



MONTSERRAT

## CHAPTER 7.10

# PIERS AND WHARVES ACT and Subsidiary Legislation

### Revised Edition

showing the law as at 1 January 2013

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

This edition contains a consolidation of the following laws—

### PIERS AND WHARVES ACT

Act 3 of 1906 .. in force 14 April 1906

Amended by Acts: 8 of 1941

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

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### PIERS AND WHARVES RULES – Section 6

S.R.O. 5/1936

Amended by S.R.O.s: 10/1937

8/1941

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**CHAPTER 7.10**

**PIERS AND WHARVES ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title
  2. Port of Plymouth a public shipping place
  3. Governor may appoint public shipping places
  4. Rates on goods landed and shipped
  5. Application of rates
  6. Rules
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**CHAPTER 7.10**

**PIERS AND WHARVES ACT**

*(Acts 3 of 1906, 8 of 1941 and 9 of 2011)*

**Commencement**

*[14 April 1906]*

**Short title**

1. This Act may be cited as the Piers and Wharves Act.

**Port of Plymouth a public shipping place**

2. For the purposes of this Act the port of Plymouth shall be any place from Wapping Bay to Barrack Bay inclusive, and such port shall be a public shipping place.

**Governor may appoint public shipping places**

3. The Governor may from time to time declare any bay, shore or place upon which a wharf, pier or jetty is provided for the public use to be a public shipping place and define the limits of any such public shipping place.

### Rates on goods landed and shipped

4. There shall be collected and paid on all goods, wares or merchandise landed at or exported from Montserrat from any public shipping place, such rates as shall be prescribed under this Act. Such rates may be prescribed in respect of all public shipping places in Montserrat, or of any one or more of such public shipping places, and shall be collected, paid and recovered in the prescribed manner.

### Application of rates

5. All rates collected under this Act shall be paid into the Public Treasury for the public uses of Montserrat.

### Rules

6. (1) The Governor may make rules for the following purposes—

- (a) for prescribing public shipping places, and the limits or boundaries thereof;
- (b) for the regulation and management of public piers, wharves and shipping places;
- (c) for the regulation of the roadsteads of Montserrat, the use of public buoys, the mooring and anchorage of vessels and the discharge of ballast therefrom, and generally for the proper control and management of such roadsteads;
- (d) for prescribing the rates payable on goods, wares and merchandise landed at or exported from Montserrat from any public shipping places, and the manner in which such rates are to be collected and paid.

(2) All rules made under the provisions of this Act shall be published in Montserrat, and, after such publication, shall have the full force and effect of law.

(3) No such rule as aforesaid shall come into operation until it has been approved by the Legislative Assembly and sanctioned by the Governor. (*Amended by Act 9 of 2011*)

### Penalty for infringement of Rules

7. Any person offending against any rule made under the provisions of this Act shall be liable on conviction before a Magistrate to a penalty of \$24.

## **PIERS AND WHARVES RULES**

### **ARRANGEMENT OF RULES**

#### **RULE**

1. Short title
  2. Control
  3. Prevention of fishing, etc.
  4. Control of use of the pier
  5. Access to pier
  6. Passengers' baggage
  7. Clear passage on pier
  8. Bulky articles
  9. Boats
  10. Prevention of damage by boats
  11. Vessels
  12. Traffic of boats
  13. Lighting of boats
  14. Supervision of boats
  15. Mooring, etc., of boats
  16. Admission of vessels
  17. Boats alongside ships
  18. Traffic of boats alongside ships
  19. Clear approach to ships
  20. Men-of-War
  21. Boats alongside ships
  22. Control of vehicles
  23. Handling of heavy cargo
  24. Control of foreshore
  25. Wharfage fees
  26. Depositing refuse on or within vicinity of public piers and wharves
  27. Berthing fees
- SCHEDULES: Wharfage rates**



**PIERS AND WHARVES RULES – SECTION 6**

*(S.R.O.s 5/1936, 10/1937, 8/1941, 7/1945, 17/1965, 1/1972,  
28/1976, 36/1976, 22/1977 and 31/1977)*

**Short title**

1. These Rules may be cited as the Piers and Wharves Rules.

**Control**

2. The Government piers, wharves and public shipping places of Montserrat shall be under the control of the Police subject to the directions of the Harbour Master.

**Prevention of fishing, etc.**

3. No idlers shall be allowed on any Government pier or wharf during such time as goods are being landed thereat or exported therefrom, or while passengers are being landed thereat or embarked therefrom, and no beggars, common prostitutes, disorderly persons, or persons of bad character shall be at any time allowed on any Government pier or wharf. Fishing is prohibited from any Government pier or wharf, unless previous written permission, which must be shown on demand, has been obtained from the Harbour Master.

**Control of use of the pier**

4. Whenever it shall appear necessary to the Harbour Master or, in his absence to the Police Officer in charge, it shall be lawful for such officer to prevent any person coming upon any Government pier or wharf and also to order any person already there to leave the same.

**Access to pier**

5. On the arrival of any steamer and during the time the boat or boats to or from such steamer may be at the pier and on such occasions as may be deemed necessary by the Officer in charge of the Police, the pier shall be kept clear of all persons except those landing or embarking, and any person who may have business with them at the time, and any officer whose presence may be necessary in the discharge of any Public duty:

Provided that licensed boatmen and porters decently clothed and wearing their badges as directed by law shall have access to the pier subject to the permission of the Police Officer on duty, and provided further, that any person who shall quarrel, fight, make any disturbance, or in any way cause an obstruction shall at once be removed by the Police.

**Passengers' baggage**

6. Passengers' baggage when required to be landed or taken off from any Government pier shall only be landed or taken off in accordance with the directions of

the Harbour Master, Boarding Officer or the Police Officer on duty. All baggage landed shall be removed from the pier to the Baggage Room forthwith.

### **Clear passage on pier**

7. All goods landed on any pier or carried thereon for shipment shall be ranged in order, so that a clear passage of not less than four feet shall at all times be kept from end to end, and such goods shall be removed with the least possible delay.

### **Bulky articles**

8. No hardwood, hogsheads, bricks, tiles, sugar pans, or other bulky articles shall remain on that part of the Bay which lies between the Gaol and Water Lane.

### **Boats**

9. Any flat, boat or canoe coming to the steps of any pier for the purpose of landing or embarking passengers shall, as soon as such are landed or embarked, move off so as to leave the steps clear for other boats. Passengers on landing shall pass from the steps to the platform forthwith.

### **Prevention of damage by boats**

10. No decked or other heavy boat shall remain alongside any pier except while actually loading or unloading, and when not so engaged, shall be removed to a sufficient distance so as not to obstruct the pier. The owner or owners of any such boat attached to, or remaining alongside, any such pier contrary to the above shall be liable for any damage caused to such pier by such boat, and the person in charge of such boat at the time of any breach of this regulation shall be liable as provided in section 7 of the Piers and Wharves Act.

### **Vessels**

11. No vessel of over ten tons burthen shall come alongside any pier without permission from the Harbour Master, and no such permission shall be granted except for the purpose of taking off or landing cargo too heavy to be hoisted on the mast or masts of such vessel, and no load that is not clearly within the lifting capacity indicated on a crane shall be hoisted by any crane without permission from the Harbour Master.

### **Traffic of boats**

12. All flats, boats or canoes which require to land or take off cargo from any pier shall do so in accordance with their order of arrival, and if any flat, boat or canoe from any cause is unable to discharge or take off its cargo, it shall at once give place to the next in order of arrival.

### **Lighting of boats**

13. All boats when propelled in the roadstead of Plymouth between the hours of sunset and sunrise, shall carry at the stern a white light of a globular form not less than four inches in diameter, not lower than eighteen inches above the stern of such boat, and such light must be always clear and visible.

**Supervision of boats**

14. All boats whether licensed or not shall on being hailed by a Police Officer on duty, Harbour Master or Boarding Officer, stop, and the coxswain or any member of the crew who shall be requested to do so, shall give the name of such boat with its number, if any, and also if required, the names of the men employed at the time in such boat.

**Mooring, etc., of boats**

15. Boats of all descriptions shall anchor and moor only in such parts or places in any roadstead and shall be hauled up only in such places as the Harbour Master, or in his absence the Police Officer on duty, shall direct and appoint, and shall remove from such positions as often as he may direct.

**Admission of vessels**

16. No droghers, ships' boats, fishing boats, lighters, wherries, flats or boats of any description, shall go alongside or approach within fifty yards of any vessel arriving in any roadstead while the Harbour Master is taking the report, or until such vessel has been admitted to pratique.

**Boats alongside ships**

17. No boat of any description shall remain alongside the gangway of any steamer at anchor or moored in any roadstead longer than is necessary for taking in and setting down passengers and their luggage. Any boat must haul clear of the gangway on being ordered to do so by the Harbour Master, Boarding Officer or Police Officer on duty so as to avoid detaining or interfering with other boats.

**Traffic of boats alongside ships**

18. Not more than one boat at a time shall come alongside any gangway of any steamer at anchor or moored in any roadstead without the authority of the Police Officer on duty. When the ladder or gangway is already occupied, boats must be not less than ten yards off, and on the ladder or gangway being clear, shall approach in the order called by the Police Officer (if any) in charge of the gangway, or if there be no Police Officer in charge of the gangway then in the order of their arrival off the vessel.

**Clear approach to ships**

19. No boats of any description shall be allowed to drift and obstruct the approach to the gangway of any vessel at anchor or moored in any roadstead.

**Men-of-war**

20. No boat of any description shall remain within fifty yards of any man-of-war at anchor in any roadstead without the permission of the Officer in Command.

### Boats alongside ships

21. Boats plying for fares alongside steamers or vessels in any roadstead must keep at not less than twenty five yards distance from such vessel until called alongside.

*(Amended by S.R.O. 17/1965)*

### Control of vehicles

22. No wheeled vehicle of any kind shall be used on any pier without the permission of the Harbour Master.

### Handling of heavy cargo

23. All machinery and other heavy articles including hogsheads, puncheons and tierces landed on or shipped from any pier shall be moved on the tramway trucks and in no other manner.

### Control of foreshore

24. No person shall remove any stone or stone ballast from the foreshore of the roadstead of Plymouth without the permission of the Harbour Master.

### Wharfage fees

25. (1) There shall be charged and paid in respect of all animals, articles, goods and things imported into Montserrat through any wharf, pier or public shipping place a fee at the rate of 50 cents per 100 lbs. or 30 cents per cubic foot whichever is the greater:

Provided that the fee charged in respect of cement shall be \$4.30 per ton or 18 cents per bag.

(2) The rate by cubic measurement shall be charged on all goods, articles and things which are crated or boxed, and the rate by weight shall be charged on all other things.

*(Inserted by S.R.O. 17/1965 and amended by S.R.O.s 28/1976, 36/1976 and 31/1977)*

### Depositing refuse on or within vicinity of public piers and wharves

26. (1) No person shall throw or deposit any ballast, stones, rubble, debris, litter, trash, rubbish or other refuse onto any public pier or wharf or into the sea within a distance of 1,000 feet from any public pier or wharf.

(2) Any Police Officer or Customs Officer may prevent any person from bringing onto any public pier or wharf any ballast, stone, rubble, debris, litter, trash, rubbish or other refuse as aforesaid.

*(Inserted by S.R.O. 31/1977)*

### Berthing fees

27. The fees specified in the Schedule hereto shall be respectively charged and paid in respect of ships and vessels berthing in the port.

*(Inserted by S.R.O. 31/1977)*

**FIRST SCHEDULE**

(Rule 25)

(Imports)

**WHARFAGE RATES**

ANIMALS	\$	
Asses .....	.24 each	} Under 12 months half rate.
Cattle, horned .....	.48 each	
Horses .....	.48 each	
Mules .....	.48 each	
Pigs, Goats, Sheep .....	.04 each	Under 3 months half rate.
BROOMS .....	.02 per 25.	
COAL, Coke, & Patent Fuel .....	.24 per ton.	
EARTHENWARE, not put up in packages .....	.02 per dozen pieces.	
FIREWOOD .....	.12 per cord.	
FORKS, spades & shovels .....	.02 per dozen pieces.	
FRUITS & VEGETABLES		
Bananas & Plantains.....	.005 per bunch.	
Coconuts .....	.04 per hundred.	
All other, packed or not .....	.02 per 2½ cu. ft.	
FELLOES, Cants or naves for wheels	.06 per dozen.	
FISH, dried or smoked .....	.02 per 112 lb.	
GALVANIZED IRON & all articles of iron or hardware not otherwise specified .....	.02 per 100 lb.	
IRON POTS & Dutch ovens .....	.02 per dozen.	
LUMBER		
Pitch, spruce and white pine .....	.24 per 1000 superficial ft.	
Hardwood .....	.48 per 1000 superficial ft.	
Cedar & other .....	.20 per 1000 superficial ft.	
PACKAGES, containing goods or articles not otherwise specified:		
Bags .....	.02 Not exceeding 112 lb.	
Bags .....	.04 per bdl. exceeding 112 lb.	
Bales .....	.02 per 2½ cu. ft.	
Barrels .....	.04 each.	
Boxes .....	.02 per 2½ cu. ft.	
Cases .....	.02 per 2½ cu. ft.	
Casks, not to exceed 80 gals. or 4 cwt. ....	.08 each.	
Crates .....	.02 per 2½ cu. ft. and under.	

[Subsidiary]

Demijohns .....	.02 each.
Drums .....	.02 each.
Hogsheads .....	.02 per 2½ cu. ft. or 112 lb.
Jars .....	.02 each.
Kegs .....	.02 each.
Puncheons over 80 gallons .....	.16 each.
Tierces .....	.02 per 2½ cu. ft. or 112 lb.
Trunks .....	.02 per 2½ cu. ft. and under.
Pans, Carron & other .....	.48 each.
Rope .....	.02 per 100 lb.
Shingles .....	.12 per 1000.

## VEHICLES

Crated or boxed .....	.02 per 2½ cu. ft.
Bicycles, unboxed .....	.04 each.
Motor bicycles & tricycles .....	.24 each.
Motor cars .....	.96 each.
Other Kinds:	
2 wheeled .....	.48 each.
4 wheeled .....	.96 each.
All other goods or articles when not enumerated .....	.02 per 2½ cu. ft.

## EXEMPTIONS

EMPTY PACKAGES when not landed on any pier.

PERSONAL BAGGAGE of passengers.

GOODS AND ARTICLES conveyed coastwise.

ANIMALS, ARTICLES AND THINGS when exported for sale and returned unsold.

HOUSEHOLD AND PERSONAL EFFECTS of any person holding office in the public service of Montserrat when imported into or exported from Montserrat in the course of the transfer of such person on official duty from one Colony of the Leeward Islands to another.

**SECOND SCHEDULE**

*(Rule 25)*

*(Exports)*

ANIMALS	\$
Pigs, Goats, Sheep .....	.04 each.
COTTON SEED .....	.02 per bag.
COTTON LINT .....	.03 per 100 lb.
TOMATOES .....	.005 per crate.
do. ....	.04 per barrel.
Vegetable crate .....	.01 each.
TAMARINDS .....	.04 per barrel.
BARRELS, CASKS, PUNCHEONS & DRUMS—	
not exceeding 36 gals. capacity .....	.04 each.
Exceeding 36 gals. but not exceeding 60 gals. capacity .....	.08 each.
Exceeding 60 gals. capacity .....	.16 each.
Half the above rates when empty.	
Free when not exported from any pier	
HIDES	
Cattle .....	.04 per dozen.
Other hides and skins .....	.02 per dozen.
LIMES .....	.005 per crate.
do. ....	.04 per barrel.
LUMBER & HARDWOOD .....	.24 per 1000 ft.
OTHER ARTICLES, per 2½ cubic feet .....	.02
OTHER ARTICLES, per 100 lb. ....	.02
POULTRY .....	.08 per dozen.

**THIRD SCHEDULE***(S.R.O. 31/1977)*

<i>Ships and vessels</i>	<i>First 24 hrs.</i>	<i>Each 24 hrs. After the first</i>
SHIPS under 100 GRT.	\$20	—
VESSELS 100–500 GRT.	\$40	\$15
” 500–1,000 GRT.	\$50	\$25
” 1,000–2,000 GRT.	\$60	\$40
” 2,000–5,000 GRT.	\$90	\$50
” 5,000–10,000 GRT.	\$120	\$70
” 10,000–15,000 GRT.	\$150	\$80
” 15,000–20,000 GRT.	\$180	\$90
” 20,000 GRT and over.	\$200	\$100

