

No. 797

10 September 2010

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**FISHING HARBOUR FEES**

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, acting with the concurrence of the Minister of Finance, under Section 27(3) of the Marine Living Resources Act, 1998 (Act no. 18 of 1998) amend the fees payable for the use of fishing harbour facilities as set out in the Schedule hereto.

TINA JOEMAT-PETTERSSON

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act bears that meaning, unless the content otherwise indicates –

“the Act” means the Marine Living Resources Act, 1998(Act No. 18 of 1998);

“Active lay-up” means a vessel that is moored for a period that is longer than the norm for purposes of being repaired, altered, modified in part or whole or for some other acceptable on-going purpose, but where such vessel does not pose a threat or danger to other vessels in the harbour or to other harbour-users;

“Alongside” means in relation to section 2 item A double and multiple banked vessels directly or indirectly secured to the structures mentioned;

“Commercial activity or commercial use” means an activity or use with the purpose to secure a financial return;

“Fishing vessel” means a vessel engaged in sea fishing for financial gain or reward;

“Hawker” means any person who does not use a fixed structure or semi fixed structure and does not lease a temporary site to trade from;

“leisure or recreational vessel” means a vessel that is used for the activity other than a commercial activity or any use other than commercial use;

“Mediterranean mooring” means the configuration of mooring a vessel so that its bow or stern is fastened to a quay, jetty, sea-wall, or breakwater, whilst its stern or bow (as applicable) is fastened to an anchor or block on the harbour floor, via a mooring line;

“normal working hours” means Mondays to Fridays (excluding public holidays): (08h00 to 16h00);

“passenger” means any person carried in a vessel except a person employed or engaged in any capacity on board the vessel on the business of the vessel and a child under one year of age.

“per week or part thereof”, means the period extending from Monday to Sunday;

“per year”- or “per month or part thereof” means the period extending from 01 January to 31 December of a calendar year or from the first to the last day of a month;

“Register tons and register tonnage” has the meaning ascribed to it in section 1 of the Merchant Shipping Act No. 57 of 1951.

“Safety Certificate” means a certificate issued under section 194(1)(a) or (b)(ii) of the Merchant Shipping Act, 1951(Act No. 57 of 1951);

“swing mooring” means a mooring configuration where the vessel is moored by one mooring line attached at one end to the bow and the other end to an anchor or block on the harbour floor.

“trader” means a person who uses a fixed structure or semi fixed structure and leases a temporary site to trade from;

“trot mooring” shall mean a configuration where a vessel is moored by means of fastening two mooring lines, one from the bow and the other from the stern, each fastened at their other ends to their own anchor or block on the harbour floor; and

“unseaworthy vessel” means a vessel that is not in a fit state as to the condition of its hull, equipment or machinery, the stowage of her cargo or ballast and fuel, or the number or qualifications of her master or crew, her provisions and in all other relevant respects, to encounter the ordinary perils of the purpose to which the vessel is engaged or about to be placed or does not have a valid Safety Certificate

2. Accommodation of vessels:

A. All seaworthy registered commercial and non-commercial vessels (fishing boats, leisure/recreational and other vessels) in active lay-up:

(i)	Mooring alongside Departmental quays, break-waters, jetties, sea-walls:	<i>Per day</i>	<i>Per month</i>	<i>Per annum</i>
	Per full meter of total boat length	R1,00	R9,60	R38,50
	Exceeding 8 meters: Additional charge per full meter of boat length	R1,90	R19,25	R77,00
(ii)	Mooring at a Departmental block or Departmental anchor point (“swing” mooring, Mediterranean mooring or “trot” mooring):	70% of tariff 2.A (i)		
(iii)	Mooring at a Departmental off-loading jetty other than during an off-loading operation (daily tariff only);	5 x tariff 2.A (i)		
(iv)	Mooring at a Departmental repair jetty:	1,5 x tariff 2.A (i)		
(v)	Mooring at own mooring or own jetty:	70% of tariff 2.A (i)		
(vi)	Where the vessel and vessel owner are paid-up registered members of a Department-approved boat or yacht club and the vessel is moored at the jetty, quay, marina or equivalent mooring established or constructed and maintained by that club:	90% of tariff 2.A (v)		

B. Vessels which are unseaworthy other than those in active lay-up (monthly tariff only) 5 x tariff 2.A

- C. Harbour lighting and navigation light fees
for any vessel utilizing a proclaimed harbour for
more than 30 days: R121, 00 per year

3. The slipping of vessels at main and side slip-ways (all harbours):

For each 24-hour period or part
thereof, including Saturdays,
Sundays and public holidays
on main and side slipways

- A. For each registered vessel of a gross register
tonnage of less than 25 tons for the first 72
hours on the main or side slip: Once off basic fee of R121,00 plus
R14.00 per full meter of total
vessel length
- B. For each registered vessel of a gross register
tonnage of more than 25 tons for the first 72
hours on the main or side slip: Once off basic fee of R452,00 plus
R1,10 per ton (GRT x 2,83)
- C. For each registered vessel of a gross register
tonnage of less than 25 tons on the side-slip, after the
first 72 hours and up to a maximum of 90
days and thereafter tariff 2.A: 60% of tariff 3.A
- D. For each registered vessel of a gross register
tonnage of 25 tons or more on the side-slip, after the
first 72 hours and up to a maximum of 90
days and thereafter tariff 2.B: 60% of tariff 3.B
- E. Slipping or un-slipping of any vessel outside
normal working hours, Saturdays, Sundays or
Public holidays an additional fee shall be payable: R241,00 per vessel

4. The tariffs as set out in Section 3 above, shall include the slipping and un-slipping of vessels during normal working hours and shall, for all fishing harbours, be:

- (a) measured between the extreme points the nearest full meter (only where the tariff is length-bases) and calculated from the time the slipway takes the vessel until the time the vessel leaves the slipway, and
- (b) payable for each continuous period of 24 hours or part thereof, including Saturdays, Sundays and public holidays, during which the slipway is occupied, excepting that the booking fee is payable in advance in order to secure a position on the slip.

5. Hauling out of vessels at Arniston and Stilbaai:

- A. During normal working hours: R14.00 per vessel

- B. Outside normal working hours: R28,00 per vessel

6. Departmental cranes:

A. Ordinary cranes:

1. Per hour or part thereof during normal working hours: R108,00
2. Per hour or part thereof, outside normal working hours: R176,00

7. Electrical power, availability and consumption, for each 8 hours or part thereof:

- A. per 220 volt, single-phase connection: R30,00
or
- B. per 380 volt, three-phase connection: R53,50
or
- C. Own meter: at the tariff charged from time to time by the relevant supply authority to the Department from place to place

8. Fresh water, availability and consumption:

- A. Charge per connection equal to 25mm in diameter R18,00
or
- B. Charge per connection exceeding 25mm in diameter R33,00
plus
- C. For each kiloliter or part thereof: at the tariff charged from time to time by the relevant supply authority to the Department from place to place

9. Use of Departmental plant and equipment;

- A. Salt water pumps (per connection per hour or part thereof): R67,00
- B. Hydraulic jacks and turfors (per unit per day): R33,00
- C. Ladders (per ladder per day or part thereof): R28,00

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| D. | Scaffolding (per set of two scaffolds and two trestles per day or part thereof): | R28,00 |
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10. Floating Rafts:

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| Per square meter per year or part thereof: | R83,00 |
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11. Temporary leasing of sites:

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| A. | Sites not exceeding 25 square meters for repair and storage of fishing nets: | |
| 1. | On quays and breakwaters (per day or part thereof): | R75,00 |
| 2. | Elsewhere (per day or part thereof): | R11,00 |
| B. | Sites for other purposes; | |
| 1. | On quays and breakwaters (per square meter, per week or part thereof): | R75,00 |
| 2. | Elsewhere: | |
| | (i) Per square meter per week or part thereof: | R2,50 |
| | (ii) Minimum weekly tariff; | R108,00 |
| C. | Sites for social/community carnivals, film shoots, and other unique private commercial or social events: | |
| 1. | Social /community carnivals: | R1 203,00 |
| 2. | Film shoots | R3 005,00 |

NB: Temporary leasing of sites shall be subjected to the approval of the National Department of Public Works.

12. Admission of vehicles:		Per day	Per month	Per annum
A.	All passenger vehicles, up to 14 seats per vehicle, motor cycles and other vehicles not exceeding 3,5 ton	R5,00	R35,00	R217,00
B.	Passenger busses with more than 15, but not exceeding 25 seats, and any other vehicles between 3,5ton and 10 ton	R10,00	R91,00	R541,00
C.	Passenger busses with more than 25 seats, and any other vehicles exceeding 10 ton	R15,00	R180,00	R1 082,00

13. Admission of vessels by road:

A.	Minimum basic charge per vessel	
(i)	Daily entrance	R35,00
(ii)	Monthly entrance	R360,00
(iii)	Yearly entrance	R1 803,00
B.	Charge per trailer	
(i)	Daily entrance	R10,00
(ii)	Monthly entrance	R121,00
(iii)	Yearly entrance	R601,00

14. Hawkers: (not using any fix structure)

All types, per day or part thereof per 6 meter floor area:	R66,00
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15. Traders: (using any semi fix structure e.g single layer container)

All types (for permission to trade) per month or part thereof:	R511,00
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16. Use of fish-cleaning facilities:

A.	Per table, per day or part thereof:	R12,00
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17. Erection and display of advertising signage:

	Per month	Per annum
A.		
Per square meter display area or part thereof, except on a quay:	R 35,00	R121,00
B.		
Per square meter on the quay: (placement subject to discretion of Harbour Manager)	R180,00	R601,00

18. Transport by vessel of passengers for commercial purposes, within or from a fishing harbour:

Per vessel per period or part thereof:-	Per month	Per annum
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A.	Vessels up to 10 meter	R241,00	R1 443,00
B.	Vessels exceeding 10 meter	R601,00	R3 607,00

19. Floating constructions used for commercial purposes, such as a restaurant, place of entertainment, shop or other commercial purposes:

A.	Per area of water-space occupation, determined by multiplying the length of the floating construction by its breadth (per full square meter per month or part thereof:	R13,00
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20. Removal of garbage and cleaning of slip-ways on quay-way and slip-way in harbour area after using of facilities if not removed by user within 2 days, per load of 1 ton or part thereof:

R1 203,00

21. Advance Payments of fees

Annual and monthly fees shall be payable in advance

22. Exemptions:

- (1) The following vehicles are exempted from paying the admission of vehicles fee in terms of section 14:
 - (a) Any vehicle that is being used in connection with construction and maintenance work on behalf of the Department, on any jetty, wharf or on any other Departmental harbour works,
 - (b) Any vehicles belonging to any official entering on official business, S.A.B.S. officials; S.A.P.S; N.S.R.I; ambulances and fire tender; and
 - (c) Busses carrying supervised scholars and teachers on official school outings.
- (2) The Minister may in writing exempt any person or group from any or all of the fees in this Notice, under section 81(1) of the Marine Living Resources Act, 1998 (Act no.18 of 1998)

23. Transitional Provisions

Any permit or ticket which has been issued in accordance with this notice in terms of the Act, and which has not yet expired at the commencement of any amendment thereof, shall be deemed to be a valid permit or ticket issued in terms of this schedule.

24. Repeal of Notice

Government Notice no. 508 dated 25 April 2008 is hereby repealed

25. Commencement

This notice takes effect on 01 October 2010.