



ANALYSIS

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| <p>Title</p> <p>1. Short Title</p> <p>2. Berthage charges</p> <p>3. Fees for passengers</p> <p>4. Port and wharf charges</p> | <p>5. Collector of Customs to withheld certificate of clearance for any yacht subject to charges</p> <p>6. Offences</p> |
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1976, No. 3

An Act to amend the Rarotonga Harbour Charges and Fees Act 1973-74

(18 March 1976)

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 Amendment Act 1976 and shall be read together with and deemed part of the Rarotonga Harbour Charges and Fees Act 1973-74 (hereinafter referred to as "the principal Act").

2. Berthage charges - Section 7 of the principal Act is hereby repealed and the following new section substituted:

- "(1) There shall be payable to the Secretary a berthage charge for each boat, yacht or vessel that enters any harbour and ties up to the wharf or anchors in that harbour. The amount of the berthage charge shall be -
- (a) For vessels normally trading between the islands of the Cook Islands and which are owned principally by persons ordinarily resident in the Cook Islands, five cents a nett registered ton with a minimum charge of \$3.50;
- (b) For yachts owned by persons not ordinarily resident in the Cook Islands, \$2.00;
- (c) For other vessels, 10 cents a nett registered ton with a minimum charge of \$8.00".

Price 20c

3. Fees for passengers - Section 8 of the principal Act is hereby amended by omitting the words "for each passengers" and substituting the words "for each passenger paying a deck fare and thirty cents for each passenger paying a cabin fare".

4. Port and wharf charges - Section 11 of the principal Act is hereby repealed and the following new section substituted:

(1) There shall be payable to the Secretary the following charges for yachts in harbours -

(a) For any yacht not exceeding 25 feet in length:

- (i) In Avatiu Harbour - one dollar seventy-five cents per day with a minimum charge of \$7.00;
- (ii) In Avarua Harbour - one dollar per day with a minimum charge of \$4.00.

(b) For any yacht exceeding 25 feet but not exceeding 35 feet in length:

- (i) In Avatiu Harbour - two dollars per day with a minimum charge of \$8.00;
- (ii) In Avarua Harbour - one dollar twenty-five cents per day with a minimum charge of \$5.00.

(c) For any yacht exceeding 35 feet but not exceeding 45 feet in length:

- (i) In Avatiu Harbour - two dollars and twenty-five cents per day with a minimum charge of \$9.00;
- (ii) In Avarua Harbour - one dollar fifty cents per day with a minimum charge of \$6.00.

(d) For any yacht exceeding 45 feet in length:

- (i) In Avatiu Harbour - two dollars fifty cents per day with a minimum charge of \$10.00;
- (ii) In Avarua Harbour - one dollar seventy-five cents per day with a minimum charge of \$7.00.

(2) There shall be payable to the Secretary the sum of \$15.00 per week for any yacht on Crown land within the precincts of any harbour or adjoining any harbour.

(3) For the purposes of this section the measurement for length shall be taken as the mean measurement of length.

(4) For the purposes of this section part of a day shall be deemed to be a day and part of a week shall be deemed to be a week.

(5) This section shall not apply to any yacht that is owned solely by a Cook Islander or a permanent resident of the Cook Islands.

(6) The payment of charges under this section shall not affect the powers of any Harbourmaster pursuant to the Rarotonga Harbour Controls Regulations 1974.

(7) No yacht shall be permitted to anchor, berth or otherwise enter any lagoon without the permission of the Harbourmaster and such permission shall be subject to such conditions as he may impose.

5. Collector of Customs to withhold certificate of clearance for any yacht subject to charges - Section 12 of the principal Act is hereby amended by inserting after the word "under" and before the word "section" the words "paragraph (b) of section 7 or".

6. Offences - Subsection (1) of section 13 of the principal Act is hereby amended by omitting paragraph (b) and substituting the following new paragraph:

"(b) To leave or attempt to leave the Cook Islands without payment of the charges prescribed under paragraph (b) of section 7 and section 11 of this Act."

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