

# QUÉBEC PORT AUTHORITY

## NOTICE NQ-1 BERTHAGE AND ANCHORAGE FEE SCHEDULE

Effective date

January 1, 2017

This notice is adopted and issued under the [Canada Marine Act](#), Chapter 10, 46-47 Elizabeth II, 1997-1998, pursuant to the powers granted by the latter.

Berthage and anchorage fees are applicable to any Ship that is moored to a dock or moored alongside another Ship occupying a berth or to any Ship that is anchored in a Anchorage Area located within the Jurisdictional Boundaries of the Québec Port Authority (hereinafter referred to as "the Authority"). These fees are applied to recover the costs associated with the general maintenance of the docks and the dredging of berths and are paid by the Owner of the Ship.

## 1. GENERAL

- a) This notice may be cited as: **Berthage and Anchorage Fee Schedule**.
- b) The fees provided for in this notice are in addition to any other fees provided for in other notices or which may be due to the Authority contractually or otherwise.
- c) The Authority acts as an agent of Her Majesty in right of Canada for the purposes of this notice.
- d) The rights provided for in this notice are binding on Her Majesty in right of Canada or a province.

## 2. DEFINITIONS

In this notice, the expression:

- a) **"Authority"** means the Québec Port Authority as defined in the *Canada Marine Act*, its letters patent issued on May 1, 1999, and its issued or upcoming supplementary letters patent;
- b) **"Anchorage Area"** means any location within the Jurisdictional Boundaries of the Authority where a Ship may anchor;
- c) **"Tonnage Certificate"** means a certificate attesting to the gross registered tonnage of a ship in accordance with the methods or rules accepted by the Authority;
- d) **"Gross Tonnage"** means the gross tonnage determined by one of the methods provided for in paragraph 4 c);
- e) **"Ship"** means any vessel, barge, or floating craft intended for commercial purposes;
- f) **"Owner"** means the owner of the Ship, but can also mean the shipping agent, the charter agent, the shipowner, the shipbroker, the shipowner's agent, the master of the Ship, or any other duly authorized representative;
- g) **"Jurisdictional Boundaries of the Québec Port Authority"** refers to all navigable waters and territory under the jurisdiction of the Authority as defined in the Authority's letters patent and supplementary letters patent.

## 3. SUBJECT SHIPS

Berthage and anchorage fees are fees imposed on any Ship that:

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- a) occupies a berth;
- b) is moored to the shoulder of a Ship occupying a berth;
- c) is within the Jurisdictional Boundaries of the Authority and is not moored at a dock, but is engaged in commercial activities.

Anchorage fees are fees charged on any Ship that anchors in a Anchorage Area located within the Authority's Jurisdictional Boundaries.

#### 4. CALCULATION OF FEES

The Authority charges berthage and anchorage fees based on the volume of Ships and the length of time they use the dock. The fees are calculated as follows:

- a) Subject to Section 6, the applicable berthage and anchorage fees will be calculated according to the rates and features established and set out in Schedule 1 forming an integral part hereof, which may be amended at the discretion of the Authority subject to compliance with the provisions of Canada Marine Act.
- b) Length of occupancy:
  - i) A Ship is considered to be occupying a berth from the time its first anchorage line is made fast until its last line is cast off;
  - ii) Anchorage: A Ship is considered to be occupying a berth from the time its first anchorage line is made fast until its last line is cast off;
  - iii) A Ship occupying two (2) or more consecutive berths will be considered to be occupying a berth from the time its first anchorage line is made fast until the its last line is cast off from the last berth;
- c) Wintering:
  - i) Ships that continuously occupy a berth during all or part of the winter period, which begins on January 1 and ends on March 31 of the same year, that do not engage in any commercial activity during that period and that have a prior agreement with the Port.
  - ii) Should a Ship leave and return to its wintering berth, it must pay 50% of the wintering fees in addition to those already paid.
- d) Tonnage:
  - i) The owner of a ship must produce a Tonnage Certificate, from a tonnage measurer approved by the Authority, as required by section 32 of the *Port Authorities Operations Notices*.
  - ii) The Gross Tonnage of a Ship must correspond or be equivalent to the method for calculating a Ship's Gross Tonnage provided for in the notices for given tonnage appended to the *Canada Shipping Act* or notices 2 to 7 of Appendix 1 of the *International Convention on Tonnage Measurement of Ships, 1969* (gross registered tonnage).

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- iii) If the Owner is unable to produce said certificate, the Authority may assess the Gross Tonnage of the Ship, at the Owner's expense, and the estimated Gross Tonnage will be considered the gross registered tonnage of that ship, for the purposes of this notice;
- iv) When two (2) different Gross Tonnages are recorded on a certificate, the highest tonnage will be used for the purpose of calculating the fees provided for in this notice;
- v) If the Owner of a Ship produces a Tonnage Certificate bearing a Gross Tonnage that has not been calculated by a method provided for in paragraph 4 d) above, the Authority will bill the Owner for an additional amount equivalent to twenty percent (20%) of the fees payable in addition to the fees payable on the Gross Tonnage indicated on the certificate;
- vi) If the Owner of a non-commercial Ship is unable to provide the Authority with a Tonnage Certificate and the Ship is unable to dock within Bassin Louise, the Authority will charge the berthage fees as if the Ship were docked within Bassin Louise at the rate provided for in the *Notice respecting the marina fee schedule* (NQ-7).
- vii) If within six (6) months of paying the additional amount described in paragraph vi), the Owner of the Ship submits to the Authority a certificate bearing a Gross Tonnage calculated in accordance with a method provided for in paragraph 4 d) i), the berthing and anchorage fees payable by the Owner will be adjusted in accordance with the Gross Tonnage and the difference between the amount due and that paid by the Owner will be remitted to the latter.

## 5. ENFORCEABILITY AND PAYMENT OF FEES

- a) The fees provided for in this notice are payable by the Owner as soon as the Ship anchors, winters, or is moored, and must be paid to the Authority's head office within sixty (60) days of the Ship's departure date, in legal Canadian tender.
- b) The fees are payable in accordance with the provisions of the *Notice respecting payment terms and penalties for unpaid fees* (NQ-9).

## 6. EXCEPTION

The following ships are not required to pay berthage and anchorage fees:

- i) Royal Canadian Warships, auxiliary ships of the Royal Canadian Navy, ships under the command of the Canadian Armed Forces, ships from visiting forces present in Canada within the meaning of the *Visiting Forces Act*, or ships under the command of the Royal Canadian Mounted Police.