

MARINE ACT, 1986

(ACT NO. 35 OF 1986)

Marine (Light Dues) Regulations, 1990

[LEGAL NOTICE NO. 76]

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MARINE (LIGHT DUES) REGULATIONS, 1990

IN exercise of the powers conferred upon me by section 166 and 212 of the Marine Act, 1986, I have made the following Regulations—

Short title

1. These regulations may be cited as the Marine (Light Dues) Regulations, 1990.

Purpose

2. The purpose of these regulations is—

- (a) to prescribe the fees payable by vessels in respect of the provision of navigational aids;
- (b) to prescribe how and when light dues are payable;
- (c) to exclude certain vessels from the payment of light dues.

Scale of light dues

3. The owner of a vessel, other than a vessel specified in regulation 6, is liable to pay light dues in respect of the vessel each time it enters a port in accordance with the scale set out in the Schedule.

Coasting vessels

4. Despite regulation 3, the owner of a vessel in respect of which a coasting-trade licence is in force is not liable for the payment of light dues on more than 6 occasions in any period of 12 months starting on 1 January.

Reduction of fees

5. Despite regulation 3, the owner of a vessel that does not land or load cargo or passengers in a port but enters a port to take on stores of water or for repairs is only liable to pay light dues at half the rate that would otherwise be applicable to the vessel.

Exempt vessels

6. The following vessels are exempt from the payment of light dues—
- (a) a Government vessel;
 - (b) a vessel in the service of a foreign Government that is not conveying goods or passengers for reward;
 - (c) a vessel employed solely for scientific, marine surveying or exploration purposes;
 - (d) a yacht or missionary vessel that—
 - (i) is from outside Fiji; and
 - (ii) is not conveying goods or passengers for reward;
 - (e) a vessel obliged to return to a port through stress of weather, for repair or for any other similar unforeseeable circumstance;
 - (f) a vessel exempt from payment of light dues by virtue of a contract with the Government;
 - (g) a vessel that has come from a place in Fiji and is—
 - (i) under 10 metres in length; or
 - (ii) a punt or lighter not propelled by sail or mechanical power; or
 - (iii) a tug that, without payment of fee, is transporting agricultural products of Fiji, plantation or mill stores, or machinery.

Calculation of light dues

7.—(1) For the purpose of the Schedule but subject to subregulation (2), a vessel's tonnage is—

- (a) its registered net tonnage as stated on her Tonnage Certificate; or
- (b) where no Tonnage Certificate has been issued in respect of a vessel—the net tonnage of the vessel as calculated by the Director in accordance with the provisions of the Tonnage Measurement Convention.

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

(3) For the purpose of subsection (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 with the figure so obtained being the tonnage of that space.

(4) In calculating the amount of light dues payable in respect of a vessel where its tonnage is not a multiple of 10 any tons in excess of a multiple of 10 not exceeding 5 tons shall be ignored and any such tons in excess of 5 shall be rounded up to the next multiple of 10.

(5) A vessel in a visiting cruise ship for the purposes of the Schedule if and only if—

- (a) it 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 in Fiji in excess of 5% of the vessel's maximum carrying capacity.

Payment of light dues

8. Light dues payable in respect of a vessel are payable to the Director and are due for payment on the arrival of the vessel in a port.

Dated at Suva 26th day of July 1990.

A. V. TORA
Minister for Infrastructure and
Public Utilities

SCHEDULE

SCALE OF LIGHT DUES

<i>Item</i>	<i>Type of vessel</i>	<i>Dues per ton cents</i>
1	Vessel not on a voyage from beyond Fiji—	9.16
2	Vessel (other than cruise vessel) on a voyage from beyond Fiji—	
	(i) first port of call in Fiji—	9.16
	(ii) second or subsequent ports of call in Fiji—	1.38
3	Cruise vessel—	
	(i) first port of call in Fiji—	5.50
	(ii) second or subsequent ports of call in Fiji—	0.92