

1777.



## ANALYSIS

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1973-74, No. 43

An Act to provide for harbour charges and fees on the Island of Rarotonga

(3 May 1974)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Rarotonga Harbour Charges and Fees Act 1973-74.

2. Interpretation - In this Act, unless the context otherwise requires -

"Goods" includes wares and merchandise of every description and all chattels, livestock, and other articles; but does not include mails:

"Harbour" includes any harbour, whether natural or artificial, and any haven, estuary, lagoon, dock, pier, jetty, and other place at or in which ships do or can obtain shelter, or load or discharge goods or passengers:

Price

"Minister" means the Minister in charge of the Ministry of Labour and Commerce:

"Secretary" means the Secretary of Labour and Commerce appointed pursuant to the Ministry of Labour and Commerce Act 1973-74.

"Ship" includes any description of vessel used in navigation not propelled by oars or paddles:

- "Ton" (a) In relation to flour, means two thousand pounds;
- (b) In relation to coal, coke, manure, sugar, cement, wheat, oats, barley, rice, bran, chaff, bagged vegetables, bagged salt, rope, twine or freezer cargo, or to any other goods on which freight is charged according to weight, twenty hundredweight;
- (c) In relation to timber, means four hundred and eighty feet superficial measurement;
- (d) In relation to bricks, means three hundred and twenty bricks;
- (e) In relation to uncrated bicycles, means four bicycles;
- (f) In relation to uncrated motor-cycles, means two motor-cycles;
- (g) In relation to motor car, bus, or truck shall be taken at its actual weight or cubic measurement whichever is the greater;
- (h) In relation to horse, bull, cow or animal of similar nature and size, means one animal;
- (i) In relation to sheep, pig, goat, calf, dog, or animal of similar nature or size, means four animals;
- (j) In relation to copra, means 2240 pounds;
- (k) In relation to petroleum products supplied in bulk through pipelines to bulk storage, means three hundred imperial gallons;
- ((l) In relation to any other goods, means forty cubic feet measurement.

"Boat" means every description of vessel propelled by oars or paddles.

3. Administration - This Act shall be administered in the Ministry of Labour and Commerce.

4. Application - This Act shall apply to the Island of Rarotonga only.

5. Harbour fees on goods - (1) There shall be payable to the Secretary the following harbour fees:

- (a) On all goods shipped from Rarotonga to, or into Rarotonga from any other island in the Cook Islands, harbour fees of forty cents a ton, or part thereof;
- (b) On all goods shipped from Rarotonga to, or into Rarotonga from, any place outside of the Cook Islands, harbour fees of eighty cents a ton, or part thereof.

Provided that the Minister may reduce these fees to an amount of not less than twenty-five cents a ton or part thereof for any goods shipped from, or into, the Port of Avarua or Avatiu.

(2) No harbour fees payable under this section shall apply to any goods that are unloaded and then reloaded on the same ship within twenty-four hours.

6. Presentation of statements of cargo loaded and unloaded - The owner, charterer, master, or agent of any ship that has unloaded or loaded goods subject to harbour fees payable under section 5 of this Act shall:

- (a) for goods being unloaded, present to the Secretary a true and correct statement of all such goods within twenty-four hours of the commencement of the unloading of that ship; and
- (b) for goods being loaded, present to the Secretary a true and correct statement of all such goods within twenty-four hours of the completion of loading of that ship.

7. Berthage charges - There shall be payable to the Secretary berthage charge of five cents a nett registered ton for each time a vessel (other than a boat) enters any harbour and ties up to the wharf in that harbour.

8. Fees for passengers - (1) There shall be payable to the Secretary a fee of fifteen cents for each passenger who embarks, or disembarks from any ship.

(2) The fees payable under this section shall not be payable for any passenger who disembarks and re-embarks on the same ship within twelve hours.

9. Presentation of statements of passengers disembarking and embarking - The owner, charterer, master, or agent of any ship that disembarks or embarks any passengers at Rarotonga shall within twenty-four hours of the time of disembarkation or embarkation present to the Secretary a true and correct statement of all such passengers.

10. Payment of fees and charges - (1) The Secretary shall, on the receipt of the statements required under sections 6 and 9 of this Act, issue an assessment in the form prescribed in the Schedule to this Act to the owner, charterer, master, or agent of the vessel.

(2) The assessment shall be payable to the Secretary within seven days of the date of the making thereof.

(3) Where any assessment remains unpaid after seven days the Secretary may commence proceedings in the High Court of the Cook Islands for the recovery of such unpaid assessment.

11. Port and Wharf charges - (1) There shall be payable to the Secretary the following charges for any vessel in any harbour but not outside the reef at Rarotonga:

for any vessel exceeding 18 feet in length but not exceeding 30 feet -  
thirty-five cents a day with a minimum charge of \$2.00;

for any ship exceeding 30 feet in length - forty cents a day with a minimum charge of \$2.50.

Provided that where the length of stay exceeds fourteen days the above rates shall be doubled.

(2) There shall be payable to the Secretary the sum of five dollars a week, or part thereof, for any ship that is on any crown land within any harbour precincts, or on any Crown land adjoining any harbour.

(3) The Minister may exempt any ship from, or reduce for any ship the rate of the charges prescribed by this section, and he may likewise revoke or otherwise alter any exemption or reduction so made.

(4) For the purposes of sub-section (1) of this section the measurement for length shall be taken as the mean measurement of length.

12. Collector of Customs to withhold certificate of clearance for any ship subject to charges under Section 11 - The Collector of Customs or other proper officer of Customs shall not issue a certificate of clearance to any ship departing from Rarotonga to any place outside of the Cook Islands unless the Secretary has notified the Collector of Customs or other proper officer of Customs in writing that any charges payable under Section 11 of this Act has been paid.

13. Offences - (1) It shall be an offence against this Act:

- (a) To present to the Secretary any statement required under Sections 6 and 9 of this Act that is incorrect;
- (b) To leave or attempt to leave the Cook Islands without payment of the charges prescribed under Section 12 of this Act.

(2) Any person found guilty of an offence under this section shall be liable on conviction to a fine not exceeding five hundred dollars.

14. Application of Moneys - All fines and other moneys paid, collected, or recovered pursuant to this Act shall form part of the public revenues of the Cook Islands and shall be paid into the Cook Islands Public Account.

15. Regulations - (1) The High Commissioner may from time to time by Order in Executive Council make all such regulations as may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

16. Repeals and Savings - (1) The Rarotonga Harbours Improvement and Maintenance Fund Regulations 1956 are hereby revoked.

(2) The Rarotonga Harbours and Maintenance Fund By-law 1964 No. 20 is hereby revoked.

(3) Any outstanding fees or charges under the regulations or bylaw specified in subsections (1) and (2) of this section shall be deemed to be payable under this Act and shall be recoverable as if assessed under Section 10 of this Act.

Section 10

SCHEDULE

Form of Assessment

Rarotonga Harbour Charges and Fees Act 1973-74  
Assessment of Harbour Charges and Fees

TO: \_\_\_\_\_ Number  
\_\_\_\_\_ 19\_\_\_\_\_

\_\_\_\_\_  
VESSEL: \_\_\_\_\_ VOYAGE NUMBER: \_\_\_\_\_

Inwards: \$    C  
Cargo \_\_\_\_\_ tons at \_\_\_\_\_ =  
Cargo \_\_\_\_\_ tons at \_\_\_\_\_ =  
Passengers No. \_\_\_\_\_ at \_\_\_\_\_ =

Outwards:  
Cargo \_\_\_\_\_ tons at \_\_\_\_\_ =  
Cargo \_\_\_\_\_ tons at \_\_\_\_\_ =  
Passengers No. \_\_\_\_\_ at \_\_\_\_\_ =

Berthage Charges \_\_\_\_\_ nett tons at \_\_\_\_\_ = \_\_\_\_\_  
TOTAL PAYABLE \$ \_\_\_\_\_

\_\_\_\_\_  
for Secretary of Labour and Commerce

PLEASE PAY THIS ASSESSMENT AT THE OFFICES OF THE  
MINISTRY OF LABOUR AND COMMERCE

This Act is administered by the Ministry of Labour and Commerce.