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Maritime (Marine Safety Charges—Aids to Navigation Levy) Regulations 2014

IN exercise of the powers conferred upon me by section 242 of the Maritime Transport Decree 2013, I hereby make these Regulations—

Short title and commencement

1. These Regulations may be cited as the Maritime (Marine Safety Charges – Aids to Navigation Levy) Regulations 2014 and shall come into force on a date or dates appointed by the Minister by notice in the *Gazette*.

Interpretation

2. In these Regulations, unless the context otherwise requires,—

"aids to navigation" shall have the same meaning as defined under section 2 of the Decree;

"Authority" means the Maritime Safety Authority of Fiji;

"Chief Executive Officer" means the Chief Executive Officer of the Authority;

"cruise ship" means a passenger ship used for foreign voyages taking passengers on an extended cruise with several enroute stops at different ports or places;

"Decree" means the Maritime Transport Decree 2013;

"Fiji Government ship" shall have the same meaning as defined under section 2 of the Ship Registration Decree 2013;

"Fiji Ship" shall have the same meaning as defined under section 2 of the Ship Registration Decree 2013;

"Fiji waters" shall have the same meaning as defined under section 2 of the Decree;

"foreign ship" shall have the same meaning as defined under section 2 of the Decree;

"marine safety charges" means, for the purpose of these Regulations, fees charged for the provision of aids to navigation in Fiji waters;

"ship" shall have the same meaning as defined under section 2 of the Decree; and

"vessel" means a boat or craft carried on a cruise ship for the purpose of embarking or disembarking its passengers.

Objectives

3. The objectives of these Regulations are to—

   (a) prescribe the marine safety charges payable by ships in respect of the provision of aids to navigation;

(b) prescribe the manner and the time by which marine safety charges are payable; and

(c) exclude certain ships from the payment of marine safety charges.

Application

4. Subject to regulation 8, these Regulations shall apply to all Fiji ships and foreign ships—

(a) calling into any port in Fiji; or

(b) calling from one port to another port within Fiji.

Scale of marine safety charges

5. The owner of a ship, other than a ship specified in regulation 8, shall be liable to pay marine safety charges for each time the ship enters a port in accordance with the scale set out in the Schedule.

Coasting ships

6. Notwithstanding regulation 5, the owner of a ship in respect of which a Coasting-trade Licence or Sea Route Licence is in force shall not be liable for the payment of marine safety charges on more than 6 occasions during any period of 12 consecutive months.

Reduction of fees

7. Notwithstanding regulation 5, the owner of a ship that does not load or offload cargo or passengers in a port but enters a port to take on supply of water or for repairs shall only be liable to pay marine safety charges at half the rate that would otherwise be applicable to the ship.

Exempt ships

8. The following ships shall be exempt from the payment of marine safety charges—

(a) a Fiji Government ship;

(b) a ship in the service of a foreign government that is not conveying goods or passengers for commercial gain;

(c) a ship that returns to a port through stress of weather, or due to any other similar unforeseeable circumstances, for repair;

(d) a punt or lighter or any other ship within Fiji, which is not propelled by sail or mechanical power; or

(e) yachts not engaged in any commercial activity except superyachts under the Superyacht Charter Decree 2010.

Calculating marine safety charges

9.—(1) For the purpose of the Schedule, but subject to sub-regulation (2), the tonnage of a ship is—

(a) the registered net tonnage as stated on its Tonnage Certificate; or

(b) where no Tonnage Certificate has been issued in respect of a ship, the net tonnage of the ship as calculated by the Chief Executive Officer in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969 as amended.

(2) Where goods carried in any space on a ship are not included in its registered tonnage, the tonnage of the space occupied by the goods shall be added to the registered tonnage of the ship.

(3) For the purpose of sub-regulation (2), the tonnage space occupied by the goods shall be ascertained by multiplying the mean length, breadth and depth of that space in metres and dividing the result by 2.83 and the figure obtained shall be the tonnage of that space.

(4) In calculating the amount of marine safety charges payable in respect of a ship where its tonnage is not a multiple of 10, any tonnes in excess of a multiple of 10 not exceeding 5 tonnes shall be disregarded and any such tonnes in excess of 5 tonnes or more shall be rounded off to the next multiple of 10.

(5) For the purpose of the Schedule, marine safety charges shall be applicable to any vessel carried on-board a visiting cruise ship if—

    (a)   the ship makes a call at one or more ports in Fiji for the purpose of disembarking passengers for a visit ashore and for subsequent re-embarkation (whether or not at the same port); and

    (b)   at no time during the voyage does the vessel—

        (i)   embark or disembark other passengers; or

        (ii)   load or discharge any cargo or mail,

at a port of Fiji in excess of 5% of the ship's maximum carrying capacity.

Payment of marine safety charges

10. Marine safety charges shall be paid to the Chief Executive Officer and are due for payment upon the arrival of the ship at a port.

Use of marine safety charges

11. The marine safety charges shall be used for the following purposes—

    (a)   establishment, alteration, relocation and maintenance of aids to navigation; and

    (b)   any other activity or expenses related to aids to navigation.

Repeal

12. The Marine (Light Dues) Regulations 1990 are hereby repealed.

Made this 14th day of December 2014.

P. TIKODUADUA
Minister for Infrastructure and Transport