

VIRGIN ISLANDS
BRITISH VIRGIN ISLANDS PORTS AUTHORITY (AMENDMENT)
REGULATIONS, 2008

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement.
2. Regulation 96 amended.
3. Regulation 97 amended.
4. Regulation 98 amended.
5. Regulation 108 amended.
6. Third Schedule amended.

VIRGIN ISLANDS

STATUTORY INSTRUMENT 2008 NO. 25

**BRITISH VIRGIN ISLANDS PORTS AUTHORITY ACT, 1990
(No. 12 of 1990)**

**British Virgin Islands Ports Authority
(Amendment) Regulations, 2008**

[Gazetted 15th May, 2008]

The Minister, in exercise of the power conferred by section 94 of the British Virgin Islands Ports Authority Act, 1990 (No. 12 of 1990), makes these Regulations.

Citation and commencement.

1. These Regulations may be cited as the British Virgin Islands Ports Authority (Amendment) Regulations, 2007 and shall come into force on the 1st day of July, 2008.

Regulation 96 amended.
S.I. 1995 No. 27

2. Regulation 96 of the British Virgin Islands Ports Authority Regulations, 1995 (in these Regulations referred to as “the principal Regulations”) is amended in paragraph (a), by adding the word “and” after the semi-colon.

Regulation 97 amended.

3. The principal Regulations is amended in regulation 97 by the substitution of regulation 97, for the following:

“ 97 (1) The following vessels are exempted from payment of harbour charges:

- (a) Her Majesty’s ships and other vessels belonging to the Crown or on voyages exclusively for the Crown;
- (b) vessels belonging to foreign governments, unless when carrying cargo for freight or passengers for fares; and
- (c) vessels under fifteen feet overall length engaged exclusively in coastwise inter-island traffic within the Territorial waters of the British Virgin Islands.

(2) Subject to regulation 98, regulation 96 shall not apply to ferry vessels, but a ferry vessel operating between

- (a) the United States Virgin Islands and the British Virgin Islands shall be subject to harbour charges at the rate

specified in Item B of the Third Schedule; and

(b) harbours in the British Virgin Islands shall be subject to harbour charges at the rate specified in Item B of the Third Schedule.

(3) Regulation 96 (b) shall not apply to a vessel that is home ported in the Territory.

(4) For purposes of this regulation, “home ported” means a vessel

(a) exceeding fifteen feet in length and registered in the British Virgin Islands which operates;

(b) licensed in the British Virgin Islands which operates; or

(c) in which a belonger owns at least fifty-one percent shares and which operates

from an assigned berth or mooring in the British Virgin Islands.”.

4. The principal Regulations is amended in regulation 98 by revoking paragraph (c). Regulation 98 amended.

5. Regulation 108 of the principal Regulations is amended by adding after the words “marine facilities”, the words, “located within a harbour”. Regulation 108 amended.

6. The Third Schedule to the principal Regulations is amended by substituting Item B for the following: Third Schedule amended.

“B. HARBOUR CHARGES

[Regulation 96 and 97]

Rates for vessels entering and remaining in the territorial waters or using an Authority facility:

- (a) for the initial period of 24 hours or part of that period, during which a vessel remains in the Territorial waters after it is provided legal entry into the Territory..... \$1.00 per foot of vessel length.

- (b) for the next period of 24 hours or part of that period, during which a vessel remains in the Territorial waters after the expiration of the initial period.....\$0.75
per foot of vessel length.

- (c) for each subsequent period of 24 hours or part of that period, during which a vessel remains in the Territorial waters after the expiration of the initial period.....\$0.50
per foot of vessel length.

- (d) for each period of 24 hours or part of that period, during which a vessel uses an Authority facility after the expiration of the initial period.....\$1.00
per foot of vessel length.

Made by the Minister this 2nd day of May, 2008.

(Sgd.) JULIAN FRASER,
Minister of Communications and Works.