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## SUBSIDIARY LEGISLATION

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### CUSTOMS

#### Customs (Fees) Regulations 2011

S. R. & O. No. 1 of 2011

*Made: ..... 25 August 2011*

*Published: ..... 9 September 2011*

*Coming into force: on publication*

I make these regulations under section 230 of the Customs Ordinance<sup>(a)</sup>.

### PART 1 INTRODUCTION

#### 1. Title

These regulations are the Customs (Fees) Regulations 2011.

#### 2. Commencement

These regulations come into force on publication in the *Gazette*.

#### 3. Interpretation

In these regulations —

“customs fees for a vessel” means either —

- (a) in the case of a yacht, the fee payable for it under regulation 4; or
- (b) in the case of a vessel other than a yacht, the fees payable for it under regulations 6 and 7;

“load line length” means, in relation to a vessel, the greater of —

- (a) 96% of the total length of its relevant waterline; and
- (b) the length on that waterline from the fore side of its stem to the axis of its rudder stock;

“normal working hours” means the period each day between 8am and 4.30pm;

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<sup>(a)</sup> Cap.16, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

“relevant waterline” means, in relation to a vessel, the waterline that is —

- (a) at 85% of the vessel’s least moulded depth (measured from the top of the keel); and
- (b) in the case of a vessel designed with a rake of keel, parallel to its design waterline;

“yacht” means a small sailing or motor vessel in relation to which both of the following conditions are satisfied —

- (a) it is used for pleasure cruises; and
- (b) its load line length is not more than 24 metres.

## **PART 2 FEE PAYABLE IN RESPECT OF YACHTS**

### **4. Fee payable in respect of yachts**

A fee of £10 is payable for the customs entry and clearance of a yacht.

## **PART 3 FEES PAYABLE IN RESPECT OF VESSELS OTHER THAN YACHTS**

### **5. Application of Part 3**

This Part applies only in relation to vessels that are not yachts.

### **6. Fees payable for customs entry and customs clearance**

- (1) If customs entry and customs clearance are undertaken in separate visits to the vessel, a fee of £35 is payable for each.
- (2) If customs entry and clearance are undertaken in a single visit to the vessel, only one fee of £35 is payable for both.

### **7. Fees for other services**

- (1) Fees are payable for other services provided by customs officers for purposes under the customs laws.
- (2) A fee is payable for each hour or part hour during which one or more customs officers are engaged providing the services (including time spent travelling, if the services are performed away from King Edward Point).
- (3) The rates at which fees are payable are —
  - (a) £25 for each hour (or part hour) during normal working hours; and
  - (b) £40 for each hour (or part hour) outside normal working hours.

(2) The minimum amount payable for each occasion when services are provided is £50.

#### **PART 4 PAYMENT OF FEES**

##### **8. Arrangements for payment of customs fees**

(1) The Commissioner (or a person acting on behalf of the Commissioner) may enter into arrangements with the owner or operator of a vessel for the payment of customs fees for that vessel.

(2) The fees must be paid in accordance with those arrangements.

##### **9. Payment of customs fees where no arrangement applies**

(1) This regulation applies in relation to vessels in respect of which no arrangement has been made under regulation 8(1).

(2) It also applies to a vessel to the extent that an arrangement made under regulation 8(1) does not apply.

(3) If this regulation applies, payment of the customs fees for the vessel may be demanded by a customs officer from whomever appears to be in charge of the vessel.

(4) Customs fees demanded under paragraph (3) must be paid —

(a) in cash; or

(b) by another method approved by (or on behalf of) the Commissioner.

(5) The customs fees may be paid in one of the following currencies —

(a) the currency of the United Kingdom;

(b) the currency of the Falkland Islands; or

(c) another currency, if it is a currency that has been approved by (or on behalf of) the Commissioner.

(6) If the customs fees are paid in another currency that has been approved under paragraph 5(c), the Commissioner (or a person acting on behalf of the Commissioner) may determine the equivalent amount payable in that currency.

##### **10. Recovery of unpaid customs fees**

Amounts due in respect of unpaid customs fees for a vessel may be recovered as a debt in a court of competent jurisdiction from either —

(a) the owner or operator of the vessel; or

(b) the person from whom they were demanded under regulation 9(3).

### **11. Application of proceeds**

Customs fees paid or recovered under this Part form part of the general revenues of the Territory.

## **PART 5 REVOCATION**

### **12. Customs Fees Regulations 1992 (and amending regulations) revoked**

The following regulations are revoked —

(a) Customs Fees Regulations 1992 (S.R. & O. No 1 of 1992);

(b) Customs (Fees) (Amendment) Regulations 1998 (S.R. & O. No 4 of 1998); and

(c) Customs (Fees) (Amendment) Regulations 2003 (S.R. & O. No 1 of 2003).

Made 25<sup>th</sup> August 2011

N. R. Haywood C.V.O.,  
*Commissioner.*

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#### **EXPLANATORY NOTE**

*(not part of the order)*

These regulations replace the Customs Fees Regulations 1992<sup>(a)</sup> to simplify the structure of fees for customs entry and clearance and for other services provided by customs officers.

Yachts are defined as small sailing or motor vessels, with a load line length of up to 24 m, that are used for pleasure cruises. Customs entry and clearance fees for yachts remains £10.

For vessels other than yachts, fee for customs entry and customs clearance will be £35. A single fee of £35 is charged if customs entry and customs clearance are undertaken during a single visit to the vessel.

If a customs officer is required for any purpose under the Customs laws an hourly fee will apply (with a minimum fee based on 2 hours). Higher fees apply outside normal working hours.

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<sup>(a)</sup> S. R. & O. No. 1 of 1992, as amended by S. R. & O. No. 4 of 1998 and S. R. & O. No. 1 of 2003.