

ORDER NR. 135/94 of August 1 *

The creation of the services of the International Shipping Registry of Madeira (MAR), through its integration in the Private Commercial Registry of Madeira's Free Trade Zone by Decree-Law nr. 96/89 of March 28, initially aimed at the registration of commercial ships.

At a later stage, and in order to consolidate MAR's recognition as a qualified international shipping registry, and ensure its competitiveness, Decree-Law nr.393/93, of November 23rd, amended the above mentioned diploma, namely through the redefinition of its legal scope, by including pleasure ships.

As such, it is necessary now to define the fees applicable to pleasure ships.

In these circumstances:

Under the terms of paragraph d) of article 49 of Law nr. 13/91, of June 5, and paragraphs nr. 1, 3 and 4 of article 27 of Decree-Law nr.96/89, of March 28, and article 8 of the Regional Government's Order nr. 4/94, of February 3, the Regional Government of Madeira orders the following:

Article 1 (Scope)

Registrations and all other services relating to pleasure ships ("embarcações de recreio") registered with the International Shipping Register of Madeira - MAR are subject to the fees established in the present Order.

Article 2 (Registration)

- 1- Pleasure ships with leisure-sporting purposes, as consideration for the registration, are subject to:
 - a) An initial fee for the initial registration, in the amount of 500 euros;
 - b) An annual fee for maintaining the registration:
 - i. For pleasure ships between 7 and 24 metres long, a fee of 500 euros;
 - ii. For pleasure ships of more than 24 metres long, a fee of 500 euros plus 2 euros per gross ton (GT).

- 2- Pleasure ships with commercial purposes, as consequence of the registration, are subject to:
 - a) For the initial registration or registration renewal:
 - i. A fixed fee in the amount of 1.250 euros.

- ii. A variable fee:

SCALE	FEE PER SCALE
Up to 250 GT	200 euros
Above 250 GT	0,75 euros per GT

GT: Tons of Gross Tonnage.

- b) Annual fee for maintaining the registration:
- A fixed fee in the amount of 1.000 euros.
 - A variable fee:

SCALE	FEE PER SCALE
Up to 250 GT	200 euros
Above 250 GT	0,75 euros per GT

GT: Tons of Gross Tonnage.

- 3- Pleasure Ships owned by entities licensed within the framework of Madeira's Free Trade Zone are entitled to benefit from an exemption of the initial fee for registration and to a 20% reduction in the annual fee.

Article 3 (Inspections)

- 1- For the inspection performed upon request of the ship-owner or for purposes of a MAR's inspection, a fee of 100 euros/hour shall apply.
- 2- In addition to the costs referred to in the previous number, transport and lodging costs of the expert performing the inspection are due and payable by the owner.
- 3- In the event the inspection cannot take place due to the late arrival of the pleasure ship or for any reason beyond the control of MAR, then the costs shall be borne by the owner.

Article 4 (Cancellation)

For the cancellation of registration of pleasure ships, a cancellation fee shall apply in the amount of:

- a) 250 euros for pleasure ships with leisure-sporting purposes;
- b) 650 euros for pleasure ships with commercial purposes.

Article 5

(Rendering of services and remaining registrations)

Rendering of services and all other registrations concerning pleasure ships will be subject to fees in the following amounts:

- 1- For the issue, renewal, replacement or endorsement of certificates, certified copies, declarations and other documents of a pleasure ship, a fee of 20 euros, for ships with leisure-sporting purposes, and 130 euros for ships with commercial purposes;
- 2- For the issue or recognition of each certificate of the officials and other crew members, a fee of 100 euros and 25 euros, respectively;
- 3- For the determination of the capacity¹ and issue of the respective certificate regarding pleasure ships with commercial purposes, a fee of 200 euros;
- 4- For the provision of official forms, on-board record books and other related services, the amount to be determined by official publication of the Technical Commission of MAR.
- 5- For the procedure to obtain the ship's radio station license, a fee of 300 euros for pleasure ships with leisure-sporting purposes and of 500 euros for those with commercial purposes;
- 6- For the change of name of the ship, a fee of 40 euros;
- 7- For the recognition, purchase, division or change of ownership, a fee of 70 euros;
- 8- For the recognition, establishment, acquisition, change or extinction of the right usufruct, a fee of 35 euros;
- 9- For each construction contract, a fee of 20 euros;
- 10- For the creation of a mortgage, its change or discharge, transfer, assignment of mortgage credits, as well as recognition of the priority level of the relevant registration, a fee of 60 euros.

Article 6

(Collection of fees)

- 1- The collection of the amounts referred to in the previous articles shall be effected as follows:
 - a) Upon the registration, both the initial and annual fees;
 - b) At the beginning of each additional 12 month period in relation to the annual fee referring to the subsequent year, payment being due on the first day of the month preceding the date to which it refers;

¹ Translator's note: maximum number of people allowed on board.

- c) All other amounts shall be paid upon the issue of the corresponding documents and in accordance with the practice of the respective services and acts.
- 2- The owners of pleasure ships who choose to pay the annual fee for two years, shall benefit from a 20% reduction on the amounts due, provided payment is executed as one sole payment and within the period legally set out for such purpose.
- 3- Failure to comply with payment of the annual fee within the period set out in paragraph b) of nr. 1 of article 6 determines the following:
 - a) In the first and second months, an additional charge of 50% and 100%, respectively, shall apply;
 - b) In the third month and upon initiative of the Free Trade Zone Office, the cancellation of the registration and the specific performance procedure for the amount in debt, which includes the annual fee increased by 100% and added of the amount relating to cancellation.
- 4- Under the terms of the Law and of the concession contract, the amounts referred to in the previous numbers, shall be paid to the Regional Government of Madeira by means of a deposit made with the concessionaire of the Free Trade Zone of Madeira, and the corresponding receipts shall form part of the respective processes.

Article 7

(Entry into force)

This Order becomes immediately effective.

The Regional Secretary for the Economy and External Cooperation of the Government of the Autonomous Region of Madeira, *José Agostinho Gomes Pereira de Gouveia*.

Signed on July 29th, 1994.

- * *The text includes the amendments introduced by the following diplomas:*
- *Order n.º 227/99, of December 29th*
 - *Order n.º 145/2003, of October 29th*