



MONTSERRAT

CHAPTER 7.09

PORT AUTHORITY ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2025

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 AUTHORITY ACT

Act 9 of 1977 .. in force 1 January 1978 (S.R.O. 45/1977)

Amended by Acts: 9 of 1979

9 of 1983

13 of 1985

12 of 1991

15 of 1993

14 of 1995

4 of 2003

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

6 of 2021 .. in force 4 May 2021

6 of 2024 .. in force 29 April 2024

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PORT AUTHORITY REGULATIONS – Sections 53 and 71

S.R.O. 46/1977 .. in force 1 December 1977

Amended by S.R.O.s: 30/1979, 8/1994, 40/1994

2/1995, 63/1997, 17/1998, 69/2005 and 65/2014

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PORT AUTHORITY (PERIOD OF PUBLIC EMERGENCY)

REGULATIONS – Section 71

77

S.R.O. 71/1996

Amended by S.R.O.s: 15/2000

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CHAPTER 7.09

PORT AUTHORITY ACT

*(Acts 9 of 1977, 9 of 1979, 9 of 1983, 13 of 1985,
12 of 1991, 15 of 1993, 14 of 1995, 4 of 2003, 9 of 2011,
6 of 2021 and 6 of 2024)*

AN ACT TO ESTABLISH A PORT AUTHORITY FOR MONTSERRAT, TO PROVIDE AND ADMINISTER A CO-ORDINATED AND INTEGRATED SYSTEM OF PORT FACILITIES AND SERVICES CONNECTED THEREWITH, TO TRANSFER TO AND VEST IN THE AUTHORITY CERTAIN OF THE FUNCTIONS AND POWERS OF THE HARBOUR MASTER AND THE COMPTROLLER OF CUSTOMS, AND FOR OTHER MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

Commencement

[1 January 1978]

PART 1

PRELIMINARY

Short title

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

Interpretation

2. In this Act—

“**animal**” means any animate thing of any kind except a human being;

“**Authority**” means the Montserrat Port Authority established under section 3;

“**authorised officer**” means a person authorised by the Port Manager to exercise the powers or perform the duties in respect of which the expression is used;

“**authorised pilot**”, in relation to an area, means a person authorised under section 55 for that area and, in relation to a ship, a person so authorised in respect of ships of that description; *(Inserted by Act 6 of 2024)*

“**beacon**” means any light, mark or sign used as an aid to navigation, other than a lighthouse or buoy;

“**buoy**” includes a floating light, mark or sign used as an aid to navigation, other than a lighthouse;

“**charges**” means any charges or rates levied by the Authority under this Act and includes any rent but does not include dues or customs duties;

“**Chairman**” means the chairman of the Authority and includes any person for the time being performing the functions of the Chairman;

“**constable**” means a constable appointed by the Authority under section 88;

“**dues**” includes port dues and tonnage dues levied under this Act but does not include rates or customs duties;

“**financial year**” means such period of twelve months as the Authority, with the approval of the Minister of Finance, may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as shall be fixed by the Authority with the approval of the Minister;

“**goods**” means all kinds of moveable property including animals;

“**Governor**” means the Governor, acting on the advice of the Cabinet;
(Amended by Act 9 of 2011)

“**Master**”, in relation to a ship means any person having charge for the time being of that ship;

“**member**” when used in relation to the constitution of the Authority includes the Chairman;

“**Minister**” means in relation to—

- (a) any matter, concerning finance, the Minister responsible for Finance;
- (b) and in any other matter the Minister responsible for Communications and Works;

“**Montserrat waters**” has the meaning given by section 2(1) of the Merchant Shipping (Registration) Act (Cap. 7.11); (Inserted by Act 6 of 2024)

“**owner**” when used in relation to—

- (a) goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, discharge or delivery of such goods;
- (b) any ship, includes any part owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of such person;

“**perishable goods**” means goods liable to rapid deterioration and, in particular, includes fish, fruit, vegetables, meat, poultry, game, butter, eggs, milk, cheese, plants, small animals or any other thing which the Authority may by notice published in the *Gazette* declare to be perishable goods;

“**Permanent Secretary**” includes a nominee appointed by the Governor;

“**pilot**” means a person not belonging to a ship who has the conduct of the ship and “**pilotage**” shall be construed accordingly; (Inserted by Act 6 of 2024)

- “**pilot boat**” has the meaning given in section 57; *(Inserted by Act 6 of 2024)*
- “**pilotage direction**” has the meaning given in section 58(1); *(Inserted by Act 6 of 2024)*
- “**pilotage exemption certificate**” means a certificate granted under section 59; *(Inserted by Act 6 of 2024)*
- “**Port**” means the Port of Little Bay and such other port or ports as the Governor may by order prescribe, together with such limits to the port or ports as the Governor may by order specify; *(Substituted by Act 6 of 2024)*
- “**Port Manager**” means the Port Manager appointed under section 12, and includes any person appointed to act as Port Manager;
- “**premises**” includes any immovable property whether open or closed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority;
- “**ship**” includes any ship, vessel, tug or boat of any kind whatsoever whether the same is propelled by steam or otherwise or is towed;
- “**Tariff Book**” means the Tariff Book prepared and published under section 53;
- “**vehicle**” means any vehicle towed or propelled by any means whatsoever for the portage of goods or persons otherwise than by sea.

PART 2

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF OF AUTHORITY

Establishment of Authority

3. (1) There shall be established for the purposes of this Act a body to be called the Montserrat Port Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and with power to enter into contracts, with approval of the Governor, to sue and be sued in its corporate name, to acquire, hold, mortgage, lease and dispose of all kinds of property, moveable and immovable, subject to approval of the Governor, and to do and perform such acts and things as bodies corporate may do by law, subject to this Act.

Constitution of the Authority

4. (1) The Authority shall consist of six members as follows—

(a) two *ex officio* members as follows—

- (i) the Permanent Secretary in the Ministry with responsibility for communications and works or the designated representative of the Permanent Secretary; and

- (ii) the Financial Secretary or the designated representative of the Financial Secretary; and
- (b) four members appointed by the Governor as follows—
 - (i) two members with experience in law, management or administration;
 - (ii) one member nominated by the Chamber of Commerce; and
 - (iii) one member from the shipping industry in Montserrat.

(Substituted by Act 6 of 2021)

(2) The Permanent Secretary in the Ministry with responsibility for communications and works or the designated representative of the Permanent Secretary shall be the Chairperson of the Authority.

(Inserted by Act 6 of 2021)

(3) Subject to the requirement for a quorum at a meeting of the Authority in section 7(4), the exercise of a power or the performance of a function of the Authority is not invalidated or otherwise affected by—

- (a) a vacancy in the membership of the Authority; or
- (b) a defect in the appointment or qualification of a person appointed or purported to be appointed as a member.

(Inserted by Act 6 of 2021)

(4) Every member shall be appointed by the Governor for such period not exceeding three years as the Governor may decide, and shall, on ceasing to be a member, be eligible for reappointment:

Provided that, where a member ceases to be a member for any reason the Governor may, subject to subsection (1), appoint another member in his place for the remainder of the time the former member would have served but for his ceasing to be a member.

(5) In the event of incapacity from illness or other temporary cause or temporary absence from Montserrat of any member, the Governor may, subject to subsection (1), appoint some other person to act as a temporary member during the time such incapacity or absence continues.

(6) The Governor may at any time revoke the appointment of any member if he considers it expedient so to do.

(7) The appointment of any member and the termination of office of any person as a member whether by death, resignation, revocation, effluxion of time or otherwise shall be notified in the *Gazette*.

(Inserted by Act 12 of 1991)

Seal of Authority

5. (1) The Seal of the Authority shall be kept in the custody of the Chairman and may be affixed to instruments pursuant to a resolution of the Authority and in the presence of the Chairman and the Secretary.

(2) The Seal of the Authority shall be authenticated by the signature of the Chairman and of the Secretary, and such Seal shall be judicially noticed.

(3) All deeds, instruments, contracts and other documents, other than those required by law to be under seal, made by, and all decisions of the Authority, may be signified under the hand of the chairman.

(4) Until a seal is provided in accordance with this Act, a stamp bearing the words “**Montserrat Port Authority**” and authenticated as in this section provided may be used in place of such seal.

Service of notices

6. (1) Service of any notice, order or other document required or authorised under this Act or any regulation to be served on the Authority or on the Port Manager or any authorised officer may be served—

- (a) by delivering the notice or other document to the Port Manager or the authorised officer; or
- (b) by leaving it at the office of the Port Manager; or
- (c) by sending it by registered post addressed to the Port Manager at the office of the Authority.

(2) Service of any notice, order or other document required or authorised under this Act or any regulation to be served on any person by the Authority or by the Port Manager or any authorised officer may be served—

- (a) by delivering it to the person; or
- (b) by leaving it at the usual or last known place of abode of the person; or
- (c) by sending it by registered post addressed to the person at his usual or last known address.

Procedure and meetings of the Authority

7. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Authority may determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within seven days of a requisition for that purpose addressed to him by at least two members to consider the matters contained in such requisition.

(3) The Chairman shall call a special meeting of the Authority if directed by the Minister so to do.

(4) A quorum for any meeting of the Authority shall be three members: Provided however that where any member is disqualified from taking part in any deliberation or decision of the Authority with respect to

any matter, he shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

(5) The Secretary may take part in the deliberations of the Authority but—

(a) shall not vote in respect of any decision or matter; and

(b) shall be disregarded for the purpose of constituting a quorum for deliberating on any decision or matter.

(Amended by Act 14 of 1995)

(6) The decision of the Authority with regard to any question shall be determined by vote of the majority of the members present at the meeting of the Authority, and in any case when the votes of the members present shall be equally divided in regard to any question, the Chairman shall have a casting vote in addition to his own vote.

(7) Minutes of the proceedings of each meeting of the Authority shall be kept in such manner as the Authority may determine and shall be confirmed by the Chairman as soon as practicable thereafter at a subsequent meeting.

(8) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(9) Subject to this section, the Authority shall have power to regulate its own proceedings.

Disclosure of interest and abstaining from voting

8. (1) It shall be the duty of a member who is in any way, whether directly or indirectly, interested in an application to the Authority for a contract or proposed contract with the Authority, or in any other matter to be decided by the Authority, to declare the nature of his interest at the first meeting of the Authority at which it is practicable for him to do so.

(2) A member shall not vote in respect of any contract or proposed contract with the Authority or on any other matter in which he is pecuniarily interested, whether directly or indirectly.

Appointment of committees

9. (1) The Authority may appoint a committee of the Authority to examine and report to it on any matters whatsoever arising out of or connected with any of its functions under this Act.

(2) Any such committee shall consist of at least one member together with such other persons, whether members or not, whose assistance or service the Authority may desire.

(3) Where persons, other than members, are members of a committee appointed under this section, or where any person is co-opted under section 7(8), the Authority may, with the approval of the Minister of

Communications and Works, by resolution declare the remuneration and allowances of such persons, and such sums shall be properly payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

Power to delegate

10. Subject to this Act, the Authority may delegate to any member or committee of the Authority the power and authority to carry out on its behalf such duties as the Authority may determine subject to the approval of the Governor. (*Amended by Act 9 of 2011*)

Remuneration

11. There shall be paid from the funds of the Authority to the Chairmen, members, and servants such remuneration, fees or allowances if any as the Governor may determine.

Appointment of Port Manager

12. (1) After consultation with the Authority the Governor shall under such terms and conditions as it may determine appoint a Port Manager who shall be the Chief Executive Officer and Secretary of the Authority and shall exercise, perform and discharge all such powers, functions and duties entrusted to him by this Act and shall be present at all meetings of the Authority unless he has obtained leave of absence from the Chairman or is incapacitated by illness or other cause from attending such meetings.

(2) In the event of the absence of the Port Manager the Governor may appoint any person to act during the period of such absence under such terms and conditions as he may determine. The person so appointed may exercise, perform and discharge all the powers, function and duties of the Port Manager.

(Substituted by Act 15 of 1993)

Appointment of officers and servants

13. (1) The Authority may appoint and employ such Officers and servants as it considers necessary for the proper carrying out of its functions under this Act in accordance with the establishment terms and conditions approved by the Governor.

(2) The persons so engaged shall perform such duties as may be assigned to them by the Port Manager.

Savings for acts of the Authority

14. The validity of any act done or proceedings taken under this Act shall not be questioned on the ground of—

- (a) the existence of any vacancy in the membership of, or any defect in the constitution of, the Authority; or
- (b) the contravention by a member of section 8; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

Protection of members of the Authority

15. No personal liability shall attach to any member in respect of anything done or suffered in good faith under this Act, and any sums of money, damages or costs which may be recovered against any such member in respect of any act or thing done *bona fide* for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Authority.

Policy

16. (1) The Minister may give to the Authority directions of a general or specific character as to the policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest.

(2) The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Authority, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Consultative body

17. (1) The Governor may make regulations providing for the establishment of a consultative body—

- (a) to represent the interests of persons using facilities under the control of the Authority;
- (b) for holding consultations between the body and the Authority;
- (c) enabling the body to make representations to the Authority, or to any particular member or officer of the Authority with a view to safeguarding those interests.

(Amended by Act 9 of 2011)

(2) Such regulations may contain such incidental and supplemental provisions (excluding provisions for the making of payments to persons serving on that body) as the Governor considers expedient for the purposes of the regulations. *(Amended by Act 9 of 2011)*

PART 3

DUTIES AND GENERAL POWERS AND PROVISIONS RELATING TO
LAND PROPERTY AND UNDERTAKINGS OF THE AUTHORITY

Powers and duties

18. (1) Subject to this Act, the Authority is hereby empowered to provide, in accordance with this Act, a co-ordinated and integrated system of ports, beacons, buoys and port services.

(2) Subject to this Act, the Authority may, for the purpose of performing any of its functions under this Act, with the approval of the Governor, do anything and enter into any transaction which in the opinion of the Authority, is necessary to ensure the proper performance of its functions.
(Amended by Act 9 of 2011)

(3) In particular, and without prejudice to the generality of subsections (1) and (2), it shall be the duty of the Authority, subject to any general or specific directions which the Governor may from time to time issue—

- (a)* to administer and to operate the port as appears to it best calculated to serve the public interest;
- (b)* to regulate and control navigation within the limits of the port and its approaches;
- (c)* to maintain, improve and regulate the use of the port and the services and facilities therein as it considers necessary or desirable;
- (d)* to provide for the Port and the approaches thereto such beacons, buoys and other navigational services and aids as it considers necessary or desirable;
- (e)* to be the competent authority for all hydrographic matters and to discharge the functions of the Government relating to hydrography.

(Amended by Acts 9 of 2011 and 6 of 2024)

(4) In discharging the functions of the Government relating to hydrography, the Authority may, in particular—

- (a)* establish a team or teams to undertake hydrographic surveys comprising—
 - (i)* officers or servants of the Authority; and
 - (ii)* with the agreement of the Government, officers of the Government;
- (b)* enter into arrangements with qualified hydrographic surveyors to undertake hydrographic surveys on its behalf; and

- (c) request the assistance and advice of the Government or any Ministry in respect of any hydrographic survey proposed or being undertaken.

(Substituted by Act 6 of 2024)

Compulsory acquisition of land

19. (1) The Governor, when and as often as land is required for the purposes of this Act, may acquire any lands either by private treaty or compulsorily under the Land Acquisition Act, and may exercise all powers under that Act in relation to any acquisition or intended acquisition of such lands. *(Amended by Act 9 of 2011)*

(2) The Governor may, upon such terms and conditions as he may determine, vest any lands acquired in the Authority.

(3) Nothing herein contained shall prejudice the right of any person having any interest in any lands that are acquired pursuant to subsection (1).

Power to vest reclamations in Authority

20. (1) Any wharf, dock or other public work constructed by the Government along, across or extending out from the foreshore within the limits of the port and the land on which the same is constructed, any land reclaimed from the sea, and any part of the foreshore situated within the limits aforesaid, may be vested in the Authority upon such terms and conditions as the Governor may determine. *(Amended by Act 9 of 2011)*

(2) Nothing in this section shall be taken to derogate from or interfere with the use of private rights and the payment of adequate compensation under any enactment providing for compensation.

Apparatus etc. not subject to distress, etc.

21. When any apparatus, fixture or fitting is placed in or upon any premises not being in the possession of the Authority for the purposes of carrying out the functions of the Authority, such apparatus, fixture or fitting shall not be subject to distress or be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same is.

PART 4

FINANCIAL

Revenue of the Authority

22. (1) The Revenue of the Authority shall consist of—

- (a) the sums received by the Authority in respect of dues and charges levied and payable under this Act;

- (b) such sums as the Authority may borrow for meeting any of its obligations or discharging its functions;
 - (c) all other sums that may become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.
- (2) All sums referred to in subsection (1) shall be paid into and placed to the credit of the Authority in an account at such Bank or Banks as the Authority may determine.

Application of revenue of Authority

23. The Revenue of the Authority in any financial year shall be applied in payment of the following charges—

- (a) the interest and Sinking Fund contributions on any loan payable by the Authority;
- (b) the sums required to be paid to the Government of Montserrat towards the repayment of any loan made by the Government - to the Authority;
- (c) remuneration and allowances, if any, of members and of any committee of the Authority;
- (d) the salaries, remuneration, allowances, pensions, gratuities, provident fund and other superannuation benefits of the officers and servants employed in or connected with the activities carried on by the Authority;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of the property and installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue accounts;
- (f) such sums as the Authority may, with the approval of the Governor, consider appropriate to set aside in respect of obsolescence and depreciation or renewal of the property or installations of the Authority, having regard to the amount set aside out of revenue under paragraphs (a) and (b);
- (g) the cost, or any portion thereof, of any new works, plant or appliances, not being a renewal of property of the Authority, which the Authority may determine, with the approval of the Governor, to charge to revenue;
- (h) sums to be appropriated to the Reserve Fund;

- (i) any other expenditure authorised by the Authority and properly chargeable to revenue.

(Amended by Act 9 of 2011)

Temporary investment of funds

24. (1) The Authority may from time to time temporarily invest, with the approval of and in such manner as the Minister of Finance may direct, any of its funds not required to be expended in the meeting of its obligations or in the discharge of its functions.

(2) All interests or dividends from such investments shall be paid to the credit of the Authority's account as provided in section 22(2).

Power to borrow

25. (1) Subject to this Act the Authority may from time to time for the purposes of this Act, raise loans—

- (a) from the Government of Montserrat; or
(b) with the consent of the Governor, from any other source.

(Amended by Act 9 of 2011)

(2) Without prejudice to section 26, the power of the Authority to borrow under this section shall not be exercised unless a proposal in writing showing—

- (a) the amount and particulars of the proposed loan;
(b) the rate of interest to be paid on the loan;
(c) the source or sources from which the loan is to be obtained;
(d) the purposes to which the money proposed to be borrowed is to be applied; and
(e) the manner in which the loan is to be repaid,

is first submitted to the Governor for his approval.

(Amended by Act 9 of 2011)

Temporary borrowing

26. The Authority may, with the consent of the Governor, from time to time borrow by way of a temporary loan or overdraft from a bank or otherwise any sum which it may temporarily require—

- (a) for the purposes of defraying expenses pending the receipt of revenues recoverable by it in respect of the period of account in which those expenses are chargeable; or
(b) for the purposes of defraying, pending the receipt of money due in respect of any loan authorised to be raised under section 25(1), expenses intended to be defrayed by any such loan.

(Amended by Act 9 of 2011)

Guarantee of borrowing of Authority

27. (1) The Governor may, with the approval of the Legislative Assembly, guarantee in such manner and on such conditions as he may think fit, the repayments of the principal and interest of any authorised borrowing of the Authority.

(2) Where the Governor is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under this section he shall direct the repayment out of the Consolidated Fund of Montserrat of the amounts in respect of which there has been such default.

(3) The Authority shall make to the Accountant General at such times and in such manner as the Governor may direct payments of such amounts as may be so directed in or towards the repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Governor may direct; and different rates of interest may be directed as regards different sums and as regards interests for different periods.

(Amended by Act 9 of 2011)

Reserve Fund

28. The Authority shall establish a Reserve Fund which shall be dealt with and applied in accordance with any direction which may from time to time be given to the Authority by the Governor. *(Amended by Act 9 of 2011)*

Application of surplus

29. Any balance of revenue at the end of the financial year resulting from the activities carried on by the Authority under this Act which is available after making full allowance for the matters enumerated in section 23 shall be paid to the credit of the Consolidated Fund.

Estimates in respect of financial year

30. (1) In every year the Authority shall cause to be prepared for the approval of the Minister of Finance estimates of revenue and expenditure in respect of the ensuing financial year and shall adopt such estimates as approved by the Minister.

(2) Supplementary estimates may be adopted at any meeting of the Authority, provided that the source of finance is determined by the Authority and agreed by the Minister of Finance.

(3) A copy of all estimates of revenue and expenditure in respect of the financial year and supplementary estimates in respect of that year shall upon adoption by the Authority be submitted to the Minister of Communications and Works and the Minister of Finance.

Accounts

31. (1) The Authority shall keep proper accounts of all its transactions to the satisfaction of the Minister and a statement of accounts shall be kept and made up in respect of each financial year.

(2) The statement of accounts in respect of each financial year shall present a true and fair view of the true financial position of the Authority and of the results for the financial year to which it relates, of the operations of the Authority.

Audit

32. (1) The accounts of the Authority shall be audited in each financial year by the Auditor General, or such other auditor as may be approved by the Governor. (*Amended by Act 9 of 2011*)

(2) The Council, officers and servants of the Authority shall grant to the Auditor General or other auditors appointed to audit the accounts under subsection (1) all books, deeds, contracts, accounts, vouchers, or other documents which they may consider necessary to call for, and such auditors may require any person holding or accountable for any such document to appear before them and make a signed statement in relation thereto and may require from such person such information as they may consider necessary.

(3) Any person to whom a request to produce a document or to make and sign a statement or to furnish information, fails without reasonable excuse to comply with such requisition, shall be guilty of an offence against this Act and shall be liable on summary conviction therefor to a fine of \$500 or to a term of imprisonment of three months.

Auditor's report

33. Such auditors shall as soon as practicable and not later than 3 months after the accounts have been submitted for audit, send an audited statement of accounts and their report thereon in respect of their audit for the financial year to the Authority.

Submission of report

34. (1) The Authority shall as soon as practicable, and not later than one month after the receipt of such accounts and report as provided in section 33, submit a report to the Minister of Communications and Works containing—

- (a)* a statement of such accounts of the Authority together with auditor's report thereon; and
- (b)* an account of the activities of the Authority during the preceding financial year in such form as the Minister may direct.

(2) The Minister of Finance shall cause a copy of the report together with a copy of the audited statement of the accounts and the Auditors' report

thereon to be laid on the table of the Legislative Assembly as soon as practicable thereafter. (*Amended by Act 9 of 2011*)

PART 5

RESPONSIBILITY OF THE AUTHORITY AS A WAREHOUSEMAN

Liability for loss etc. of goods

35. Subject to this Act or any contract, the Authority shall not be liable for the loss, misdelivery or detention of or damage to goods—

- (a) delivered to or in the possession of the Authority, otherwise than for the purposes of carriage and warehousing, except where such loss, misdelivery, detention or damage is caused by negligence on the part of any person employed by or on behalf of the Authority;
- (b) accepted by the Authority for carriage or warehousing where such loss, misdelivery, detention or damage occurs otherwise than while the goods are in transit or being warehoused and is not caused by negligence on the part of any person employed by or on behalf of the Authority:

Provided that, the Authority shall in no case be liable for such loss, misdelivery, detention or damage arising from—

- (i) Act of God;
- (ii) act of war or the Queen's enemies;
- (iii) arrest or restraint or seizure under legal process;
- (iv) act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person;
- (v) fire, flood, tempest, riots, civil commotion, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general;
- (vi) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;
- (vii) deficiency in the contents of unbroken packages;
- (viii) insufficiency or improper packing or leakage from defective drums, containers or packages:

Provided further, that, where such loss, misdelivery, detention or damage occurs in relation to goods accepted by the Authority for carriage or for warehousing, the limitation contained in section 36 shall apply.

Limitation of liability for loss etc. where false account is given

36. The liability of the Authority in respect of any goods accepted by the Authority for carriage or warehousing and in relation to which a false account in any material particular has been given under section 48, shall not in any case exceed the value of the goods as calculated and determined by the Authority.

Burden of proof in proceedings under section 36

37. In any proceedings brought under section 35 against the Authority, it shall be necessary for the person claiming damages or compensation to prove how the loss, misdelivery, detention or damage to goods was caused.

PART 6

DUES, CHARGES AND TARIFF BOOK

When dues and charges payable

38. All dues and charges payable under this Part shall be paid at the time specified in the regulations in relation thereto, and where no such time is specified, any dues and charges shall be paid on demand; all dues and charges shall be deemed to have been demanded when they fall due in accordance with the regulations.

Dues and charges in respect of ship

39. Subject to this Act, every ship which—

- (a) enters a port for the purpose of loading or discharging cargo or embarking or disembarking passengers; or
- (b) occupies an anchorage or berth within the Port,

shall pay to the Authority the dues and charges in respect of such ship and for any service performed or facility provided in respect of such ship in accordance with the regulations.

Appointment of agent

40. Every ship shall have an appointed agent who shall be responsible for the payment of the dues and charges without prejudice to the recovery by the agent from the master or owner of the ship of such sums paid on behalf of any such ship.

Security for charges

41. Any agent who intends to incur a liability in respect of any of the sums mentioned in section 39 may deposit with the Authority, or guarantee, such sums as are, in the opinion of the Authority reasonable, having regard to the

amount or probable amount of the sums which the agent shall be liable to pay to the Authority.

Detention by authorised officer

42. (1) Where any sums mentioned in section 38 or 39 are owing in respect of any ship, any authorised officer may with such assistance as he considers necessary enter such ship and may arrest the ship and the tackle, apparel and furniture thereof, and may detain it until the said sums are paid.

(2) Where, after such arrest, such sums remain unpaid for a period of seven days the authorised officer may cause the ship and the tackle, apparel and furniture thereof arrested to be sold, and out of the proceeds of such sale he shall retain the amount necessary to meet the expenses of detention and sale thereof, and shall after paying the amount of any sums which are owing to the Authority, deliver the balance to the agent.

(3) Where any ship in respect of which the sums mentioned in section 38 or 39 are owing and have not been secured as provided in section 42 leaves the Port and enters or is found within Montserrat, then such ship may be dealt with as if it had not left the Port in respect of which such sums are owing as aforesaid.

Master to obtain certificate of authorised officer before requesting clearance

43. Before the master of any ship in the Port shall obtain outward clearance from the Port, he shall first obtain from an authorised officer a certificate stating that—

- (a)* all dues and charges in respect of the ship and all penalties and expenses to which the ship and her master are liable under this Act have been paid or secured to the satisfaction of the authorised officer; and
- (b)* he has complied with this Act.

All goods deemed to be in custody of Authority

44. Notwithstanding anything contained in any other enactment, all goods shall, on importation or exportation from Montserrat by sea, be deemed to be in the custody of the Authority.

Power to determine conditions and rates of carriage or warehousing

45. The Authority may, subject to this Act—

- (a)* determine the conditions upon which goods shall be carried or warehoused, and different conditions may be determined in different cases;

- (b) determine the charges for the carriage or warehousing of goods by the Authority and for any other service or facility performed or provided by the Authority.

Port Manager to retain goods until freight is paid

46. (1) Where the agent of any ship from which goods have been landed at the Port and accepted by the Authority for carriage or warehousing or for delivery to the consignee, notifies the Port Manager in writing that the freight or other charges payable to the agent of the ship to the amount specified in the notice, remain unpaid in respect of the goods, the Port Manager shall retain the goods and refuse delivery of them to the consignee or any other person until—

- (a) the payment of any dues and charges in respect of such ship and the goods and of customs duties thereon; or
- (b) the production of a receipt for, or a release from, the payment of such amount signed or purporting to be signed by or on behalf of the agent; or
- (c) the payment of such amount by the persons entitled to take delivery thereof.

(2) Where the Port Manager causes to be delivered any goods in respect of which a notice has been given under subsection (1) to a person producing such receipt or release, or making such payment as is referred to in paragraphs (b) or (c) of that subsection, the Authority shall be freed from all liability to any person in respect of the goods.

(3) Nothing in this section shall be construed as requiring any person to take into the custody of the Authority any goods which would not otherwise be receivable by the Authority under this Act or as requiring the Port Manager to enquire into the validity of any claim made for freight or any other sums made in any notice given by an agent under subsection (1).

Documentary requirements for release of goods

47. No goods shall be released by the Authority unless the bill of lading or other similar document relating to the goods clearly indicates—

- (a) the freight charges relating to the goods; and
- (b) the landing, storage and delivery charges payable in respect thereof, being charges which are not a rate greater than any rate from time to time prescribed.

(Inserted by Act 9 of 1979)

Consignor or consignee liable for carriage or warehousing

48. The consignor of, or person tendering, any goods for carriage or warehousing by the Authority, or the consignee of, or person receiving, any goods which have been carried or warehoused by the Authority, shall be liable in accordance with regulations under this Part for the charges of such

carriage or warehousing and any other services performed or facility provided in respect of the goods by the Authority.

Duty to deliver description of goods

49. (1) The consignor of, or the person tendering, any goods for carriage or warehousing by the Authority and, on request by an authorised officer, the consignee of, or person receiving, any goods which have been carried or warehoused by the Authority, shall deliver to the authorised officer the documents as prescribed in regulations to enable such officer to determine the charges payable in respect of the carriage or warehousing or any other service performed or facility provided in respect of the goods.

(2) An authorised officer may, for the purpose of verifying the documents delivered under subsection (1) require such consignor, person or consignee, as the case may be, to permit him to examine such goods.

(3) If such consignor, person or consignee fails to deliver the documents referred to in subsection (1) or to permit such goods to be examined as required in subsection (2) hereof, an authorised officer may, in respect of the goods which are tendered for carriage or warehousing by the Authority, refuse to accept the goods for such carriage or warehousing unless in respect thereof a charge not exceeding the highest payable for any class of goods is paid.

(4) If in respect of goods which have been carried or warehoused by the Authority, any document delivered under subsection (1) is found to be false in any material particular with respect to the description of any goods to which it purports to relate, an authorised officer may refuse to deliver such goods unless in respect of carriage or warehousing of the goods, a charge not exceeding double the highest charge payable for any class of goods is paid.

Authorised officer's power to levy charges, etc.

50. In respect of all goods in the custody of the Authority under section 44, an authorised officer shall be entitled to levy such charges as may be determined in accordance with the regulations, and he may do all such reasonable acts and things and incur such reasonable expenses as are necessary for the proper custody and preservation of the goods, and the Authority shall have a lien on the goods for such charges and any other expenses and shall be entitled to seize and detain the goods until such charges are fully paid.

Effect of non-removal of goods

51. (1) Subject to this section and without prejudice to section 50, where any goods except perishable goods are in the custody of the Authority on any premises of the Authority and are not removed therefrom within a period of fifteen days from the time when the goods were placed in or on such premises, the Port Manager shall cause a notice to be served on the owner or any other person appearing to the Port Manager to be entitled thereto, requiring him to remove the goods.

(2) Where—

- (a) the owner of any goods in the possession of the Authority is not known and no person appears to be entitled thereto; or
- (b) the notice referred to in subsection (1) cannot for any reason be served; or
- (c) there has been a non-compliance with any notice served under subsection (1);

the Port Manager may, within a reasonable time being not less than six weeks after a suitable notice has been published in the *Gazette* and in a newspaper published in Montserrat, sell the goods by public auction.

(3) Where the goods referred to in this section are perishable goods the Port Manager may direct their removal within such shorter period, not being less than twenty four hours after the landing thereof as the Port Manager thinks fit, and he may sell the goods without giving the said notice, but he shall as soon as practicable thereafter inform the owner or such other person appearing to him to be entitled thereto of the action that has been taken.

(4) No imported goods shall be sold under this section until they have been entered for home consumption in accordance with the law relating to the customs duty and any tax under any enactment.

Application of proceeds of sale

52. The proceeds of any sale under section 51 shall be applied by the Authority as follows, and in the following order—

- (a) in the payment of any duty or consumption tax payable in respect of the goods;
- (b) in the payment of the expenses of the sale;
- (c) in payment of the sums due to the Authority in respect of the carriage or warehousing and other service performed or facility provided in respect of the goods; and
- (d) in payment of freight and other claims of which notice under this Act has been given, and by paying the surplus, if any, to the owner or the person entitled thereto on demand, and if no such demand is made within one year from the date of the sale of the goods, by paying the surplus into the funds of the Authority, whereupon all rights of such person to the same shall be extinguished.

Compilation of dues, charges and tariff book

53. (1) Subject to this Act, the dues, conditions and charges for the carriage or warehousing of goods and for any other service or facility performed or provided by the Authority when determined, shall be in the

form of regulations, and shall be first submitted to the Governor for approval.
(Amended by Act 9 of 2011)

(2) Such regulations shall be published in the *Gazette* and shall have effect from the date of such publication or from such later date as may be specified therein.

(3) Subject to the approval of the Minister, and without prejudice to subsections (1) and (2), the regulations shall be deemed to have been made and be embodied in the Tariff Book as provided in accordance with subsection (4).

(4) The Authority shall cause to be prepared and published in such manner as it may think fit a “**Tariff Book**” containing all matters which under this Act are required to be contained therein, together with such other matters as the Authority may determine.

PART 7

PILOTAGE

General duties as to provision of pilotage services

54. (1) The Authority shall keep under consideration—

- (a) whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating in the port or in its approaches; and
- (b) whether, in the interests of safety, pilotage should be compulsory for ships navigating in the port or in its approaches; and if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.

(2) Without prejudice to the generality of subsection (1), the Authority shall, in performing its functions, have regard in particular to the hazards involved in the carriage of dangerous goods or harmful substances by ships.

(3) The Authority shall provide such pilotage services as it considers necessary.

(4) In this Part, references to a ship navigating or being navigated include references to the ship moving or being moved within the port for the purpose of changing from one mooring to another or of being taken into or out of a dock.

(Inserted by Act 6 of 2024)

Authorisation of pilots

55. (1) Subject to subsection (3) and section 56, the Authority may authorise a number of persons to act as pilots in the port or in its approaches as it considers are suitably qualified to do so; and the authorisation shall

specify the area within which it has effect and may specify that it only has effect in relation to a ship of a particular description.

(2) The Authority may—

- (a)* determine the qualifications in respect of age, physical fitness, length of service, local knowledge, skill, character and any other requirements that a person shall have in order to apply for authorisation as a pilot;
- (b)* provide for the examination of persons applying to provide pilotage services; and
- (c)* impose such conditions as to the duties and powers of an authorised pilot, including the duties and powers in relation to the master of a ship, as the Authority may determine in the circumstances.

(3) The Authority may suspend or revoke an authorisation granted under this section if it appears to the Authority that—

- (a)* the authorised pilot is incompetent or has committed an act of misconduct affecting the capability of the person as a pilot;
- (b)* the authorised pilot has ceased to have the qualifications required under this section or has failed to provide evidence that he or she continues to have those qualifications; or
- (c)* it is appropriate to do so by virtue of the termination of any contract or other arrangement under which the services of pilots are provided within the port.

(4) Before suspending or revoking an authorisation under subsection (3)*(a)* or *(b)*, the Authority shall—

- (a)* give written notice of its intention to do so to the authorised pilot;
- (b)* state the reasons for which it proposes to act; and
- (c)* give the authorised pilot a reasonable opportunity to make representations.

(5) If the Authority suspends or revokes an authorisation of an authorised pilot by virtue of subsection (3)*(c)*, it shall give the person notice in writing—

- (a)* stating that the suspension or revocation was by virtue of subsection 3*(c)*; and
- (b)* specifying the duration of the authorisation in question and any previous authorisations granted to that person by the Authority.

(6) If a person who is not an authorised pilot for an area—

- (a)* holds themselves out as if he or she is in that area as a pilot; or

(b) so holds himself or herself out as to indicate or be reasonably understood to indicate that the person is such a pilot, the person commits an offence and is liable on summary conviction to a fine of \$20,000.

(Inserted by Act 6 of 2024)

Employment of authorised pilots

56. The Authority may make such arrangements as it considers appropriate for the provision of the services of authorised pilots in Montserrat waters, whether under a contract of employment or a contract for services.

(Inserted by Act 6 of 2024)

Pilot boats

57. A ship employed to provide pilotage services provided by or on behalf of the Authority (in this Part referred to as “pilot boat”) shall—

- (a) if operated by the Authority, be approved by it; or
- (b) if operated by another person, be licensed by the Authority,

and the Authority shall not approve or licence a ship under this section unless it is satisfied that it is suitable for use as a pilot boat.

(Inserted by Act 6 of 2024)

Pilotage directions

58. (1) Subject to this section, if the Authority considers that in the interests of safety it should do so, it shall direct that pilotage is compulsory for ships navigating in an area or part of an area of the port or in its approaches; and such a direction is referred to in this Act as a “pilotage direction”.

(2) A pilotage direction—

- (a) may, subject to subsection (3), apply to all ships or ships of a description specified in the direction (subject to any exceptions as may be specified);
- (b) shall specify the area of the port and its approaches and circumstances in which it applies;
- (c) may specify the circumstances in which an authorised pilot in charge of a ship to which it applies is to be accompanied by an assistant who is also an authorised pilot; and
- (e) may contain such supplementary provisions as the Authority considers appropriate.

(3) Before giving a pilotage direction, the Authority shall consult—

- (a) the owners of ships which customarily navigate in the area to which the proposed direction would apply; and

(b) any other persons who carry on operations within the port, or, in either case, such persons as it considers to be representatives of them.

(4) The Authority shall arrange for any pilotage direction given by it to be published in such manner as to bring it to the notice of those persons likely to be interested.

(Inserted by Act 6 of 2024)

Pilotage exemption certificates

59. (1) This section applies where the Authority has given a pilotage direction under section 58.

(2) Subject to subsection (4), on application by a person who is the master or first mate of a ship, the Authority shall grant a certificate (in this Part referred to as a “pilotage exemption certificate”) to the person if it is satisfied, by examination or by reference to such other requirements as it may reasonably impose—

- (a) that the applicant’s skill, experience and local knowledge are sufficient for the applicant to be capable of piloting the ship of which the applicant is master or first mate (or that ship and any other ships specified in the certificate) within the port, a part of the port or in its approaches as may be specified; and
- (b) in any case where it appears to the Authority to be necessary in the interests of safety, that the applicant’s knowledge of English is sufficient for that purpose.

(3) The requirements imposed under subsection (2) shall not be—

- (a) unduly onerous having regard to the difficulties and danger of navigation in the port or its approaches; and
- (b) more onerous than those required to be met by a person applying to the Authority for authorisation under section 55.

(4) If the Governor is satisfied, on request by the Authority, that it is appropriate to do so by reason of the unusual hazards involved in shipping movements within the port or in its approaches, the Governor may make an order suspending the granting of pilotage exemption certificates for a period not exceeding three years.

(5) Where an order is made under subsection (4), any pilotage exemption certificate granted by the Authority ceases to have effect and the Authority shall notify the holders of such certificates of that fact.

(6) A pilotage exemption certificate shall remain in force for one year from the date on which it is granted, but—

- (a) if the Authority is satisfied that the holder continues to be the master or first mate of a ship and the requirements under subsection (2) are met, the Authority may renew it for a further

period of one year and for further periods of one year subsequently; and

- (b) on the application of the holder, the certificate may be altered so as to refer to different ships from those to which it previously referred, if the Authority is satisfied that the requirements under subsection (2) in respect of those ships are met.

(7) The Authority may suspend or revoke a pilotage exemption certificate if the holder has been found guilty of incompetence or misconduct which affects the holder's capability to pilot the ship of which he or she is master or first mate or any other ships specified in the certificate.

(8) Before refusing an application by a person under this section for the grant, renewal or alteration of a certificate or suspending or revoking a certificate held by any person, the Authority shall give the applicant written notice of its intention to do so, stating the reasons for which it proposes to act, and must give the applicant a reasonable opportunity to make representations.

(9) The Authority may charge such fees in respect of an examination required to be taken for the purposes of this section or the grant, renewal or alteration of any pilotage exemption certificate as the Authority considers reasonable for the purposes of meeting its administrative costs in connection with the granting of pilotage exemption certificates.

(Inserted by Act 6 of 2024)

Prevention of discrimination in favour of Authority's ships

60. The Authority shall ensure that a ship owned or operated by the Authority and used by the Authority in the exercise of its functions otherwise than under this Act is subject to the same obligations as respects pilotage whilst navigating within the port or its approaches as required for any other ship.

(Inserted by Act 6 of 2024)

Compulsory pilotage

61. A ship which is being navigated in an area and in circumstances in which pilotage is compulsory for it by virtue of a pilotage direction shall be under the pilotage of—

- (a) an authorised pilot accompanied by such an assistant, if any, as is required by virtue of the direction; or

- (b) a master or first mate possessing a pilotage exemption certificate in respect of that area and ship.

(Inserted by Act 6 of 2024)

Liability for ships under compulsory pilotage

62. The fact that a ship is being navigated in an area and in circumstances in which pilotage is compulsory for it does not affect any liability of the owner or master of the ship for any loss or damage caused by the ship or by the manner in which it is navigated.

(Inserted by Act 6 of 2024)

PART 8

SPECIAL PROVISIONS IN RELATION TO PORTS

Master to supply information

63. The master of any ship arriving in the Port shall produce to an authorised officer—

- (a) the ship's register and the ship's papers;
- (b) a list of the passengers, if any, showing particulars of their sex and occupation;
- (c) a list showing the deaths, if any, which have occurred during the voyage;
- (d) a list showing the stowaways, if any, on the ship;
- (e) such other information in relation to the ship, passengers and cargo thereof, as such authorised officer may reasonably require.

Power of the Port Manager in respect to wrecks, etc.

64. (1) This section applies where—

- (a) a ship is sunk, stranded or abandoned in, or near any approach to a port or its approaches; and
- (b) in the opinion of the Port Manager the ship or other property is, or is likely to become, an obstruction or danger in the port or its approaches to—
 - (i) navigation; or
 - (ii) lifeboats engaged in lifeboat service.

(2) If this section applies, the Port Manager may—

- (a) take possession of, and raise, remove or destroy the whole or any part of the ship and any other property;

- (b) light or buoy the ship or part of the ship and any such other property until it is raised, removed or destroyed;
 - (c) subject to subsections (4) and (5), sell, in such manner as the Port Manager thinks fit, the ship or part of the ship so raised or removed and any other property recovered in the exercise of the powers conferred by paragraph (a) or (b);
 - (d) retain out of the proceeds of the sale any expenses incurred by the Port Manager in relation to the sale; and
 - (e) where the proceeds of a sale under paragraph (c) are less than the expenses incurred, recover the balance in civil proceedings as a debt.
- (3) A surplus of the proceeds of a sale under subsection (2)(c) shall be held by the Port Manager on trust for the persons entitled to those proceeds.
- (4) Except in the case of property which is of a perishable nature or which would deteriorate in value by delay, no sale shall be made under subsection (2)(c) until at least seven days' notice of the intended sale has been given by advertisement in a local newspaper circulating in Montserrat.
- (5) At any time before any property is sold under subsection (2)(c), the owner of the property shall be entitled to have it delivered to them on payment of its fair market value.
- (6) The market value of property for the purposes of subsection (5) shall be that agreed by the Port Manager and the owner or, failing agreement, that determined by a person appointed for the purpose by the Minister.
- (7) The sum paid to the Port Manager in respect of any property under subsection (5) shall, for the purposes of this section, be treated as the proceeds of sale of the property.
- (8) Any proceeds of sale arising under subsection (2)(c) from the sale of a ship and any other property recovered from the ship shall be treated as a common fund.
- (9) An order of the court is not necessary for the taking of possession and sale of a ship under this section and no liability attaches to the Port Manager for any act performed under section (2).

(10) For the purposes of this section, “**other property**” includes an article or thing or collection of things being or forming part of the equipment, cargo, stores or ballast of the ship.

(Substituted by Act 6 of 2024)

Power in respect to wrecks, etc.

65. (1) The Port Manager shall be a Receiver of Wreck for the purposes of the Receivers of Wreck Act and may—

- (a)* remove any wreck in or other obstruction to, the port or its approaches, or any timber, raft or other thing floating in the port which endangers, or obstructs, or is likely to endanger or obstruct the free navigation of the port or the use of any dock or wharf therein;
- (b)* in the case of urgent necessity take any action in the port which in his opinion may be necessary to prevent any danger to life, limb or property;
- (c)* enter upon any ship or into any building in the port if it is necessary for him to do so in the performance of any duty under this Act or any regulation or if he has reasonable grounds for believing that an offence against this Act or any regulation has been, or is about to be committed.

(2) The owner of any wreck or other thing removed by the Port Manager under subsection (1)*(a)* shall, without prejudice to any other action which may be taken against him, be liable to pay the reasonable expenses of such removal; such wreck or other thing shall be detained by the Port Manager until such expenses and customs duties, taxes, dues or charges payable in respect thereof are paid.

(3) Where any wreck or thing is removed under subsection (1)*(a)* and the expenses of removal have not been paid within seven days of such removal, the Port Manager may cause such wreck or thing to be sold by public auction and shall out of the proceeds of sale retain the amount necessary to meet the expenses of such removal, detention and sale and any customs duties, taxes, dues or charges payable in respect thereof, and shall pay the balance, if any, to the person appearing to him to be entitled thereto.

Fire on board ship

66. (1) In the event of fire breaking out on board any ship in the port, the Port Manager may proceed on board such ship with such assistance and persons as to him seems fit, and may give such orders as to him seem necessary for scuttling such ship, or for removing such ship or any other ship, to such place as to him seems proper to prevent in either case danger to other ships and for taking of any other measures that appear to him expedient for the protection of life or property.

(2) If such orders are not forthwith carried out by the master of such ship the Port Manager may himself proceed to carry them into effect.

(3) Any expenses incurred in the exercise of the powers conferred by subsections (1) and (2) shall be recoverable from the master or owner of the ship concerned as a civil debt.

Accidents

67. (1) Where any accident occurs in the port, then if that accident—

- (a) is attended, or is of a kind usually attended with loss of human life or with serious injury to person or property; or
- (b) involves any collision between ships or damage to the wharf; or
- (c) is of such other kind as the Minister of Communications and Works may specify, the Port Manager shall, as soon as practicable, give notice of the occurrence of the accident to the Minister.

(2) The Port Manager may order such enquiry into any accident which occurs in the port as he may think fit and shall, when so required by the Minister, order such enquiry as aforesaid as the Minister may think fit.

(3) The Port Manager shall submit to the Minister a report on any accident enquired into setting out, *inter alia*, the probable cause of such accident and the steps, if any, which have been taken or he has directed shall be taken with a view to avoiding a repetition thereof.

(4) The Port Manager shall make to the Minister a return, in such form and at such intervals as the Minister may direct, of all accidents occurring in the port whether or not such accident is attended with injury to any person.

Liability for demurrage

68. The Authority shall not be liable for any demurrage which may occur or be due on any ship, howsoever such demurrage may have been caused.

Execution of orders

69. (1) All acts, orders or directions under this Part or any regulations, authorised to be done or given by a particular officer of the Authority, may be done or given by any other officer of the Authority authorised in writing in that behalf.

(2) Any person authorised to do any such act may call to his aid such assistance as is necessary.

Non-liability of Authority

70. The Authority shall not be liable for any act, omission or default of the Port Manager.

Regulations

71. (1) The Governor may with the advice of the Authority, make regulations generally with respect to the maintenance, control and management of the port and the approaches thereto, the services performed, the navigational aids and other facilities provided by the Authority, and for the maintenance of order on any premises used by or for the purposes of the Authority, or in any ship or vehicle used by or for the purposes of the Authority, and for the carrying out of the provisions of this Act limiting the charges which may be made by shipping agents in respect of the landing, shipping, storage or delivery of goods or any other service associated with the landing or shipping of goods and, without prejudice to the generality of the foregoing, may make regulations with respect to—

- (a) the proper control and management of the foreshore of the port and the entrance thereof, the prevention and removal of obstructions therein, and the regulation of any work, service or facility performed or provided thereat;
- (b) the control of all persons and vehicles on any such premises, the maintenance of order thereon, and the admission or exclusion of persons therefrom and the charges, if any to be made for such admission;
- (c) regulating, controlling and prohibiting the doing or omission of anything or class of things within the boundaries of the port or any specified part or parts of the port, either at all times and on all occasions, or at any time or times or on any occasion or occasions;
- (d) the regulation, restriction and control (without prejudice to the conduct of navigation) of the depositing of any substance, solid matter, article or thing polluting or likely to cause pollution of the waters of the port;
- (e) the regulation of traffic and navigation of ships within the limits and approaches to the port and all matters relating to the protection of life and property;
- (f) the regulation of the mode and place of mooring, anchoring, and berthing of ships and their removal from a mooring, anchorage or berth to another mooring, anchorage or berth, and the time within which such removal shall be effected;
- (g) the protection of ships and cargoes, and the removal, destruction, sale or abandonment of stranded ships and their cargoes and appurtenances which obstruct or are likely to obstruct the fairway of the port, the payment of expenses, including salvage, incurred in connection therewith, and the levy and recovery of a rent for the right of a bulk or wreck or wreckage to lie in the port;

- (h) the regulating of the times, places, order and mode of shipping, unshipping, loading, warehousing, storing and the depositing of goods;
 - (i) the fixing of dues and charges payable in respect of any ship, with different charges being applicable in respect of different ships or classes of ships, the exemption or the remission thereof or of part thereof;
 - (j) the fixing of the charges payable in connection with the carriage or warehousing of goods and for any service or facility performed or provided by the Authority, the exemption from payment, refund or remission thereof;
 - (k) the fixing of the scale of charges payable in respect of any other service or facility performed or provided by the Authority;
 - (l) the licensing of shipping agents, customs brokers, landing agents, forwarding agents, baggage and parcel agents, porters, contractors for supplies and victualling, and other person concerned in or engaged in or performing any service or work in connection with the port; and (*Substituted by Act 6 of 2024*)
 - (m) the authorisation and qualifications of pilots under section 55, the employment of authorised pilots, the making of applications for pilotage exemption certificates under section 59, the licensing, approval and operation of pilot boats, and the making of pilotage directions. (*Inserted by Act 6 of 2024*)
- (2) The Governor may with the advice of the Authority, make regulations generally for the conveyance, loading, discharging and storage of dangerous goods within the limits of the port, and without prejudice to the generality of the foregoing, may make regulations with respect to—
- (a) the classification of goods as dangerous goods;
 - (b) the regulation of the navigation and place of berthing of ships carrying dangerous goods;
 - (c) the regulation and control of landing, loading and discharging dangerous goods;
 - (d) the prohibition or subjection to conditions and restrictions of the conveyance of any kind of dangerous goods with any other kind of goods, articles or substances;
 - (e) the prohibition of the loading or discharging of dangerous goods at places within the control of the Authority in cases where such loading or discharging appears specially dangerous to the public;
 - (f) the fixing of times and places at which dangerous goods are to be loaded or discharged and the quantity to be loaded or discharged at any one time;

- (g) the regulation of the mode and the precautions to be observed in conveying or keeping dangerous goods and in the loading or discharging of the same;
- (h) the protection, whether by means similar to those above mentioned or not, of persons and property from danger generally.

(Amended by Act 9 of 2011)

(3) Subject to any enactment relating to Merchant Shipping, the Governor may, with the advice of the Authority make regulations with respect to—

- (a) the taking of measures for the prevention of ships from leaving the port if overloaded, improperly loaded, improperly found, insufficiently manned, or without qualified officers or engineers or with a number of passengers in excess of the number that can be carried with reasonable safety, or if otherwise unseaworthy;
- (b) the examination, certification and licensing of masters, mates and engineers of tugs conducting ships in and out of the port, and of dredges and light craft, and the licence fees payable in respect thereof;
- (c) the inspection, licensing, registration or certification of ships, ferries, tugs, launches, hulks, or other craft, the charges to be paid therefor and the number of passengers to be carried therein.

(4) Regulations made under this section may provide for any infringement thereof or failure to comply therewith a fine not exceeding \$500 on summary conviction.

(5) Regulations made under this section shall be laid before the Legislative Assembly as soon as practicable after being made, and the Legislative Assembly may by resolution amend or revoke such regulations but without prejudice to the validity of anything previously done under them or to the making of new regulations.

(Amended by Acts 9 of 1979 and 9 of 2011)

PART 9

PROVISIONS RELATING TO OFFENCES

Damaging property likely to endanger life

72. Any person who unlawfully damages or in any way interferes with any buoy, beacon or other property of the Authority in such a manner as to endanger, or as might endanger, the life of any person, commits an offence against this Act and shall be liable on conviction on indictment to imprisonment for a term of ten years.

Persons endangering safety of operations

73. Any person, who, while on duty or lawfully employed on any premises of the Authority or upon any ship or vehicle of the Authority, endangers the safety of any other person—

- (a) by contravening any of the provisions of this Act or of any regulations; or
- (b) by contravening any lawful order, direction or rule given to such person or made in respect of his service; or
- (c) by being under the influence of alcohol; or
- (d) by any rash or negligent act,

commits an offence against this Act and shall be liable on summary conviction therefor to a fine of \$750, or to imprisonment for a term of twelve months.

Failure to comply with certain provisions of Act, etc.

74. (1) The following persons shall be guilty of offences against this Act and shall be liable on summary conviction therefor to a fine of \$500, or to imprisonment for a term of six months—

- (a) any master who fails to comply with section 53 or gives any information which is false in any material particular;
- (b) any person who without lawful excuse refuses or neglects to obey any lawful direction given to him under section 63;
- (c) any master who, without lawful excuse, refuses to allow an authorised officer to enter his ship in contravention of section 65(1)(c).

(2) Any person who, with intent to defraud, demands or receives from any person delivering goods for carriage or warehousing by the Authority, or from any other person making use of the facilities provided by the Authority, any greater or lesser amount than he should demand or receive, commits an offence against this Act and shall be liable on summary conviction therefor to a fine of \$500 or to imprisonment for a term of six months.

(3) Any person who, by any means whatsoever, eludes or evades any dues or charges leviable under this Act, commits an offence against this Act and shall be liable on summary conviction therefor to a fine of \$1,000 in addition to the amount of such dues or charges or to imprisonment for a term of twelve months.

(4) Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is required or authorised to be made under this Act, commits an offence against this Act and shall be liable on summary

conviction therefor to a fine of \$2,500 or to imprisonment for a term of two years.

(5) A person who, not being a person authorised as a pilot under section 55—

- (a) holds themselves out as if he or she is in an area as an authorised pilot; or
- (b) so holds himself or herself out as to indicate or be reasonably understood to indicate that the person is an authorised pilot,

commits an offence and is liable on summary conviction to a fine of \$5,000.

(Inserted by Act 6 of 2024)

(6) A master of a ship, which is not under pilotage as required by subsection 61 after an authorised pilot has offered to take charge of the ship, commits an offence and is liable on summary conviction to a fine of \$5,000.

(Inserted by Act 6 of 2024)

(7) A master of a ship who navigates the ship in an area and in circumstances in which pilotage is compulsory as required under a pilotage direction given under section 58, without notifying the Authority that he or she proposes to do so, commits an offence and is liable on summary conviction to a fine of \$2,000. *(Inserted by Act 6 of 2024)*

Miscellaneous minor offences

75. Any person who—

- (a) being on any premises, ship or vehicle of the Authority—
 - (i) refuses when called upon by an authorised officer, police officer or constable to give his name and address or gives a false name or address; or
 - (ii) without lawful excuse contravenes any lawful direction given by any authorised officer; or
- (b) defaces the writing on any board or notice authorised to be maintained upon any premises of the Authority or upon any ship or vehicle used by the Authority; or
- (c) damages or without lawful excuse interferes with any property of the Authority; or
- (d) wilfully obstructs or impedes any other person in the discharge of his duties arising out of his employment with the Authority, shall be guilty of an offence against this Act and shall be liable on summary conviction therefor to a fine of \$250 or to imprisonment for a term of three months.

Powers of arrest

76. (1) Any person who commits any offence mentioned in section 72, 73 or 75 may be arrested without warrant by any authorised officer, police officer or constable.

(2) Any person who commits any offence against this Act other than an offence mentioned in subsection (1) may be arrested without warrant by any authorised officer, police officer or constable if—

- (a) there is reason to believe that such person will abscond; or
- (b) he refuses on demand to give his name and address; or
- (c) there is reason to believe that the name or address given by him is false:

Provided that, where there is reason to believe that such person will not abscond, he shall, if his true name and address are ascertained be released on his entering into a recognizance with or without sureties for his appearance before a Magistrate at a time as stated therein.

Port Manager may confer powers on officers

77. The Port Manager may, by instrument in writing, authorise any officer of the Authority to maintain order upon any premises used by the Authority or any place in the port, or on any ship or vehicle used by or for the purposes of the Authority, and any officer so authorised shall in the performance of such duty, have all the powers, rights, privileges and protection of a police officer.

PART 10

LEGAL PROVISIONS

Notice of claims

78. (1) Notwithstanding anything contained in any enactment—

- (a) No person shall be entitled to compensation or damages for non delivery of the whole of a consignment of goods, or of any separate package forming part of such consignment accepted by the Authority for carriage or warehousing unless a claim in writing, giving such particulars as may reasonably be necessary, is given to the Port Manager within 6 months of the date upon which such goods were accepted by the Authority;
- (b) No person shall be entitled to compensation or damages for any goods missing from a packed or unpacked consignment or for misdelivery of, damage or delay to, or detention of any goods accepted by the Authority for carriage or warehousing unless—

- (i) the Port Manager is notified of such fact in writing within four days of the date upon which such goods were delivered to the consignee or person entitled to take delivery thereof; and
- (ii) a claim in writing, giving such particulars as may reasonably be necessary, is given to the Port Manager within 1 month of such date.

(2) Where the person claiming compensation or damages proves that it was impracticable for him to notify the Port Manager or to give the Port Manager his claim as set out in subsection (1) within the times specified therein, and that such notification or claim was given or made within a reasonable time, nothing in that subsection shall prejudice the right of such person to obtain compensation or damages.

Limitation

79. Where, after the commencement of this Act, any action or legal proceeding is commenced against the Authority for any act done or omitted to be done under this Act in the exercise of any duty or authority imposed or conferred by this Act or in respect of any alleged neglect or default in carrying out this Act or in the exercise of any such duty or authority, the following provisions shall have effect notwithstanding anything contained in any enactment, that is to say—

- (a) the action or legal proceeding shall not be commenced until at least one month after written notice containing the particulars of the claim and of intention to commence the action or legal proceeding, has been served upon the Port Manager by the plaintiff or his agent;
- (b) the action or legal proceeding shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect or default or damage complained of, or, in the case of a continuing injury or damage, within six months next after the cessation thereof.

Restriction on execution against property of the Authority

80. Notwithstanding anything to the contrary in this Act or in any other enactment, where any judgement or order of any Court or any award of an arbitration tribunal has been obtained against the Authority for or in respect of anything done or omitted to be done under this Act, or any contract or otherwise for or in respect of the Authority or its purposes—

- (a) no execution or attachment or process in the nature thereof shall be issued against the Authority, but such amounts as may be by the judgement or order be awarded against the Authority shall be paid by the Authority from its funds to the person entitled thereto;

- (b) no property of the Authority shall be seized or taken by any person having by law power to attach or distrain property.

Overpayment or underpayment of dues and charges

81. Where the amount paid in respect of any dues and charges is found to be incorrect, then if such amount is—

- (a) overpaid, the person who overpaid any such amount shall be entitled to a refund of the amount so overpaid;
- (b) underpaid, the amount of such underpayment may be collected from the person who made such payment:

Provided that, notwithstanding anything contained in any enactment, such overpayment or underpayment shall not be refunded, or collected, as the case may be, unless notice in writing containing such particulars as may reasonably be required be given—

- (i) by the person claiming such overpayment to the Port Manager; or
- (ii) by the Port Manager to the person against whom the underpayment is claimed within 6 months after the goods were accepted or the services rendered, as the case may be, by the Port Authority, so, however, that where such underpayment is caused by information or description subsequently found to be incorrect, such period of 6 months shall commence from the date of the discovery by the Port Manager of the correct information or description.

PART 11

TRANSITIONAL

Transfer of assets

82. (1) Upon the commencement of this Act—

- (a) all lands of the Crown within the boundaries of the port including the sea bed and shores vested in the Government of Montserrat immediately before the commencement of this Act, are hereby transferred to the Authority;
- (b) the warehouses, buildings, machinery, plant, tools and other property which immediately before the commencement of this Act were the property of the Government of Montserrat and which are listed in the Schedule hereto are hereby transferred to the Authority.

(2) All rights, privileges and advantages, and all the obligations to which, immediately before the commencement of this Act, the Government

of Montserrat was entitled to or subject to, as the case may be, in respect of its operation of the port, are hereby transferred and conferred or imposed on the Authority for the purposes of this Act.

(3) The provisions of any deed, contract, bond or security or other document relating to the operation of the port and subsisting immediately before the commencement of this Act against or in favour of the Government of Montserrat shall have full force and effect against or in favour of the Authority and be enforceable as fully and effectively as if, instead of the Government of Montserrat or any person acting on behalf thereof, the Authority had been named therein and had been a party thereto.

(Amended by Act 9 of 1983)

Exemption from property tax

83. Notwithstanding the Property Tax Act, the Authority shall not be liable to the payment of property tax on any property owned by the Authority.

Exemption from income tax

84. Notwithstanding anything contained in the Income and Corporation Tax Act, the Authority shall be wholly exempt from the payment of income tax.

Exemption from stamp duties and other charges

85. Notwithstanding any law providing for the registration of documents or the payment of stamp duties, the Authority shall be exempt from the payment of all registration fees, filing fees, stamp duties and all other fees or impositions including search and inspection fees.

Exemption from import duties, etc.

86. All material, equipment, vehicles, stationery and stores required by the Authority for the purpose of carrying out its functions under this Act and which are imported by the Authority or by an agent acting on behalf of the Authority for the said purpose, shall be exempt from the payment of import duty and consumption tax.

Transfer of public servants

87. (1) The Governor may approve the transfer and appointment of an officer from the Public Service of Montserrat to the service of the Authority or from the service of the Authority to the Public Service of Montserrat.

(2) For the purposes of this section the Port Authority shall be deemed to be a “**Scheduled Government**” for the purposes of the Pensions Regulations contained in the First Schedule to the repealed Pensions Act as if the Authority had been specifically mentioned and referred to in the First Schedule to the said Regulations.

PART 12

MISCELLANEOUS AND GENERAL POWERS

Appointment of constables

88. (1) The Authority may from time to time, after consultation with the Commissioner of Police, appoint persons to be Constables with the approval of the Governor.

(2) The Constables so appointed shall be a supplemental body of police styled “**Port Constables**”.

(3) The Authority shall make Standing Orders to provide for the terms and conditions of appointment of the Port Constables with the approval of the Governor. Such Standing Orders shall also provide for the duties of Constables with special regard to the maintenance of order within the port, and the protection and safety of goods and property, and the suspension and termination of appointment of any person appointed as a Constable under this section.

(4) The Commissioner of Police shall have the general command and superintendence of the Port Constabulary.

(5) Every member of the Port Constabulary shall in the performance of his duties have and exercise all the powers, rights, privileges and protection and be liable to the same responsibilities and discipline of a member of the Royal Montserrat Police Service.

(Amended by Acts 9 of 1979 and 9 of 2011)

Bonded warehouses

89. (1) If any warehouse of the Authority is approved and appointed under any enactment relating to Customs for the time being in force, the Authority may give general security by bond or otherwise for the payment of the Customs Duties payable in respect of goods stored in such bonded warehouse or for the due exportation of such goods.

(2) When such security has been given by the Authority no further security shall be required by the Comptroller of Customs from any other person to the same effect.

(3) Nothing in this section however shall be taken to absolve any person who would have been liable to pay duties from paying any such duty as he would be compelled to pay in respect of any such goods.

Legal proceedings

90. (1) Proceedings for offences under this Act may be instituted in writing by the Port Manager or by any officer duly authorised by him in writing. Such power shall be in addition to and not in delegation of the power vested in any other person by any enactment to initiate criminal proceedings.

(2) In any proceedings for any offence under this Act, the averment that such offence was committed within the limits of the port shall be sufficient without proof of such limits, unless the contrary is proved.

(3) In addition to any other remedy given under this Act, all dues, charges, compensation, damages, costs, expenses or other sums due to the Authority under this Act may be recovered by the Authority as a civil debt.

SCHEDULE

(Section 73)

PROPERTY TRANSFERRED TO PORT AUTHORITY

1. All buildings situated on the land, reclaimed land, jetty and wharf construction included in the area comprised in the Port as defined in section 2.
 2. Gates and fences, security lights and fixtures, security walls and all other fixtures and fittings attached to and forming part of the land, reclaimed land, jetty and wharf construction included in the area of the Port as defined in section 2.
 3. Three dolphins adjacent to the jetty and all buoys and markers situate and used within the Authority's area of responsibility.
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PORT AUTHORITY REGULATIONS

ARRANGEMENT OF REGULATIONS

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PORT AUTHORITY REGULATIONS – SECTIONS 53 AND 71

*(S.R.O.s 46/1977, 30/1979, 8/1994, 40/1994,
2/1995, 71/1996, 63/1997, 17/1998, 69/2005 and 65/2014)*

Commencement

[1 December 1977]

PART 1

RULES AND REGULATIONS

Short title

1. These Regulations may be cited as the Port Authority Regulations.

PRELIMINARY

Application of tariff and supplements

2. (1) The charges, rates, rules and regulations published in this tariff shall apply equally to all users of, and all traffic in any harbour and facilities owned, operated and administered by the Port Authority of Montserrat under the jurisdiction of the Port Manager's Department on and after the effective date of this tariff or any supplements thereto.

(2) The Port Manager's Department by delegation from the Port Authority shall be the judge as to the application and interpretation of this tariff. Should an occasion arise wherein no corresponding commodity or storage situation is shown herein, the Port Manager shall be the judge as to the application of this tariff.

Interpretation

3. In these Regulations—

“**berth assignment**” means the granting of permission to use a specified berth;

“**cargo handling dues**” means a charge assessed against a vessel for handling any cargo to or from vessels, that is from vessel hook to tailgate or vice versa;

“**cargo tonnage dues**” means the charge for the use of the port and does not include a charge for any other service;

“**Chairman of the Port Authority**” means the Permanent Secretary Ministry of Communications and Works, as incorporated under the Act;

“**checking**” means the service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same;

“**demurrage**” means a charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made

for storage. Wharf demurrage is also applicable to cargo remaining in or on terminal facilities after expiration of an authorised storage period;

“free time” means the specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel;

The handling of cargo from vessel hook to tail gate or *vice versa*;

“heavy lift” means the service of providing heavy lift cranes and equipment for lifting cargo;

“inter-island vessel” means a vessel under 300 GRT and trading exclusively within the Caribbean Waters;

“licensed pilot” means a pilot licensed by the Port Authority to pilot vessels or ships, to and from alongside the berths at the Port of Plymouth or anywhere within the limits of the Port of Plymouth;

“loading” or “unloading” means the service of loading or unloading vessel to any place on the terminal and trucks, lighters or barges or any other means of conveyance to or from the terminal facility;

“N.O.S.” means Not otherwise specified;

“ocean-going vessel” means a vessel of or over 300 GRT;

“operator” means any person carrying on the business of furnishing wharfage, dock, warehouse, or other marine terminal services or facilities in connection with a common carrier by water in Montserrat;

“passenger domestic” means a passenger travelling in coastal or on inter-territorial vessels;

“passenger foreign-person” means a passenger travelling in a foreign-flag vessel;

“person” includes individuals, partnerships, corporations, associations, municipal and other governmental entities;

“place of rest” means a location designated by the Port Authority within the terminal area where goods and commodities shall be placed in a manner acceptable to the Port Authority and allowed to remain while awaiting delivery to consignee or for loading on board a vessel;

“Port Authority” means the Montserrat Port Authority incorporated under the Act;

“port dues” means a charge assessed against any vessel or ship on its registered GRT tonnage using any harbour or Port in Montserrat;

“Port Manager” means a person appointed as Port Manager by the Port Authority to manage the Port of Plymouth and other Ports;

“Port Manager’s Department” means the Port Manager’s Department created to operate, manage and develop the seaports and terminal facilities of Montserrat;

“Port of Plymouth” means the Port of Plymouth or any other Port under the administration of the Port Authority of Montserrat;

“**port terminal facility**” means one or more structures comprising a terminal unit, and including, but not limited to wharves, warehouses, covered and/or open storage space, cold storage plants, landings and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers;

“**ships**” mean any schooner, sailing vessels propelled by sail, or partially propelled by power, and shall include in its meaning the term “**Master, Owner or Agent thereof**”;

“**tailgating**” means the delivery of cargo by the Port Authority from rest to the tailgate of the truck for inbound cargo payable by the consignee for outbound cargo from tailgate of the truck to rest;

“**tariff book**” means a publication containing dues, charges and conditions prepared and published by the Port Authority in accordance with the provisions of the Act;

“**tariff publication**” means a schedule, tariff, supplement to, or revised or amended page of a schedule or tariff;

“**terminal storage**” means the service of providing transit sheds or other terminal facilities for the storing of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage closed or covered storage, open or ground storage, bonded storage and refrigerated storage, and after storage arrangements have been made;

“**ton**” means a ton of 2,200 pounds or thirty five cubic feet, whichever yields the greater charge;

“**usage**” means the use of the terminal facility by lighter operator, trucker, shipper or consignee, their agents, servants and/or employees, when they perform their own car, lighter or truck loading or unloading, or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified;

“**vessel**”, except as otherwise specified, means floating craft of every description, with the exception of ships, and shall include in its meanings, the term, “**owners, masters and agents thereof**”;

“**vessel’s hook**” means to and from vessel’s tackle;

“**wharfage dues**” means a rate charged by weight or measurement, whichever yields the greater revenue, on all imports payable by the consignee, and on all exports, payable by the consignor, moved through the Port of Plymouth.

(Amended by S.R.O. 30/1979)

Consent of terms of tariff

4. The use of the harbours and piers, wharves, bulkhead, docks and other facilities under the jurisdiction of the Port Manager’s Department shall constitute a consent to the terms and conditions of this tariff, and evidence an agreement on the part of vessels, their owners and agents, and other users of such harbours and facilities to pay all charges specified in this tariff and be governed by all rules and regulations.

Appeals

5. To the extent that the Port Manager and the Port Manager's Department derive authority and responsibility from the Port Authority and have been duly delegated same under this tariff, a right of appeal for due cause from actions by them exists to the Port Authority through the Chairman.

Exemption for port construction

6. All construction work at the Ports and Harbours of Montserrat whether new facility or maintenance, done under contract with and for the benefit of the Port Authority, is exempt from the charges enumerated in this tariff. The exemption applies only to those activities and materials specifically required and necessary for the completion of the construction work.

General restrictions and limitations

7. (1) The Port Authority is not obligated to provide storage or accommodation for property which has not been transported, nor is intended to be transported by water to or from the port; nor is it obligated to provide berthage, wharfage storage or other services beyond reasonable capacity of the facilities; nor is it obligated to provide extended storage for any property in the course of normal operations, beyond a period of time determined by the Port Manager.

(2) The Port Authority of Montserrat is not obligated to accept any cargo, either inbound or outbound, which is not compatible with the accepted objectives of the port and the established assurances to the community. The refusal of any such cargo is discretionary with the Port Manager.

GENERAL

Payment of bills

8. (1) All charges assessed under this tariff are due as they accrue and are payable within fifteen days after presentation of invoices.

(2) The Port Authority reserves the right, in the event of delay or failure to pay invoices when due, to demand payment of charges in advance before further services will be performed or facilities used, or before freight upon which charges have accrued will be released for delivery.

(3) The Port Authority does not recognise the numerous shippers of consignees and cannot attempt to collect or assist in collecting port dues, tonnage dues, cargo handling dues, storage, wharf demurrage, and other bills which may be passed on to the shippers and consignees by the vessel, its owners or agents. The Port Authority must be paid regardless of when the vessel, its owners or agents are reimbursed.

(4) The Port Authority requires a deposit of all charges in advance which may accrue against a vessel, its owners or against the cargo loaded or discharged by a vessel, or from other users of the facilities. Use of the facilities may be denied until such advance payments or deposits are made.

(5) Cash deposit by Master, Owner or Vessel Agent only—

(a) Per ton unloaded	\$40
(b) per ton loaded	\$25
(c) tankers per ton	\$6
(d) passenger vessels per vessel—	
(i) under 100 GRT	\$200
(ii) 101 – 2000 GRT	\$400
(iii) 2001 GRT and over	\$800

Indemnity bond

9. (1) Users of the port facilities are required to furnish the Port Authority with a cashable bond, insuring the Port Authority against loss of any funds and indemnifying the Port Authority in full for the payment of bills that accrue as a result of berthage, cargo and passenger wharfage, water sales, storage, rentals, leases, warehousing, wharf demurrage, electric current and any other charges that may accrue for services rendered by the Port Authority.

(2) The Port Manager is authorised to determine and fix the amount of the required Bond.

(3) The Port Manager is also authorised to cash the Bond by this section.

Insurances

10. (1) The rates and charges published in this tariff do not include any insurance of any nature.

(2) All users of the port facilities are required to carry bodily injury liability insurance and property damage liability insurance and to furnish certificates of insurance to the Port Manager.

Pollution of air and water and unnecessary noises

11. (1) It shall be unlawful for any person, firm or corporation to deposit, place or discharge into the waterways and harbour of the Port of Plymouth any ballast, dunnage, sanitary sewage, butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residium gas, calcium, carbide, trade waste, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment or obstruction on the bottom of the ocean bed, or odors or gases of putrefaction.

(2) All vessels and ships and all persons using port facilities shall take every precaution to avoid pollution of the air or making unnecessary noises.

(3) All laws, rules and regulations pertaining to air and water pollution shall be rigidly observed.

Clearance

12. No vessel or ship shall receive clearance from the Comptroller of Customs or any other officer of Customs except on the production of a certificate from the Port Manager certifying that he has complied with these Regulations and paid all his tolls and dues.

Allocation of space

13. (1) The Port Manager shall control the allocation of all space covered, or open on the Seaport properties of Plymouth. All persons using port property in any manner shall strictly comply with such allocations. The Port Manager is authorised to move cargo or other articles after the free time allowance at consignee, or agent's expenses, in order to enforce this item.

(2) In all cases, the objective of space allocation is to insure maximum flexibility and utilisation of available space, both covered and open, and the Port Manager shall be the sole judge in the matter.

Leasing

14. Where leasing is involved as for office space or open ground space, Port Authority procedures and requirements shall be followed.

Cleanliness of premises

15. (1) All vessels and ships their owners and agents, and all other users of the facilities shall be held responsible for the general cleanliness of the property which has been allocated, assigned or leased to them. This shall include those parts of aprons, gutters, and truck docks used in connection with any specific loading, unloading or handling operation.

(2) If such users do not properly clean the facilities or property they have been using, the Port Manager may order the property cleaned and placed in good order and charge the users responsible at cost, plus one hundred per cent with a minimum charge of \$25.

Damage to port terminal facilities

16. (1) All vessels, their owners or agents, and all other users of the facilities, shall be held responsible for all damage to the facilities occasioned by them. The Port Manager's Department may detain any vessel or other watercraft responsible for damage to the facilities until sufficient security has been given for the amount of the damage. It shall be the responsibility of the users of the facilities to report any damages occasioned by them to the Port Manager's Department immediately.

(2) The services of a licenced pilot on duty on board any ship or vessel, does not relieve the master of the vessel of the responsibility for any damage caused by the ship or vessel and no liability shall be placed on a licenced pilot for any damage to facilities.

Emergencies

17. Anyone on the port property at any time becoming aware of an emergency situation of any nature should notify a responsible Port Manager's Department representative by the fastest means, while taking such immediate direct action as may be appropriate. Anyone not reporting such emergency, shall be held liable.

Loitering on Port properties

18. (1) It shall be unlawful for any person to loiter upon the properties of the Port Manager's Department. It shall be unlawful for unauthorized persons to enter cargo movement or handling areas.

(2) Persons using the port facilities do so at their own risk, and the Port Manager's Department will assume no responsibility for injuries or damages sustained. Any person doing so shall forthwith depart, when ordered to do so at the request of the Port Manager.

Signs

19. Painting signs on structures belonging to the Port Manager's Department is prohibited without prior approval. Signs to be erected on the port shall be furnished by the port users and erected or placed by the user after the Port Manager shall have approved the design, material and size of said signs. All signs shall be uniform.

Smoking

20. It shall be unlawful for any person to smoke or to light any match upon, or in, any port facilities where such is prohibited by the Port Authority.

Solicitation

21. It shall be unlawful for any person to solicit or carry on any business on the seaport property without first obtaining a permit from the Port Manager's Department of the Port Authority as required by this tariff and subject to having the required occupational licences.

Vehicles

22. (1) It shall be unlawful to park automobiles in any restricted area or to park any automobile, truck, trailer or any other vehicle in loading zones for any longer period than is necessary to load or discharge cargo or passengers.

(2) All vehicles entering the Port of Plymouth not engaged in the transportation of cargo shall park in the area designated by the Port Manager's Department.

Wharf obstruction

23. (1) Stevedore's tools, appliances, equipment, vehicles or any other material or object which is not part of the cargo will not be permitted to remain on the wharves or wharf premises, or in the transit sheds, except at the discretion of the Port Manager.

(2) Cargo or gear will not be stored on the aprons, in driveways, roadways, or any other locations that would hamper normal port operations without specific approval of the Port Manager's Department.

(3) If not removed when so ordered, it shall be subject to removal by the Port Manager's Department at the agent's expense, at cost plus 100%.

Requirements of documents

24. To expedite prompt handling of goods through the terminal areas, the following documents will be required (must be originals or certified facsimiles).

Inbound Cargo

five legible copies of vessel manifest (required at least forty eight hours prior to arrival of vessel, inter-Caribbean vessels on arrival).

one copy of steamship company release (delivery order).

Outbound Cargo

one copy of loading list (required twenty four hours prior to vessel loading).

one copy Customs Report Outwards.

five legible copies of vessel manifest (required within three days after departure of vessel).

Discipline

25. When on Port Authority premises, no person shall—

- (a) cause or participate in any disturbance;
- (b) be in an intoxicated condition;
- (c) possess intoxicating liquor;
- (d) refuse to produce for inspection, at the request of anyone in the Port Manager's Department the contents of any parcel in his/her possession;
- (e) refuse to be searched by a Port Authority Constable;
- (f) bring in live animals, without permission;
- (g) refuse to leave, when ordered to do so, by a member of the Port Manager's Department.

CARGO

Abandoned cargo

26. Any cargo on which charges have not been collected after forty two days shall be considered abandoned cargo. The Port Authority reserves the right to remove any or

all such property. When the Port Manager determines final abandonment of cargo in any instance, he shall dispose of same under established Montserrat procedures.

Furnishing cargo statements and vessel reports

27. All vessels, their owners and agents, and all other users of the harbours and facilities, shall furnish the Port Manager copies of inbound or outbound manifest or other documents in a form satisfactory to the Port Manager, or a full and correct statement, signed and certified to, on blanks furnished by the Port Authority showing weights or measurements of the various items discharged or loaded and the basis on which freight charges are assessed, within 48 hours before arrival and/or within 24 hours of departure of vessels.

Access to records

28. All vessels, their owners and agents, and all other users of the harbours and facilities, shall be required to permit access to manifests of cargo, passengers, documents and all other documents for the purpose of audit for ascertaining the correctness of reports filed, or for securing necessary data to permit correct estimate of charges.

Explosives, inflammables, and other hazardous materials

29. Explosives, inflammable and other hazardous commodities or materials will not be handed over or received on the wharves or other facilities of the Port Manager's Department until and unless approval is obtained from the Commissioner of Police of Montserrat. Special regulations covering these items, are set out in Appendix 4.

Damaged goods

30. Goods and commodities arriving in apparently damaged conditions, shall be kept separate and delivered to damaged locker which is to be considered as place of rest for damaged cargo if not otherwise instructed.

Goods not under cover

31. Goods and commodities held in open areas are at owner's risk on account of loss and damage caused by weather or deterioration.

Perishable goods

32. To be removed by the Port Manager and sold after two days landing.

BERTHING

Office hours request for berths loading or unloading of vessel

33. (a) on weekdays not later than 3 p.m., except;
(b) on Saturdays not later than 10 a.m.

Application for berth and for the loading or unloading of

34. The agent for a vessel desiring a berth at the Port of Plymouth, or any other harbours shall, as far in advance of the date of docking as possible, make application to the Port Manager in writing in the manner prescribed, at Appendix 1 for a berth specifying the name of vessel, size, the date and estimated time of arrival, date and time of sailing and the nature and quantity of cargo, if any, and request the vessel to be loaded or unloaded.

Assignment of berth

35. All berthing assignments shall be made by the Port Manager and must be rigidly observed.

Change of berth

36. (1) Every vessel, boat, barge or other craft, must, at all times have on board a person in charge with authority to take such action any actual emergency as may be necessary to facilitate common navigation or commerce, or for the protection of other vessels or property. The Port Manager has discretionary authority to order and enforce the removal or change the berth or location of any vessel, boat, barge, or other watercraft at its own expense, to such place as he may direct, for the purpose of facilitating navigation or commerce, or for the protection of other vessels or property, and it shall be unlawful for the master, owner or agent of such vessel to fail, neglect or refuse to obey any such order.

(2) If there is no responsible person available, or if the person in charge refuses to shift the vessel as directed the Port Manager's Department shall have the vessel shifted at the risk and expense of the vessel.

Unauthorised berthing

37. (1) Any vessel berthed in an unauthorized manner or shifted without approval of the Port Manager's Department shall be subject to an assessment in the amount equal to five times the published Port Dues, or \$1,000 whichever yields the greater. Such vessel may be moved to a properly designated berth without notice by the Port Manager's Department at the owners expense.

(2) No vessel or ship shall tie up or lie alongside the approach bridge, connecting the main berth.

Vessels or ships arriving outside normal working hours

38. All vessels or ships arriving at the Port of Plymouth outside normal working hours of the Port Authority shall wait or anchor outside the prohibited anchorage until such time as the vessel or ship is given permission to berth.

NAVIGATION

Prohibited anchorage or obstruction in turning basins and channels

39. It shall be unlawful for any person, firm or corporation whether as principal, servant, agent, employee, or otherwise to anchor any vessel, boat, barge or other watercraft of any kind in any of the turning basins or channels in the Port of Plymouth as defined in Appendix 3 or to otherwise obstruct navigation, except in cases of actual emergency.

Lights at night

40. All vessels, barges or other watercraft, while anchored, moored or manoeuvring in the waterways of the Port of Plymouth, must at all times during darkness show regulation lights.

Speed

41. It shall be unlawful for vessels or other watercraft to proceed at a speed exceeding 6 knots which will endanger persons, other vessels or structures or to cause wake damage. All relevant laws, rules and regulations apply.

Penalty

42. Any person infringing any of these Regulations for which no other penalty is provided shall be liable on summary conviction to a fine of \$500 or to imprisonment for any term, of six months.

PART 2

TARIFF BOOK

SCHEDULE 1

MARINE DUES

Marine dues are collected by the Port Authority to assist in the funding of pilotage, navigational aids for safety at sea and in port and apply to ships entering the Port of Plymouth.

*Item**Particulars*

1. (a) Piloting & Running Lines For piloting vessels on arrival/departure of shifting berth or anchorage and running lines. From the hours of 0800 to 1600 daily:

Vessels including tankers	Piloting per vessel	Running Lines movement
Up to 100 GRT	—	\$ 25
101 to 500 GRT	60	40
501 to 2000 GRT	70	50
2001 to 5000 GRT	90	75
5001 to 10000 GRT	200	100
10000 and over GRT	300	150

Provided that ships requiring a pilot for shifting from alongside one berth to another shall pay 50% of the prescribed fees.

For periods outside the above-mentioned hours and on Sundays and statutory holidays the above-mentioned charges shall be increased by 50%.

Waiting Time – per hour or part thereof provided that if the ship arrives at the Pilot Station within the first hour, no waiting time will be charged..... \$50

Cancellation fee – if a pilot is ordered and the cancellation of required services is not received within three hours of due time ordered \$50

(b) Pilot's Launch For vessels over 100 GRT 200

(c) Clearance All vessels 10

2. Basis of Charge Marine dues shall be based on the highest gross registered tonnage of the vessel as shown in Lloyd's Register of Shipping. However, the Port Authority reserves the right to admeasure any vessel when deemed necessary and use such measurement as the basis for Marine Dues.

SCHEDULE 2

PORT DUES

Port dues are collected by the Port Authority to assist in the funding of marine structures used by ships while in port—

3.	Port Dues	For the first 24 hrs or part thereof in port	For each subsequent 24 hrs or part thereof
(A)	Ships over 20 GRT but not exceeding 100 GRT	\$100	\$100
	Ships over 100 GRT but not exceeding 500 GRT	200	200
	Ships over 500 GRT but not exceeding 1000 GRT	300	300
	Ships over 1000 GRT but not exceeding 5000 GRT	400	400
	Ships over 5000 GRT	500	500
(AA)	private Yachts \$25 dollars per call private Yachts at berth – at the rate as set out in paragraph (A) above having regard to tonnage and number of hours in the port.		
(B)	Laid up Ships		

The owner or agent of any ship anchored or moored in Plymouth may, if the ship is not being used for the storage of cargo or for commercial or residential purposes, apply to the Port Manager to be classified as a **“laid up ship”** as appropriate. Every ship so classified shall pay half the dues detailed at (a) above, provided that the owner or his agent pay such dues at the end of each calendar month.

- | | | |
|----|-------------------------------------|--|
| 4. | Port dues for unauthorized berthing | Any vessel berthed in an unauthorized manner or shifted without the approval of the Authority shall be subject to Port Dues in an amount equal to twice the published fee. |
| 5. | Exemption from Port Dues | <p>a) Local Fishing vessels.</p> <p>b) Local cargo vessels at anchor outside of restricted area.</p> <p>c) Vessels belonging to the Government of Montserrat or the Government of any Commonwealth or Foreign Country other than such vessels loading or discharging cargo or embarking or disembarking passengers for freight or fares.</p> |

SCHEDULE 3

CARGO DUES

Cargo dues are collected by the Port Authority to assist in the funding of facilities used to move and store Cargo.

- | | | |
|----|------------------------------|--|
| 6. | Calculation of Cargo Tonnage | A revenue tonne shall mean a volumetric measure of 1 cubic metre (35 cu ft.) 1000 kilos (2200 lbs) whichever is greater. |
|----|------------------------------|--|

Only full tonnes will be used when calculating cargo tonnage subject to cargo dues. Manifest weight totals expressed in pounds or kilograms will be converted to the nearest full tonne as follows—

Fractions over a full tonne but less than 0.5 (1/2) will be dropped. When 0.5 or more, the next highest figure will be used.

- | | | |
|----|-----------------------|--|
| 7. | Non-Shipment of Cargo | Cargo delivered on the port for export and not loaded on a vessel berthed at the port and subsequently moved inland from the port is subject to cargo dues. |
| 8. | Trans-shipment | Cargo transhipped through the port will be assessed cargo handling charges at one and a half times the normal rate and will be subject to half the normal storage charges. |
| 9. | Ship's Stores | No charge for cargo dues will be made on ship's stores. |

10.	Fuel Tonnage Dues	Per tonne on fuel ex tankers (applied to fuel only as tonnage dues are included in the cargo handling charge).	\$10
11.	Wharfage		
	Cement per tonne		\$10
	Lumber, BRC and Steel per tonne		\$25
	Other cargo per tonne		\$27
	Other cargo per cu. ft.		\$ 0.77
	Other cargo per 100 lbs.		\$ 1.22
	Sand and Aggregate per tonne		\$10
	Cement blocks per tonne		\$10
	Empty bottles		Free
	Sand, aggregate, boulders and other volcanic materials		\$2

(Amended by S.R.O. 65/2014)

SCHEDULE 4

CARGO HANDLING CHARGES

Cargo Handling charges are collected by the Port Authority to defray costs associated with the movement of cargo from the ship's hold to the first place of rest on the Port, to either covered storage or open storage in the Port's compound and for handling cargo between place of rest and a truck's tailgate. These charges are also referred to as L.S. & D. (Landing, Storage and Delivery Charges). They cover the operations of Stevedoring, Longshoring and Tailgating.

12.	Landing, Storage and Delivery Charges – Imports	
(a)	Breakbulk	\$56
(b)	Lumber, Steel and BRC	\$56
(c)	Hazardous and Refrigerated Cargo	\$63
(d)	Unitized—	
	(i) Cement	\$48
	(ii) Blocks	\$35
(e)	Self-propelled wheeled vehicles—	
	(i) Roll on Roll off (Cars)	\$43
	(ii) Roll on Roll off (trucks, pick-ups and similar vehicles)	\$26
	(iii) Lift on Lift Off	\$56
(f)	Raw material for manufacture (Breakbulk)	\$14
(g)	Containerized Cargo: Imported full and exported empty with or without wheels	
	(i) Raw material for manufacture	\$679 Twenty foot Equivalent Unit
	(ii) Full Container Load – direct delivery	\$933 Twenty foot Equivalent Unit

	(iii)	Full Container Load unstuffed in compound ...	\$1087 Twenty foot Equivalent Unit
	(iv)	Empty cargo Container (flat rate)	\$400 Twenty foot Equivalent Unit
	(h)	Less than a Container Load	\$48 per tonne
12A.		Aid Funded Imports	
	(1)	Wharfage	
		Cargo landed or loaded per tonne	\$15
	(2)	Cargo handling charges	
	(a)	General cargo per tone or part thereof	\$32.60
	(b)	Landing and Loading Containers Full container loads	
		Directory delivery	\$570 per Twenty foot Equivalent Unit
		Unstuffed by Authority	\$750 per Twenty foot Equivalent Unit
	(c)	Flat Rate	\$400 per Twenty foot Equivalent Unit
13.		Landing, Storage and Delivery Charges – Exports	
	(a)	Breakbulk – general cargo	\$14 per tonne
	(b)	Manufactured goods	\$14 per tonne
	(c)	Agriculture produce	\$14 per tonne
	(d)	Empty bottles and other Environmentally destructive items	\$11 per tonne
	(e)	Containerised Cargo: outbound stuffed by shipper, with or without wheels—	

	(i)	Personal effects	\$400 Twenty foot Equivalent Unit
	(ii)	Other cargo	\$500 Twenty foot Equivalent Unit
14.	Over- landed Cargo	Per tonne	Same as at 12
		One free storage period as for transhipment cargo (Section 8) will be allowed after which excess storage charges will apply.	

SCHEDULE 5

EXCESS STORAGE CHARGES

15.	Free Time Allowance	The free time allowed for assembling outbound cargo on and for removing in bound cargo from the Port, excluding Saturdays, Sundays and legal holidays, shall be five days, but the Authority may in its discretion extend the free time allowance when delay is caused by circumstances beyond the control of the consignee.	
		For goods entered for transhipment, the free time allowed shall be ten days inclusive of Saturdays, Sundays and legal holidays.	
16.	Computa- tion Free Time	The free time allowed for assembling of outbound cargo shall commence on the day following placement of the first delivery of cargo on the Port.	
		The free time allowed for removing inbound cargo shall commence on the day following the day the vessel completes discharging or containers unstuffed.	
17.	Excess Storage (Open or Covered Storage)	All cargo remaining on the port after the free time period shall thereafter be assessed storage charges as follows:	
		Per day or part thereof:	
		per tonne	\$6
		minimum charge per consignment	\$5

18. Removal of Goods Upon completion of the free time allowance, goods may be moved from the point of rest to an alternative storage area as designated by the Authority. The removal charge shall be:
- Per tonne \$10
19. Perishable Goods May be removed by the Authority and sold with due notification not less than ten days after landing.
20. Containers Storage of empty containers:
Free for twenty one days
Afterwards – per day per TEU..... \$15

Where cargo remains in a container in the port in excess of the free period for break bulk cargo, such cargo shall be liable to excess storage charges to the account of the goods and without prejudice to any container storage fees payable by the carrier.

Containers remaining in storage on the Port Authority premises are subject to sale and removal after sixty days whether or not the storage charges have been paid.

NOTE: Handling and storage charges assessed against a container are payable by the ship's Agent.

SCHEDULE 6**GENERAL PROVISIONS**

21. Cruise Ships
In addition to the foregoing, the following charge is applicable per passenger aboard each cruise ship
- Payable by the ship's Agent as follows:
- \$8 ECC or (US \$3) per person for—
- Shipping Lines scheduled for ten or more calls per year;
- Ships with 500 passengers and over;
- Single destination vessels – Nil
- \$13.50 ECC or (US\$5) – All others
22. Sorting (Ship Owners Account)
If cargo is discharged with marks mixed, the Authority may require that such cargo be sorted and in such cases the following additional charge will apply:
- per tonne or part thereof \$10
23. Coopering
Any additional labour found necessary to effect the handling of damaged goods and commodities or to repair containers found in other than good condition on arrival will be charged additionally for the account of the carrier.
24. Damaged Goods
Goods and commodities arriving in apparently damaged condition shall be kept separate from sound cargo and delivered to the damaged goods locker which is to be considered as the place of rest for damaged cargo. The Port Manager, at his sole discretion, may refuse to land such damaged goods or may dispose of same without notice if landed.
25. Documents
To expedite prompt handling of goods through the port compound, the following documents will be required (must be originals or certified facsimiles):
- Inbound cargo – Application for Berth
- Requisition for Port Services
- Ship's Manifest

Outbound cargo – Same as above.

26. Normal Working Hours at the Port Authority
- The rates provided in this tariff shall apply only to services performed in normal working hours.
- The working hours of officers for attendance to the public shall be:

Monday – Friday from 8 a.m – 4 p.m

27. Overtime Payment Vessel Owners or Agents
- Any overtime after normal working hours shall be for vessel owner’s or agent’s account.

28. Equipment Charges with Driver
- | | |
|---|-------|
| Forklifts – per hour or part thereof | \$ 65 |
| CHU – per lift on compound | 100 |
| – per lift off compound | 200 |
| Crane – per hour or part thereof..... | 160 |
| Local and Inter Island Vessels | 80 |
| Yard Tractor – per hour or part thereof | 80 |
| 5th Wheel Tractor and Chassis – per hour or part thereof..... | 120 |

The above rates do not include overtime to be paid to the driver outside normal working hours. Rentals of other equipment by arrangement with the Authority.

29. Annual Permits
- The following annual permit fees are applicable to the following business categories for the privilege of conducting their operations within the Authority’s premises;

	Each
Ships Agents – per vessel per call	\$ 10
Fuelling Companies – per annum	\$300
Utility Companies – per annum	\$200
Customs Brokers – per annum	\$200
Pilots – per annum	\$300

Other business categories will be covered by special arrangements.

The above permit fees will be applied on a calendar year basis. Firms commencing business after June 30th of any calendar year will pay the following annual fees:

30. Harbour Craft Fee Harbour craft carrying passengers on a hire, fare or a charter basis shall pay the following annual fees:

Under 250 GRT	\$100
Over 250 GRT	\$200

31. Cash Deposits

A The Port Authority requires in advance a deposit of all charges which may occur against a vessel, its owners or agents. Use of the facilities shall be denied until advance payment or deposits are made. In such cases the cash deposit to be made by the Master or Agent shall be—

(a) Vessels under 100 GRT	\$ 300
(b) Vessels over 100 GRT	\$ 1,000
(c) Fuel ex tankers, per tonne	\$ 12
(d) Passenger vessels, per passenger ..	\$ 13.50

B The Port Authority requires in advance of delivery of goods, a deposit of those charges which may occur against a consignee. Delivery will be denied until such deposits are made. In such cases the cash deposit to be made by the consignee shall be:

(a) Per TEU (20 ft container)	\$ 27
(b) Break Bulk, per tonne	\$ 70

PAM FORM No. 1

A P P E N D I X 1

(Regulation 34)

MONTSERRAT PORT AUTHORITY

The Port Manager,
Plymouth.

APPLICATION FOR A BERTH

We the undersigned*Owner/Master/Agents of the
S/M/V Sch. GRT Lgth
Draft: Fwd Aft Official No.
request that a berth at be allotted to this vessel on the,
20..... for the purpose of discharging/loading* and/or
disembarking/embarking passengers.

Port of Registry:

I hereby declare and certify as follows—

- *(a) The vessel is not carrying any dangerous goods described in the list of dangerous goods in Appendix 4.
- *(b) The vessel is not carrying explosives or goods possessing dangerous properties other than those described in the list of dangerous goods.
- †(c) The vessel is carrying dangerous goods as shown on the back hereof.
- †(d) The vessel is carrying explosives or goods possessing dangerous properties other than those described in the list of dangerous goods as shown on the back thereof.
- *(e) The packing and storage of all goods listed under (c) and (d) above are in accordance with the usual shipping practice except as shown on the back thereof.
- (f) The amount of cargo to be discharged is tons.
- (g) The amount of cargo to be loaded is tons.
- (h) The amount of deck cargo is tons.
- (i) The vessel is expected to arrive in the harbour at hrs.

Signed

Master/Agent.

*Cross out whichever is not applicable
State number of tons of each type of cargo

PAM FORM No. 2

A P P E N D I X 2

MONTSERRAT PORT AUTHORITY

REQUISITION FOR PORT SERVICES

(In Duplicate)

Date:

.....

TO:

The Port Manager,
Plymouth.

Please provide the following for the S/S Sch. M/V
due to arrive on

- (i) Berth or Anchorage
- (ii) In and Out Pilot
- (iii) Mooring Gangs
- (iv) Mooring Launch
- (v) Pilot Labour (Overtime)
- (vi) Crane to lift tons
- (vii) Forklifts on board
- (viii) Other Port Equipment as follows:
.....
.....
.....
- (ix) No. of Gangs on Board

Delete those services not required.

Note for Chief Accountant.

I/We undertake to meet promptly the charges raised for these services together with any Overtime incurred and further to pay for any/all damage/s caused to any equipment on hire from the above-mentioned Department.

The cash deposits in the sum of dollars and is herein forwarded as deposit.

.....
Master/Agent

To be completed in the Department.

The following arrangements have been made for the supply of services required.

CASH DEPOSIT	(a)	per ton unloaded	\$ 40
TOTAL \$	(b)	per ton loaded	\$ 25
	(c)	tankers per ton	\$ 6
	(d)	passengers vessels per vessel—	
	(i)	under 100 GRT	\$200
	(ii)	101 to 2,000 GRT	\$400
	(iii)	2,001 GRT and over	\$800

.....
Chief Accountant.

Date:

APPENDIX 3

(Regulation 39)

MONTSERRAT PORT AUTHORITY

RESTRICTED AREA AND PROHIBITED ANCHORAGE – PORT OF PLYMOUTH

From Latitude 16° 42' 09.82" North, Longitude 62° 13' 25.14" West, in a 180° (T) direction for 580 feet, to Latitude 16° 42' 04.02" North, Longitude 62° 13' 25.14" West, thence in a 230° (T) direction for 1000 feet to Latitude 16° 41' 57.54" North, Longitude 62° 13' 33.01" West, thence in a 320° (T) direction for 3570 feet to Latitude 16° 42' 24.79" North, Longitude 62° 13' 56.58" West, thence in a 090° (T) direction for 1675 feet to Latitude 16° 42' 24.79" North, Longitude 62° 13' 39.37" West, thence in a 138° (T) direction for 1560 feet to Latitude 16° 42' 13.28" North, Longitude 62° 13' 28.65" West.

APPENDIX 4

(Regulation 29)

MONTSERRAT PORT AUTHORITY

**REGULATIONS GOVERNING EXPLOSIVES AND HAZARDOUS MATERIALS
AND FIRE PREVENTION WHILST VESSELS ARE IN PORT LIMITS**

1. Dangerous Goods or articles or substances, of such kind or quality as should reasonably be known to the possessor thereof to constitute a serious danger to life or property and any other article or substance that the Port Authority by notice to the person in possession thereof, designates to be dangerous goods for the purpose of these Regulation.
2. Every vessel that is loading, unloading or that has on board explosives shall display signals as follows—
 - (a) From sunrise to sunset International Code Flag “**B**” and
 - (b) From sunset to sunrise a red light visible from all directions.
3. The hatches, of every vessel that has explosives on board shall when not in use, be kept closed and secured.
4. No explosives shall be loaded, unloaded or otherwise handled, whether on a vessel or not, between sunset and sunrise without the permission of the Port Manager.

5. Every vessel that has explosives or dangerous goods on board shall, before or immediately upon arrival in Port Limits, make a special written report to the Port Manager setting forth the kind, quantity and destination of such explosives or dangerous goods.
6. The Port Manager may require that any vessel that has explosives or dangerous goods on board remain ready at all times, while alongside to get underway under its own power.
7. Every vessel that has explosives or dangerous goods for unloading therein shall unload them with all possible expedition at the time fixed by the Port Manager.
8. Explosives or dangerous goods unloaded from any vessel shall be removed without avoidable delay, and in the event of any delay, the person effecting the removal shall report immediately to the Port Manager the reason for the delay and the probable duration thereof.
9. The Port Manager may at the risk and expense of the person in possession of explosives or dangerous goods that have been landed otherwise than in conformity with these Regulations, or that have not been removed therefrom in accordance with these Regulations, remove such explosives or dangerous goods.
10. Every vessel that is loading or unloading explosives or dangerous goods or that has on board explosives or dangerous goods shall display “**No Smoking**” signs in prominent positions.
11. No welding and burning equipment shall be used on Port Authority Premises whilst explosives or dangerous goods are being unloaded.
12. No person shall set off rockets or fireworks or carry on blasting operations in Port Limits without permission of the Port Authority.
13. No article or substance shall be burned, boiled or heated by fire on Port Premises, except with permission of the Port Authority at such place and in such manner as the Port Authority directs.
14. (1) Every vessel shall have suitable fire-extinguishing equipment available for immediate use in any part of the vessel.

(2) The Port Authority may, in addition to the equipment required by subparagraph(1), require additional equipment to be provided in any vessel to meet any particular condition that, in the opinion of the Port Authority involves extra fire risk.
15. No burning or welding may be performed in any vessel berthed alongside without the written permission of the Port Authority.

16. In the event that a fire occurs at a dock at which a vessel is berthed, or on board any vessel alongside, such vessels shall:
- (a) with its whistle or siren sound five blasts of four to six seconds duration;
 - (b) repeat the signal at intervals;
 - (c) use the signal, in addition to, but not in substitution for, other means of reporting the fire, and for no other purpose; and
 - (d) report the fire immediately by the quickest possible means to the relevant authorities.
17. No person shall use a fire hydrant located on Port Property for any purpose other than fire or fire drill without permission of the Port Authority and then only in a manner satisfactory to the Port.
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**PORT AUTHORITY (PERIOD OF PUBLIC EMERGENCY)
REGULATIONS – SECTION 71**

(S.R.O.s 71/1996, 15/2000 and 26/2000)

Commencement

[3 April 1996]

Short title

1. These Regulations may be cited as the Port Authority (Period of Public Emergency) Regulations.

Application

2. These Regulations shall apply during the period of public emergency proclaimed by the Governor on 3 April, 1996.

Modification of charges

3. Notwithstanding the Port Authority Regulations, the following charges shall apply at the Montserrat Port Authority throughout the period specified in regulation 2—

- (a)* goods imported for relief (break bulk and general cargo) – actual handling charges, plus a 30% administrative fee;
- (b)* goods imported for relief (containerized) – a container rate of \$200 per T.E.U. (Twenty foot equivalent unit);
- (c)* Montserratians who were relocated abroad since the current emergency shall be charged a total sum of twenty seven dollars (\$27) per tonne as handling and wharfage charges in respect of imported goods exported by them upon relocation and on goods acquired by them, during their relocation abroad, up to a maximum of fourteen (14) tonnes; *(Amended by S.R.O. 15/2000)*
- (d)* the free storage period is increased from five days to ten days inclusive of Saturdays, Sundays and Public Holidays. The Port Authority shall however not be liable for any loss of or damage to goods occurring after the fifth day of the period of free storage. *(Amended by S.R.O. 26/2000)*