



SAINT JOHN PORT AUTHORITY

NOTICE N-1-SJ

BERTHAGE CHARGES

TARIFF NOTICE

APPLICABLE AT THE HARBOUR OF THE

SAINT JOHN PORT AUTHORITY

This By-Law is issued pursuant to Section 49(1),
Part 1 of the Canada Marine Act, Bill C-9.

EFFECTIVE: FEBRUARY 1, 2009

Canada

**NOTICE RESPECTING THE TARIFF OF BERTHAGE CHARGES
FOR THE SAINT JOHN PORT AUTHORITY
SAINT JOHN, N. B.**

Short Title

1. This notice may be cited as the Berthage Charges Tariff Notice.

Interpretation

2. In this notice,
 - "berthage" means a charge on a vessel
 - (a) while occupying a berth, or while fast to or tied up alongside any other vessel occupying a berth at Authority property, or,
 - (b) not moored at but loading or unloading by lighter from or to Authority property;
 - "Authority" means the Saint John Port Authority;
 - "Authority property" means any wharf, pier, jetty, bulkhead or similar facility that is under the administration, management and control of the Authority at a harbour, and includes any such property under lease from the Authority;
 - "harbour" means a harbour to which this Notice applies;
 - "owner" includes the agent, charterer by demise or master of a vessel;
 - "registered gross tonnage" means the gross tonnage of a vessel calculated:
 - (a) on a basis that corresponds with or is equivalent to the method of calculating the gross tonnage of a vessel set out in the Rules as to the Measurement of Tonnage in Schedule I to the Canadian Shipping Act; or
 - (b) in accordance with Regulations 2 to 7 set out in Annex I to the International Convention on Tonnage Measurement of Ships, 1969; and:
 - "tonnage measurement certificate" means a certificate issued by measurement authority recognized by the Authority that sets out the registered tonnage of a vessel.

Application

3. This Notice applies to harbour under the administration, management and control of the Saint John Port Authority.

Charges

4. (1) The berthage rates shall be the rates set out in the schedule.
- (2) The charges prescribed by this Notice are due from the owner as soon as they are incurred and shall be paid to the Authority at its office.
- (3) The charges referred to in subsection (2) are payable within 60 days from the date due and, where the charges are not paid within that time, an additional charge of 1 1/2 per cent of the charges payable shall be paid for each subsequent 60 day period or portion thereof that the charges remain unpaid.
- (4) For the purpose of assessing berthage:
 - (a) a vessel shall be regarded as occupying a berth from the time the first line is made fast until the last line is cast off; and
 - (b) a vessel that occupies two or more berths in succession shall be regarded as occupying a berth from the time the first line is made fast to the first berth until the last line is cast off at the last berth.
- (5) Where a vessel that is not moored at a harbour is loading or unloading by means of a lighter from or to a berth in a harbour and the berth is reserved for the vessel, the vessel shall be regarded as occupying the berth and the berthage rate shall be 50 per cent of the rate prescribed in the schedule applicable to that harbour.

Exemptions

5. Notwithstanding subsection 4 (1), the charges prescribed by this Notice are not payable in respect of
 - (a) a vessel that is of a non-commercial type or design, and belongs to Her Majesty or to a foreign government;
 - (b) a vessel that is a pleasure craft not engaged in commerce;

- (c) a vessel that is moored in a harbour in the interests of the safety of navigation if that vessel departs from the harbour within a period of twelve consecutive hours from the time it enters the harbour and does not engage in any commercial activity therein;
- (d) a tug that is assisting a vessel to dock or to leave a berth; or
- (e) a lighter that is loading or unloading goods from or to Authority property to or from another vessel not moored at such property.

Measurement of Vessels

- 6. (1) Where two registered gross tonnages are recorded on a tonnage measurement certificate, only the lesser of those tonnages shall apply for the purposes of this Notice.
- (2) Where the owner of the vessel is not able to produce a tonnage measurement certificate, the Authority may estimate the gross tonnage of that vessel and the gross tonnage so estimated shall be regarded as the registered gross tonnage for the purposes of this Notice.
- (3) Where the owner of a vessel produces a tonnage measurement certificate but the gross tonnage shown therein has not been calculated as described in the definition "registered gross tonnage" in section 2, the owner of the vessel shall deposit with the Authority, in addition to the charges payable on the basis of the gross tonnage so shown, an amount equal to 20 per cent of those charges.
- (4) If, within six months of the deposit of the additional amount referred to in subsection (3), a certificate showing the gross tonnage calculated as described in the definition "registered gross tonnage" in Section 2, is presented to the Authority, by the owner, the charges payable by him shall be re-calculated on the basis of gross tonnage shown on that certificate and such portion of that deposit, if any, as is not required for payment of charges shall be returned to the owner.

Other Charges

- 7. The charges prescribed by this Notice are in addition to any other charges prescribed in any other Notice or that may be owing to the Authority.

SCHEDULE

SAINT JOHN PORT AUTHORITY

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ITEM	DESCRIPTION	RATE
		\$
1.	The berthage rates per gross registered are:	
	(a) for the first period of 12 hours or part thereof.....	\$0.0459
	(b) for the second period of 12 hours or part thereof.....	\$0.0459
	(c) for each subsequent hour.....	\$0.0025
2.	Notwithstanding the rates specified in this schedule, the minimum charge for berthage is.....	\$36.51