



**SAINT JOHN PORT AUTHORITY**

**NOTICE N-2-SJ**

**WHARFAGE 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, 2010

**Canada**

## **NOTICE RESPECTING THE TARIFF OF WHARFAGE CHARGES SAINT JOHN PORT AUTHORITY FACILITIES**

### **Short Title**

1. This Notice may be cited as the Wharfage Charges Tariff Notice.

### **Interpretation**

2. In this Notice,
  - (a) "Authority" means the Saint John Port Authority;
  - (b) "Authority property" means any wharf, pier or other installation (exclusive of bridges) under the administration, management and control of the Authority at a harbour, and includes any such property under lease from the Authority;
  - (c) "cargo container" means a container or chassis that is rigid, reusable, capable of being mounted or dismounted and handled by standard container lifting equipment and that is used by ocean carriers for transportation of goods on board vessels and includes any container that is insulated, refrigerated or dry cargo, or described as flat rack, vehicle rack, liquid tank or open top;
  - (d) "demurrage" means a charge payable on goods in transit remaining on Authority property after the expiration of free time;
  - (e) "free time" means, in respect of any goods, the period within which the goods must be removed from Authority property after unloading from a vessel with no demurrage charge being incurred in respect of such period;
  - (f) "harbour" means a harbour to which this Notice applies;
  - (g) "owner" includes, in the case of a vessel, the agent, charterer by demise or master of the vessel and, in the case of goods, the agent, sender, consignee or bailee of the goods, as well as the carrier of such goods to, upon, over or from Authority property;
  - (h) "pallets" or skids mean small portable platforms upon which goods may be consolidated into individual loads for transportation or storage;
  - (i) "prescribed" means prescribed by this Notice;

- (j) "tonne" means
  - (i) where used as a measurement of weight, 1000 kilograms; and
  - (ii) where used as a measurement of volume, 1 cubic metre; and
- (k) "wharfage" means a charge on all goods that
  - (i) pass over, onto or under Authority property;
  - (ii) are transhipped between vessels at a harbour;
  - (iii) are unloaded overside from a vessel to the water or loaded overside to a vessel from the water at a harbour; or
  - (iv) are landed from or placed in the water at Authority property.

### **Application**

- 3. This Notice applies to harbours under the administration, management and control of the Saint John Port Authority excluding:
  - (a) the area known as Navy Island Forest Products Terminal while operated by and pursuant to a Lease dated January 1, 1989 to Forest Products Terminal Corporation Limited including all of Berths 1 and 2 in the harbour of Saint John. (BD89-02)
  - (b) the area known as Rodney Terminal while operated by and pursuant to a Lease No. 352 dated January 1, 1996, with Brunswick Terminals Inc. (BD96-11)

### **Charges and Payment**

- 4. (1) Subject to subsection (6) and sections 6 and 7,
  - (a) the standard wharfage rates are as set out in Schedule I;
  - (b) the special wharfage rate is as is set out in Schedule II;
  - (c) the minimum wharfage charges are as set out in Schedule II; and
  - (d) the demurrage rates are as set out in Schedule III.

- (2) The minimum wharfage or demurrage charge per invoice, set out in Schedule II and Schedule III are payable only where an invoice is issued exclusively in respect of such wharfage or demurrage charge.
- (3) Wharfage charges are incurred on
  - (a) inward goods upon completion of their discharge from the vessel; and
  - (b) outward goods upon completion of their loading to the vessel.
- (4) The prescribed charges on goods are due from the owner of the vessel as soon as they are incurred and shall be paid by him to the Authority at its office at the harbour at which they are incurred.
- (5) The prescribed charges may be collected by the owner of the vessel from the owner of the goods.
- (6) Where the total wharfage on all goods to be carried on a vessel assessed at the standard rates would be greater than such wharfage assessed at the special rate, the owner may elect to pay wharfage at the special rate,
  - (a) if such rate is paid in respect of all such goods, and,
  - (b) those goods are to be carried as described in subsection (7).
- (7) The goods referred to in subsection (6) must be carried from a harbour specified in Schedule I to another harbour in Labrador, Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Northern Quebec, Northern Ontario, Northern Manitoba, the Northwest Territories or a Canadian Harbour on the St. Lawrence River or the Great Lakes.
- (8) In Schedules I, II and III,

"tonne M" means a tonne measured by volume; and

"tonne W" means a tonne measured by weight.
5. (1) Goods on which charges are owing shall not be removed from a harbour until the charges have been paid or security for payment of the charges have been accepted by the Authority and, when goods are removed without prior Authority release, there shall be paid in addition to the charges owing, and amount equivalent to 25 per cent of those charges.

- (2) Charges for which security has been accepted by the Authority shall be paid within thirty (30) days from the date due and where those charges are not paid within thirty (30) days from the date due, there shall be paid for each subsequent thirty (30) day period or a portion thereof, an amount equivalent to 1.5 percent of those charges. (BD88-28)
  
- 6.
  - (1) Wharfage is payable only once on goods reshipped from a harbour except goods that,
    - (a) are removed from and later reshipped over Authority property; or
    - (b) are reshipped over Authority property after being altered in form or composition on Authority property.
  - (2) Wharfage is not payable on cargo containers, pallets or skids, or on unmanifested ship's gear or unmanifested ship's stores other than bunker fuel.
  
- 7.
  - (1) Demurrage is not payable on goods in transit remaining on Authority property after the expiration of free time if the goods are on property, other than in a transit shed, that is under lease from the Authority.
  - (2) For the purposes of this section, property under lease from the Authority does not include property for which a permit of occupancy has been granted under the authority of the manager of a port.
  - (3) Demurrage is not payable on unmanifested personal effects, other than motor vehicles.

#### **Calculation of Charges**

- 8. Except as otherwise specified in the Schedule, the prescribed charges shall be calculated
  - (a) in the case of goods carried by a vessel on the basis of weight or measurement, on the basis on which the goods are carried; and
  - (b) in the case of goods carried by a vessel on any other basis, on the basis of weight or measurement whichever yields the greater revenue.

### **Certificate of Unloading**

9. (1) The agent of each vessel from which goods subject to wharfage have been unloaded shall ensure the receipt by the Authority at its office at the harbour at which the goods were unloaded, within forty-eight hours following completion of unloading at each berth, of a certificate stating the date and hour of completion of the unloading.
- 2) Where the agent of a vessel fails to ensure the receipt of a certificate by the Authority within the time prescribed by subsection (1), he shall pay to the Authority a fee of ten dollars.

### **Free Time**

10. (1) Free time shall commence on the day following completion of unloading of each vessel at each berth, and shall be as follows:
  - (a) eight working days, in the case of goods that require gauging or inspection, other than customs appraisal, by officers of Her Majesty; and
  - (b) five working days, in the case of any other goods.
- (2) The Authority may, in its discretion, extend or limit any free time.

### **List of Goods Subject to Demurrage**

11. (1) Where goods have become subject to demurrage, the owner of the vessel shall ensure the receipt by the Authority at its office at the harbour at which the goods were unloaded, before noon on the day following expiry of the free time prescribed in respect of the goods, of a list of the goods, in duplicate, on a form supplied by the Authority.
- (2) Where the owner of the vessel does not ensure the receipt of the list of goods by the Authority within the time prescribed by subsection (1), that owner shall pay to the Authority a fee of twenty-five dollars in respect of each twenty-four hour period or part thereof that the receipt of the list by the Authority is delayed.
- (3) The Authority shall assess a charge of twenty-five dollars in respect of each bill of lading or part thereof omitted from the list of goods referred to in subsection (1).

### **Compulsory Removal of Goods**

12. (1) The Authority may, by written notice to the owner of goods on Authority property, require the removal of those goods by and at the expense of the owner of the goods after the expiration of free time.
- (2) The owner of the goods shall, upon receipt of a notice given under subsection (1), remove the goods forthwith from Authority property.
- (3) Subsection (1) does not apply in respect of goods on Authority property described in subsection (1) of Section 7.
- (4) Where any owner of goods does not comply with a notice given under subsection (1), the Authority may, at the risk and expense of the owner, remove, store or repile the goods.
- (5) A charge of one dollar shall be assessed against the owner of the goods in respect of every notice given under subsection (1) when removal is effected by the Authority pursuant the subsection (4).

SCHEDULE I

SAINT JOHN PORT AUTHORITY

NOTICE N-2-SJ  
WHARFAGE CHARGES TARIFF NOTICE

EFFECTIVE: FEBRUARY 1, 2010

ITEM	DESCRIPTION OF GOODS	UNIT	BASIS	RATE \$
1.	All goods N.E.S.....	Tonne	W	3.29
		Tonne	M	2.64
2.	Fish, Fresh or processed.....	Tonne	W	1.73
		Tonne	M	1.38
3.	Fruit, vegetables and meat, fresh or processed.....	Tonne	W	1.49
		Tonne	M	1.17
4.	Potatoes (including in standard cargo containers) .....	Tonne	W	1.49
5.	Grain and grain products N.E.S. (excluding cooked cereals).....	Tonne	W	0.96
		Tonne	M	0.80
6.	Lumber and logs, rough or dressed.....	Tonne	W	0.85
		Tonne	M	0.68
7.	Rubber, natural or synthetic...	Tonne	W	1.96
		Tonne	M	1.60
8.	Sugar, raw or refined.....	Tonne	W	1.63
		Tonne	M	1.31
10.	Fluorspar, fertilizer, feldspathic materials in bags or containers, scrap metal.....	Tonne	W	1.49
		Tonne	M	1.17

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ITEM	DESCRIPTION OF GOODS	UNIT	BASIS	RATE \$
10.	Basic and primary metallic products, ores and concentrates in containers or on pallets or skids.....	Tonne	W	2.64
		Tonne	M	2.08
11.	Coal, coke, sand, gravel and stone.....	Tonne	W	0.50
		Tonne	M	0.42
12.	Primary paper products.....	Tonne	W	1.31
		Tonne	M	1.09
13.	Building board, veneers, plywoods, wallboard and wall panelling.....	Tonne	W	1.49
		Tonne	M	1.17
14.	Goods in standard cargo containers	Tonne	W	3.16
15.	Dry bulk commodities N.E.S.....	Tonne	W	1.12
16.	Potash in bulk.....	Tonne	W	1.20
17.	Salt in bulk.....	Tonne	W	1.12
18.	Gypsum in bulk.....	Tonne	W	0.66
19.	Petroleum oil, crude or refined including gasoline and similar products in bulk.....	Tonne	W	0.66
20.	Liquid products N.E.S. in bulk.....	Tonne	W	1.96
21.	Self propelled four wheel motor vehicles:			
		(a) 1815 kg or under.....	Each	9.85
		(b) over 1815 kg to 2725 kg.....	Each	19.85
		(c) over 2725 kg.....	Tonne	W
		Tonne	M	2.64
22.	Livestock.....	Each		1.97

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SCHEDULE II

SPECIAL WHARFAGE RATES AND MINIMUM WHARFAGE CHARGES

EFFECTIVE: FEBRUARY 1, 2010

	\$
1. Special wharfage per tonne W.....	1.73
2. Minimum wharfage per bill of lading .....	5.75
3. Minimum wharfage per invoice (payable only where an invoice is issued exclusively in respect of wharfage charges) .....	37.42

Notice N-2-SJSCHEDULE III

## DEMURRAGE

EFFECTIVE: FEBRUARY 1, 2010

ITEM	DESCRIPTION OF GOODS	UNIT	BASIS	RATE \$
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Demurrage on goods remaining on Authority property after the expiration of free time shall be assessed as follows:

(b)	for each of the first four working days or part thereof after the expiration of free time, per tonne or part thereof.....	Tonne	W	1.62
		Tonne	M	1.30
(b)	for each working day or part thereof thereafter, per tonne or part thereof.....	Tonne	W	3.17
		Tonne	M	2.53
(c)	The minimum demurrage per bill of lading is.....			8.67
(d)	Minimum demurrage per invoice (payable only where an invoice is issued exclusively in respect of demurrage charges).....			37.42