jersey) Law 1947,^[1] and with the approval of the States given on [] made the following amendment to the Tariff of Harbour and Light Dues approved by the States on 19th August 1980^[2] (in this Amendment called “the Tariff”) –

1 Section A replaced

For Section A of Part III of the Tariff^[3] (which Section relates to dues payable on arrival and on departure) there shall be substituted the following Section –

“A. Dues payable on arrival and on departure

1. For each passenger disembarked from or embarked on a ship –
 - (a) if an adult £1.72
 - (b) if a child 86p
2.
 - (a) For each private vehicle (other than one to which any of sub-paragraphs (b), (c) and (d) applies) disembarked from or embarked on a ‘drive-on/drive-off’ ferry and accompanied by a driver £7.11
 - (b) For each private vehicle (other than one to which either of sub-paragraphs (c) and (d) applies) disembarked from or embarked on a ‘drive-on/drive-off’ ferry and accompanied by a driver, where the fare payable depends on the dimensions or weight or any other distinguishing feature of the vehicle and any fare other than the lowest fare is payable £7.47
 - (c) For each private motorcycle disembarked from or embarked on a ‘drive-on/drive off’ ferry and accompanied by a driver £1.39
 - (d) For each caravan, or caravanette, disembarked from or embarked on a ‘drive-on/drive off’ ferry, whether accompanied or unaccompanied by a driver £11.52

3. Where at any harbour in the Island –
 - (a) any passenger travelling to a destination outside the Island disembarks from a ship and for the purpose of continuing his journey embarks on another ship; or
 - (b) any private vehicle being shipped to a destination outside the Island is disembarked from a ‘drive-on/drive-off’ ferry and for the purpose of continuing its shipment is embarked on another ‘drive-on/drive-off’ ferry,

the appropriate dues payable under either of paragraphs 1 and 2 shall be reduced by 50%.
4. In this Section, ‘driver’ means a driver who is also a passenger.”.

2 Section B replaced

For Section B of Part III of the Tariff^[4] (which Section relates to dues payable in respect of mooring spaces) there shall be substituted the following Section –

“B. Dues payable in respect of marina and other mooring spaces

1. Ship owned by a person ordinarily resident in Jersey –
 - (a) if moored at Saint Helier Harbour (elsewhere than at a marina, a holding pontoon at the entrance to the drying harbour at Saint Helier or the holding pontoons) or the inner harbour at Saint Aubin – a due payable annually in advance and equivalent to, for each year or part of a year, £8.88 a square metre, or part of a square metre, of the superficial area of the ship, with a minimum charge of £47.54
 - (b) if moored at the inner harbour at Gorey – a due payable annually in advance and equivalent to, for each year or part of a year, £7.65 a square metre, or part of a square metre, of the superficial area of the ship, with a minimum charge of £38.78
 - (c) if moored at the harbour at Bonne Nuit Bay, Bouley Bay or Rozel – a due payable annually in advance and equivalent to, for each year or part

- of a year, £3.93 a square metre, or part of a square metre, of the superficial area of the ship, with a minimum charge of £20.91
- (d) if moored at Belcroute Bay, Saint Catherine's Harbour, La Rocque, Saint Brelade's Bay or the outer moorings at Saint Aubin – a due payable annually in advance and equivalent to, for each year or part of a year, £1.91 a square metre, or part of a square metre, of the superficial area of the ship, with a minimum charge of £10.57.
2. Single-hulled ship owned by a person having an agreement for the use of mooring space for a period of not less than one year, and moored at La Collette Yacht Basin Marina –
- (a) for each day or part of a day
- ship under 8 metres' overall length, £12.00
- ship of 8 metres or more, but under 10 metres' overall length, £14.00
- ship of 10 metres or more, but under 12 metres' overall length, £16.00
- ship of 12 metres or more, but under 14 metres' overall length, £18.00
- ship of 14 metres or more, but under 16 metres' overall length, £23.00
- ship of 16 metres or more, but under 20 metres' overall length, £31.00
- ship of 20 metres or more overall length, £1.60 per metre or part of a metre
- (b) for each week, if paid in advance six times the daily rate specified in

- sub-paragraph (a)
- (c) for each month or part of a month within the period from 1st October to 30th April, if paid in advance an amount equal to the product of £15.70 and the overall length of the ship in metres
 - (d) for any continuous period of 3 months within the period from 1st October to 30th April, if paid in advance an amount equal to the product of £37.02 and the overall length of the ship in metres
 - (e) for any continuous period of 4 months within the period from 1st October to 30th April, if paid in advance an amount equal to the product of £49.37 and the overall length of the ship in metres

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| (f) | for any continuous period of 5 months within the period from 1st October to 30th April, if paid in advance | an amount equal to the product of £61.71 and the overall length of the ship in metres |
| (g) | for any continuous period of 6 months within the period from 1st October to 30th April, if paid in advance | an amount equal to the product of £60.42 and the overall length of the ship in metres |
| (h) | continuously, for the period from 1st October to 30th April, if paid in advance | an amount equal to the product of £70.48 and the overall length of the ship in metres |
| (i) | for any period of 12 months, if paid quarterly in advance | for a ship under 5.2 metres in overall length not having an individual mooring, an amount equal to the product of £153.96 and the overall length of the ship in metres
for a ship under 5.2 metres in overall length having an individual mooring, or a ship of 5.2 metres or more in overall length, an amount equal to the product of £238.47 and the overall length of the ship in metres. |
| 3. | Ship (other than a single-hulled ship) owned by a person ordinarily resident in Jersey, and moored at La Collette Yacht Basin Marina – | the due specified in paragraph 2, as appropriate, plus 50%. |
| 4. | Single-hulled ship moored at Saint Helier Marina or the holding pontoons or, where paragraph 2 is not applicable, at La Collette Yacht Basin Marina – | |
| (a) | for each day or part of a day | the appropriate due specified in paragraph 2(a) |

(b) for each week, if paid in advance

six times the daily
rate specified in
sub-paragraph (a)

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| (c) | for each month or part of a month within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(c) |
| (d) | for any continuous period of 3 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(d) |
| (e) | for any continuous period of 4 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(e) |
| (f) | for any continuous period of 5 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(f) |
| (g) | for any continuous period of 6 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(g) |
| (h) | continuously, for the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(h) |
| (i) | for any period of 12 months, if paid quarterly in advance | an amount equal to the product of £230.82 and the overall length of the ship in metres. |
| 5. Single-hulled ship moored at Elizabeth Marina – | | |
| (a) | for each day or part of a day | the appropriate due specified in paragraph 2(a) |
| (b) | for each week, if paid in advance | six times the daily rate specified in sub-paragraph (a) |
| (c) | for each month, for any continuous period within the period from 1st May to 30th September | £24.30 a metre or part of a metre of overall length, if paid in advance for a period of not less than 3 months and not more than 6 months, and £27.00 a metre or part of a metre of overall length in any other case |
| (d) | for each month or part of a month within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(c) |
| (e) | for any continuous period of 3 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(d) |
| (f) | for any continuous period of 4 months within the period from 1st October to | the due specified in paragraph 2(e) |

30th April, if paid in advance

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| (g) | for any continuous period of 5 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(f) |
| (h) | for any continuous period of 6 months within the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(g) |
| (i) | continuously, for the period from 1st October to 30th April, if paid in advance | the due specified in paragraph 2(h) |
| (j) | for any period of 12 months if paid quarterly or annually in advance | an amount equal to the product of £222.40 and the overall length of the ship in metres. |
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| 6. | Ship (other than a single-hulled ship) moored at Saint Helier Marina, Elizabeth Marina or the holding pontoons or, where paragraph 3 is not applicable, at La Collette Yacht Basin – | the appropriate due specified in paragraph 4 or 5, plus 50%. |
| 7. | Commercial ship using Saint Helier Harbour and not paying any other due in respect of cargo or passengers, or any other craft of 25 metres or more overall length and owned by a person not having an agreement for the use of mooring space for a period of not less than one year, for each day or part of a day | £1.79 a metre or part of a metre of overall length. |

8. Ship moored on a holding pontoon at the entrance to the drying harbour at Saint Helier –
- (a) if owned by a person having an agreement for the use of mooring space in Jersey for a period of not less than one year, for a stay not exceeding 12 hours in any period of 36 hours Nil
 - (b) in any other case, for each day or part of a day £5.40 in respect of the first three days of its stay, and thereafter £15.95.

9. Ship owned by a person not ordinarily resident in Jersey and moored at a place other than La Collette Yacht Basin Marina, Saint Helier Marina, Elizabeth Marina or the holding pontoons (other than a ship to which paragraph 7 or 8 applies), for each day or part of a day –
- ship under 8 metres overall length, £6.44
 - ship of 8 metres or more, but under 10 metres overall length, £7.47
 - ship of 10 metres or more, but under 12 metres overall length, £8.62
 - ship of 12 metres or more, but under 14 metres overall length, £9.65
 - ship of 14 metres or more, but under 20 metres overall length, £10.80
 - ship of 20 metres or more, but under 25 metres overall length, £14.02.
10. Ship laying up in Jersey, for each day or part of a day –
- ship under 6 metres overall length, £1.79
 - ship of 6 metres or more, but under 9 metres overall length, £2.69
 - ship of 9 metres or more, but under 15 metres overall length, £4.27
 - ship of 15 metres or more, but under 30 metres overall length, £7.09
 - ship of 30 metres or more overall length, £10.67.
11. Ship moored at the Working Berths at the French Harbour at Saint Helier, for each week or part of a week
- £8.10 a square metre, or part of a square metre, of the superficial area of the ship.”.

3 Commencement

This Amendment shall come into force on 1st January 2004.

[1] *Recueil des Lois, Tome VII, page 399.*

[2] *Nos. 6845, 9346, 190/2001 and 191/2001.*

[3] *Nos. 6845, 9346 and 190/2001.*

[4] *Nos. 6845, 9346 and 191/2001.*