

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3775 of 1 April, 2010

LEGAL NOTICE NO. 72 OF 2010.

PORT ACT

**PORT OPERATIONS (REGISTRATION AND LICENSING) ACT
2005**

PORT (AMENDMENT) RULES 2010

In exercise of the powers conferred on it by section 19 of the Port Act, and on the Minister by section 16 of the Port Operations (Registration and Licensing) Act and all other enabling powers, the Government has made the following rules—

Title and commencement.

1. These rules may be cited as the Port (Amendment) Rules 2010 and come into operation on 1 April 2010.

Amendments to the Port Rules.

2. Schedule 4 to the Port Rules is replaced by the following—

“SCHEDULE 4

Rule 17

1. Tonnage dues.

- (a) Subject to sub-paragraphs (b), (c) and (d) below, the following tonnage dues shall be payable by all vessels except passenger vessels, arriving at, touching at, or having communication with Gibraltar, or the anchorage, port or harbour thereof in respect of each period of forty eight hours or part thereof that a vessel remains at Gibraltar—

GRT

£

Vessels up to 1,000 GRT	52.00
Vessels 1,001 GRT and up to 5,000	101.00
Vessels 5,001 GRT and up to 10,000	210.00
Vessels 10,001 GRT and up to 15,000	278.00
Vessels 15,001 GRT and up to 30,000	528.00
Vessels 30,001 GRT and up to 50,000	963.00
Vessels 50,001 GRT and up to 70,000	1,758.00
Vessels 70,001 GRT and up to 100,000	2,275.00
Vessels 100,001 GRT and up to 150,000	2,500.00
Vessels greater than 150,001 GRT	3,000.00

- (b) the tonnage dues set out in sub-paragraph (a) above shall include—
- (i) the component of charges set by the Minister with responsibility for the Port and Shipping for the purpose of regulation 14 of the Gibraltar Merchant Shipping (Port Waste Reception Facilities) Regulations, 2002 (Legal Notice No. 98 of 2002); and
 - (ii) any costs involved in connection with the provision of port security;
- (c) the component of tonnage that relates to charges or costs referred to in sub-paragraph (b) above shall only be paid once in respect of each call at Gibraltar by a vessel;
- (d) except in the case of the component of tonnage that relates to charges or costs referred to in sub-paragraph (b) above, the following discounts on the standard rates of tonnage shall apply to the specified classes of vessel—

Vessels calling to discharge/load containers	30%
Bunker calls	50%
Vessels within dry dock	100%

2. Passenger ships: tonnage dues.

The following tonnage dues shall be payable by all passenger vessels arriving or touching at Gibraltar or the anchorage, port or harbour—

GRT	£
Vessels up to 10 GRT	15.00
Vessels 10 GRT and up to 50	17.50
Vessels 50 GRT and up to 200	22.50
Vessels 200 GRT and up to 1,000	32.50
Vessels 1,000 GRT and up to 1,500	40.00
Vessels 1,500 GRT and up to 2,000	47.50
Vessels 2,000 GRT and up to 5,000	75.00
Vessels 5,000 GRT and up to 7,000	80.00
Vessels 7,000 GRT and up to 10,000	87.50
Vessels 10,000 GRT and up to 15,000	90.00
Vessels 15,000 GRT and up to 20,000	97.50
Vessels 20,000 GRT and up to 30,000	105.00
Vessels 30,000 GRT and up to 40,000	112.50
Vessels 40,000 GRT and up to 50,000	120.00
Vessels 50,000 GRT and up to 70,000	135.00
Vessels 70,000 GRT and up to 100,000	150.00
Vessels greater than 100,000 GRT	200.00

3. Passenger charges.

- (a) there shall be paid in respect of every fare-paying passenger on departure from or upon arrival in Gibraltar by ferry, nil;
- (b) subject to sub-paragraph (c), there shall be paid in respect of every fare-paying passenger on arrival £1 and departure £1 in Gibraltar by cruise ship;
- (c) the sum to be paid under sub-paragraph (b) shall be reduced according to the following table below.

Number of Calls at Gibraltar in a calendar Year	Reduction
2 to 4	10%
5 to 10	35%
11 to 19	50%
20 or More	75%
Ship Commencing and Terminating a Cruise at Gibraltar	100%

- (d) For the purposes of calculating the number of calls made in sub-paragraph (c), call made by any cruise ship which is—
- (a) operated by the same company; and/or
 - (b) marketed under the same company brand,
- shall be aggregated, and the relevant reduction shall apply in respect of each such cruise ship.

4. Non-touching Tonnage Dues (Off Port Limit A).

Operations that take place within British Gibraltar Territorial Waters which do not require the vessel to anchor or touch upon Gibraltar are charged at the following rates—

GRT	£
Vessels up to 1,000 GRT	40.00
Vessels 1,001 GRT and up to 5,000	75.00
Vessels 5,001 GRT and up to 10,000	145.00
Vessels 10,001 GRT and up to 15,000	155.00
Vessels 15,001 GRT and up to 30,000	195.00
Vessels 30,001 GRT and up to 50,000	295.00
Vessels 50,001 GRT and up to 70,000	505.00
Vessels 70,001 GRT and up to 100,000	605.00
Vessels 100,001 GRT and up to 150,000	630.00
Vessels greater than 150,001 GRT	840.00

5. Berthing Charges.

In addition to the tonnage dues payable under paragraph 1 of this Schedule, berthing charges shall be payable by every vessel which is berthed at, or alongside, any quay, wharf or jetty in the port or harbour of Gibraltar at the following rates—

- (a) Home trade vessels not exceeding 1000 Tons Gross other than vessels detailed under (i) 6p
- (b) Home trade vessels over 1000 Tons Gross other than vessels detailed under (d) (e) (f) (g) or (i) 8p
Full Rate

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| (c) | Foreign going vessels other than vessels detailed under (d) (e) (f) (g) (h) or (i) | 8p
Full Rate |
| (d) | For every vessel berthing at the detached mole solely and exclusively for repairs or for underwater cleaning | 5p |
| (e) | For every vessel berthing anywhere in the port other than the detached mole solely and exclusively for repairs or for underwater cleaning | 11p |
| (f) | For every vessel berthing solely and exclusively for bunkers or to take on supplies of fresh water or discharging slops while alongside a berth whilst so bunkering or taking on supplies of fresh water or discharging slops while alongside a berth | 3p
Bunkers |
| (g) | For every cruise ship | 1p
Cruise |
| (h) | Home trade and foreign going vessels laid up or under Admiralty arrest | 6p |
| (i) | All vessels the master, owner or agents of which the time of berthing express the intention of remaining in Gibraltar for a period in excess of three months and remain for such period | At such rate as may be agreed with the Captain of the Port |
| (j) | For every vessel discharging any Cargo at the Port | 8p
Full Rate |
| (k) | For every passenger ferry registered in Gibraltar and operating a regular service within a distance of 50 miles from Gibraltar | 3p |
| (l) | For every pure car carrier over 20,000 Tons Gross discharging at the Port | 6p |

- (m) Any other category not listed above 8p

The above rates for vessels under all sub-paragraphs are chargeable from the time of arrival alongside with a minimum charge per vessel of £5 per 24 hours of part thereof – charges are per 24 hour period supplement 1p per GRT beyond.

Vessels chargeable under sub-paragraph (f)–

- (i) may take on ship's stores for consumption on board without becoming liable to be charged under any other sub-paragraph but shall, if passengers (whether fare paying or not) embark or disembark or if cargo (whether freight earning or not) is loaded or discharged, cease to be chargeable under that sub-paragraph and be charged under sub-paragraph (a) (b) (c) (d) (e) (g) (h) (i) (j) (k) (l) or (m) whichever may be appropriate;
- (ii) may, in the discretion of the Captain of the Port, be allowed to be berthed for a period not exceeding 4 hours whilst such vessel is not bunkering or taking on supplies of fresh water: provided that if the vessel stays longer for whatever reason it shall be charged under sub-paragraph (a) (b) or (c) as appropriate.

Berthing charges shall run continuously, irrespective of changes of berth during any one call, except where berthing is discontinued for a period exceeding three hours when berthing charges shall be payable afresh on reberthing.

Harbour craft which are exclusively used within the port of Gibraltar and do not proceed to sea and which are licensed by the Captain of the Port under these Rules or under the Licensing and Fees Act, shall be exempt from berthing charges.

A vessel shall be deemed to be berthed until the last mooring rope is cast off.

6. Small Boat Moorings.

Length of Boat	Yearly Rate (Payable Quarterly)	Weekly Rate
Up to 15 feet	£20	38p
Over 15 feet but not exceeding 20 feet	£40	77p
Over 20 feet but not exceeding 25 feet	£80	£1.54
Over 25 feet but not exceeding 30 feet	£120	£2.31
Over 30 feet but not exceeding 40 feet	£200	£3.85
Over 40 feet but not exceeding 50 feet	£320	£6.15
Over 50 feet	£480	£9.23

7. Boat, Lighter and Pontoon licences for use within the Port.

The following fees are payable annually in advance on 1 January each year—

For a motor boat or launch	£50.00
For a Lighter, per tonne deadweight (subject to a minimum of £100)	£0.50
For a Pontoon of any description	£10.00
For a Pleasure boat over 10 feet in length (excluding surfboards and sailboats)	£25.00

For Jet Skis	£10.00
For a carrier of petroleum, water or any other product (other than a lighter) used within the port whether seagoing or not, per tonne deadweight (subject to a minimum of £100)	£0.50
For a workboat under 50 tons gross	£250.00
For a workboat over 50 tons gross	£1,000.00
For a pilot launch used only for embarking and disembarking by pilots and running ships mooring lines.	Free

8. Guards.

The following charges shall be payable for the services of guards supplied by the Captain of the Port for any purposes of the Quarantine Rules, the Port Rules or the Admiralty Waters (Gibraltar) Regulations, 1972:

Per guard per hour or part thereof	£15.00
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9. Hire.

The following hire charges shall be payable—

(a) Port Launch

Weekdays (excluding public holidays) between 8.00 am and 5.00 pm	£110 per hour
Weekdays (excluding public holidays) between 5.00 pm and 8.00 am	£220 per hour
Weekends and public holidays	£220 per hour

(b) Floating fender

For the first 30 days hire	£30 per day or part of a day
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Thereafter £15 per day
or part thereof

Charges for Port Operations.

(a) Registration as Port employer for an entity first registered after 3 May 2001	£1,000
(b) Annual re-registration as a Port employer.	£100
(c) Annual Fee for a—	
(i) Bunkering Licence	£10,000
(ii) STS Operators Licence	£1,000
(iii) Stevedoring Licence	£3,000
(iv) Ship Repair Licence	£1,000
(v) Ship Agency Licence	£1,000
(vi) Ship Chandlery Licence	£1,000
(vii) Mooring and Rigging Licence	£1,000
(viii) Tug Operators Licence	£1,000
(ix) Tug and Barge Operators Licence	£1,000
(x) Waste Management Licence	£1,000
(xi) Diving Operators Licence	£1,000
(xii) Recovery of Debris from Sea	£1,000
(xiii) Skip Hire and waste removal Operators Licence	£1,000
(xiv) Oil Pollution and Response Operators Licence	£1,000
(xv) Any other Port Operator Licence	£1,000
(xvi) Ancillary service provider	£250
(xvii) Dolphin Boat operators Licence	£250

Part 2

Fees for registration and re-registration of port workers:

1. Annual fee for registration of a port worker	£2
2. Annual fee for re-registration of a port worker	£2

Part 3

Fees for certificates and licences:

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| 1. | Fees for the issue or renewal of a certificate of registration as a port operator | £5 |
| 2. | Fees for the issue or renewal of a certificate of registration as a port worker | £5 |
| 3. | Fee for the issue of a duplicate certificate | £5 |
| 4. | Fee for the endorsement of a certificate of registration | £5 |
| 5. | Fee for the amendment of a certificate of registration | £5 |

Part 4

Fees for inspection and copies:

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| 1. | Fee for inspection of a licence | £10 |
| 2. | Fee for a certified copy of a licence or certificate | £5 |
| 3. | Fee for inspection of an application | £5 |
| 4. | Fee for a copy of an application | £5 |

10. Bunkering charges.

Charge in respect of the first grant of bunkering Licence £250,000

In addition to any other charges payable under these Rules 9p
there shall be payable in respect of every vessel that takes
on board bunker fuel for its own use or for export, a
bunkering charge at the following rate per tonne of
bunker fuel supplied.

Ship to ship operations:

(a) Charge for Verification and Audit of delivering vessel £1,000
(applicable to all vessels)

(b) Commercial STS operations excluding delivery of Fuel Oil

to Motherships:

Tonnage transferred	
Less than 50,000 metric tonnes	£5,000
50,001-100,000 metric tonnes	£9,000
100,001-150,000 metric tonnes	£13,000
150,001-200,000 metric tonnes	£17,000

11. Miscellaneous charges.

Overland containers unloading at Port	£50
Issue of what is commonly known as a Suez Canal Certificate	£250
Pratique certificates including for Super Yachts of overall length greater than 20 metres	£250
Issue of harbour craft passenger certificates	£100
Petroleum Licence	£200
Pleasure boat licence	£20
Issue of a duplicate pleasure boat licence	£10
Amendment of a pleasure boat licence	£5
Any other certificate	£100

12. Space for storage.

A person who wishes to use any space for the storage of oil drums or anything else within the confines of the Port at a location approved by the Captain of the Port shall be liable to pay a fee @ £2.50 per sq.ft.

13. Portacabins.

An operator wishing to have a portacabin shall be liable to pay a fee @ £2.50 per sq. ft.”.

Dated 1st April, 2010.

J J HOLLIDAY,
Minister with responsibility for the port and shipping.

EXPLANATORY MEMORANDUM

These rules increase some of the fees due for Port Operations.