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GENERAL NOTICE

NOTICE 508 OF 2008

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

FISHING HARBOUR FEES

Marthinus Christoffel Johannes van Schalkwyk, the Minister of Environmental Affairs and Tourism, acting with the concurrence of the Minister of Finance, under section 27(3) of the Marine Living Resources Act, hereby amends the fees payable for the use of fishing harbour facilities, as set out in the Schedule hereto.

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 context 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 of securing 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 and does not lease a temporary site to trade from;

“leisure or recreational vessel” mean a vessel that is used for an 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 periods 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, 1951 (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 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.

2. Accommodation of vessels:

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

		Per day	Per month	Per annum
(i)	Mooring alongside Departmental quays, break-waters, jetties, sea-walls:			
	Per full meter of total boat length	R0,90	R9,00	R36,00
	Exceeding 8 meters: Additional charge per full meter of boat length	R1,80	R18,00	R72,00
(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)		

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| B. | Vessels which are not seaworthy or vessels other than those in active lay-up with an expired Safety Certificate of a period of expiration of longer than three months (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: | R113, 00 per year |
- 3. The slipping of vessels at main and side slip-ways (all harbours):**
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| | | 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 <u>less than 25 tons</u> for the first 72 hours on the main or side slip: | Once off basic fee of R113,00 plus R13.00 per full meter of total vessel length |
| B. | For each registered vessel of a gross register tonnage of <u>more than 25 tons</u> for the first 72 hours on the main or side slip: | Once off basic fee of R423,00 plus R1,00 per ton (GRT x 2,83) |
| C. | For each registered vessel of a gross register tonnage of <u>less than 25 tons on the side-slip, after the first 72 hours</u> 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: R225,00 per vessel

4. The tariffs as set out in 3, 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-based) 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: R13.00 per vessel
- B. Outside normal working hours: R26,00 per vessel

6. **Departmental cranes:**

- A. Ordinary cranes:

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| B. | Hydraulic jacks and turfors (per unit per day): | R31,00 |
| C. | Ladders (per ladder per day or part thereof): | R26,00 |
| D. | Scaffolding (per set of two scaffolds and two
trestles per day or part thereof): | R26,00 |

10. Floating Rafts:

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| Per square meter per year or part thereof: | R78,00 |
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11. Temporary leasing of sites:

- A. Sites not exceeding 25 square meters for repair and storage of fishing nets:

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| 1. | On quays and breakwaters (per day or
part thereof): | R70,00 |
| 2. | Elsewhere (per day or part thereof): | R10,00 |

- B. Sites for other purposes;

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|----|---|---------|
| 1. | On quays and breakwaters (per square
meter, per week or part thereof): | R70,00 |
| 2. | Elsewhere: | |
| | (i) Per square meter per week or part
thereof: | R2,30 |
| | (ii) Minimum weekly tariff; | R101,00 |

C. Sites for social/community carnivals, film shoots, and other unique private commercial or social events:

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|----|------------------------------|-----------|
| 1. | Social /community carnivals: | R1 125,00 |
| 2. | Film shoots | R2 811,00 |

12. Temporary leasing of sites is subject to the approval of the National Department of Public Works.

13.	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	R2,30	R33,00	R203,00
B.	Passenger busses with more than 15, but not exceeding 25 seats, and any other vehicles between 3,5 ton and 10 ton	R6,00	R85,00	R506,00
C.	Passenger busses with more than 25 seats, and any other vehicles exceeding 10 ton	R11,00	R168,00	R1 012,00

14. Admission of vessels by road:

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|-------|---------------------------------|-----------|
| A. | Minimum basic charge per vessel | |
| (i) | Daily entrance | R33,00 |
| (ii) | Monthly entrance | R337,00 |
| (iii) | Yearly entrance | R1 687,00 |

B. Charge per trailer

(i)	Daily entrance	R11,00
(ii)	Monthly entrance	R113,00
(iii)	Yearly entrance	R562,00

15. Hawkers: (not using any fixed structure)

All types, per day or part thereof per 6 meter floor area:	R62,00
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16. Traders: (using any semi fixed structure e.g single layer container)

All types (for permission to trade) per month or part thereof:	R478,00
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17. Use of fish-cleaning facilities:

A. Per table, per day or part thereof:	R11,00
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18. Erection and display of advertising signage:	Per month	Per annum
A. Per square meter display area or part thereof, except on a quay:	R 33,00	R113,00
B. Per square meter on the quay: (placement subject to discretion of Harbour Manager)	R168,00	R562,00

19. 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
A. Vessels up to 10 meter	R225,00	R1350,00
B. Vessels exceeding 10 meter	R562,00	R3374,00

20. 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:	R11,30
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21. 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:	R1125,00
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22. Advance payment of fees

Annual and monthly fees shall be payable in advance.

23. 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 vehicle entering on official business, including but not limited to vehicles with officials from S.A.B.S.; S.A.P.S; N.S.R.I; ambulances and fire tenders; 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).

24. 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;

Repeal of Notice

25. Government Notice No. 223 of 10 March 2006 is hereby repealed.

Commencement

26. This notice shall take effect on 1 May 2008.
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