Commencement: 1 November 1987

PORTS (DUES, FEES AND CHARGES) REGULATIONS

Order 59 of 1987
Order 32 of 1989
Order 33 of 1989
Order 10 of 1990
Order 14 of 1992
Order 4 of 1993
Order 17 of 1994

ARRANGEMENT OF REGULATIONS

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To prescribe the rates for port dues, pilotage fees, berthing dues, line handling fees, wharfage charges and storage charges.

1. Port dues

(1) Port dues payable in respect of every overseas vessel, other than a yacht, which enters a port of entry from any place beyond Vanuatu shall be VT 20 per gross registered ton.

(2) Port dues payable in respect of every overseas yacht and pleasure craft which enters a port of entry from any place beyond Vanuatu shall be VT 7,000 for any period up to and including 30 days and thereafter a surcharge shall be levied at VT 100 per day.

(3) The port dues payable under subregulations (1) and (2) shall be payable by the shipping company or shipping agent to the Director of Ports and Harbour within 1 calendar month from the date of the invoice issued in arrears.

(4) Where the port dues referred to in subregulations (1) and (2) are not paid within 1 calendar month from the date of the invoice the port dues payable shall be double the rate specified in subregulation (1) or (2) as the case may be.

1A. Light dues

(1) Light dues payable in respect of overseas vessels which enter a port of entry from any place beyond or within Vanuatu shall be VT 5 per gross registered ton.

(2) The light dues referred to under subparagraph (1) shall be payable by the shipping company or shipping agent to the Director of Ports and Harbour within one calendar month of invoice date issued in arrears.

(3) Where the light dues referred to under subparagraph (1) are not paid within one calendar month of invoice date the light dues payable shall be double the rate specified in that subparagraph.

2. Pilotage fees

(1) Pilotage fees payable in respect of every vessel, other than an exempted vessel, which uses the services of a pilot within the compulsory pilotage area of Port Vila and Luganville shall be at the rates given below –

	Vessels	Port Vila	Luganville
(a)	between 60 and 100 metres in length	VT 38,732	VT 23,240
(b)	between 101 and 130 metres in length	VT 48,027	VT 30,986
(c)	between 131 and 160 metres in length	VT 57,334	VT 34,085
(d)	between 161 and 200 metres in length	VT 66,619	VT 37,185
(e)	over 200 metres	VT 85,212	VT 51,126

(1A) Any vessel under 60 metres in length which upon the request of its captain or the agent of such vessel uses the services of apilot shall incur pilotage fees at the following rates –

(a)	Port Vila	VT 534 per metre in length
(b)	Luganville	VT 319 per metre in length

(2) Pilotage fees payable under subregulations (1) and (1A) shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour within 1 calendar month from the date of the invoice issued in arrears.

(3) Where the pilotage fees referred to in subregulation (1) or (1A) are not paid within 1 calendar month from the date of the invoice the pilotage fee payable shall be double the rates specified in subregulation (1).

3. Tug service in Port Vila

(1) The pilotage fee in Port Vila shall include the services of a tug.

(2) The fee payable in respect of a tug line within the compulsory pilotage area of Port Vila shall be VT 2,324.

4. Tug service in Luganville

The pilotage fee referred to in regulation 2(1) in respect of the compulsory pilotage area of Luganville shall not include a charge for the service of a tug, but if the service of a tug is provided within that area the pilotage fee includes that service and the fee payable in respect of the tug line referred to in regulation 3(2) shall be levied and shall be payable by the shipping company or shipping agent to the Director of Ports and Harbour.

5. Surcharge in respect of vessel at fault

Where a vessel is not ready to receive a pilot at the appointed time or where a pilot is detained through the fault of the vessel an additional charge of VT 9,295 per hour or part thereof shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour.

6. Standby time for pilot, tug and mooring crews

The pilot, tug and mooring crews shall standby –

(a) for an inward bound vessel at least 1 hour prior to the expected time of arrival at the pilot station;

(b) for an outward bound vessel at least 30 minutes prior to the expected time of departure.

7. Pilotage in other areas

Where pilotage operations are carried out at ports other than the ports of Port Vila and Luganville after approval has been granted on request, the fee specified in regulation 2(1) in respect of the port of Luganville shall apply in addition to expenses in transporting the pilot to and from such specified place.

8. Surcharge in respect of pilot and tug

(1) Where pilotage operations are carried out between 1800 hours and 0600 hours or on Saturdays, Sundays or public holidays the following additional fees shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour –

(a)	between 1800 hours to 2400 hours Monday to Friday	50%;
(b)	on Saturday between 0600 hours and 2400 hours	50%;
(c)	between 2400 hours and 0600 hours	100%
(d)	on Sundays and public holidays	100%.

(2) An additional fee of VT 7,768 per hour or part thereof shall be levied and shall be payable for the tug on standby for periods in excess of 1 hour.

9. Pilot launch

(1) The fee payable in respect of embarking or disembarking a pilot by a pilot launch shall be VT 6,972 per hour or part thereof.

(2) In the case of a pilot launch which is used for a purpose other than the purpose of embarking or disembarking a pilot between 1800 hours and 0600 hours an additional charge of 100 percent of the fee specified in subregulation (1) shall be payable.

(3) The fee payable under subregulation (1) shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour within 1 calendar month from the date of the invoice issued in arrears.

(4) Where the fee referred to in subregulation (1) is not paid within 1 calendar month from the date of the invoice the fee payable shall be double the rate specified in subregulation (1).

10. Berthing dues in respect of overseas vessels

(1) Berthing dues payable in respect of every overseas vessel which berths at a Government wharf shall be VT 294 per metre of length per day or part thereof with a minimum charge of VT 11,619 (the normal charge).

(2) In the case of an overseas vessel proceeding in or out of Vanuatu waters, which after obtaining the consent of the harbourmaster and the Customs Department, berths at a private wharf, the berthing due payable shall be 50 per cent of the dues specified in subregulation (1).

(3) Where any overseas vessel –

(a) returns to a Government wharf from another port in Vanuatu for the sole purpose of loading or unloading, stevedoring or handling equipment; or

(b) comes to a Government wharf to replenish its supplies of fuel and water;

the berthing due payable shall be 25 per cent of the amount specified in subregulation (1).

(4) The berthing dues payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour within 1 calendar month from the date of the invoice issued in arrears.

(5) Where the berthing dues referred to in subregulation (1) are not paid within 1 calendar month from the date of the invoice the berthing dues payable shall be double the rate specified in subregulation (1).

11. Berthing dues in respect of coastal vessels

(1) Subject to subregulation (5), berthing dues payable in respect of every coastal vessel which berths at a Government wharf for the purposes of loading or unloading cargo or passengers shall be VT 121 per metre of length per day or part thereof with a minimum charge of VT 1,210 (the normal charge).

(2) Where any coastal vessel comes to a Government wharf to replenish its supplies of fuel and water or for purposes other than loading or unloading cargo or passengers, the berthing dues payable shall be VT 61 per metre of length per day or part thereof with a minimum charge of VT 605.

(3) The berthing dues payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour within 1 calendar month from the invoice date issued in arrears.

(4) Where the berthing dues specified in subregulation (1) are not paid within 1 calendar month from the invoice date, the berthing dues payable shall be double the rate specified in subregulation (1).

(5) All Government vessels are exempted from the requirements of this regulation.

(6) For the purposes of this regulation, "coastal vessel" means a vessel engaged in -

(a) retail or wholesale trading which leaves a port in Vanuatu to visit other ports of the country; or

(b) the carriage of goods or passengers for profit from any port of Vanuatu whether or not to another port of the country.

12. Line handling fees

(1) Line handling fees payable in respect of the handling of vessels lines at any Government wharf, or if requested at any other wharf, for vessels berthing and unberthing per hour or part thereof shall be at the rates given below –

	Length of vessel	Rate
(a)	up to 30 metres	VT 4,648
(b)	between 31 metres and 60 metres	VT 7,746
(c)	between 61 metres and 130 metres	VT 10,071
(d)	between 131 metres and 160 metres	VT 13,168
(e)	between 161 metres and 200 metres	VT 15,492
(f)	over 200 metres	VT 16,267

(2) Where the handling of vessel lines is carried out between 1800 hours and 0600 hours or on Sundays or public holidays the following additional fees shall be levied and shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour –

(a)	between 1800 hours to 2400 hours Monday to Friday	50%;
(b)	on Saturday between 0600 hours and 2400 hours	50%;
(c)	between 2400 hours and 0600 hours	100%
(d)	on Sundays and public holidays	100%.

(3) An additional fee of VT 6,972 per hour or part thereof shall be levied and shall be payable by the shipping company or the shipping agent for berthing or unberthing staff on standby in excess of 1 hour.

(4) The line handling fees payable under subregulation (1) shall be payable by the shipping company or the shipping agent to the Director of Ports and Harbour within 1 calendar month from the invoice date issued in arrears.

(5) Where the line handling fees referred to in subregulation (1) are not paid within 1 calendar month from the invoice date the line handling fees payable shall be double the rates specified in subregulation (1).

13. Wharfage charge for loading and discharging

(1) Wharfage charges payable in respect of loading and discharging of all cargo to or from an overseas destination or between Efate and Santo passing through the ports of Port Vila and Luganville or other port which the Minister has by Order declared it as a port for the purposes of loading and discharging cargo shall be at the rates given below based on the cargo manifest and any amending documents -

(a) imported cargo at VT 395 per freight ton;

(b) exported cargo at VT 197 per freight ton.

(2) The minimum charge shall be VT 179 per freight tonnage on a simple bill of lading.

(3) Notwithstanding the provisions of subregulation (1), a wharfage charge of 50 per cent of the normal charges as specified in subregulations (1) and (2) shall be payable in respect of any cargo from any overseas destination intended for export as an export commodity from Vanuatu and is exported as such either in its original state or otherwise and provided that at all material times the cargo or the goods comprised therein are not removed from the limits of the wharves or such other restricted custom areas as the Director of Customs may in writing specify.

(4) In the event of non-payment of his remuneration or of the charges provided for in subregulations (1), (2) and (3) the stevedore shall have the right to retain possession of the cargo until such time as full payment has been made.

(5) The stevedore may arrange –

(a) for perishable cargo to be transported into a refrigerated warehouse for the account and at the expense of the consignee; and

(b) for non-perishable cargo to be transported into a customs warehouse if the owner of such cargo has not collected them within 7 days of their arrival on the wharf.

(6) The wharfage charges payable under subregulations (1) and (3) shall be payable by the stevedore to the Director of Ports and Harbour within 1 calendar month from the date of the invoice issued in arrears.

(7) Where the wharfage charges referred to in subregulation (1) are not paid within 1 calendar month from the date of the invoice the wharfage charges payable shall be double the rates specified in subregulation (1).

14. Storage charges

(1) Storage charges payable in respect of any cargo intended for import or export and stored at a Government wharf, warehouse or in the open but within the controlled port areas of Port Vila or Luganville shall be at the rates, per metric ton or part thereof, given below –

(a)	first 5 working days	Free;
(b)	second 5 working days	VT 363;
(c)	third 5 working days	VT 847;
(d)	fourth 5 working days	VT 1,573.

(1A) Any empty container intended for re-export and stored anywhere within controlled port areas of Port Vila and Luganville shall be charged at the following rates –

(a)	first 30 working days	Free;
(b)	thereafter per container per day	VT 500.

(2) The storage charges payable under subregulation (1) shall be payable by the consignee or the shipper to the Director of Ports and Harbour within 1 month from the date the cargo reaches the wharf, warehouse or in the open but within controlled port areas, as the case may be.

(3) Where the storage charges referred to in subregulation (1) are not paid within 1 month from the date the cargo reaches the wharf, warehouse or in the open but within the controlled port areas, as the case may be, an additional charge of VT 1,573 per day per metric ton or part thereof is payable by the consignee or the shipper to the stevedoring contractor.

(4) After a period of 3 months from the date on which the storage charges are due, the stevedore may with the written consent of the Director of Ports and Harbour, take legal proceedings for the forfeiture and sale of the goods in question.

(5) In the event of a dispute, the stevedore shall undertake the necessary weighing and measuring operations to establish the charges prescribed by these regulations.

(6) If the weights and measurements –

(a) are greater than those declared, the cost of such weighing and measuring operations shall be borne by the consignee or shipping agent;

(b) are lower than those declared, the cost of such weighing and measuring operations together with that caused by the resulting delay shall be borne by the stevedore.

Table of Amendments

1	*Amended by Orders 32 of 1989, 10 of 1990, 14 of 1992*
1A	*Inserted by Order 4 of 1993, amended by Order 17 of 1994*
2(1)	*Substituted by Order 32 of 1989, amended by Orders 10 of 1990, 14 of 1992*
2(1A)	*Inserted by Order 10 of 1990, amended by Order 14 of 1992*
2(2),(3)	*Amended by Orders 10 of 1990, 14 of 1992*
3(2)	*Amended by Orders 32 of 1989, 10 of 1990, 14 of 1992*
5	*Amended by Orders 32 of 1989, 10 of 1990, 14 of 1992*
8(1)	*Amended by Order 33 of 1989*
8(2)	*Amended by Orders 32 of 1989, 10 of 1990 , 14 of 1992*
9(1)	*Amended by Orders 32 of 1989, 10 of 1990, 14 of 1992*
9(3),(4)	*Amended by Order 14 of 1992*
10(1)	*Amended by Orders 32 of 1989, 10 of 1990, 14 of 1992*
10(4),(5)	*Amended by Order 14 of 1992*
11(1),(2)	*Amended by Orders 10 of 1990, 14 of 1992*
11(3),(4)	*Amended by Order 14 of 1992*
12(1)	*Substituted by Order 32 of 1989, amended by Orders 10 of 1990, 14 of 1992*
12(2)	*Amended by Order 33 of 1989*
12(3)	*Amended by Orders 32 of 1989, 10 of 1990, 14 of 1992*
12(4),(5)	*Amended by Order 14 of 1992*
13	*Amended by Orders 10 of 1990, 14 of 1992*
14	*Amended by Orders 10 of 1990, 14 of 1992*