

FISHERY HARBOUR CENTRES (RATES AND CHARGES) ORDER 2012

I, Simon Coveney, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 4 of the Fishery Harbour Centres Act 1968 (No. 18 of 1968), and the Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011. (S.I. No. 455 of 2011)), having complied with section 4 (7) (a) of that Act, hereby order as follows:

1. This Order may be cited as the Fishery Harbour Centres (Rates and Charges) Order 2012 and comes into operation on _____.
2. In this Order-

“fishing vessel” means a sea-fishing boat entered in the Register of Fishing Boats maintained under Section 74 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;

“licensed fishing vessel” means a vessel holding a current sea-fishing boat licence granted under Section 4 of the Fisheries (Amendment) Act, 2003 (as inserted by Section 97 of the Sea Fisheries and Maritime Jurisdiction Act, 2006) as amended;

“Gross Registered Tonnage (GRT)” and “Gross Tonnage (GT)” are regarded as equivalent for the purpose of levying rates or charges;

“length” in relation to a vessel means the overall length of the vessel;
3. (1) Each rate or charge specified in column (3) of the Schedule attached to this Order at a particular rate or charge is fixed as the rate or charge for the use of the facility or service described in column (2) of the Schedule in the following Fishery Harbour Centres-
 - (a) Castletownbere,
 - (b) Dunmore East,
 - (c) Howth,
 - (d) Killybegs,
 - (e) Rossaveel, and
 - (f) Dingle.
(2) The rates or charges specified in the Schedule attached to this Order in respect of a year, month, week or day apply to the full period or any part thereof, as the case may be.
4. (1) A rate or charge fixed by this Order shall be paid to the Minister by the person using the facility or service concerned.

- (2) In the event that any rate or charge is in arrears by ninety days or more the Minister may withdraw all services from that vessel or any other vessel owned by the same person and refuse entry of such vessel to any of the Fishery Harbour Centres until the debt is discharged.
 - (3) The amount of any rate or charge payable under this Order may be recovered by the Minister either as a simple contract debt in a court of competent jurisdiction or by distress and sale of any vessel or goods in respect of which the rate or charge is payable.
5. Any rates, charges or other monies owed under the Order revoked by Article 6 are payable as if due under this Order.
6. The Fishery Harbour Centres (Rates and Charges) Order 2003 (S.I. No. 439 of 2003) is revoked.

Public Consultation

| Charge Number (1) | <p style="text-align: center;">SCHEDULE</p> Description of Facility or Service (2) | Rate or Charge (3) |
|----------------------|---|--|
| 1 | Annual composite harbour entry charge for any fishing vessel using the facilities at any one or more than one Fishery Harbour Centre | €3.00 per gross tonne payable in advance on first entry to any Fishery Harbour Centre after 1 st January each year |
| 2 | Single harbour entry charge for any fishing vessels using the harbour facilities | €0.50 per gross tonne |
| 3 | Harbour entry charge for merchant vessel | €0.50 per gross tonne |
| 4 | <p>Use of harbour in connection with discharging of fish-</p> <p>(a) Value 0 - €500 per tonne</p> <p>(b) Value €501 - €10,000 per tonne</p> <p>(c) Value €10,001 or more per tonne</p> <p>(d) Landings of mackerel and horse mackerel, over two tonnes</p> <p><i>Fish Values to be based on the average price in the relevant harbour in the previous calendar year as determined by the Sea Fisheries Protection Authority. Previous calendar year values will come into effect on 1st June each year.</i></p> <p><i>Note: Where average price values for the previous calendar year are not available either current values or values for the most recent year available, whichever is the higher, will be substituted.</i></p> <p>(e) Fish for reduction to fishmeal.</p> | <p>€4.00 per tonne/ €0.20 per 50 kg</p> <p>€10.00 per tonne/ €0.50 per 50 kg</p> <p>€40.00 per tonne/ €2.00 per 50 kg</p> <p>€14.00 per tonne/ €0.70 per 50 kg</p> <p>€2.00 per tonne/ €0.10 per 50 kg</p> |

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| 5 | <p>Landing of whitefish (To include the use of harbour in connection with discharging of whitefish, harbour entry, use of fresh water and disposal of ship generated waste)</p> <p>This charge may not be combined with the entry and landing charges as set out in 1, 2 and 4 above during the calendar year.</p> | €400 per landing |
| 6 | <p>Use of harbour in connection with the loading of Frozen Fish</p> <p>Note: In the case of a Single Cargo Movement i.e. the immediate transfer of frozen fish products from one vessel to another vessel both of which are alongside the pier, the charge will be limited to one charge of €2.50 per tonne only. This definition does not apply to frozen fish stored in a cold store and subsequently transferred to a vessel at the pier.</p> <p>Use of harbour in connection with the loading and discharging of other cargo as follows:</p> <p>Metals – Girders, mesh, steel tubes, pipes and similar</p> <p>Timber – hard, soft, logs, poles and similar</p> <p>Sand, gravel, crushed stone and similar</p> <p>Offshore oil or gas related exploration or production goods</p> <p>Bagged Coal</p> <p>Cement, concrete products</p> <p>Animal feed and grain</p> <p>Machinery, manufactured from metals and non-ferrous metals</p> <p>Use of harbour in connection with loading and discharging of cargoes other than those specified above</p> | <p>Per tonne €2.50</p> <p>€1.20</p> <p>€1.00</p> <p>€1.25</p> <p>€1.05</p> <p>€0.90</p> <p>€1.10</p> <p>€1.00</p> <p>€2.50</p> <p>€2.50</p> |

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| 7 | Use of harbour by tug boats and other non fishing vessels, other than yachts and pleasure craft, for purpose other than loading or discharging. | €1.00 per gross tonne per week |
| 8 | <p>Use of harbour by vessels not registered as fishing vessels or deregistered fishing vessels or vessels not holding a current fishing boat licence.</p> <p>Use of the harbour by hulks or derelicts and all other vessels which are not covered under other charges in this Order</p> <p>(a) up to 20m in length (i) for first six weeks (ii) for second six weeks (iii) for thereafter</p> <p>(b) over 20m in length (i) for first six weeks (ii) for second six weeks (iii) for thereafter</p> | <p>€75 per week €150 per week €300 per week</p> <p>€100 per week €200 per week €400 per week</p> |
| 9 | <p>Use of fresh water*</p> <p>(a) Vessels carrying fish for reduction to Fishmeal</p> <p style="padding-left: 40px;">Where metering is not available</p> <p style="padding-left: 40px;">Where metering is available</p> <p>(b) Pelagic (excluding vessels landing blue whiting)</p> <p style="padding-left: 40px;">Where metering is not available</p> <p style="padding-left: 40px;">Where metering is available</p> | <p>€450 per landing</p> <p>€3.00 per cubic metre</p> <p>€90.00 per month per vessel</p> <p>€3.00 per cubic metre</p> |

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|----------------------|---|---|
| 9 (contd.) | <p>(c) All other vessels</p> <p style="padding-left: 40px;">Where metering is not available</p> <p style="padding-left: 40px;">Where metering is available</p> <p>*Note:</p> <ol style="list-style-type: none"> 1. This charge is mandatory on all vessels using a Fishery Harbour Centre whether or not they use fresh water. 2. If a charge for fresh water is levied at one Fishery Harbour Centre in a month this charge will not be levied in another Fishery Harbour Centre used within that month. | <p style="padding-left: 40px;">€30.00 per month per vessel</p> <p style="padding-left: 40px;">€3.00 per cubic metre</p> |
| 10 | <p>(a) Use of harbour by a passenger vessel engaged on a domestic voyage and with a permitted complement of 100 passengers or more</p> <p>(b) Use of harbour by passenger vessel with a permitted complement of 13 to 99 passengers</p> <p>(c) Use of harbour by small passenger boats licensed to carry up to 12 passengers</p> <p>(d) Use of harbour by cruise vessels on an international voyage</p> <p>All passenger vessels are also subject to Charge No. 7.</p> | <p>€85.00 per entry, or €8,500.00 per calendar year payable in advance</p> <p>€46.00 per entry, or €4,600.00 per calendar year payable in advance</p> <p>€17.00 per entry, or €1,150.00 per calendar year payable in advance</p> <p>€1.20 per passenger per entry</p> |

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|---------------------------------------|---|---|
| <p style="text-align: center;">11</p> | <p>(a) Use of slipway for launch and recovery of pleasure craft (except boats serving swinging moorings)</p> <p>(b) Use of slipway for inspection/wash down of fishing vessel or pleasure craft or passenger vessels licensed to carry less than 12 passengers</p> <p>(c) Use of slipway for inspection/wash down of passenger vessel capable of carrying more than 12 passengers</p> | <p style="text-align: center;">€5.00 per day or €100.00 per annum</p> <p style="text-align: center;">€30.00 per day</p> <p style="text-align: center;">€100.00 per day</p> |
| <p style="text-align: center;">12</p> | <p>Use of syncrolift-</p> <p>(a) Lifting and lowering</p> <p>(b) Transferring to loading bay</p> <p>(c) Standing in repair bay for 1 to 28 days (except when a vessel has to remain in repair bay to facilitate an inspection by a government body)</p> <p>(d) Standing in repair bay 29 days and over (except when a vessel has to remain in repair bay to facilitate an inspection by a government body)</p> <p>(e) Standing in covered repair bay</p> <p>(f) Supply of waste skip</p> <p>(g) Supply of water</p> <p style="padding-left: 40px;">where metering is not available</p> <p style="padding-left: 40px;">where metering is available</p> | <p style="text-align: center;">€20.00 per metre length</p> <p style="text-align: center;">€10.00 per metre length</p> <p style="text-align: center;">€100.00 per day</p> <p style="text-align: center;">€200.00 per day</p> <p style="text-align: center;">€100.00 per day extra</p> <p style="text-align: center;">€250.00 per lift</p> <p style="text-align: center;">€30.00 per day</p> <p style="text-align: center;">€3.00 per cubic metre</p> |

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| 13 | <p>Yachts and Pleasure crafts - Berthing spaces subject to availability and at the discretion of the Harbour Master. Electricity and water charges will also apply.</p> <p>Annual rate (1st April to 31st March) Summer rate (1st April to 30th September) Winter rate (1st October to 31st March)</p> <p>Short stay during working hours and not on berth later than 1700 hours (maximum six hours)</p> <p>Overnight rate (6 to 24 hours)</p> <p>Weekly rate (1st April to 30th September) Weekly rate (1st October to 31st March) Monthly rate (1st April to 30th September) Monthly rate (1st October to 31st March)</p> | <p>Payable on entering the harbour and in advance.</p> <p>€250.00 per metre €200.00 per metre €140.00 per metre</p> <p>€10.00</p> <p>€2.50 per metre with a minimum charge of €15.00</p> <p>€20.00 per metre €15.00 per metre €60.00 per metre €40.00 per metre</p> |
| 14 | Miscellaneous pier cleaning and disposal of abandoned waste | Full cost of cleaning and waste disposal plus an additional €500 |
| 15 | Goods improperly stored or causing an obstruction or not approved by the Harbour Master | €100 per day |
| 16 | Release of property or goods impounded | €250 |
| 17 | Car Parking 8am to 8pm (if applicable) | €1.00 per hour or €8.00 per day |
| 18 | Lorry Parking at all times | €10.00 per hour |
| 19 | Trailer Parking at all times | €10.00 per hour |

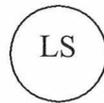
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| 20 | Release of car/lorry/trailer clamp | €150.00 |
| 21 | (a) Small Craft Storage up to 5.5 metres (b) Small Craft Storage 5.6 – 8 metres (c) Small Craft Storage over 8 metres | €10.00 per week €15.00 per week €20.00 per week |
| 22 | (a) Use of swinging moorings by vessels up to 5.5 metres in length (b) Use of swinging moorings by vessels over 5.5 metres in length | €200.00 per year €300.00 per year |
| 23 | (a) Operation of mobile crane on a normal working day (b) Operation of mobile crane on weekends and Public Holidays All machinery should fully comply with Health & Safety Regulations and Harbour Best Practice Procedures | €50.00 per day €200.00 per day |
| 24 | Disposal of ship generated waste *- A vessel of - (a) Less than 10 GT (b) 10 or more GT (c) 20 or more GT (d) 30 or more GT (e) 100 or more GT *Note: 1. This charge is mandatory on all vessels using a Fishery Harbour Centre whether or not waste is disposed of. 2. If a charge for disposal of waste is levied at one Fishery Harbour Centre in a month this charge will not be levied in another Fishery Harbour Centre used within that month. | €20 per month €40 per month €60 per month €80 per month €100 per month |

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| 25 | Unauthorised use of berth or mooring | €500.00 per day |
| 26 | Supply of electricity where power cards are not available | Charged at the prevailing VAT inclusive electricity rate plus a 10% administration fee |
| 27 | Use of Weighbridge for- Weighing of fish (The charge will not apply to the weighing of fish arising from obligations under Council Regulation (EC) No. 1224/2009 of 20 November 2009 ¹ and Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 ²) Weighing of all other loads on a normal working day Weighing of all other loads at weekends and Public Holidays | €10.00 per weighing €30.00 per weighing day €100.00 per weighing |
| 28 | Use of Forklift, Harbour Launch and other Harbour Equipment (if available and at the discretion of the Harbour Master) a) During a normal working day b) At weekends and Public holidays Note: Harbour equipment will at all times be operated by Harbour Staff | €50.00 per hour €100.00 per hour |
| 29 | Lay down Charges | €2.00 per metre squared per month |

¹ OJ L 343, 22.12.2009

² OJ L 112, 30.4.2011

Given under my Official Seal,



SIMON COVENEY

Minister for Agriculture, Food
and the Marine.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

This Order prescribes revised rates and charges applicable at Fishery Harbour Centres with effect from (DATE)

Public Consultation