

**S.I. 60 of 2013**

**HARBOUR ACT**

*(Cap 90)*

**Harbour (Port and Harbour Dues) Regulations, 2013**

In exercise of the powers conferred by section 3 of the Harbour Act, the Minister responsible for Transport hereby makes the following Regulations —

1. These Regulations may be cited as the Harbour (Port and Harbour Dues) Regulations, 2013 and shall come into operation on 1<sup>st</sup> October 2013.

Citation and commencement

2. In these Regulations —

Interpretation

“Authority” means the Seychelles Ports Authority established under the Seychelles Ports Authority Act;

“coastal vessel” means a vessel registered under the Merchant Shipping Act plying for hire or reward exclusively within the Seychelles coastal waters;

“GT” or “gross tonnage” means the tonnage of a vessel calculated as per the International Convention on the Tonnage Measurement of ships, 1969;

“Harbour” means the Harbour of Victoria and any bay, roadstead or place within three nautical miles from any coast within the Republic of Seychelles;

“Harbour Master” means the Harbour Master of Port Victoria or any other designated Port in the Republic of Seychelles appointed under section 5 of the Merchant Shipping Act;

“hire craft” has the meaning given to it under the Control of Hire Craft Act;

“master” includes —

- (a) every person, other than the pilot, having command or charge of a vessel; and
- (b) in the case of a fishing vessel, the skipper;

“military vessel” means a vessel belonging to or used by the military force of any country, not being a vessel used for commercial purposes;

“not under command” means a vessel due to exceptional circumstances being unable to manoeuvre as required by the relevant rules;

“passenger” means any individual carried on board a vessel other than —

- (a) a member of the crew or a person employed or engaged in any capacity on board the vessel or in the business of the vessel assigned as such person on the vessel's articles of agreement;
- (b) an individual carried on board the vessel under an obligation imposed upon the master to carry shipwrecked, distressed or other individuals, or by reason of any circumstance which neither the master, owner, nor charterer, if any, could have prevented or forestalled;

“passenger vessel” means a vessel carrying passengers only;

“pilot station” means the position Latitude 04 degrees 35.8 minutes South, Longitude 55 degrees 29.6 minutes East;

“pleasure vessel” means any vessel used for recreation not plying for hire or reward;

“Port Victoria” means the area specified in Schedule 3;

“SCR” means the lawful currency of the Republic of Seychelles;

“Transshipment” of fish means —

- (a) transfer of fish from vessel to vessel; or
- (b) transfer of fish from vessel to shore, manually or through mechanisation, and then to a vessel, either directly or after temporary storage;

“tug” means a tug boat owned or chartered by, or otherwise under the control of, the Authority;

“vessel” means any craft including non-displacement craft used or capable of being used as a means of transportation on water.

3. These Regulations apply to vessels entering or using the Harbour or Port Victoria or plying within the Seychelles coastal waters.

Application

4.(1) Subject to these Regulations —

- (a) the dues and fees specified in Schedule 1 shall be payable by the owner, master or agent of any vessel entering or leaving the Harbour or Port Victoria;
- (b) the dues and fees specified in Schedule 2 shall be payable by the owner, operator or agent of any vessel plying within the Seychelles coastal waters.

Payment of  
dues, fees and  
surcharges

(2) (a) The dues and fees specified in Schedule 1 shall be payable on demand—

- (i) as an advance payment, if required; or
- (ii) prior to the departure of the vessel.

(b) A vessel shall not be given clearance to leave the Harbour or Port Victoria unless all dues and fees are paid or other arrangements are made to the satisfaction of the Authority. —

(3) Where the dues and fees specified in Schedule 1 are payable by the agent of a vessel, the dues and fees shall be paid within 60 days of the last day of the month in which the invoices are raised.

(4) Where the agent fails to pay any dues and fees within the time specified in subregulation (3)—

- (a) the agent shall be liable to a surcharge of 5 per cent of the amount payable for each month or part thereof during which the dues and fees remain unpaid;
- (b) without prejudice to the right of the Authority to recover the amount due, the Authority may suspend or refuse further services to the agent.

(5) Dues and fees payable under these Regulations may be paid in—

- (a) SCR; or
- (b) any acceptable foreign currency equivalent to the amount in SCR, at the exchange rate prevailing on the date of payment.

5.(1) The dues and fees specified in Schedule 1 for pilotage services, berthing or unberthing of vessels shall be applicable from 0600 hours to 1800 hours.

Applicability of pilotage, berthing or unberthing dues and fees

(2) Where a pilotage service commences between 1800 hours and 0600 hours, the master shall be liable to a surcharge of 50 per cent of the pilotage, tug and mooring gangs' dues and fees specified in Schedule 1.

6.(1) The agent or master of any vessel shall, within 2 working days from arrival of the vessel into the Harbour or Port Victoria, complete such forms as may be provided by the Authority, including an arrival report relating to the vessel and whatever it is carrying.

Provision of particulars

(2) Any agent or master of any vessel who fails to comply with subregulation (1) shall be liable to a penalty of SCR1000.

7.(1) Subject to subregulation (2), the following vessels shall be exempted from using the pilotage service while entering, leaving or shifting within Port Victoria —

Exemption from pilotage service

- (a) vessels less than 150 GT;
- (b) military vessels less than 300 GT; and
- (c) pleasure vessels less than 300 GT.

(2) Where, for the safety of a vessel referred to in subregulation (1), the Harbour Master requires the vessel to be under the charge of a pilot, the vessel shall not be exempted from payment of the pilotage dues and fees specified in Schedule 1.

8.(1) Where the Harbour Master considers the competence of the master of a vessel entering or leaving Port

Exemption from using pilotage service and exemption certificate

Victoria to be satisfactory, he or she may exempt the vessel from using the pilotage service.

(2) Where a vessel is exempted under subregulation (1), a certificate of exemption shall be issued to the master upon payment of the annual fee specified in Schedule 1.

(3) An exemption granted under subregulation (1) may be renewed by the Harbour Master, where three or more visits to Port Victoria have been made during the validity period of the certificate of exemption.

Vessels  
exceeding  
15GT required  
to accept tug  
service

9. Every vessel exceeding 150 GT entering or leaving Port Victoria shall use tug service and shall be liable to the tug service dues and fees specified in Schedule 1.

Port  
clearance

10.(1) Every passenger vessel providing scheduled local services shall, before leaving the Harbour, obtain port clearance from the Pier Master.

(2) Port clearance shall be subject to the vessel submitting its passenger and crew list to the Pier Master.

(3) For the purpose of this Regulation, "Pier Master" means a person designated by the Harbour Master to oversee the day to day activities on a jetty under the responsibility of the Authority and its surrounding harbour.

Repeal of  
S.I. 20 of 2002

11. The Harbour (Port and Harbour Dues) Regulations, 2002 are hereby repealed.

**SCHEDULE 1****TARIFF ITEM****1.0 PORT AND HARBOUR DUES****1.1 Normal Calls**

Oil/gas/chemical tankers, general cargo, bulk carriers, ro-ro vehicle carriers and container vessels calling at the Harbour or Port Victoria shall be subject to the following charges —

- |     |  |                 |
|-----|--|-----------------|
| (a) | 0 to 24 hours                                      | SCR 0.45 per GT |
| (b) | each subsequent period of 24 hours or part thereof | SCR 0.38 per GT |

**1.2 Special Purpose Calls**

(a) Every vessel excluding warship calling at the Harbour or Port Victoria for fresh water, bunkers, supplies, crew changes, repairs, order, medical, weather, mutiny, port of refuge, or any other emergency situation shall be subject to the following charges —

- |      |  |                 |
|------|--|-----------------|
| (i)  | 0 to 24 hours                                      | SCR 0.24 per GT |
| (ii) | each subsequent period of 24 hours or part thereof | SCR 0.17 per GT |

(b) Every research vessel, tug and tow, survey vessel or vessel of any other category shall be subject to the following charges —

- |      |  |                 |
|------|--|-----------------|
| (i)  | 0 to 24 hours                                      | SCR 0.24 per GT |
| (ii) | each subsequent period of 24 hours or part thereof | SCR 0.31 per GT |

Tug and tow shall be charged and invoiced separately.

### 1.3 Passenger Vessels

Every international passenger vessel shall be subject to the following charges—

- (a) 0 to 48 hours SCR 0.66 per GT
- (b) each subsequent period of 24 hours or part thereof SCR 0.24 per GT

Subject to a maximum charge of SR16, 800.00

### 1.4 Pleasure Vessels (Sailing or Motor Yacht)

Every international pleasure vessel that is not registered in Seychelles shall be subject to the following charges—

Charges per vessel for 24 hours or part thereof				
Item	GT	First 5 Days	Over 5 to 10 Days	Over 10 Days
(a)	Less than 20 GT	SCR 85.00	SCR 71.00	SCR 57.00
(b)	20 to 100 GT	SCR 120.00	SCR 85.00	SCR 71.00
(c)	Over 100 to 300 GT	SCR 225.00	SCR 190.00	SCR 155.00
(d)	Over 300 to 500 GT	SCR 435.00	SCR 295.00	SCR 225.00
(e)	Over 500 GT	SCR 855.00	SCR 435.00	SCR 295.00

### 1.5 Military Vessels

Every military vessel shall be subject to the following charges—

- (a) 0 to 24 hours
- |                        |                        |
|------------------------|------------------------|
| vessels up to 10,000GT | vessels above 10,000GT |
| SCR 150.00             | SCR 400.00             |



(b) each subsequent period of 24 hours or part thereof	vessels up to 10,000GT	vessels above 10,000GT
	SCR100.00	SCR200.00

### 1.6 Reefer Vessels

Every reefer vessel shall be subject to the following charges—

(a) 0 to 96 hours	SCR 0.66 per GT
(b) each subsequent period of 24 hours or part thereof	SCR 0.24 per GT

### 1.7 Fishing Vessels

Every foreign-owned industrial fishing vessel shall be subject to the following charges—

(i) 0 to 96 hours	SCR 0.66 per GT
(ii) each subsequent period of 24 hours or part thereof	SCR 0.24 per GT

### 1.8 Vessels Detained

(a) Every vessel above 150 GT detained in the Harbour or Port Victoria in accordance with the written laws and convicted of a charge laid before a court or which has had the offence compounded under the written laws shall be subject to the following charges—

(i) 0 to 24 hours	SCR 0.45 per GT
(ii) each subsequent period of 24 hours or part thereof	SCR 0.38 per GT

- (b) Vessels below 150 GT detained in the Harbour or Port Victoria in accordance with the written laws and convicted of a charge laid before a court or which has had the offence compounded under the written laws shall be subject to the following charges—

(i)	First 30 days	SCR 0.40 per GT per day of part thereof
(ii)	each subsequent day exceeding 30 days	SCR 0.35 per GT per day or part thereof

## 2.0 PILOTAGE SERVICE

### 2.1 Pilotage Dues

- (a) Per pilotage service for entering or leaving Port Victoria (including a pilot launch)

(i)	first hour or part thereof	SCR 0.38 per GT
(ii)	exceeding first hour or part thereof	SCR 0.25 per GT

Subject to a minimum charge of SCR 3,500.00

- (b) Where a pilot launch service is provided for purposes other than taking a pilot to and from a vessel, there shall be paid the following charges—

(i)	first nautical mile or part thereof from the pilot launch station	SCR 3,000.00
(ii)	exceeding first nautical mile from the pilot launch station to such point, the dues shall be calculated at the rate of SCR 300.00 for each nautical mile or part thereof.	

### 2.2 Mooring Launch

Where a vessel is used as a launch for mooring purposes during pilotage operations, a fee of SCR 800.00 shall be applicable.

**2.3 Vessels not under command**

Every vessel not under command shall pay 2.5 times the rate specified in item 2.1 above.

**2.4 Pilot Waiting Time**

- (a) Where a vessel is not ready to be moved at the notified time through any fault of the vessel or its agent, a charge of SCR1,500.00 per hour or part thereof shall be levied.
- (b) Where the pilot launch is also detained, additional hire charge of SCR2,000.00 per hour or part thereof shall be levied.

**2.5 Amendment or Cancellation of Pilotage Service**

- (a) No fees shall be chargeable where the master or agent of a vessel amends or cancels a booking for pilotage service —
  - (i) scheduled within normal working hours (0800hrs to 1600 hrs), at any time from 2 hours onwards prior to the notified time; or
  - (ii) scheduled after normal working hours (1600hrs to 0800 hrs and on Saturdays, Sundays and Public Holidays), at any time from 6 hours onwards prior to the notified time.
- (b) Where a master or agent of a vessel amends or cancels a booking for a pilotage service —
  - (i) scheduled within normal working hours (0800hrs to 1600 hrs), at any time less than 2 hours prior to the notified time; or
  - (ii) scheduled after normal working hours (1600hrs to 0800 hrs and on Saturdays, Sundays and Public Holidays), at any time less than 6 hours before the notified time,

a charge of SCR1,500.00 shall be applicable for each amendment or cancellation.

- (c) Where the owner, master or agent of a vessel amends or cancels a booking for a pilotage service at any time after the pilot has boarded the vessel, an additional fee of SCR4,000.00 over and above the normal pilotage fee shall be applicable.

### 3.0 **TUG SERVICES**

#### 3.1 **Tug dues**

- (a) A basic charge of SCR11,950.00 per hour or part thereof shall be payable per tug assisting, attending or shifting a vessel of up to 30,000 GT during berthing or unberthing. For vessels above 30,000 GT, an additional charge of SCR 0.50 per GT shall be applicable.
- (b) A 20 per cent discount on fees specified in item 3.1(a) shall be applicable on tug charges if the tug remains at its station.

#### 3.2 **Vessels not under command**

Every vessel not under command shall pay 2.5 times the rate specified in item 3.1.

#### 3.3 **Standing by charges for hire of a tug as a fire safety measure (tankers, petroleum and hazardous products)**

Item	GT	Per hour or part thereof
(a)	150 to 9999	SCR 1,500.00
(b)	10000 and over	SCR 1,800.00

#### 3.4 **Standing by charge for hire of fire brigade as a fire safety measure**

In addition to charges specified under item 3.3, the following charge shall apply to gas tankers while alongside berth:

Per hour or part thereof

SCR 1000.00

### 3.5 Amendment or cancellation of pilot waiting time

- (a) No fees shall be chargeable if the master or agent of a vessel amends or cancels a booking for tug service —
- (i) scheduled within normal working hours (0800 hrs to 1600 hrs), at any time from 2 hours onwards prior to the notified time; or
  - (ii) scheduled after normal working hours (1600 hrs to 0800 hrs and on Saturdays, Sundays and Public Holidays), at any time from 6 hours onwards prior to the notified time.
- (b) Where a master or agent of a vessel amends or cancels a booking for a tug —
- (i) scheduled within normal working hours (0800 hrs to 1600hrs) at any time less than 2 hours prior to the notified time; or
  - (ii) scheduled after normal working hours (1600hrs to 0800 hrs and on Saturdays, Sundays and Public Holidays) at any time less than 6 hours before the notified time,

a charge of SCR5,000.00 shall be applicable for each amendment or cancellation.

- (c) A basic charge of SCR11,950.00 per tug shall be applicable if the master or agent of a vessel amends or cancels a booking for tug service after the pilot has boarded the vessel.

### 4.0 BERTH DUES (INCLUDING BUOYS OCCUPANCY)

4.1 Berth dues shall be applicable to every vessel occupying berth.

- (a) 0 to 24 hours SCR 0.31 per GT

- |   |                 |
|---|-----------------|
| (b) each subsequent period<br>of 24 hours or part thereof | SCR 0.45 per GT |
|---|-----------------|

Subject to a minimum charge per occasion of SCR 350.00

- 4.2 Berth dues exclusively for vessels moored on buoys shall enjoy a 25 per cent discount of the charges specified in item 4.1 provided that such discount shall not apply to minimum charges under that item.

#### 5.0 **BERTHING OR UNBERTHING (MOORING GANGS)**

Charge per berthing or un-berthing Of vessel	SCR2,000.00 per operation
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#### 6.0 **GENERAL CHARGES**

##### 6.1 **Pilotage Exemptions**

Subject to Regulations 7 and 8, pilotage exemption fee per year shall be levied as follows —

- |                     |                       |
|---------------------|-----------------------|
| (a) Fishing vessels | SCR15,000.00 annually |
| (b) Other vessels   | SCR17,000.00 annually |

##### 6.2 **Towing Operations**

For towage of vessels, the charges per tug shall be on separate contract.

##### 6.3 **Marine Safety Dues**

Every vessel other than a coastal vessel calling at the Harbour or Port Victoria shall be levied a fixed charge:

Up to 150 GT	SCR 200.00 per call
Above 150 GT	SCR 350.00 per call

**6.4 Marine Environment Protection Dues**

- (a) Every reefer, industrial and fishing and supply vessel or tanker calling at the Harbour or Port Victoria shall be subject to the following charge —

Per 96 hours or part thereof SCR0.15 per GT

- (b) Every vessel other than a vessel specified under item 6.4(a) shall be subject to the following charge —

6 Per 48 hours or part thereof SCR0.11 per GT

**6.5 Passenger Fees (Cruise Ship)**

A fee of SCR100.00 per passenger shall be applicable with respect to any embarkation, disembarkation or transit of passengers in Port Victoria.

A fee of SCR50.00 per passenger shall be applicable for Praslin Harbour and La Digue Harbour with respect to any embarkation, disembarkation or transit of passengers. Such fee shall be payable to the Authority and in accordance with the passenger manifest.

**6.6 Pipeline Dues**

Pipeline dues shall be payable per metric ton on bulk petroleum or petroleum products, liquified natural/pressurized gas, bulk cement and any other product using pipeline for discharge. The quantity shall be as per receiver's manifest.

Per metric ton SCR 25.00

**6.7 Hire of Fender And Gangway**

The hire of a fender and gangway shall be subject to the following charges—

Item	Service: Hire of fender and gangway	SCR
(a)	Fender/per 24 hours or part thereof	2,500.00 each
(b)	Gangway/per 24 hours or part thereof	2,100.00 each

## 6.8 Transshipment and Landing of Fish Fees

Transshipment charges shall apply to transshipment within a calendar year in respect of a company owning or managing one or more purse seiners and long liners transshipping and discharging in Port Victoria as follows —

- |      |                       |  |
|------|-----------------------|--|
| (i)  | Transshipment of Fish | Euro 4.00 per metric tonne or US dollar equivalent;  |
| (ii) | Landing of fish       | Euro 3.00 per metric tonne or US dollar equivalent (for processing, cold storage, etc...); |

## SCHEDULE 2

### TARIFF ITEM

#### 1. PORT DUES

##### 1.1 Hire Crafts (sailing or motor yachts) and Passenger Vessels

- (a) A fixed annual fee shall be levied in respect of every passenger vessel and hire craft registered under the Merchant Shipping Act plying within the Seychelles coastal waters. For the avoidance of doubt, a passenger vessel in respect of which a hire craft licence is in force in accordance with the Control of Hire Craft Act shall not pay two times the rate specified herein.

(i)	Annual Fee	0 to 100 GT	SCR 1,410.00
(ii)	Annual Fee	100 GT over	SCR 1,970.00



- (b) A fixed annual fee shall be levied in respect of every hire craft not registered under the Merchant Shipping Act plying within the Seychelles coastal waters.

(i)	Annual fee	0 to 20 GT	SCR 925.00
(ii)	Annual fee	20 to 100 GT	SCR1,380.00
(iii)	Annual fee	over 100 to 300 GT	SCR2,750.00
(iv)	Annual fee	Over 300 to 500GT	SCR5,485.00
(v)	Annual fee	Over 500 GT	SCR10,960.00

## 1.2 Pleasure Vessels

A fixed annual fee shall be levied in respect of every private pleasure vessel, plying within the Seychelles coastal waters.

(a)	Annual fee	5 to 20 GT	SCR314.00
(b)	Annual fee	20 to 100 GT	SCR466.00
(c)	Annual fee	100 to 300 GT	SCR923.00
(d)	Annual fee	Over 300 to 500GT	SCR1,835.00
(e)	Annual fee	Over 500 GT	SCR3,660.00

## 2.0 PILOTAGE

Coastal vessels may be exempted from using the service of a pilot. An Exemption Certificate shall be issued and fee thereof payable as follows—

Annual exemption fee SCR15,000.00.

## 3.0 BERTH/WHARFAGE/CARGO DUES

These dues are payable by coastal vessels occupying berth, on discharge or loading or when they are double banked in the Harbour, Mahe Quay, Inter Island Quay, Baie Ste Anne, Eve Island and La Digue Jetty and Providence Industrial Estate jetty. Clearance to leave the Harbour, quay or jetty shall not be given by the Pier Master unless the passenger and crew list has been submitted to him or her.

## 3.1 Berth dues applicable to every coastal vessel occupying berth:

Item	GT	Period	SCR
(a)	0 to 30	First 2 hours or part thereof	60.00
		Each subsequent period of 1 hour or part thereof	110.00
(b)	30 to 100	First 6 hours or part thereof	110.00
		Each subsequent period of 1 hour or part thereof	210.00
(d)	100 to 200	First 6 hours or part thereof	110.00
		Each subsequent period of 1 hour or part thereof	210.00
(e)	Exceeding 200	First 6 hours or part thereof	110.00
		Each subsequent period of 1 hour or part thereof	210.00

## 3.2 Berth dues applicable to every hire craft occupying berth:

3.3 Where the owner or master of a vessel fails to comply with item 3.2, the owner or master is liable to a surcharge of SCR750.00 over the amount which he or she is liable to pay under that item, for each hour period or part thereof, after the expiry of the first hour, payable within one month of the date of surcharge and possibility of detention of the vessel.

4.0 **DESIGNATION OF EMERGENCY BERTH**

The designated emergency berths, as marked, shall be free from any vessel at any time, unless working cargo or passenger embarking or disembarking with sufficient crew on board to vacate the berth at very short notice, and as approved by the Harbour Master or Pier Master.

Where the master fails to comply with this item, he or she is liable to a penalty of SCR3,000.00 payable within one month of the date of the penalty and possibility of detention of the vessel.

5.0 **USAGE OF RAMP**

For the use of ramp for the purpose of loading and unloading goods, the following charge shall apply —

(a) First 30 minutes or part thereof: SCR 400.00

- |   |                            |
|---|----------------------------|
| (b) Next 2 hours or part thereof after the first 30 minutes | SCR 1,500.00               |
| (c) Each subsequent 2 hours or part thereof                 | SCR 2,500.00 per two hours |

A fine of SCR 3,500 per hour or part thereof shall be applicable if a vessel remains at the ramp for purposes other than for loading or unloading.

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### SCHEDULE 3

#### (Regulation 2)

Port Victoria shall be the area enclosed by the following boundaries —

Starting at Mahe Island bearing 000° by 4.6 nautical miles (Lat 04°53'S; Long 055°31'E), thence by a straight line in a north easterly direction to Fregate Island bearing 276° by 5.9 nautical miles (Lat 04° 36' S; Long 056° 03' S), thence by a straight line in a north north westerly direction to Grande Soeur Island bearing 230° by 7.7 nautical miles (Lat 04°12' S; Long 055° 58' E), thence by a straight line in a westerly direction to Aride Island bearing 094° by 7.5 nautical miles (Lat 04° 12' S; Long 055° 32' E), thence by a straight line in a north north westerly direction to North Island bearing 115° by 7 nautical miles (Lat 04° 20' S; Long 055° 08' E), thence by a straight line in a southerly direction to Silhouette Island bearing 030° by 10.8 nautical miles (Lat 04° 40' S; Long 055° 08' E), back to the starting point at Mahe Island bearing 000° by 4.6 nautical miles.

**MADE this 8th day of August, 2013**

**JOEL MORGAN  
MINISTER OF HOME AFFAIRS  
AND TRANSPORT**

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