

**No. 57****THE FISHING SHELTERS ORDINANCE 1993**

(Ordinance 19 of 1993 as amended by Ordinance 11 of 2006)

**REGULATIONS UNDER SECTION 4**

In exercise of the powers conferred upon him by section 4 of the Fishing Shelters Ordinance 1993 as amended, the Administrator hereby makes the following Regulations:—

**Citation**

1. These Regulations may be cited as the Fishing Shelters (Fees) Regulations 2006.

**Interpretation**

2. In these Regulations, unless a contrary intention appears—

“Fiscal Officer” includes any person duly authorised by the Fiscal Officer to perform any duties imposed upon, or to exercise any powers given to, the Fiscal Officer by or under the Ordinance or by or under any regulations made under the Ordinance;

“fishing licence” has the meaning given to that expression by section 2 of the Fisheries (Consolidation) Ordinance 2005<sup>(a)</sup>;

“owner” in relation to any vessel includes any charterer of the vessel and any other person for the time being having charge of, or responsibility for, the vessel;

“the Ordinance” means the Fishing Shelters Ordinance 1993<sup>(b)</sup>.

**Fees**

2.—(1) Subject to paragraph (2) below, where the owner of a vessel receives in relation to the vessel any service of a description falling within the Schedule, he shall pay to the Fiscal Officer the fee shown in, or otherwise provided for by, the Schedule as payable for a service of that description.

(2) The owner of a vessel shall not be liable to pay for any service of a description falling within the Schedule if—

- (a) the vessel is one in respect of which the owner holds a fishing licence; or
- (b) subject to paragraph 3 below, by reason of force majeure which has rendered the continuation of a vessel’s journey dangerous either on account of inclement weather or on account of engine breakdown, the owner has brought the vessel to a fishing shelter merely for refuge; or
- (c) the vessel is one in respect of which the Administrator has made a direction that it may be moored in a fishing shelter without payment of any fee.

(3) If the owner of a vessel, having brought it to a fishing shelter merely for refuge on account of—

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(a) Ordinance 3 of 2005.

(b) Ordinance 19 of 1993; amended by Ordinance 11 of 2006.

- (a) inclement weather but he continues to keep it there after the weather has ceased to be inclement, he is guilty of an offence and is liable upon conviction to imprisonment not exceeding 6 months or to a fine not exceeding £2,000 or to both such penalties;
- (b) engine breakdown but he keeps it there for a period exceeding 48 hours he is guilty of an offence and is liable upon conviction to imprisonment not exceeding 6 months or to a fine not exceeding £2,000 or to both such penalties.

**Revocation**

4. The Fishing Shelters (Rates and Fees) Regulations 1999<sup>(c)</sup> are revoked.

**SCHEDULE**

(Regulation 3)

<b>Description of service</b>	<b>Length of vessel</b>	<b>Fee payable</b>
<p><b>1.</b> For the mooring or lodging of a vessel within the precincts of a fishing shelter on an annual basis.</p> <p>(Note: The supply of potable water or the supply of electricity does not fall within this description and accordingly a separate charge may be made for the supply of either of these by the supplier concerned.)</p>	Not exceeding 6 metres	£12 per metre or part of a metre
	Exceeding 6 metres but not exceeding 9 metres	£18 per metre or part of a metre
	Exceeding 9 metres but not exceeding 12 metres	£25 per metre or part of a metre
	Exceeding 12 metres but not exceeding 15 metres	£50 per metre or part of a metre
	Exceeding 15 metres	£75 per metre or part of a metre
<p><b>2.</b> For the mooring or lodging of a vessel within the precincts of a fishing shelter on a daily basis.</p> <p>(Note: The supply of potable water or the supply of electricity does not fall within this description and accordingly a separate charge may be made for the supply of either of these by the supplier concerned.)</p>	Not exceeding 6 metres	12 cents per metre or part of a metre, per day*
	Exceeding 6 metres but not exceeding 9 metres	18 cents per metre or part of a metre, per day*
	Exceeding 9 metres but not exceeding 12 metres	25 cents per metre or part of a metre, per day*
	Exceeding 12 metres but not exceeding 15 metres	50 cents per metre or part of a metre, per day*
	Exceeding 15 metres	75 cents per metre or part of a metre, per day*
		* A minimum fee is payable equal to the fee payable for 5 days

Dated this 27th day of July 2006.

By the Administrator's Command,

P. D. Draycott,

Chief Officer,

Sovereign Base Areas.

(SBA/AG/2/FI/279/1)