



# Air and Sea Ports (Incorporation) (Jersey) Law 2015

## Case P-008: Regulatory Review of Air and Sea Port Operations

### Final Notice of Directions to Ports of Jersey Limited

Document No: JCRA 24/58

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Jersey Competition Regulatory Authority  
2<sup>nd</sup> Floor Salisbury House, 1-9 Union Street  
St Helier  
Jersey JE2 3RF  
Tel 01534 514990  
Web: [www.jcra.je](http://www.jcra.je)

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## 1. Executive summary

- 1.1 The Jersey Competition Regulatory Authority (the **Authority**) is issuing this Final Notice to confirm its exercise of a specified regulatory function, to determine the prices that Ports of Jersey Limited (**Ports of Jersey**) charges for products and services where it has been found to be dominant (**Regulated Services**). This includes services at the airport, harbour and marinas.
- 1.2 The pricing framework establishes a price control of Retail Price Index (**RPI**) + 1.8% applicable to Regulated Services, with effect from 1 January 2025 to 31 December 2029. The pricing framework includes a compliance and monitoring regime and a safeguarding approach, which provides the Authority with scope to vary the price control in response to material changes in forecast revenues or costs.
- 1.3 This Final Notice follows the issuing of an Initial Notice (JCRA 24/53) on 31 October 2024 which set out the proposed Directions. No representation was received from Ports of Jersey prior to the expiry of time allotted, as provided for in Article 23 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015 (the **Law**). Accordingly, this Final Notice confirms the exercise by the Authority of the specified regulatory function and the issuing of the Directions.
- 1.4 This document is the final stage of the Regulatory Review of Air and Sea Port Operations (the **Review**).<sup>1</sup> It is structured as follows:
  - Matters contained in the Initial Notice (chapter 2); and
  - The Directions (chapter 3).
- 1.5 Note, for brevity, this document does not repeat all the background material set out in the Initial Notice, though a high-level summary is provided in Chapter 2.

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<sup>1</sup> All case documents are available at: [P-008 Regulatory Review of Air and Sea Port Operations](#)

## 2. Matters contained in the Initial Notice

2.1 Chapter 2 of the Initial Notice set out the background to the Directions, including an overview of:

- Statutory background – the Law and relevant Articles and the duties placed on the Authority in the performance of its functions;
- The licence granted to Ports of Jersey – Ports of Jersey holds a port operations licence, issued on 1 November 2015. The licence contains conditions related to the publication of new prices, determination of maximum charges for port operations and the provision of information to the Authority.
- The Review process – the non-statutory process that the Authority undertook, culminating in the Final Decision (JCRA 24/52). The statutory process was also explained.

2.2 Chapter 3 of the Initial Notice contained background on the framework for issuing of the Directions. This included an overview of the significant market power determinations applied to Ports of Jersey, as well as the supporting analysis provided by independent consultancy EY for the purpose of calculating the price control formula. Chapter 4 contained the Directions to Ports of Jersey, with chapter 5 outlining the next steps.

2.3 The Initial Notice also included two annexes, the first provided a list of Regulated Services by area of ports operations, while the second was the Reporting Template which will be used to verify compliance with the price control.

### 3. The Directions

#### 3.1 The Authority confirms the issue of the following Directions to Ports of Jersey.

##### **DIRECTIONS**

The Jersey Competition Regulatory Authority (**Authority**) has determined that Ports of Jersey Limited (**Ports of Jersey**) is dominant in the following markets for the whole of the Bailiwick of Jersey, pursuant to the Authority's Final Notice in respect of Assessment of Market Power of October 2016:

1. The provision of airport operation services (excluding private users);
2. The provision of airport operation services to private users;
3. The provision of commercial sea port operation services; and
4. The provision of sea port operation services to marine leisure port users.

Within these markets there are charges for products and services where it has been found to be dominant (**Regulated Services**) and these are listed in the Annex to this Direction.

Pursuant to Article 15 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015 (**Law**) and the conditions identified below of Ports of Jersey's licence dated 1 November 2015 (**Licence**), the Authority makes directions 1 and 3 below.

##### **Direction 1: Pursuant to Condition 22.2 of the Licence**

1. Ports of Jersey shall determine the amounts to be levied by way of charges for Regulated Services in each of the years, starting on 1 January 2025 and ending on 31 December 2029. Ports of Jersey shall determine charges in each year, ensuring that charges for each Regulated Service does not exceed an amount set in accordance with the following formula:

$$M_t = Y_{t-1} * (1 + RPI_t + X_t)$$

Where:

$M_t$  is the maximum allowable charge for each Regulated Service in year  $t$  (where  $t = 2025, 2026, 2027, 2028, 2029$ )

$Y_{t-1}$  is the charge for each Regulated Service in year  $t-1$  (e.g., if  $t = 2025$ , then  $t-1 = 2024$ )

$RPI_t$  is the retail prices index (inflation) published annually by Statistics Jersey in September, represented as a percentage.  $M_t$  is to be set by reference to the RPI published in September of the preceding year.

$X_t = 1.8\%$

##### **Direction 2: Pursuant to Condition 5.1 of the Licence**

2. In order to verify Direction 1, the Authority requires that Ports of Jersey shall provide:
  - 2.1 Capital expenditure report - within 20 working days of the last day of each quarter, for years one to three of the control, the information set out in the Excel template published alongside these directions together with an explanatory note with respect to capital expenditure.
  - 2.2 Price control report - within 20 working days of the last day of each half year, for each year of the control, the information set out in the Excel template annexed to these directions together with an explanatory note with respect to price control reporting.

2.3 Price notification report - no later than 15 November prior to the start of each year of the control, for each year of the control, the information set out in the Excel template published alongside these directions with respect to price notifications. This will include pricing in each relevant market where Ports of Jersey is dominant.

The submissions under Direction 2 will be in accordance with the framework set out in the Final Decision (JCRA 24/52).

**Direction 3: Pursuant to Conditions 5.1, 5.3, 5.4 and 5.5 of the Licence**

3. In relation to Direction 1, should the information provided pursuant to Directions 2.1 or 2.2 demonstrate at any time that either:

3.1 Ports of Jersey's cumulative revenue is materially below the level forecast in its 2023 Strategic Business Plan; or

3.2 Ports of Jersey's capital expenditure is materially less than the amount forecast in its 2023 Strategic Business Plan.

then the Authority shall have the following options:

3.3 To require Ports of Jersey to account for the discrepancy and to appoint an independent auditor to examine financial and other records and to report on the causes of such discrepancy; and

3.4 On the basis of such an audit, where necessary, review the pricing framework to take account of such discrepancy as the Authority shall determine.

The approach to Direction 3 will be in accordance with the framework set out in the Final Decision (JCRA 24/52).

**Annexes**

1. Annex – Regulated Services, included within this Final Notice

2. Annex – Reporting Template, published alongside this Final Notice

**By order of the Authority**

**13 November 2024**

## Annex – Regulated Services

This annex provides an overview of the Regulated Services across the four markets where Ports of Jersey has been found to be dominant, namely the provision of:

1. Airport operation services (excluding private users);
2. Airport operation services to private users;
3. Commercial sea port operation services; and
4. Sea port operation services to marine leisure port users.

The services presented in the tables under each market are from 2024. Any new charges introduced during the period of the price control will also be subject to Condition 22. The same applies for any discounts or premiums or special offers introduced during the price control period.

### Airport operation services (excluding private users)

Ports of Jersey holds a dominant position in the market for airport operation services (excluding private users). For the avoidance of doubt, engineering services, car parking facilities and the provision of facilities for shops, retail business and offices are not Regulated Services.

Airport operation services	
<p><b>COMMERCIAL AIRCRAFT DUES</b></p> <p>Weight &gt; 3 tonnes or commercially operated</p> <ul style="list-style-type: none"> <li>- Per metric tonne</li> <li>- Per passenger</li> <li>- Per passenger - security charge</li> <li>- Freight - bulk contract newspapers - per 10 kilograms</li> <li>- Freight - other</li> <li>- Practice approach - per metric tonne</li> </ul> <p><b>PRIVATE AIRCRAFT CHARGES NOT EXCEEDING 8 METRIC TONNES</b></p> <ul style="list-style-type: none"> <li>- Landing - per 1/2 metric tonne (minimum £8.20)</li> <li>- For each practice approach per metric tonne of part thereof</li> </ul> <p><b>PRIVATE, EMPTY, TRAINING, TEST AIRCRAFT - EXCEEDING 8 METRIC TONNES</b></p> <ul style="list-style-type: none"> <li>- For each landing and departure per metric tonne of part thereof</li> <li>- For each practice approach per metric tonne of part thereof</li> </ul> <p><b>LOCALLY BASED AIRCRAFT CHARGES</b></p> <ul style="list-style-type: none"> <li>- per metric tonne or part thereof</li> <li>- Not exceeding 1 metric tonnes</li> <li>- Exceeding 1 but not 1.5 metric tonne</li> <li>- Exceeding 1.5 but not exceeding 2 metric tonne</li> <li>- Exceeding 2 but not exceeding 2.5 metric tonne</li> <li>- Exceeding 2.5 but not exceeding 3 metric tonne</li> </ul> <p><b>JERSEY AERO CLUB AIRCRAFT DUES</b></p> <ul style="list-style-type: none"> <li>- Aircraft owned and operated by the Club - per annum</li> <li>- 1st January each year</li> </ul> <p><b>AIRPORT OUT-OF-OPENING HOURS DUES</b></p> <p>For each arrival and departure outside normal opening hours - additional dues</p> <ul style="list-style-type: none"> <li>- After normal hours of closure but before 22:00</li> </ul>	<ul style="list-style-type: none"> <li>- 22:00 to 22:30</li> <li>- 22:30 to 23:00</li> <li>- 23:00 to 23:30</li> <li>- 22:30 to midnight</li> <li>- Midnight to 05:30</li> <li>- 05:30 - 06:00</li> <li>- 06:00 - 06:30</li> <li>- 06:30 - 07:00</li> </ul> <p>whether or not an aircraft arrived or departed</p> <p><b>AIRCRAFT PARKING DUES (EXCLUDING LOCALLY BASED AIRCRAFT)</b></p> <ul style="list-style-type: none"> <li>- First metric tonne (per 24 hours)</li> <li>- Each additional tonne (per 24 hours) <ul style="list-style-type: none"> <li>o exceeding 3 metric tonnes</li> <li>o other aircraft</li> </ul> </li> </ul> <p><b>PIER PARKING STANDS DUES</b></p> <p>From when a direction or order is given to move the aircraft to when this is complied with</p> <ul style="list-style-type: none"> <li>- Pier Parking Stand - First Hour</li> <li>- Pier Parking Stand - Subsequent Hours</li> </ul> <p><b>OPERATIONAL SERVICES</b></p> <ul style="list-style-type: none"> <li>- Aircraft Recovery</li> <li>- Aircraft Towing (Per Occurrence)</li> <li>- Airside Vehicle Permit (Per Permit)</li> <li>- Airside Driving Permit (Per Permit)</li> </ul> <p><b>TERMINAL SERVICES</b></p> <ul style="list-style-type: none"> <li>- Miscellaneous coaching</li> <li>- Terminal Services Support</li> </ul> <p><b>ARFFS CALL OUT</b></p> <ul style="list-style-type: none"> <li>- Normal operational hours</li> <li>- Out of hours</li> </ul> <p><b>ENVIRONMENTAL</b></p> <ul style="list-style-type: none"> <li>- Spillage clean-up</li> <li>- Spillage penalty for repeat offences</li> </ul> <p><b>FIXED GROUND POWER (FEGP)</b></p> <ul style="list-style-type: none"> <li>- per hour or part thereof</li> </ul>

## Airport operation services to private users

Ports of Jersey holds a dominant position in the market for airport operation services to private users.

### Airport operation services to private users

#### **PRIVATE AIRCRAFT CHARGES NOT EXCEEDING 8 METRIC TONNES**

- Landing - per 1/2 metric tonne (minimum £8.20)
- For each practice approach per metric tonne of part thereof

#### **PRIVATE, EMPTY, TRAINING, TEST AIRCRAFT - EXCEEDING 8 METRIC TONNES**

- For each landing and departure per metric tonne of part thereof
- For each practice approach per metric tonne of part thereof

#### **LOCALLY BASED AIRCRAFT CHARGES**

- per metric tonne or part thereof

- Not exceeding 1 metric tonnes
- Exceeding 1 but not 1.5 metric tonne
- Exceeding 1.5 but not exceeding 2 metric tonne
- Exceeding 2 but not exceeding 2.5 metric tonne
- Exceeding 2.5 but not exceeding 3 metric tonne

#### **JERSEY AERO CLUB AIRCRAFT DUES**

- Aircraft owned and operated by the Club - per annum
- 1st January each year

#### **AIRCRAFT PARKING DUES (EXCLUDING LOCALLY BASED AIRCRAFT)**

- First metric tonne (per 24 hours)
- Each additional tonne (per 24 hours)
  - o exceeding 3 metric tonnes
  - o other aircraft



## Commercial sea port operation services

Ports of Jersey holds a dominant position in commercial sea port operation services and the table below lists the Regulated Services. For the avoidance of doubt, services (pilotage) beyond territorial waters, port parking permits, private monthly parking, commercial IT services, the weighbridge, and the provision of facilities for shops and retail businesses are not Regulated Services.

<b>Commercial sea port services</b>	
<p><b>SHIP CHARGE</b></p> <ul style="list-style-type: none"> <li>- &lt;500 GT</li> <li>- 501 - 1000 GT</li> <li>- 1001 - 3000 GT</li> <li>- &gt; 3000 GT (Capped at 5000 GT)</li> </ul> <p><b>SHIPS LAYING UP - PER METRE EACH DAY OR PART OF A DAY</b></p> <ul style="list-style-type: none"> <li>- Under 30 m</li> <li>- Over 30 m</li> </ul> <p><b>PASSENGER DUES</b></p> <ul style="list-style-type: none"> <li>- Passengers</li> <li>- Cruise Passengers ISPS Security Charge</li> <li>- Private Cars</li> <li>- Private Motorcycle</li> <li>- Caravan or Caravanette</li> <li>- Small Commercial Vessel Permit Holders</li> </ul> <p><b>FREIGHT / FUEL DUES – PER TONNE OR PART THEREOF</b></p> <ul style="list-style-type: none"> <li>- Freight – Containerised / General</li> <li>- Heavy Fuel Oil</li> <li>- Liquid Fuel</li> <li>- Freight – Bulk</li> <li>- Unaccompanied Cars</li> </ul> <p><b>FREIGHT FACILITIES CHARGES</b></p> <p><b>Ro Ro Charges: Commercial Vehicles / Trailers / Pods</b></p> <ul style="list-style-type: none"> <li>- Up to 2.99 metres</li> <li>- 3 metres to 9.9 metres</li> <li>- Over 10 metres</li> </ul> <p><b>Lo Lo Charges</b></p> <p>Commercial crane per tonne</p>	<ul style="list-style-type: none"> <li>- Surcharge for vessels not working and arriving Friday 23:00 to Monday 06:00</li> </ul> <p><b>2nd Category</b></p> <ul style="list-style-type: none"> <li>- Dues payable if an operation mentioned above is carried out by a special pilot</li> <li>- Licence and Examination Fees</li> <li>- Examination for Pilot's licence</li> <li>- Grant or renewal of Pilot's licence</li> <li>- Pilotage training</li> <li>- Two or more pilots trained at same time</li> </ul> <p>Additional dues payable in respect of a ship not ready to depart</p> <ul style="list-style-type: none"> <li>- For a period exceeding 30 minutes, but not exceeding 1 hour</li> </ul> <p>For each succeeding hour or part of an hour</p>
	<b>Quay rental</b>
	<p>Flats, trailers, containers and equipment:</p> <ul style="list-style-type: none"> <li>- Not more than 3 metres long</li> <li>- More than 3 but not more than 6 metres long</li> <li>- More than 6 but less than 7 metres long</li> <li>- More than 7 but less than 8 metres long</li> <li>- More than 8 but less than 10 metres long</li> <li>- More than 10 but less than 12 metres long</li> <li>- More than 12 metres long</li> </ul> <p>Empty vehicles other than trailers per day or part of a day</p> <p>Per 10 square metres or part thereof per day or part thereof</p> <p>Annual charge – up to 13.5 metre trailer space</p> <p>Elizabeth Terminal Area - up to 13.5 metre trailer space</p>
	<b>Ports Vessels</b>
	<p>Minimum charge 1 hour, thereafter hourly including part thereof</p> <p>Band 1: Normal Charges – Mon to Thu 0800-1630, Fri 0800-1400</p> <ul style="list-style-type: none"> <li>- Ports Tug</li> <li>- Ports Cutters and Launches</li> </ul> <p>Band 2: Overtime – Mon to Thu 0000-0800 &amp; 1630-2359, Fri 0000-0800 &amp; 1400-2359, Sat &amp; Sun 0000-2359</p> <ul style="list-style-type: none"> <li>- Ports Tug</li> <li>- Ports Cutters and Launches</li> </ul> <p>Band 3: Bank Holidays</p> <ul style="list-style-type: none"> <li>- Ports Tug</li> <li>- Ports Cutters and Launches</li> </ul> <p>Band 4: Community: Band 1 hours only</p> <ul style="list-style-type: none"> <li>- Ports Tug</li> <li>- Ports Cutters and Launches</li> </ul>
	<b>Fishermen</b>
	<ul style="list-style-type: none"> <li>- Up to 7 m per annum</li> <li>- 7 - 10 m per annum</li> <li>- 10 - 15 m per annum</li> <li>- Over 15 m per annum</li> </ul>
<p><b>Pilotage</b></p> <p><b>1st Category</b></p> <ul style="list-style-type: none"> <li>- 06:00 – 23:00 Ship less than 70 metres in length – each metre or part metre</li> <li>- 06:00 – 23:00 Ship 70 metres or more in length – each metre or part metre</li> <li>- 23:00 – 06:00 Ship less than 70 metres in length – each metre or part metre</li> <li>- 23:00 – 06:00 Ship 70 metres or more in length – each metre or part metre</li> <li>- Minimum Dues</li> <li>- Boarding Dues</li> <li>- Cancellation Fee</li> <li>- Pilotage by a general pilot of a ship from one harbour to another in Jersey</li> <li>- Pilotage by a general pilot of a ship within the territorial waters of Jersey that returns to its harbour of departure</li> <li>- Services of a general pilot to move a ship in harbour from one berth to another</li> <li>- Services of the pilot where a ship anchors in the roads and later enters the harbour</li> <li>- For each boarding of the ship by the pilot</li> <li>- Boarding outside the pilotage zone</li> </ul>	

## Sea port operation services to marine leisure port users

Ports of Jersey is dominant for the provision of sea port operation services to marine leisure port users in Jersey. For the avoidance of doubt marina parking permits, annual mooring charges, visitors – St Aubin and Gorey – Gorey and St Aubin cranes, as well as Gorey and St Aubin working bay are not Regulated Services.

Marinas	Greater than 4.2m beam boat
<p>Daily Rates - La Collette Yacht Basin, Elizabeth Marina, St Helier Marina or Albert Pier Pontoons</p> <p><b>Weekly rates – six times daily rate if paid in advance. Max length to be 20 metres, subject to vessel displacement and space available</b></p> <ul style="list-style-type: none"> <li>- Up to 7.99 m</li> <li>- 8 – 9.99 m</li> <li>- 10 – 11.99 m</li> <li>- 12 – 13.99 m</li> <li>- 14 – 15.99 m</li> <li>- 16 – 19.99 m</li> <li>- Over 20 m – per m</li> </ul> <p><b>ANNUAL CONTRACT - PER METRE IF PAID QUARTERLY IN ADVANCE</b></p> <ul style="list-style-type: none"> <li>- La Collette Yacht Basin – Up to 5.2m without individual berth</li> <li>- La Collette Yacht Basin – Over 5.2m or with individual berth</li> <li>- St Helier Marina / Albert Pier</li> <li>- Elizabeth Marina</li> <li>- Albert Pier</li> </ul> <p><b>SUMMER CONTRACTS</b></p> <ul style="list-style-type: none"> <li>- St Helier and Elizabeth - Summer Contracts (1st May to 30th September) per metre per month</li> <li>- La Collette - Summer Contracts (1st May to 30th September) per metre per month</li> <li>- Albert Pier Berth - Summer Contracts (1st May to 30th September) per metre per month</li> </ul> <p><b>WINTER CONTRACTS</b></p> <ul style="list-style-type: none"> <li>- St Helier and Elizabeth - Winter Contracts (1st October to 30th April) per metre per month</li> <li>- La Collette - Winter Contracts (1st October to 30th April) per metre per month</li> <li>- Albert Pier Berth - Winter Contracts (1st October to 30th April) per metre per month</li> </ul> <p><b>HOLDING PONTOONS - ST HELIER, ELIZABETH, LA COLLETTE (EXCLUDING ALBERT PIER)</b></p> <ul style="list-style-type: none"> <li>- Local craft – stay limited to 12 hours in any 24 hours</li> <li>- NB: Ships other than a single hulled boat moored at La Collette Yacht Basin, St Helier and Elizabeth Marina – dues as above plus 50%</li> </ul> <p><b>BOAT HOIST &amp; PARK and CRANES</b></p> <p>Quick Turn Around (2015 Product)</p> <ul style="list-style-type: none"> <li>- 1 Hour</li> <li>- 1.5 Hour</li> <li>- 2 Hour</li> </ul> <p><b>Less than 4.2m beam boat</b></p> <ul style="list-style-type: none"> <li>- Per lift per metre of length – Standard</li> <li>- Per lift per metre of length – Licensed</li> <li>- Minimum Charge – Standard</li> <li>- Minimum Charge – Licensed</li> <li>- Relocation within Boat Park – Standard</li> <li>- Relocation within Boat Park – Licensed</li> <li>- Quick Turnaround (Boat remains in hoist) – Standard</li> <li>- Quick Turnaround (Boat remains in hoist) – Licensed</li> <li>- Lift and return to same position – Standard</li> <li>- Lift and return to same position – Licensed</li> </ul>	<p><b>Greater than 4.2m beam boat</b></p> <ul style="list-style-type: none"> <li>- Per lift per metre of length – Standard</li> <li>- Per lift per metre of length – Licensed</li> <li>- Minimum Charge – Standard</li> <li>- Minimum Charge – Licensed</li> <li>- Minimum Charge (over 20 m) – Standard</li> <li>- Minimum Charge (over 20 m) – Licensed</li> <li>- Relocation within Boat Park – Standard</li> <li>- Relocation within Boat Park – Licensed</li> <li>- Quick Turnaround (Boat remains in hoist) – Standard</li> <li>- Quick Turnaround (Boat remains in hoist) – Licensed</li> <li>- Lift and return to same position – Standard</li> <li>- Lift and return to same position – Licensed</li> </ul> <p><b>LA COLLETTE BOAT MAINTENANCE PARK – PER SQUARE METRE PER MONTH</b></p> <p>Long stay flat rates to be agreed prior to lift out and subject to season</p> <ul style="list-style-type: none"> <li>- Boats not hoisted – first month</li> <li>- Boats hoisted – first two weeks</li> <li>- Boats hoisted – second two weeks</li> <li>- Second month</li> <li>- Third month</li> <li>- After third month</li> <li>- Storage per day</li> </ul> <p><b>ADMINISTRATION</b></p> <ul style="list-style-type: none"> <li>- Entry or Re-Entry on Moorings / Marina Waiting List</li> <li>- Berth Change / Amendment to Details</li> <li>- Retention of boat number (Up to 3 years)</li> <li>- Daily rate invoicing / Administration Charge</li> <li>- Replace certificate of Registry for vessels registered as per inshore safety regulations</li> </ul> <p><b>EVENTS</b></p> <ul style="list-style-type: none"> <li>- Up to 12m - per day</li> <li>- Over 12m - per day</li> </ul> <p><b>TOWAGE BY MARINA DORY WITHIN HARBOUR AND NEAR APPROACHES</b></p> <ul style="list-style-type: none"> <li>- Per tow – on station / duty</li> <li>- Per tow – off station</li> <li>- Visiting yachts</li> <li>- Hourly Rate, labour services</li> </ul> <p><b>BLOCK BOOKINGS - PER DAY OR PART THEREOF (MULTI HULL x 1.5)</b></p> <ul style="list-style-type: none"> <li>- Single hull under 7 m</li> <li>- Single hull 7 – 10 m</li> <li>- Single hull 10 – 15 m</li> <li>- Single hull over 15 m</li> <li>- St Aubin's Pads (per week or part)</li> </ul> <p><b>Visitors/Daily Rates</b></p> <ul style="list-style-type: none"> <li>- Up to 12 metre</li> <li>- 12 - 19.99 metre</li> <li>- 20 - 24.99 metre</li> <li>- Over 25 metre</li> </ul> <p>POA - Stormbound arrangements for safe berthing available on application and are subject to conditions and discretion of Marina</p>