



PENRHYN HARBOUR CHARGES AND FEES BYLAW ORDER 1983

GAVEN DONNE, KBE, Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this 22nd day of September 1983.

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL

PURSUANT to Section 15 of the Outer Islands Local Government Act 1976, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following Order:

ANALYSIS

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|----|----------------------------------------------|----------|
| 1. | Title | Schedule |
| 2. | Penrhyn Harbour Charges and Fees Bylaw Order | |

ORDER

1. Title - (1) This Order may be cited as the Penrhyn Harbour Charges and Fees Bylaw Order 1983.

(2) This Order shall come into force on the 1st day of December 1983.

2. Penrhyn Harbour Charges and Fees Bylaw Order - The Penrhyn Harbour Charges and Fees Bylaw is set out in the Schedule to this Order.

SCHEDULE

PENRHYN HARBOUR CHARGES AND FEES BYLAW

ANALYSIS

Title	4. Cargo Fees
1. Short Title and commencement	5. Application of Monies
2. Interpretation	6. Penalty
3. Berthage Charges	7. Proceedings

A Bylaw to make provision for the payment of berthage charges and harbour fees in the island of Penrhyn.

1. Short Title and commencement - This may be cited as the Penrhyn Harbour Charges and Fees Bylaw 1983 and shall come into force on the 1st day of December 1983.

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

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

"Cargo" includes wares and merchandise of every description and all chattels, livestock and other articles; but does not include mail and passengers ordinary luggage;

"Chief Administration Officer" means the Chief Administration Officer of Penrhyn and includes any person authorised by him to act on his behalf;

"Freight tonne" means

- (i) either one cubic metre or one thousand kilograms whichever measurement has been received for the purposes of ascertaining freight costs;
- (ii) in relation to uncrated bicycles, four bicycles.

"Harbour" means any harbour, whether natural or artificial and includes any haven, estuary, lagoon, dock, pier, jetty and other places at or in which vessels do or can obtain shelter or load and discharge cargo.

"Returned container" means any container previously sent from and returned to the island of Penrhyn or any container previously sent to and returned from the island of Penrhyn.

"Vessel" means every description of vessel however propelled or moved and includes anything constructed or used for the purpose of carrying cargo or persons by water but does not include a boat.

3. Berthage Charges - (1) There shall be payable to the Chief Administration Officer a berthage charge for every vessel that enters any harbour at Penrhyn, calculated as follows:

- (a) For a vessel trading between the islands of the Cook Islands or which is owned by persons ordinarily resident in the Cook Islands five cents per nett registered ton or three dollars and fifty cents whichever is the greater; or
- (b) For all other vessels ten cents per nett registered ton or eight dollars whichever is the greater.

(2) The berthage charge shall be payable by the master, owner, charterer, or agent of the vessel, as the case may be.

4. Harbour Fees - (1) There shall be payable to the Chief Administration Officer in respect of all cargo loaded onto or off a vessel at a harbour a cargo fee which shall be calculated and charged as follows:

- (a) Seventy-five cents per freight ton or part thereof; and
- (b) Ten cents for each and every returned container; Provided that every such returned container that is empty shall only be subject to a harbour fee of ten cents.

(2) For the purposes of calculating the harbour fees imposed by subsection (1) of this section all consignors and consignees of cargo shall hand to the Chief Administration Officer all Bills of Lading and the Chief Administration Officer shall issue an assessment in the form prescribed in the Schedule to this By Law to the consignor or consignee as the case may be.

(3) The harbour fee imposed by subsection (1) of this section and assessed in accordance with subsection (2) of this section shall be payable by and recoverable from the consignor or consignee of cargo, as the case may be, or any agent of such consignor or consignee.

5. Application of monies collected - All monies paid collected or recovered pursuant to this Bylaw shall be applied as follows:-

- (a) One half shall be applied towards the repayment of loans raised for harbour and wharf construction, repairs and maintenance;

- (b) One quarter to be applied in payment of lease rentals payable in respect of land acquired for the purposes of a harbour;
- (c) One quarter to form part of the funds of the Penrhyn Island Council; and
- (d) The Chief Administration Officer shall account for all monies received accordingly.

6. Penalty - Any person acting in contravention of any provision contained in this Bylaw shall be liable to a fine not exceeding \$200.00.

7. Proceedings - Any proceedings to recover any fee or charge imposed by this Bylaw may be brought by the Chief Administration Officer in his official capacity.

Penrhyn Harbour Charges and Fees Bylaw Order 1983

Mata Taruia
Clerk of the Executive Council

This Order is administered in the Department of Outer
Island Affairs

BY AUTHORITY:
T. KAPI, Government Printer, Rarotonga, Cook Islands - 1983