



STATUTORY INSTRUMENTS.

S.I. No. 214 of 2012



FISHERY HARBOUR CENTRES (RATES AND CHARGES) ORDER
2012

FISHERY HARBOUR CENTRES (RATES AND CHARGES) ORDER
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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. (1) This Order may be cited as the Fishery Harbour Centres (Rates and Charges) Order 2012.

(2) This Order shall come into operation on 1 July 2012.

2. In this Order—

“fish” includes anadromous and catadromous species and all crustaceans and molluscs found in the sea and the brood and spawn of fish, and references to a fish are to be read as including references to part of that fish;

“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;

“length” and “length overall” have the meaning assigned to them by Regulation 2 of the Mercantile Marine (Tonnage) Regulations 2007 (S.I. No. 369 of 2007);

“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.

3. (1) Each rate or charge specified in column (3) of Schedules 1 and 2 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 each Schedule in the following centres:

- (a) Castletownbere Fishery Harbour Centre;
- (b) Dunmore East Fishery Harbour Centre;
- (c) Howth Fishery Harbour Centre;
- (d) Killybegs Fishery Harbour Centre;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 26th June, 2012.*

(e) Rossaveel Fishery Harbour Centre;

(f) Dingle Fishery Harbour Centre.

(2) The rates or charges in Schedule 2 are fixed as the maximum rates or charges chargeable in respect of the use of the facility or service described.

(3) The rates or charges specified in the Schedules in respect of a 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 90 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.

SCHEDULE 1

Charge Number (1)	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 per gross ton per calendar year payable in advance
2	Single harbour entry charge for any fishing vessel using the harbour facilities	€0.50 per gross ton
3	Harbour entry charge for merchant vessel	€0.50 per gross ton
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 2 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 1 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 calendar year available, whichever is the higher, will be substituted.</i></p> <p>(e) fish for reduction to fishmeal</p>	<p>€4 per tonne/ €0.20 per 50 kg</p> <p>€10 per tonne/ €0.50 per 50 kg</p> <p>€40 per tonne/ €2 per 50 kg</p> <p>€14 per tonne/ €0.70 per 50 kg</p> <p>€2 per tonne/ €0.10 per 50 kg</p>
5	Landing of whitefish (to include the use of harbour in connection with harbour entry, discharging of whitefish, use of fresh water and disposal of ship generated waste). 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.	€400 per landing
6	<p>Use of harbour in connection with the loading of frozen fish</p> <p><i>Note: In the case of a Single Cargo Movement (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 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.</i></p>	€2 per tonne

Charge Number (1)	Description of Facility or Service (2)	Rate or Charge (3)
7	<p>Use of harbour by tug boats and other non-fishing vessels, other than yachts, pleasure craft, and tug boats set out in (c) below, for purposes other than loading or discharging:</p> <p>(a) after 7 days</p> <p>(b) after 28 days</p> <p>(c) tug boats normally located at a Fishery Harbour Centre for 180 days or more in a calendar year and offering tug boat services to Fishery Harbour Centre users</p>	<p>€0.30 per gross ton per week</p> <p>€1 per gross ton per week</p> <p>€200 per calendar year payable in advance</p>
8	<p>Use of harbour by vessels not registered as fishing vessels or not holding a current sea-fishing boat licence, by deregistered fishing vessels, by hulks, derelicts or any other vessel not otherwise specified in this Order:</p> <p>(a) up to 20m in length:</p> <p>(i) for first 6 weeks</p> <p>(ii) for second 6 weeks</p> <p>(iii) for thereafter</p> <p>(b) over 20m in length:</p> <p>(i) for first 6 weeks</p> <p>(ii) for second 6 weeks</p> <p>(iii) for thereafter</p>	<p>€75 per week</p> <p>€150 per week</p> <p>€300 per week</p> <p>€100 per week</p> <p>€200 per week</p> <p>€400 per week</p>
9	<p>Use of fresh water (mandatory on all vessels using a Fishery Harbour Centre whether or not they use fresh water) other than vessels paying under charge no. 5 and charge no. 10 in this Schedule and charge no. 17 in Schedule 2:</p> <p>(a) fishing vessels (6 metres or more in length overall — Loa)</p> <p>(b) pelagic vessels</p> <p>(c) all other vessels</p> <p>*Note: If a charge for fresh water is levied at one Fishery Harbour Centre this charge will not be levied in another Fishery Harbour Centre used within that month.</p>	<p>€30 per month per vessel or €2.50 per cubic metre metered</p> <p>€90 per month per vessel or €2.50 per cubic metre metered</p> <p>€2.50 per cubic metre metered</p>

Charge Number (1)	Description of Facility or Service (2)	Rate or Charge (3)
10	(a) Use of harbour by a passenger vessel engaged on a domestic voyage and with a permitted complement of 100 passengers or more (b) Use of harbour by a passenger vessel with a permitted complement of 13 to 99 passengers: (i) less than 14 meters in length (ii) 14 meters or more in length (c) Use of harbour by small passenger boats licensed to carry up to 12 passengers (d) Use of harbour by cruise vessels on an international voyage	€85 per entry, or €8,500 per calendar year payable in advance €25 per entry, or €2,500 per calendar year payable in advance €40 per entry, or €4,000 per calendar year payable in advance €17 per entry, or €1,150 per calendar year payable in advance €1.20 per passenger per entry
11	(a) Use of slipway for launch and recovery of pleasure craft (except boats serving swing moorings) (b) Use of slipway for inspection or wash down of fishing vessel or pleasure craft or passenger vessel licensed to carry less than 12 passengers (c) Use of slipway for inspection or wash down of passenger vessel capable of carrying 12 or more passengers	€5 per boat per day or €50 per boat per annum €30 per day €100 per day
12	Use of syncrolift for— (a) lifting and lowering (b) transferring to loading bay (c) standing in repair bay for 1 to 28 days (except when a vessel has to remain in repair bay to facilitate an official inspection) (d) standing in repair bay 29 days or more (except when a vessel has to remain in repair bay to facilitate an official inspection) (e) standing in covered repair bay (f) supply of waste skip (g) supply of water: (i) where metering is not available (ii) where metering is available	€20 per metre in length/length overall (Loa) €10 per metre in length/length overall (Loa) €100 per day €200 per day €100 per day extra €250 per lift €30 per day €2.50 per cubic metre

SCHEDULE 2

Charge Number (1)	Description of Facility or Service (2)	Rate or Charge (3)
1	Miscellaneous pier cleaning and disposal of abandoned waste	Full cost of cleaning and waste disposal plus an additional €500
2	Goods improperly stored or causing an obstruction or not approved by the Harbour Master	€100 per day
3	Release of property or goods impounded	€250
4	Car parking — 8am to 8pm	€1 per hour or €8 per day
5	Lorry parking (unattended) at any time	€5 per hour
6	Trailer parking (unattended) at any time	€5 per hour
7	Release of car/lorry/trailer clamp	€150
8	(a) Small craft storage under 6 metres length (b) Small craft storage 6 — 8 metres length (c) Small craft storage over 8 metres length	€10 per week €15 per week €20 per week
9	(a) Use of swing moorings by vessels up to 5.5 metres in length (b) Use of swing moorings by vessels over 5.5 metres in length	€200 per year €300 per year
10	Disposal of ship generated waste*. A vessel of — (a) less than 10 gross tons (b) 10 or more gross tons (c) 20 or more gross tons (d) 30 or more gross tons (e) 100 or more gross tons *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
11	Unauthorised use of berth or mooring	€500 per day

Charge Number (1)	Description of Facility or Service (2)	Rate or Charge (3)
12	Supply of electricity where power cards are not available	Charged at the prevailing electricity rate (including VAT) plus a 10% administration fee
13	Use of weighbridge for— (a) weighing of fish (This charge shall 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 , as may be amended.) (b) weighing of all other loads on a normal working day (c) weighing of all other loads at weekends and public holidays	€10 per weighing €30 per weighing €100 per weighing
14	Use of a Fishery Harbour Centre 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 per hour €100 per hour
15	Use of harbour in connection with the loading and discharging of cargo as follows: (a) metals — girders, mesh, steel tubes, pipes, etc. (b) timber — hard, soft, logs, poles, etc. (c) sand, gravel, crushed stone, etc. (d) offshore oil or gas related exploration or production goods (e) bagged coal (f) cement, concrete products (g) animal feed and grain (h) machinery, manufactured from metals and non-ferrous metals (i) cargo (other than those specified in this charge number)	€1.20 per tonne €1 per tonne €1.25 per tonne €1.05 per tonne €0.90 per tonne €1.10 per tonne €1 per tonne €2 per tonne €2 per tonne
16	Lay down charges	€2 per metre squared per month

¹OJ No. L.343 of 22.12.2009, p.1.

²OJ No. L.112 of 30.4.2011, p.1.

Charge Number (1)	Description of Facility or Service (2)	Rate or Charge (3)
17	Berthing of yachts and pleasure crafts: (a) annual rate (1 April to 31 March) (b) summer rate (1 April to 30 September) (c) winter rate (1 October to 31 March) (d) short stay during working hours and not on berth after 5 p.m. (maximum 6 hours) (e) overnight rate (6 to 24 hours) (f) weekly rate (1 April to 30 September) (g) weekly rate (1 October to 31 March) (h) monthly rate (1 April to 30 September) (i) monthly rate (1 October to 31 March) *Note: Berthing spaces are subject to availability and at the discretion of the Harbour Master. Electricity charges will also apply.	Payable on entering the harbour or in advance €180 per metre in length €150 per metre in length €80 per metre in length €10 €2 per metre in length with a minimum charge of €15 €14 per metre in length €12 per metre in length €50 per metre in length €35 per metre in length



GIVEN under my Official Seal,
21 June 2012.

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 1 July 2012.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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