



**MONTSERRAT**

## **CHAPTER 17.15**

### **Revised Edition**

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **PORT DUES ACT**

Act 2 of 1950 .. in force 17 January 1950

Amended by Act 7 of 1966

Amended by S.R.O. 23 /1973

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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## CHAPTER 17.15

### PORT DUES ACT

*(Acts 2 of 1950, 7 of 1966, 9 of 2011 and S.R.O. 23/1973)*

#### Commencement

*[17 January 1950]*

#### Short title

1. This Act may be cited as the Port Dues Act.

#### Interpretation

2. In this Act—

“**coastwise**” means plying from any place within the limits of Montserrat to any other place within the said limits;

“**master**” includes every person having or taking command or charge of a vessel;

“**port**” means any port which may be declared by order of the Governor acting on the advice of Cabinet to be a port for the purposes of this Act;  
*(Amended by Act 9 of 2011)*

“**regulations**” means regulations made by the Governor acting on the advice of Cabinet under this Act; *(Amended by Act 9 of 2011)*

“**tons**” means the gross tonnage shown on the vessel’s register, or, in the case of vessels not registered, the tonnage shown on the vessel’s licence or on her clearance from last port of call;

“**vessel**” includes every description of ship, steamship, vessel, boat or canoe, motor boat or other craft, whether decked or not.  
*(Amended by Act 7 of 1966)*

#### Port dues Schedule

3. (1) Port dues at the respective rates specified in the Schedule shall be paid in respect to all vessels of twenty five tons and upwards entering inwards into Montserrat:

Provided that, the Governor acting on the advice of Cabinet may by order add to, increase, reduce, abolish or otherwise alter any of the various dues set out in such Schedule. *(Amended by Act 9 of 2011)*

- (2) Such dues shall be payable to the Harbour Master by the respective masters of such vessels immediately upon their coming to an entry.

- (3) The Harbour Master shall have a lien, which he may enforce by seizure and sale, upon every such vessel for the payment of all port dues

payable in respect of such vessel, and upon the proceeds of sale of any such vessel for the payment of the expenses of and incidental to the seizure and sale thereof.

(4) The master or owner of such vessel may contest the seizure of such vessel by written notice to the Harbour Master within three days of the seizure and upon receipt of such written notice the Harbour Master shall within seven days cause a complaint to be lodged before a Magistrate against the person contesting the seizure, alleging that port dues were in fact due in respect of such vessel. The Magistrate shall hear and determine the matter in the manner prescribed for the summary trial of offences, and, if the case be proven, he may confirm the seizure and order the vessel to be sold or may, in lieu thereof, order that the port dues be paid and the master or owner of such vessel pay a fine not exceeding \$250.

### Exemptions

4. This Act shall not apply—

- (a) to Her Majesty's ships of war or to those of any foreign government; or
- (b) to any vessel belonging to the Royal Yacht Squadron; or
- (c) to any pleasure yacht which the Harbour Master is satisfied has not entered Montserrat for the purpose of trade or commerce; or
- (d) to any vessel when plying coastwise.

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### SCHEDULE

(Section 3)

#### PORT DUES PAYABLE

(a) For every vessel of 25 tons but not exceeding 50 tons .....	\$10
(b) For every vessel exceeding 50 tons but not exceeding 100 tons .....	\$20
(c) For every vessel exceeding 100 tons but not exceeding 500 tons .....	\$40
(d) For every vessel exceeding 500 tons but not exceeding 1,000 tons .....	\$60
(e) For every vessel exceeding 1,000 tons .....	\$100

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