

CHAPTER 362
SAINT VINCENT AND THE GRENADINES PORT AUTHORITY
ACT

• Act • Subsidiary Legislation •

ACT

Act No. 26 of 1987

Amended by

Act No. 43 of 1989

Act No. 16 of 1991

Act No. 13 of 1997

Act No. 14 of 2003

Act No. 2 of 2004

Act No. 38 of 2007

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CHAPTER 362
SAINT VINCENT AND THE GRENADINES PORT AUTHORITY ACT

An Act to provide for the establishment of an Authority to be known as the Saint Vincent and the Grenadines Port Authority: to provide a co-ordinated and efficient system of port facilities and services: and for the purpose of providing duties and powers of the Authority and for the transfer to, investing in the Authority of functions, assets and liabilities of the Port and Marine Department and the Saint Vincent Port Authority established under the Port Authority Act, 1975, and for other matters related thereto and connected therewith.

[Act No. 26 of 1987 amended by Act No. 43 of 1989, Act No. 16 of 1991, Act No. 13 of 1997, Act No. 14 of 2003, Act No. 2 of 2004, Act No. 38 of 2007.]

[Date of commencement: 10th November, 1987.]

[SRO 23 of 1987.]

Preliminary

1. Short title

This Act may be cited as the Saint Vincent and the Grenadines Port Authority Act.

2. Interpretation

In this Act—

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

“**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;

“**Authority**” means the Saint Vincent and the Grenadines Port Authority established under section 3;

“**Authority pilot**” means a pilot employed by the Authority pursuant to the provisions of section 53;

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

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

“**business plan**”, for a financial year, means—

(a) the business plan approved under section 31; and

(b) all amendments to the business plan approved under that section,

for the financial year;

[Definition of “business plan” inserted by Act No. 38 of 2007.]

“**chairman**” means the chairman of the Authority appointed under section 5(4) or any person for the time being performing the functions of chairman;

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

“**Council**” means the Council of the Authority appointed pursuant to the provisions of section 5;

“**dues**” includes pilotage dues, port dues and tonnage dues levied under this Act but does not include rates;

“existing statute” means a statute in force before the date of commencement of this Act;

[Definition of “existing statute” inserted by Act No. 2 of 2004.]

“ferry” means any vessel plying from one side of a waterway to the other or from one locality within Saint Vincent and the Grenadines to another for the purpose of the carriage of goods or passengers;

“financial year” means the twelve month period beginning on the 1st day of January and ending on the 31st day of December;

[Definition of “financial year” repealed and replaced by Act No. 2 of 2004.]

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

“Harbour Master” means the Harbour Master appointed pursuant to and having the powers as set forth in section 14(3);

“local authority” means the Kingstown Town Board constituted pursuant to the Kingstown Town Board Act, or any town, village or district council constituted pursuant to the Local Government Act;

[Chapter 336, Chapter 340.]

“master” in relation to a ship means any person (other than an Authority pilot) having charge for the time being of that ship;

“member” means a member of the Council of the Authority appointed under section 5(1);

“Minister” means the Minister having responsibility for seaports;

[Definition of “Minster” repealed and replaced by Act No. 14 of 2003.]

“owner” when used in relation—

- (a) to goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, discharge or delivery of such goods;
- (b) to 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 in the *Gazette*, declare to be perishable goods;

“Permanent Secretary” includes a nominee appointed by Cabinet;

“Pilotage Committee” means the Pilotage Committee appointed under section 54;

“port” means any place declared to be a port under section 3;

“Port Manager” means the Port Manager of the Authority appointed under section 13 and includes any person appointed to act as Port Manager;

“port police” means port police appointed by the Authority pursuant to the provisions of section 94;

[Definition of “port police” inserted by Act No. 2 of 2004.]

“premises” includes any immovable property, whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority;

“regulations” means the regulations made under this Act;

“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 51;

“**vehicle**” means any vehicle towed or propelled by any means whatsoever for the portage of goods or persons otherwise than by sea.

3. Designation of ports

(1) The following ports are hereby declared to be ports within the meaning of this Act—

- (a) Port of Kingstown;
- (b) Port of Bequia;
- (c) Port of Mustique;
- (d) Port of Union Island,

as further described in the First Schedule.

[Subsection (1) amended by Act No. 13 of 1997.]

(2) The Minister may, after consultation with the Authority, by notice in the *Gazette*, declare any other area to be a port for the purposes of this Act and shall, in such notice, define the limits of the port.

PART I

Establishment, Constitution, Management and Staff

4. Establishment of the Authority

(1) There is hereby established for the purposes of this Act a body to be called the Saint Vincent and the Grenadines Port Authority.

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

5. Constitution of the Authority

(1) The Authority shall be administered by a Council which shall consist of nine members as specified in subsection (2).

[Subsection (1) amended by Act No. 38 of 2007.]

(2) The members of the Council shall be—

- (a) the Director of Finance and Planning or his designate;
- (b) the Permanent Secretary of the Ministry of Trade, Industry and Agriculture or his designate;
- (c) the Permanent Secretary of the Ministry of Communications and Works or his designate;
- (d) a nominee of the Saint Vincent and the Grenadines Chamber of Commerce;
- (e) a nominee of those persons performing the functions of shipping agents;
- (f) two persons to be appointed by Cabinet, one such person with marine experience the other from the agricultural community;

- (g) two persons with special interest related to port and port matters to be appointed by Cabinet.

(3) A member appointed under subsection (1) shall hold office for a period, not exceeding three years, as the Cabinet may direct and shall, on ceasing to be a member, be eligible for re-appointment:

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

(4) The chairman and deputy chairman of the Authority shall be appointed by Cabinet from the members of the Council.

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

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

(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*.

[Subsection (7) amended by Act No. 16 of 1991.]

(8) The Port Manager shall be the secretary of the Council.

(9) The Port Manager appointed pursuant to previous legislation shall, on the coming into operation of this Act, continue as Port Manager until such time as a Port Manager is appointed under this Act.

6. Seal of the Authority

(1) The seal of the Authority shall be kept in the custody of the Port Manager and may be affixed to instruments pursuant to a resolution of the Authority and in the presence of the chairman or deputy chairman and the Port Manager.

(2) The seal of the Authority affixed to any instrument under subsection (1) shall be authenticated by the signature of the chairman or deputy chairman and the Port Manager, and such seal shall be officially and 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 or deputy chairman or Port Manager.

7. Service of notice

(1) 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 Port Manager, any authorised officer or officers may be served—

- (a) by delivering it to the person;
- (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.

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

- (a) by delivering the notice or other document to the Port Manager or to the authorised officer;
- (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.

8. Procedure and meetings of the Authority

(1) The Authority shall meet as often as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such times and places as the Authority shall determine, provided that not more than two months shall elapse between such meetings.

(2) The chairman or, in the event of his being absent from Saint Vincent and the Grenadines or for any reason whatsoever he is unable to act, the deputy chairman, may at any time call a special meeting of the Authority and shall call a special meeting—

- (a) within seven days of a requisition for that purpose addressed to him by any four members to consider the matters contained in such requisition;
- (b) when directed by the Minister to do so.

(3) The chairman or, in his absence, the deputy chairman shall preside at every meeting of the Authority and shall, in the event of equality of votes, have a casting vote, in addition to his own vote:

Provided that, in the absence of the chairman and the deputy chairman the members present may elect one of their number to act as chairman of that meeting until the arrival of the chairman or deputy chairman.

(4) The quorum necessary for the transaction of business of the Authority shall be six:

Provided 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 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.

(6) 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 Authority at the next meeting and signed by the chairman or the deputy chairman, as the case may be.

(7) 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.

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

9. Disclosure of interest and abstaining from voting

(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, 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 in which he is in any way interested, whether directly or indirectly.

10. Remuneration of members

There shall be paid to the chairman and other members of the Authority such salaries, fees and allowances out of the funds of the Authority as the Minister may approve.

11. Appointment of committees

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

(2) Any such committee shall consist of at least two members 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 the provisions of section 8, the Authority may, with the approval of the Minister, by resolution declare the remuneration and allowances of such persons, and such sums shall properly be 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.

12. Power to delegate

(1) The Authority may delegate to any member or committee of the Authority, or to any employee of the Authority, such of its powers and functions, other than the powers to make rules and regulations, prescribe and levy dues and rates and to borrow money, as it may deem necessary or desirable.

(2) Any function delegated under this section—

- (a) may be delegated subject to such conditions or restrictions that the Authority may, either generally or specially, impose;
- (b) shall be exercised by the committee or employee concerned in the name of and on behalf of the Authority.

(3) The delegation referred to in subsection (1) shall not preclude the carrying out of any of the duties by the Authority itself.

13. Appointment of Port Manager

(1) The Authority shall, at such salary and upon such terms and conditions as it may determine, appoint a Port Manager:

Provided that such appointment shall be subject to the approval of the Minister.

(2) The Port Manager shall—

- (a) be the chief executive officer of the Authority and shall exercise all the functions entrusted to him by this Act and any regulations;
- (b) carry out the directives of the Authority pertaining to their powers and duties as set forth in this Act;
- (c) 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 meeting.

(3) Without limiting the generality of subsection (2), the Port Manager shall be in charge of the implementation of policy of the Authority and shall be in charge of all employees appointed and employed by the Authority.

(4) In the event of the absence of the Port Manager, the Authority may, by instrument in writing and with the approval of the Minister, appoint any person to act as Port Manager during the period of such absence upon such terms and conditions as it may determine. The person so appointed may exercise all the powers and all the duties by this Act exercisable or to be performed by the Port Manager or as many of such powers and duties as may be specified in such instrument.

14. Appointment of officers and servants

(1) The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers and servants as it deems necessary for the proper carrying out of its functions under this Act.

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

(3) The Authority may appoint and employ, in addition to such other officers and servants as set forth in subsection (1), a Harbour Master who shall report to and take directions from the Port Manager and shall, pursuant to those directions be responsible for—

- (a) the granting of pratique and issuing clearances to all ships entering or leaving Saint Vincent and the Grenadines;
- (b) the keeping of statistics on the movement of ships entering Saint Vincent and the Grenadines from a foreign port;
- (c) the duties under the provisions of the Public Health Act relating to quarantine;
- (d) the admeasuring of ships for tonnage, etc.;
- (e) the examination of boats for seaworthiness and to issue passenger licences;
- (f) being chairman of the board of examiners for the issue of master's certificates of competence;
- (g) the engagement and discharge of seamen;
- (h) such other duties as may be assigned by the Port Manager.

[Chapter 300(O).]

(4) In the exercise of his powers, functions and duties pursuant to subsection (3), the Harbour Master may act through such public officers as he may, with the approval of the Authority, designate.

15. Protection of the Authority

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;
- (b) the contravention by a member of the provisions of section 9; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

16. Protection of members

No personal liability shall attach to any member in respect of anything done or suffered in good faith under the provisions of 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.

17. Policy

(1) The Minister may, after consultation with the chairman, give to the Authority directions of a special or general 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.

18. Consultative body

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

- (a) to represent the interest of persons using facilities under the control of the Authority;
- (b) for holding of 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.

(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 Minister considers expedient for the purposes of the regulations.

PART II

Duties and General Powers, Provisions Relating to Land, Property and Undertakings of the Authority

19. Powers and duties

(1) Subject to the provisions of this Act, the Authority is empowered to provide, in accordance with the provisions of this Act and any regulations, a co-ordinated and integrated system of ports, lighthouses and port services, within the boundaries of the ports under its jurisdiction as set forth in this Act.

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

(3) In particular and without prejudice to the generality of the provisions of subsections (1) and (2), it is the duty of the Authority to—

- (a) operate the ports as appears to it best calculated to serve the public interest;
- (b) regulate and control navigation within the limits of such ports and their approaches;
- (c) maintain, improve and regulate the use of such ports and the services and facilities therein as it considers necessary or desirable;
- (d) provide for such ports and the approaches thereto such pilotage services, beacons, buoys and other navigational services and aids as it considers necessary or desirable;

(e) exercise the duties and functions formerly exercisable by the Port and Marine Department and its officers appointed under and relating to the following Acts—

- (i) Harbours (Dues and Charges) Act,
- (ii) Kingstown Harbour Regulation Act,
- (iii) Passenger Boats Act,
- (iv) Port Officers Act,

Tonnage Dues Act,

but where the provision of any of the aforementioned Acts conflicts with the provisions of this Act, it is deemed that this Act takes precedence.

[Chapter 350, Chapter 351, Chapter 357, Chapter 358, Chapter 364.]

(4) Subject to the provisions of this Act, the Authority shall, for the purposes of carrying out the duties imposed upon it, have power to—

- (a) appoint, license and regulate weights and measures of goods within the port;
- (b) acquire any undertaking providing, or intending to provide, any service or facilities which the Authority is competent to provide;
- (c) provide services within the limits of any port or approaches to any port—
 - (i) in berthing, towing, mooring, moving, shifting or docking any vessel,
 - (ii) in loading or discharging goods and embarking or disembarking passengers in or from any vessel,
 - (iii) in sorting, weighing, measuring, storing, warehousing or otherwise handling any goods,
 - (iv) in providing storage;
- (d) supply fuel or water to vessels;
- (e) provide and use vessels and appliances for the purpose of rendering assistance to any vessel or recovering any property lost, sunk or stranded;
- (f) provide such fire services, both within the limits of a port and on the high seas, as may be deemed necessary by the Authority for the purpose of extinguishing fires on land, sea or afloat and the preserving of life and property.

(5) The powers conferred by subsection (4) shall be in addition to and not in derogation of any other power conferred upon the Authority by this or any other written law.

20. Compulsory acquisition of land

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

[Chapter 322.]

(2) Cabinet may, upon such terms and conditions as it may determine, vest any lands acquired in the Authority by order declaring that such lands shall vest in the Authority as from the date thereof. Any such order shall be published in the *Gazette* and shall vest the lands absolutely in the Authority as from the date thereof, free from any encumbrances of any nature whatsoever.

(3) Nothing herein contained shall prejudice the right of any person having any interest in any lands acquired as aforesaid within the provisions of the Land Acquisition Act:

Provided, however, that compensation for any lands acquired under this section shall be determined in accordance with the provisions of section 19 of the Land Acquisition Act save that the date at which such compensation is to be assessed is the date from which the declaration pursuant to section 3 of that Act shall be published.

21. Power to vest reclamations in the Authority

(1) Any wharf, dock or other public work construction by the Crown 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, situate within the limits aforesaid, may be vested in the Authority upon such terms and conditions as Cabinet may determine.

(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 written law providing for compensation.

22. Apparatus, etc., not subject to distress, etc.

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 may be.

PART III

Financial

23. Revenue of the Authority

(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 in pursuance of the provisions of this Act and any regulations, including revenues attributable to functions performed by the Harbour Master;
- (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 an account at a bank approved by the Minister.

24. Application of revenue

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 towards the repayment of any loan made by the Government to the Authority;

- (c) the remuneration and allowances of members and of any committee of the Authority;
- (d) the salaries, remunerations, allowances, pensions, gratuities, provident fund and other superannuation benefits of the officers and servants, employed in or in connection 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 deem 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, plan or appliances not being a renewal of property of the Authority, which the Authority may determine 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.

25. Temporary investment of funds

(1) The Authority may temporarily invest, with the approval of and in such manner as the Minister 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 from such investment shall be paid to the credit of the Authority's accounts as provided in section 23(2).

26. Power to borrow

(1) Subject to the provisions of this Act, the Authority may, for the purposes of this Act, raise loans—

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

(2) The power to borrow under this section may be exercised to—

- (a) borrow and re-borrow monies by the issue and sale of debentures or debenture stock or other security for the purpose of raising the funds of the Authority for the effectual exercise by it of the powers conferred by this Act;
- (b) create and issue debentures or debenture stock or other security for any debentures or debenture stock or other security issued in respect of monies previously borrowed by the Authority and not repaid;
- (c) create, issue and sell debentures or debenture stock or other security for the purpose of borrowing money for redeeming any loans owing by the Authority and for paying the expenses incurred in the issue and creation of the debentures or debenture stock or other security and otherwise carrying out the provisions of this Act;
- (d) effect any concession authorised by this section, either by arrangement with the holders of the existing debentures or debenture stock or other security, or by the purchaser of the debentures or debenture stock or other security out of monies raised by the sale of the debentures or debenture stock or other security, or partly in the one way or partly in the other.

(3) Without prejudice to section 27, 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 purpose 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 for the approval of the Minister.

27. Temporary borrowing

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

- (a) for the purpose of defraying expenses pending the receipt of revenues recoverable by it in respect of the period of account in which those expenses are;
- (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under section 26(1), expenses intended to be defrayed by any such loan.

28. Guarantee of borrowing

(1) With the approval of the House of Assembly, Cabinet may guarantee in such manner and on such conditions as it may think fit, the payments of the principal and interest of any authorised borrowing of the Authority.

(2) Where Cabinet is satisfied that there has been default in the payment of any principal monies or interest guaranteed under the provisions of this section, it shall direct the repayment out of the Consolidated Fund of the amount 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 Cabinet may direct, payments of such amounts as may be so directed in or towards 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 Cabinet may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

29. Reserve fund

The Authority shall establish a reserve fund which shall be dealt with and applied in accordance with any direction which may be given to the Authority by Cabinet.

30. Application of surplus

Any balance 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 allowances for matters enumerated in section 24, and having a reasonable reserve for functions of the Authority in future financial years, shall be paid to the credit of the Consolidated Fund.

31. Annual business plan

(1) The Authority shall, not later than four months before the commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial

year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Authority's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;
- (b) a comprehensive financial plan that—
 - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Authority for the financial year, and
 - (ii) includes pro forma financial statements as required by the Minister;
- (c) a comparison of the pro forma financial statements with the actual financial statements for the previous financial year;
- (d) a statement as to how the Authority proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Authority.

(2) The Minister may, on the request of the Authority, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may, after consulting with the Minister of Finance—

- (a) approve the proposal as submitted;
- (b) with the approval of the Authority, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Authority with directions that the Authority take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Authority under subsection (3)(c), he shall provide the Authority with reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Authority under subsection (3)(c) must be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Authority—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall, on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

[Section 31 repealed and replaced by Act No. 38 of 2007.]

32. Authority Board obligated to implement business plan

The Authority—

- (a) shall in each financial year implement the business plan for that financial year; and
- (b) shall establish a mechanism for monitoring the implementation of the financial plan.

[Section 32 repealed and replaced by Act No. 38 of 2007.]

33. Accounts

(1) The Authority shall—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—
 - (i) all money received is promptly and properly brought to account,
 - (ii) all payments out of its money are correctly made and properly authorised, and
 - (iii) adequate control is maintained over its property and over the incurring of liabilities by the Authority.

(2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Authority's transactions;
- (b) enable the Authority's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Authority shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
 - (i) a statement of the assets and liabilities of the Authority at the end of the financial year,
 - (ii) a statement of the revenue and expenditure of the Authority during the financial year,
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Authority on the implementation of the business plan and such other matters as the Authority considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Authority shall furnish a copy of each to the Director of Audit.

[Section 33 repealed and replaced by Act No. 38 of 2007.]

34. Audit by Director of Audit and report to the House

(1) Not later than three months after receipt of the financial statements and annual report from the Authority, the Director of Audit shall audit the financial statements in accordance with the Audit Act.

(2) Without delay after the completion of his audit of the Authority, the Director of Audit shall submit a copy of his report together with the financial statements and annual report to the Minister, the Minister of Finance and the Authority.

(3) The Minister of Finance shall, not later than seven days after the House of Assembly first meets after he has received the report together with the financial statements and annual report of the Authority, lay it before the House.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Bureau before the House of Assembly in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Assembly.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Bureau have been laid before the House of Assembly, the Bureau shall cause the report, the financial statements and the annual report of the Bureau to be published in the *Gazette*.

[Section 34 repealed and replaced by Act No. 38 of 2007.]

35.

[Section 35 deleted by Act No. 38 of 2007.]

36. Liability for loss, etc., of goods

(1) Subject to the provisions of this Act or any regulations, or of 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 want of reasonable foresight and care 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 the want of reasonable foresight and care on the part of any person employed by or on behalf of the Authority.

(2) The Authority shall in no case be liable for loss, misdelivery, detention or damage arising from—

- (a) act of God;
- (b) act of war or the Queen's enemies;
- (c) arrest or restraint of princes or rulers, or seizure under legal process;
- (d) act or omission of the consignor, consignee or depositor, or of the servant or agent of any such person;
- (e) fire, flood, tempest, riots, civil commotion, strikes, lock outs, stoppage or restraint of labour from whatever cause, whether partial or general;
- (f) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;
- (g) deficiency in the contents of unbroken packages;
- (h) insufficiency or improper packaging or leakage from defective drums, containers or packages.

(3) Where loss, misdelivery, detention or damage occurs in relation to goods accepted by the Authority for carriage or for warehousing, the limitation contained in section 37 shall apply.

37. Limitation of liability for loss, etc.

(1) The liability of the Authority in respect of any goods accepted by the Authority for carriage or warehousing and in relation to which an account false in any material

particular has been given under section 47, shall not in any case exceed the value of the goods as calculated in accordance with the description contained in such false account.

(2) In any proceedings brought under section 36, against the Authority, it shall not be necessary for the person claiming damages or compensation to prove how the loss, misdelivery, detention or damage to goods was caused.

PART IV

Dues, Charges and Tariff Book

38. Dues and charges when due

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.

39. Dues and charges in respect of ship

Subject to the provisions of this Act and any regulations, 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 under this Part.

40. Appointment of agent

Every ship shall appoint an 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.

41. Security charges

An 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 which are in the opinion of the Authority reasonable, having regard to the amount, or probable amount, of the sums which such agent shall be liable to pay to the Authority.

42. Detention by authorised officer

(1) Where any sums mentioned in section 41 are owing in respect of any ship, any authorised officer may, with such assistance as he deems 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 twenty-one days, the authorised officer may cause the ship and 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 the 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 are owing and have not been secured as provided in section 41, leaves the port and enters, or is in,

any other port, then such ship may be dealt with as if such sums so owing and not secured as aforesaid were sums owing in respect of such other port.

42A. Environmental fee

(1) Every ship discharging marine waste at a port in Saint Vincent and the Grenadines shall pay to the authorised officer a fee of one hundred and ninety-five dollars per ton inclusive of transportation as an environmental fee in respect of ship generated waste within the scale prescribed in the Second Schedule.

(2) The fee imposed at subsection (1) shall be transmitted to the authority or agency responsible for the disposal of solid waste.

[Section 42A inserted by Act No. 13 of 2007.]

43. Master required to obtain certificate

Before the master of any ship in a port shall obtain outward clearance from that 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 or regulations, have been paid or secured to the satisfaction of the authorised officer;
- (b) he has complied with the provisions of this Act and the regulations.

44. Power to determine conditions, etc.

The Authority may, subject to this Act and any regulations, determine—

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

45. Port Manager may retain goods until freight is paid

(1) Where the agent of a ship from which any goods have been landed at a 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 other person until the—

- (a) payment of any dues and charges in respect of such ship and the goods, and customs duties thereon;
- (b) production of 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) payment of such amount by the person 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 custody of the Authority any goods which would not otherwise be receivable by the Authority under the provisions of this Act or any regulation, or as requiring the Port Manager to inquire into the validity of any claim made for freight or any other sums made in any notice given by an agent under subsection (1).

46. Consignor or consignee liable for payment

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

47. Duty to deliver description of goods

(1) The consignor of, or the person tendering any goods for carriage or warehousing by the Authority and, on request of 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 the regulations under this Part 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 the goods.

(3) If the 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), 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 warehousing or carriage of the goods, a charge not exceeding double the highest charge payable for any class of goods is paid.

48. Power to levy charges

(1) In respect of all goods in custody of the Authority, an authorised officer is entitled to levy such charges as may be determined in accordance with the regulations made under this Part, and he may do all such reasonable acts 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.

(2) Subject to the provisions of this Act, where there are any outstanding dues or charges pursuant to subsection (1), the Authority may, after thirty days, sell the goods pursuant to the provisions of this Act and any regulations.

49. Effect of non-removal of goods

(1) Subject to the provisions of this section and without prejudice to the provisions of section 48, where any goods, except perishable goods, are in the custody of the Authority and are on any premises of the Authority, and are not removed therefrom within a period of fourteen days from the time when the goods were placed in or on such premises, the Port Manager shall cause such goods to be transferred to the Queen's Warehouse, and, where goods cannot be stored at the Queen's Warehouse and remain at the port, excess storage will incur.

(2) Where the goods under this section or section 48 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 shall as soon as practicable inform the owner, or such other person appearing to be entitled thereto, of the action that has been taken.

50. Application of proceeds of sale

The proceeds of any sale under section 48 or 49 shall be applied by the Authority as follows, and in the following order—

- (a) in the payment of any duty payable in respect of the goods;
- (b) in the payment of the expenses of sale;
- (c) in the payment of the sums due to the Authority in respect of the carriage or warehousing and other services performed, or facility provided, in respect of the goods;
- (d) in payment of freight and other claims of which notice under the provisions of this Act has been given,

and by rendering the surplus, if any, to the owner or 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 to the same of such person shall be extinguished.

51. Compilation of dues, charges and Tariff Book

(1) Subject to the provisions of 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 Minister for approval.

(2) Such regulations 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 subsection (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 or any regulation are required to be contained therein, together with such other matters as the Authority may determine.

PART V

Pilotage

52. Compulsory pilotage

(1) The ports in this Act shall be compulsory pilotage ports, and all ships, other than exempted ships, navigating whether by entering, leaving or moving within the limits thereof shall be under the pilotage of a licensed pilot.

(2) For the purposes of this section the following ships are exempted ships—

- (a) ships belonging to Her Majesty;
- (b) ships owned or operated by the Authority;
- (c) pleasure yachts or fishing vessels;
- (d) ferry boats plying as such exclusively within the limits of a port;
- (e) ships of less than one hundred and eighty tons net register;

- (f) ships trading exclusively between ports and other parts of Saint Vincent and the Grenadines;
- (g) tugs, dredgers, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of Saint Vincent and the Grenadines.

(3) The Port Manager may exempt from compulsory pilotage any ship in any particular case.

53. Authority to employ pilots

(1) Subject to the provisions of this Act, the Authority may employ such number of pilots as it deems necessary or expedient for the purpose of providing an adequate and efficient pilotage service.

(2) No person shall be employed as an Authority pilot unless he is in possession of a valid licence to act as a pilot issued under the provisions of section 57.

54. Pilotage Committee

The Authority shall appoint a Pilotage Committee (in this Part referred to as “the Committee”) which shall be responsible for the purpose of regulating and administering of—

- (a) holding examinations and issuing, on behalf of the Authority, licences to act as an Authority pilot;
- (b) holding inquiries concerning the conduct of Authority pilots in the discharge of their duties;
- (c) making such arrangements as may be necessary for the training of persons selected for, or in the pilotage service of, the Authority;
- (d) investigating and advising on such matters as may be referred to the Committee by the Authority; and
- (e) carrying out such other functions as are conferred on the Committee by this Act.

55. Constitution of Pilotage Committee

(1) The Committee shall consist of—

- (a) the Port Manager who shall be the chairman; and
- (b) four other persons who by reason of their knowledge of, or experience in, nautical matters, are, in the opinion of the Authority, fit and proper persons to be members of the Committee.

(2) The appointment of a member of the Committee may be for any period not exceeding three years, but such member shall be eligible for re-appointment on completion of every such period.

(3) Three members of the Committee shall form a quorum at any meeting of the Committee.

(4) The chairman of the Committee shall preside at all meetings thereof:

Provided that if the chairman is absent from a meeting, or any part thereof, such member as the members of the Committee present shall choose, shall preside in his place.

(5) The chairman, or member presiding at any meeting of the Committee, shall have a vote and, in the case of an equality of votes, a second or casting vote.

(6) Members of the Committee who are not employees of the Crown or of the Authority may be paid, out of the funds of the Authority, such fees and allowances as the Authority may determine.

56. Rules

Subject to the provisions of this Act, the Authority may make, vary or revoke rules for the purpose of regulating the meetings and proceedings of the Committee.

57. Examination for licence

(1) The Committee shall appoint an examining board composed of persons who, in the opinion of the Committee, have sufficient knowledge and experience to assess the qualifications of candidates for a pilot's licence.

(2) The examining board shall operate under the direction of and shall report to the Committee as the Committee shall direct.

(3) The Committee, through the examining board, shall examine candidates for employment by the Authority as pilots and, upon being satisfied as to a candidate's general fitness and competency, including physical fitness, to act as such pilot, may, on behalf of the Authority, issue to the candidate a licence to act as such pilot and such a licence shall contain such conditions as the Committee deems fit.

(4) Subject to the provisions of this Part, every pilot immediately prior to the coming into operation of this Part performing the duties of a pilot, shall be deemed to be qualified for employment by the Authority as a pilot, and the Committee shall, on behalf of the Authority, issue to every such pilot as may be employed by the Authority a licence to act as an Authority pilot, subject to such conditions as the Committee may impose.

(5) Every Authority pilot shall, whenever the Committee considers that, owing to changed conditions or for any other sufficient reason, the further testing of the knowledge, efficiency or physical fitness of any such pilot is necessary, present himself for further examination, and shall in every case first deposit with the Committee his licence issued by the Committee on behalf of the Authority to be returned or cancelled by the Committee on behalf of the Authority as the result of such test or examination determines.

(6) The Authority shall not continue to employ as a pilot any pilot whose licence to act as such is cancelled as the result of any test or examination carried out or held under the provisions of subsection (5).

(7) Any licence issued under the provisions of this section shall cease to be valid upon the termination of any Authority pilot's employment with the Authority.

58. Inquiries by Pilotage Committee

(1) The Committee, after due inquiry by the Authority, shall hold an inquiry into the conduct of an Authority pilot where it appears that he has been guilty of misconduct affecting his capability as a pilot, or has failed in or neglected his duty as a pilot, or has become incompetent to act as a pilot.

(2) For the purposes of such inquiry, the Committee may summon any person in Saint Vincent and the Grenadines to attend any meeting of the Committee to give evidence on oath or produce any document or other thing in his possession and examine him as a witness or require him to produce any document or other thing in his possession relative to the matters which are the subject matter of such inquiry.

(3) Any person who—

- (a) being summoned to attend any such inquiry, fails to do so;
- (b) offers any act of disrespect or any insult or threat to the Committee, or any member thereof, during an inquiry; or

- (c) being required by the Committee to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,

is guilty of an offence and liable to a fine of five hundred dollars and to imprisonment for three months.

59. Submission of findings and recommendations to Authority

(1) Where the Committee, after due inquiry in accordance with the provisions of this Part and after hearing any statement that may be offered in defence, finds that an Authority pilot has been guilty of misconduct affecting his capability as a pilot, or has failed in or neglected his duty as a pilot, or has become incompetent to act as a pilot, it shall submit to the Authority a copy of the record of the inquiry and its findings and recommendations in respect of the inquiry.

(2) The Authority may, after considering the findings and recommendations of the Committee, suspend or cancel the licence of such Authority pilot, or impose such other punishment as the Authority may think fit.

(3) Any Authority pilot who is aggrieved by any decision of the Authority made under the provisions of subsection (2) may, within fourteen days from the date of such decision, appeal to the Minister whose decision shall be final.

60. Liability of master, etc., when ship under pilotage

The master or owner of a ship navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as it would if pilotage were not compulsory.

61. Limitation of pilot's liability when bond given

(1) An Authority pilot who has given a bond in accordance with subsection (2) shall not be liable for neglect, want of skill or incapacity in office beyond the penalty of such bond, and the amount payable to the Authority on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Every Authority pilot shall give a bond in the sum of one thousand dollars in favour of the Authority for the proper performance of his duties under this Part and of any regulations.

(3) Any bond by an Authority pilot in accordance with this section shall not be liable to stamp duty.

(4) Where any proceedings are taken against any Authority pilot for any neglect, want of skill or incapacity in office in respect of which his liability is limited as provided by this section, and other claims are made in respect of the same neglect, want of skill or incapacity in office, the court in which such proceedings are taken may—

- (a) determine the amount of such pilot's liability and, upon payment by him of such amount into court, distribute such amount rateably among the several claimants;
- (b) stay any proceed pending in any other court in relation to the same matter; and
- (c) proceed in such manner and subject to such directions as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who have not submitted their claims within a certain time, and as to requiring security from such pilot, and as payment of any costs, as the court thinks fit.

62. Pilotage Committee and Authority not liable for loss or damage occasioned by pilots

(1) Notwithstanding the issue of the licence to a pilot by the Committee on behalf of the Authority under section 57, there shall be no liability on the Committee or the Authority for any loss or damage occasioned by an act, omission or default of such pilot.

(2) Any Authority pilot whilst engaged in any pilotage act shall, notwithstanding that he may be employed at a salary by the Authority, be deemed to be the servant only of the master or owner of the vessel under pilotage and the Authority shall not be liable for any loss or damage occasioned by any act, omission or default of such pilot.

63. Proceedings in respect of pilot

(1) Any proceedings affecting Authority pilots under this Act or any regulations shall be determined by a judge, and such judge shall call upon two persons with nautical experience to sit with him as assessors in any such proceeding.

(2) The High Court shall have power to regulate any proceedings which have been referred to it under this section.

PART VI

Special Provisions in Relation to Ports

64. Master to supply information

The master of any ship arriving in a 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; and shall also supply such other information in relation to the ship, passengers and cargo thereof, as such officer may reasonably require.

65. Power of Port Manager in relation to ships

(1) Notwithstanding the provisions of any regulations made under section 72, the Port Manager may—

- (a) direct where any ship shall be berthed, moored or anchored, and the method of anchoring within the port and the approaches to the port;
- (b) direct the removal of any ship from any berth, station or anchorage to another berth, station or anchorage, and the time within which such removal is to be effected within the port and the approaches to the port; and
- (c) regulate the moving of ships within the port and the approaches to the port.

(2) In case of any refusal or neglect, or of any failure to comply with any direction given under subsection (1), the Authority may, without prejudice to any proceedings being instituted against any person, cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such direction, and may hire and employ such persons as it considers proper and necessary for such purpose.

(3) All expenses incurred in doing such acts shall be paid and borne by the person or persons so offending.

66. Power in respect to wrecks, etc.

(1) The Port Manager shall—

- (a) remove any wreck in or other obstruction to a port or its approaches, or any timber, raft or other thing floating in a port, which endangers, or obstructs, or is likely to endanger or obstruct, the free navigation of the port or the use of any deck or wharf therein;
- (b) in the case of urgent necessity, take any action in a port which in his opinion may be necessary to prevent any danger to life or limb;
- (c) enter upon any ship, or into any building, in a 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 the provisions of 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, and such wreck or other thing shall be detained by the Port Manager until such expenses and customs duties, dues or charges payable in respect thereof are paid.

(3) Where any wreck or thing is removed under the provisions of 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, dues or charge payable in respect thereof and shall return the balance, if any, to the person appearing to him to be entitled; and in the event of such a wreck or thing having no resale value or if it cannot be sold, then the Port Manager may take such action as he deems necessary to dispose of the wreck or thing, and the owner of the wreck or thing shall be responsible to meet any expenses of such removal together with any customs duties, dues or charges payable in respect thereof.

(4) Where a ship has remained anchored in a port or stationary in a port for a period of six months or more, the Port Manager may serve notice on the owner or agent to remove the ship from the port.

(5) The notice served under subsection (4) shall give the owner a period of two months from the date of the notice within which to remove the ship from the port.

(6) Where the ship in respect of which the notice under subsection (4) has been served has not been removed from the port in compliance with the notice, the Port Manager shall deem the ship abandoned and he may take such action, including the sinking of the ship in a safe place, as he deems necessary to dispose of the ship.

(7) Where a ship has been disposed of pursuant to subsection (6), the owner shall not be entitled to any compensation for loss, if any.

(8) Subsections (4), (5) and (6) shall not impose any restriction on the Port Manager in the exercise of powers conferred under subsections (1), (2) and (3).

67. Fire on board ship

(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 seem fit, and give such orders as to him seem necessary for scuttling such ship, or for removing such ship or any other ship to such places as to him seem proper to prevent, in either case, danger to other ships, and for the 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.

68. Accidents

(1) Where any accident occurs in any 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;
- (b) involves any collision between ships; or
- (c) is of such other kind as the Minister 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 inquiry into any accident which occurs in any port as he may think fit, and shall order such inquiry as the Minister thinks fit into any such accidents when so required by the Minister.

(3) The Port Manager shall submit a report on any accident inquired 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 any port, whether or not such accident is attended with injury to any person.

69. Non-liability for demurrage

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

70. Execution of orders

(1) All acts, orders or directions under this Part or 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 any assistance as is necessary.

71. Non-liability of Authority

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

72. Regulations

(1) The Authority may, with approval of the Minister, make regulations generally with respect to the maintenance, control and management of any port and the approaches thereto, the services performed, the light houses 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 and without prejudice to the generality of the foregoing may make regulations with respect to—

- (a) the proper control and management of the foreshores of any port and the entrances 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 any thing, or class of thing, within the boundaries of any port or any specified part or parts of any 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 any port;
- (e) the regulation of traffic and navigation of ships within the limits and approaches to a 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, 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 any port, the payment of expenses including salvage incurred in connection therewith, and the levy and recovery of a rent for the right of a hulk or wreck or wreckage to lie in any port;
- (h) the examination, licensing, duties and obligations, and the conduct and discipline of pilots and the charge to be paid for pilotage;
- (i) the regulating of the times, places, order and mode of shipping, unshipping, loading, warehousing, storing and the depositing of goods;
- (j) the fixing of dues and charges payable in respect of any ship, including Harbour Master's dues, with different charges being applicable in respect of different ships or classes of ships, the exemption or the remission thereof or part thereof;
- (k) 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;
- (l) the fixing of the scale of charges payable in respect of any other service or facility performed or provided by the Authority;
- (m) the method of sale of goods for failure to pay dues or charges;
- (n) the licensing of shipping agents, customs brokers, landing agents, forwarding agents, baggage and parcel agents, porters, contractors for supplies and victualling, and other persons concerned in, or engaged in or performing, any service or work in connection with the port.

(2) The Authority shall, with the approval of the Minister, make regulations generally for the conveyance, loading, discharging and storage of dangerous goods within the limits of ports, and without prejudice to the generality of the foregoing, may make regulations with respect to the—

- (a) classification of goods as dangerous goods;
- (b) regulation of the navigation and place of berthing of ships carrying dangerous goods;
- (c) regulating and control of landing, loading and discharging of dangerous goods;

- (d) 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) prohibition of the loading or discharging of dangerous goods at places within the control of the Authority in cases where such loading or discharging appear specially dangerous to the public;
- (f) fixing of places and times at which dangerous goods are to be loaded, and the quantity to be loaded or discharged at any one time;
- (g) 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) protection, whether by means similar to those abovementioned or not, of persons and property from danger generally.

(3) Subject to the provisions of any written law relating to merchant shipping, the Authority may, with the approval of the Minister, make regulations with respect to the—

- (a) taking of measures for the prevention of ships leaving any port if overloaded, improperly loaded, improperly found, insufficiently manned or without number that can be carried with reasonable safety, or if otherwise unseaworthy; but no actions taken by the Authority pursuant to these regulations shall be deemed to be a warranty of seaworthiness by the Authority;
- (b) examination, certification and licensing of masters, mates and engineers of tugs conducting ships in and out of ports, dredgers and light craft, and the licence fees payable in respect thereof;
- (c) inspection, licensing, registration or certification of ships, ferries, tugs, launches, hulks, ferry boats or other craft, the charges to be paid therefor and the number of passengers.

(4) The power of the Authority to make regulations under this section in relation to any matters, shall not be construed to be in conflict with, or as derogating from, any other powers conferred upon any other person under this Act or any regulation to make provisions in relation to any such matter in any different manner.

(5) Regulations may provide that any breach or contravention of such regulations shall be punishable with a fine not exceeding five hundred dollars and by imprisonment not exceeding three months.

(6) All regulations shall be subject to negative resolution of the House of Assembly within six weeks.

(7) Neither the Authority nor the Port Manager nor any employees, servants, officers or agents of the Authority shall be liable at law for any act carried out in good faith pursuant to any regulations.

PART VII

Offences and Legal Provisions

73. Damaging property likely to endanger life

Any person who damages, or in any way interferes with, any lighthouse, buoy, beacon or other property of the Authority in such manner as to endanger, or as might endanger, the life of any person, is guilty of an offence and liable to imprisonment for ten years.

74. Endangering safety of operations

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

is guilty of an offence and liable to a fine of one thousand dollars and to imprisonment for nine months.

75. Failure to comply with directions

Any person who, without lawful excuse, refuses or neglects to obey any direction lawfully given under section 65 or under any regulations made under Part VI, is guilty of an offence and liable to a fine of five hundred dollars and to imprisonment for six months.

76. Failure to employ licensed pilot

If any ship is navigated in circumstances in which pilotage is compulsory and such ship is not under the control of a licensed pilot, the master thereof is guilty of an offence and liable to a fine of five hundred dollars.

77. Failure to give, or giving false, information

Any master who fails to comply with the provisions of section 64, or who gives any information which is false in any material particular, is guilty of an offence and liable to a fine of two hundred and fifty dollars.

78. Refusal of entry to authorised officer

Any master who, without lawful excuse, refuses to allow an authorised officer to enter his ship in contravention of section 66(1)(c), is guilty of an offence and liable to a fine of two hundred and fifty dollars.

79. False returns

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 or any regulations, is guilty of an offence and liable, on summary conviction, to a fine of three thousand dollars and to imprisonment for two years.

80. Evasion of dues and charges

Any person who, by any means whatsoever, eludes or evades any dues or charges leviable under this Act or any regulations, is guilty of an offence and liable to a fine of one thousand dollars and to imprisonment for nine months.

81. Demanding improper account

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 of the Authority, any greater or lesser amount than he should demand or receive, is guilty of an offence and liable to a fine of five hundred dollars and to imprisonment for six months.

82. Miscellaneous offences

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 port police to give his name and address, or gives a false name and address, for the purpose of avoiding prosecution,
 - (ii) without lawful excuse, the proof whereof shall lie on him, discharges any firearm or does anything which may cause injury to any person on such premises, or upon such ship or vehicle, or
 - (iii) without lawful excuse, contravenes any lawful direction given by any authorised officer;
- (b) defaces the writing on a board or notice authorised to be maintained upon any premises of the Authority, or upon any ship or vehicle used by the Authority;
- (c) damages, or without lawful excuse interferes with, any property of the Authority;
- (d) wilfully obstructs or impedes any other person in the discharge of his duties arising out of his employment with the Authority; or
- (e) gives or offers to any other person money or money's worth for the purpose of avoiding payment of any sum due to the Authority,

is guilty of an offence and liable to a fine of five hundred dollars and to imprisonment for six months.

[Section 82 amended by Act No. 2 of 2004.]

83. Power of arrest

(1) Any person who commits any offence mentioned in section 73, 74 or 82 may be arrested without warrant by any authorised officer, police officer or port police.

(2) Any person who commits any offence against this Act or any regulations, other than an offence mentioned in subsection (1), may be arrested by an authorised officer, police officer or port police if—

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

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 executing a bond, without sureties, for his appearance before a magistrate when required.

[Section 83 amended by Act No. 2 of 2004.]

84. Place of trial

Any person charged with any offence against this Act, other than an offence mentioned in section 73 or 79, may be proceeded against, tried and punished in any place in which he may be in custody for that offence as if the offence has been committed in such place; and the offence shall for the purposes incidental to, or consequent upon, the prosecution, trial or punishment thereof, be deemed to be committed in that place:

Provided that nothing herein contained shall preclude the prosecution, trial and punishment of such person in any place in which, but for the provisions of this section, such person might have been prosecuted, tried and punished.

85. Port Manager may confer power on officers

The Port Manager may, by notice in writing, authorise any officer of the Authority to maintain order upon any premises used by the Authority or any place in any 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.

86. Notice of claims

(1) Notwithstanding anything contained in any written law—

- (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 six 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 one 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 made or given in a reasonable time, nothing in those subsections shall prejudice the right of such person to obtain compensation or damages.

87. Limitation

Where, on or after the 10th November, 1987, any action or other legal proceedings are commenced against the Authority for any act done in pursuance or execution or intended execution of this Act, or any regulations, or of any public duty or authority imposed or conferred by this Act or any regulations, or in respect of any alleged neglect or default in the execution of this Act or such regulations or of any such duty or authority, the following provisions shall have effect notwithstanding anything contained in any written law, that is to say—

- (a) the action or legal proceedings shall not be commenced until at least one month after written notice containing the particulars of the claim, and of the intention to commence the action or legal proceedings, has been served upon the Port Manager by the plaintiff or his agent;
- (b) the action or legal proceedings 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.

88. Restriction on execution against property of the Authority

Notwithstanding anything to the contrary in this Act or any regulations or in any other law or in regulations made under any other law, where any judgment 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 the provisions of this Act or regulations, 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, 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.

[Section 88 amended by Act No. 16 of 1991.]

89. Overpayment and underpayment

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 is 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 law, such overpayment or underpayment shall not be refunded, or collected, as the case may be, unless reasonable notice is given—

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

90. Liability of Port Manager

For the purpose of legal liability, the Port Manager and all other employees, servants and officers of the Authority shall be considered public employees, and the general or specific rules of law pertaining to legal action involving public officers shall apply to them.

PART VIII

Transitional and Miscellaneous

91. Transfer of assets

(1) On the 10th November, 1987—

- (a) all lands of the Crown, whether vested in the Crown itself or any previously constituted Port Authority, within the boundaries of the ports in this Act, including the bed and shores vested immediately before the 10th November, 1987, in the Crown are hereby vested in the Authority;
- (b) all lights, buoys and beacons within the boundaries of the said ports are hereby transferred to the Authority;

- (c) all warehouses, buildings, machinery, plant, tools and other property including real property, associated with the port and operation of the port authorities, and which immediately before the commencement of this Act were the property of the Crown, or any previously constituted port authority, are hereby transferred to the Authority.

(2) All rights, privileges and all the obligations to which, immediately before the 10th November, 1987, the Crown and any previously constituted port authority were entitled to or subject to, in connection with operation of the ports as provided herein, are hereby transferred and conferred or imposed on the Authority for the purpose of this Act.

(3) A reference in any deed, contract, bond, security or other document subsisting immediately before the 10th November, 1987, against or in favour of the Government or any previously constituted port authority, and dealing with the operation of the ports as described herein, shall have full force and effect against or in favour of the Authority and be enforceable as fully and effectually as if, instead of the Government or any person acting on behalf thereof, the Authority had been named therein and has been a party thereto.

92. Land to be free from municipal rates and taxes

All lands vested in the Authority on and after the 10th November, 1987, shall be exempt from any rate, tax or imposition which any local authority shall have power, but for this section, to levy or impose. But nothing herein contained shall preclude a local authority from levying and collecting rates, taxes and other lawful charges in respect of land, houses and buildings of the Authority leased and occupied for private purposes.

93. Transfer of public servants

(1) The Public Service Commission may approve the transfer and appointment of an officer in the public service to the service of the Authority, or from the service of the Authority to the public service.

(2) Where a transfer and appointment has been approved under subsection (1), arrangements shall be made by the Government or the Authority to pay to the Authority or the Government, as the case may be, such contribution as may be provided for in rules made by the Minister in respect of pensions and gratuities, and any such rules may make provisions for different classes or cases.

94. Exemption from income tax

Notwithstanding anything contained in the Income Tax Act, the income of the Authority shall not be liable to income tax.

[Chapter 435.]

95. Port police

(1) The Authority may, subject to standing orders made by the Authority and approved by the Minister, appoint persons to be port police, such appointments to be made in consultation with the Commissioner of Police.

(2) The port police so appointed shall be a supplemental body of police styled "port police".

(3) Such standing orders shall provide for the terms and conditions of appointment, with provision for the duties of port police with special regard to the maintenance of order within the ports and the protection and safety of goods and property, and the suspension and termination of appointment of any person appointed as port police under this section.

(4) The Commissioner of Police shall have the general command and superintendence of the port police.

(5) Every member of the port police 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 police officer.

[Section 95 amended by Act No. 2 of 2004.]

96. Bonded warehouse

(1) If any warehouse of the Authority is approved and appointed under any law relating to the customs for the time being in force, the Authority shall 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) Nothing in this section shall be taken however 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.

97. Operation of Customs Act

Nothing in this Act shall prejudice the operation of the Customs Act or of any other written law dealing with customs, and in all cases of conflict the Customs Act shall prevail.

[Chapter 302 of the Revised Edition 1990 Laws.]

98. Port Manager's fiat

Proceedings for offences arising out of the provisions of this Act may be instituted in writing by the Port Manager or by any officer duly authorised by him in writing.

99. Proof

In any proceedings for any offence, the averments that such offence was committed within the limits of port shall be sufficient without proof of such limits, unless the contrary is proved.

100. Recovery of charges, etc.

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 the provisions of this Act may be recovered by the Authority as a civil debt.

101. Monies recovered to be paid into Authority account

All fines, compensation, damages, costs or other sums directed to be paid in respect of any offence, proceeding or matter arising out of the performance of the duties, powers and functions of this Act or any regulations shall be paid into the account of the Authority.

First Schedule

[Section 3. Schedule amended by Act No. 13 of 1997.]

Descriptions of Ports

Port of Kingstown

LAND

All those jettys, wharfs or berths known as—

- (a) Inter-island Jetty or Grenadines Wharf;
- (b) Schooner wharf in front of the Saint Vincent and the Grenadines Marketing Corporation Depot;
- (c) the land lying west of the Queen's Warehouse and bounded as follows—
North by the South river,
East by a sea wall in front of the Queen's Warehouse,
South by the Schooner Wharf,
West by the sea;
- (d) the container park,

and shown as Exhibit I in a report on Project No. 253 11077 dated 15 August, 1985, by Novaport for CIDA on behalf of the Port Authority of Saint Vincent and the Grenadines.

SEA

All that area of the sea including the Kingstown Bay which has as its seaward boundary a straight line drawn from Cane Garden Point to Old Woman Point and, as its landward boundary, the low water mark of the coast line in the area of the Kingstown Bay between Cane Garden Point and Old Woman Point.

Port of Bequia

All that portion of Admiralty Bay, that is, the portion of sea bounded on the seaward side by a straight line drawn from Belle Point to Old Fort Point, and bounded on the landward side by the low water mark of the coast line in the area of Admiralty Bay between Belle Point and Old Fort Point.

Port of Mustique

All that portion of Britannia Bay having as its seaward boundary a straight line drawn from Survey Point GMU 29 to a point west of Lovell village and, as its landward boundary, the low water mark of the coast line in the area of Britannia Bay between Survey Point GMU 29 and that point west of Lovell village.

Port of Union Island

All that portion of Clifton Harbour which is bounded on the seaward side by a straight line drawn from Petit Bay point (located south east of Union Island medical clinic) to Thompson Island and by another straight line drawn from Thompson Island to the end of the Union Island airport runway, on the landward side by the low water mark of the coast line in the area of Clifton harbour between Petit Bay point and the end of the Union Island airport runway.

Second Schedule

[Second Schedule inserted by Act No. 13 of 1997.]

Ship Generated Waste: Disposal Fee

1 ton	\$195.00
Less than 1 ton but not less than ¾ ton	\$146.25
Less than ¾ ton but not less than ½ ton	\$ 97.00

Less than ½ ton..... \$ 48.75

CHAPTER 362
SAINT VINCENT AND THE GRENADINES PORT AUTHORITY ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Pilots Rules
 2. Port Guard Regulations
 3. Saint Vincent and the Grenadines Port Authority Regulations
 4. Saint Vincent and the Grenadines (Ferry Charges) Regulations
 5. Saint Vincent and the Grenadines Port Authority (Declaration of Port) Notice
-

Pilots Rules

Schedule to *Gazette*, 1889

ARRANGEMENT OF RULES

1. Citation.
 2. Flag.
 3. Questions by pilot.
 4. Quarantine anchorage.
 5. Pilot to remain on board.
 6. Priority.
 7. Certificate, etc.
 8. Duties of pilots.
 9. Instructions.
 10. Construction.
-

PILOTS RULES

[Schedule to *Gazette*, 1889.]

[Date of commencement: 14th January, 1889.]

1. Citation

These Rules may be cited as the Pilots Rules.

2. Flag

Every pilot boat shall carry a blue flag four feet long and three feet wide with the number of the pilot in white figures in the centre: such flag to be approved by the port officer.

3. Questions by pilot

Every pilot, before boarding a vessel, shall ask—

- (i) from whence such vessel comes?
- (ii) whether any disease prevailed at the place from whence such vessel comes?
- (iii) whether there is now, or has been at any time, any sickness on board since the vessel sailed from the last port?

4. Quarantine anchorage

If a pilot believes, from the answers given, that sickness is on board or knows that the port from which the vessel last sailed is an infected port, he shall not board such vessel but may direct her to the quarantine anchorage and immediately report the case to the port officer.

5. Pilot to remain on board

Every pilot who goes on board any vessel which may be subsequently placed in quarantine by the port officer shall remain on board until all restrictions are removed.

6. Priority

The master of any vessel desiring the services of a pilot is required to give preference to the first pilot actually alongside the master acting as umpire in any case of dispute between pilots claiming the charge of the vessel.

7. Certificate, etc.

Every pilot shall produce his certificate, a copy of Part V of the Saint Vincent and the Grenadines Port Authority Act and a copy of these Rules to the master of any vessel who may call for them.

[Chapter 362.]

8. Duties of pilots

Every pilot shall assist the port officer in protecting the revenue and maintaining the regulations for the government of the Port of Kingstown, and shall report to such officer any irregularity that may come to his notice.

9. Instructions

Every pilot shall take instructions from the port officer as to the place where he shall anchor any vessel.

10. Construction

These Rules shall be read together with the regulations for the government of the Port of Kingstown.

Port Guard Regulations

SRO 30 of 1978

ARRANGEMENT OF REGULATIONS

- 1. Citation.
 - 2. Service by port guards.
- Schedule

PORT GUARD REGULATIONS

[SRO 30 of 1978.]

[Date of commencement: 23rd May, 1978.]

1. Citation

These Regulations may be cited as the Port Guard Regulations.

2. Service by port guards

Persons requiring the service of port guards during the hours and on the days indicated in the Schedule shall pay for the service of every guard required at the rate prescribed.

Schedule

[Regulation 2.]

- (i) 6.00 a.m. to 8.00 a.m. and 4.00 p.m. to 9.00 p.m. on working days: 12.00 midday to 9.00 p.m. on Saturdayshour. \$1.80 per hour or part of an
- (ii) 9.00 p.m. to 6.00 a.m. on any day and on Sundays and public holidayshour. \$2.25 per hour or part of an

Saint Vincent and the Grenadines Port Authority Regulations

SRO 13 of 1980

Amended by

- SRO 1 of 1986
- SRO 10 of 1993
- SRO 3 of 1997
- SRO 36 of 1997
- SRO 7 of 2000
- SRO 42 of 2004
- SRO 6 of 2006
- SRO 24 of 2007

ARRANGEMENT OF REGULATIONS

- 1. Citation.
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**SAINT VINCENT AND THE GRENADINES PORT AUTHORITY
REGULATIONS**

[SRO 13 of 1980 amended by SRO 1 of 1986, SRO 10 of 1993, SRO 3 of 1997, SRO 36 of 1997,
SRO 7 of 2000, SRO 42 of 2004, SRO 6 of 2006, SRO 24 of 2007.]

[Date of commencement: *25th March, 1980.*]

1. Citation

These Regulations may be cited as the Saint Vincent and the Grenadines Port Authority Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

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

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

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

“free time” means the specified period during which cargo may have occupied 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;

“handling” means the handling of cargo from vessel to tail gate or vice versa;

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

“loading” or **“unloading”** means the service of loading or unloading, as the case may be, a vessel at any place on the terminal, and from or into trucks, lighters or barges, or any other means of conveyance, to or from the terminal facility;

“n.o.s.” means not otherwise specified;

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

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

“Port Manager’s office” means the department created to operate, manage and develop the sea port and terminal facilities of Saint Vincent and the Grenadines;

“shed and wharf demurrage” means a charge assessed against cargo remaining in or on terminal facilities after expiration of free time unless arrangements have been made for the storage (wharf demurrage is also applicable to cargo remaining in or on terminal facilities after expiration of an authorised storage period);

“ship” means any vessel propelled by sail or partially propelled by power;

“tail gate” means the delivery of cargo by the Authority from rest to tail gate of the truck for inbound cargo, and vice versa for the outbound cargo;

“terminal facilities” means one or more structures comprising a terminal unit, and includes wharfs, warehouses, storage space whether covered or open, cold storage plants, landings and receiving stations, used for the transmission care and convenience of the cargo or passengers in the interchange of the same between land and water carriers or between two water carriers;

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

“ton” means a metric ton of two thousand pounds or thirty-five cubic feet, unless otherwise stated;

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

“vessel” means floating craft of every description and shall be deemed to include its owners and agents.

3. Application of tariff and supplement

(1) The charges, rates, rules and regulations (hereinafter referred to as the “tariff”) published in these Regulations shall apply equally to all users of, and all traffic in, any harbour and facilities owned, operated and administered by the Authority under the jurisdiction of the Port Manager’s department.

(2) The Port Manager, acting for the Council, shall determine the application and interpretation of the tariff. Should an occasion arise wherein no corresponding commodity or storage situation is shown therein, the Port Manager shall determine the application of the tariff.

4. Consent to terms of tariff

The use of harbours, piers, wharves, bulkheads, docks and other facilities under the jurisdiction of the Port Manager’s department shall constitute a consent to the terms and conditions of the tariff and evidence of 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 the tariff, and they shall be governed by all rules and regulations published herein.

5. Appeals

To the extent that the Port Manager and the Port Manager’s department derive authority and responsibility from the Council and the chairman and have been duly delegated under this tariff, there shall be a right of appeal to the Council through the chairman.

6. Exemption from port construction

All construction work at the ports and harbours of Saint Vincent and the Grenadines, whether a new facility or maintenance, done under contract with and for the benefit of the Authority is exempt from the charges mentioned in this tariff. The exemption only applies to those activities and materials specifically required and necessary for the completion of the construction work.

7. General restrictions and limitations

(1) The Authority is not obliged 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 obliged to provide berthage, wharfage storage or other services beyond reasonable capacity of the facilities; nor is it obliged 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 Authority is not obliged 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.

8. Disclaimer for loss or damage

(1) The Authority shall not be responsible for any damages to freight being loaded, unloaded, handled, stored or otherwise present on its facilities, or for loss of any freight or for any delay to the same.

(2) The Authority shall not be responsible for any loss or damage on or in its facilities by reason of fire, leakage, evaporation, natural shrinkage, wastage, decay, animals, rats, mice other rodents, moisture, the elements, discharge of water from the sprinkler fire protection systems, or by or from any other cause.

(3) The Authority shall not be responsible for delay, loss or damage arising from riots, strikes or labour disturbances or any persons, or for any loss due to pilferage or thievery, or to any other cause.

(4) The Authority shall not be responsible for any personal injuries or death resulting from any cause whatsoever on its properties or facilities.

9. Placement of goods not to be bailment

The placing of property of any nature, including cargo on Authority property pursuant to this tariff, shall not be construed, under any circumstances, as a bailment of that property, and the Authority, its officers, employees and agents shall not be considered as bailees of any property whatsoever.

10. Abandoned cargo

(1) Any cargo on which charges have not been collected after forty-five days shall be considered abandoned cargo.

(2) The Authority reserves the right to remove any or all such abandoned property to another part of the premises, or remove it and place it in storage of the port at the risk and expense of the owner.

(3) The Authority may retain possession of the property until all charges have been paid.

(4) When the Port Manager determines final abandonment of cargo in any instance, he shall dispose of such cargo under the procedure as set out in the Act.

11. Furnishing cargo statements and vessel reports

All vessels, their owners and or agents, and all other users of the harbours and facilities shall furnish the Port Manager copies of inbound or outbound manifests 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 Authority, showing weights or measurements of the various items discharged or loaded and the basis on which freight charges are assessed, within forty-eight hours before the arrival and/or departure of vessels.

12. Payment of charges

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

(2) The 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 are performed or facilities used, or before freight upon which charges have accrued are released for delivery.

(3) The Authority does not recognise the numerous shippers or consignees, and cannot attempt to collect or assist in collecting 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 Authority must be paid regardless of when the vessel, its owner or agents are reimbursed.

(4) The Authority shall require a deposit of all charges in advance which may accrue against a vessel, its owners or agents, 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. These payments shall be—

(a) Ships below 100 NRT	unloaded	\$10.00
	loaded	\$10.00
(b) Ships of 100 NRT and more	unloaded	\$50.00
	loaded	\$50.00

[Paragraph (4) amended by SRO 7 of 2000.]

13. Access to records

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

14. Indemnity bond

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

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

(3) The Port Manager is authorised to cash the bond under this regulation.

15. Insurance

(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 a certificate of insurance to the Port Manager.

16. Request for berth

Request for berth shall be made—

(a) Monday to Friday – between the hours of 08.00 a.m. and 3.00 p.m.; and

(b) Saturdays – between the hours of 08.00 a.m. and 11.00 a.m.

17. General

(1) The Port Manager shall control the allocation of all space, covered or open, on the seaport properties of the Authority.

(2) All persons using port property in any manner shall strictly comply with such allocations.

(3) The Port Manager is authorised to move freight or other articles at the owner's or agent expense in order to enforce this regulation.

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

18. Leasing

Authority procedures and requirements shall be followed where leasing is involved as for office space or open ground space.

19. Cleanliness of premises

(1) All vessels, their owners and/or agents, and all other users of the port 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 the 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 to be cleaned and placed in good order and charge the users responsible for the cost plus one hundred per cent with a minimum charge of fifty dollars.

20. Damage to facilities

(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.

(2) The Port Manager may detain any vessel or other water craft responsible for damage to the facilities until sufficient security has been given for the amount of the damage.

(3) It shall be the responsibility of the users of the facilities to report any damages occasioned by them to the Port Manager immediately.

21. Emergencies

Any person who becomes aware of an emergency situation of any nature upon Authority property shall notify the Port Manager by the fastest means.

22. Explosives, inflammables and other hazardous materials

Explosives, inflammables and other hazardous commodities or materials will not be handed over, or received on the wharves or other facilities of the port, unless and until approval is obtained from the Commissioner of Police.

23. Loitering on port property

(1) No person shall loiter upon the property of the port.

(2) No unauthorised person shall enter cargo movement or handling areas.

(3) Persons using the port facilities do so at their own risk, and the Authority assumes no responsibility for injuries or damage sustained.

24. Signs

(1) Painting signs, without prior approval, on any structure belonging to the Authority is prohibited.

(2) Signs to be erected on the port shall be furnished by the port users and erected or placed by the users after the Port Manager has approved the design, material and size of the signs.

(3) All signs shall be uniform.

25. Smoking

No person shall smoke, light any match or have naked light upon or in any port facility where it is prohibited by the Authority.

26. Solicitation

No person shall solicit or carry on any business on the sea port property without first obtaining a permit from the Port Manager as required by this tariff and by any other law and subject to having acquired occupational licences.

26A. Regulation of passengers

(1) The Port Manager may direct that a passenger shall enter the Ferry Terminal through an area assigned by the Port Manager for such purpose.

(2) A passenger who intends to take a vehicle onto a ferry shall drive such vehicle onto the Ferry Terminal through an area assigned by the Port manager for such purpose.

[Regulation 26A inserted by SRO 24 of 2007.]

26B. Imposition of admission charge

(1) Subject to this regulation and regulation 26C, a passenger shall pay a charge in the sum of one dollar for admission onto the Ferry Terminal.

(2) A worker may apply to the Port Manager to pay a concessionary charge in the sum of ten dollars per month for admission onto the Ferry Terminal and the Port Manager may, on being satisfied that the worker is entitled to the concessionary charge, approve the payment of such concessionary charge.

(3) The operator of an excursion or a tour party to be held on a ferry or the operator of a ferry on which an excursion or tour party is to be held shall, prior to such excursion or tour party, pay the charge in the sum of one dollar for each prospective member of the excursion or tour party for the admission of such member onto the ferry Terminal except that the total of such charges shall not exceed the charges payable by the maximum number of persons the ferry can carry.

(4) If at the time of the excursion or tour party, the Port Manager is satisfied that the operator of the excursion or a tour party or the operator of the ferry has, pursuant to subregulation (3), paid charges in excess of the actual members of the excursion or tour party, the Port Manager shall refund the charges paid in excess.

[Regulation 26B inserted by SRO 24 of 2007.]

26C. Exemptions

(1) The charge imposed under regulation 26B(1) shall not be payable by—

- (a) a child under the age of fifteen years;
- (b) a student over the age of fifteen years who is wearing school uniform;
- (c) a person who is over the age of sixty-five years;
- (d) a person travelling on business for the Government of Saint Vincent and the Grenadines.

(2) The Port Manager shall require a person referred to in subregulation (1) to furnish proof of that person's eligibility for an exemption under subregulation (1) in a manner satisfactory to him.

[Regulation 26C inserted by SRO 24 of 2007.]

26D. Rental of lockers

The Port Manager shall, subject to such terms and conditions as he may determine, impose a charge of two dollars per hour or part thereof for the rental to passengers of lockers owned and maintained by the Port Authority.

[Regulation 26D inserted by SRO 24 of 2007.]

26E. Internet charges

The Port Manager shall charge a sum of three dollars per hour or part thereof for the use of internet and related services.

[Regulation 26E inserted by SRO 24 of 2007.]

26F. Interpretation

For the purposes of regulations 26A to 26E—

“**Ferry Terminal**” means the area designated on the port of Kingstown by the Port Manager to be the Ferry Terminal;

“**passenger**” means a person who is about to undertake a journey by ferry but does not include a member of the crew of the ferry or of any other ferry owned and operated by the operator of the ferry, when on duty;

“**worker**” means a person who is employed in work of any kind.

[Regulation 26F inserted by SRO 24 of 2007.]

27. Vehicles

(1) No person shall park an automobile in any restricted area, nor park any automobile, truck, trailer or any other vehicle in loading zones for a longer period than is necessary to load or discharge cargo or passengers.

(2) All vehicles entering the port of Kingstown shall park in the areas designated by the Port Manager.

28. Wharf obstruction

(1) Stevedores’ tools, appliances, equipment, vehicles or any other materials or objects which are not part of the cargo, are not permitted to remain on the wharves and wharf premises or in the transit sheds, except at the discretion of the Port Manager.

(2) Cargo or gear may 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.

(3) If not removed when so ordered by the Port Manager, it shall be subject to removal by the Port Manager at the agent’s expense at cost plus one hundred per cent.

29. Non-shipment by water

Cargo delivered to the port for export and not loaded on a vessel berthed at the port and subsequently moved inland from the port is subject to dues.

30. Transshipment

Cargo transhipped through the port will be assessed cargo handling dues on both movements and will be granted one authorised free time period.

31. Ship’s stores

No charge for cargo handling dues will be made on ship's stores.

32. Calculation of cargo tonnage

(1) Only full tons will be used when calculating cargo tonnage subject to cargo handling dues.

(2) Manifest weight totals expressed in pounds will be converted to the nearest full ton as follows:

Fractions over a full ton but less than 0.5 (½) will be dropped; when 0.5 or more, the next highest ton figure will be used.

33. Wharf dues

Cargo dues shall be calculated at thirty-five cubic feet or two thousand two hundred pounds per ton landed or loaded, whichever is applied by the Authority.

Vessels under 180 NRT, Cargo landed or loaded \$5.00 per ton

34. Cargo handling

The handling charges from vessels hook to rest per ton or part thereof (vessel owner or agent) or vice versa are as follows—

(1) Inbound cargo (imports)—

General cargo NOS (per ton).....	\$25.00
Steel (per ton)	\$30.00
Fertilizer (non-handling) (per ton).....	\$10.00
Cement (non-handling) (per ton).....	\$ 5.00
Vehicles (under 4 tons).....	\$150.00 per unit
(over 4 tons).....	\$200.00 per unit

Note.—Cargo noted above can be removed from under the ships hook with the authorisation of the Port Manager. In such cases charges can be reduced at the discretion of the Port Manager.

(2) Outbound cargo (exports)

- (a) General cargo NOS per ton \$15.00
- (b) Bananas and other agricultural products—
 - (i) (non-handling) \$2.00
 - (ii) inclusive of handling charge \$7.00
- (c) Transshipment and overloaded or over carried cargo—
 - (i) in-and-out (per ton) \$25.00
 - (ii) transfer rate (per ton) \$20.00
- (d) Vessel clearance charge \$10.00 per document

Note.—Cargo trans-shipped through the Port shall be assessed cargo handling dues at the rate of EC \$200.00 TEU each way for simple or small volumes. Larger volumes may be subject to discount rates to be negotiated with the Port Manager.

(3) All cargo—

Charge for single handling between place of rest inside terminal to truck tailgate or vice versa (consignee) \$2.00 per ton or part thereof

(4) Gate Pass charge for Barrels and small gift packages—

A charge of \$5.00 per barrel shall be applicable to barrels, to cover processing of gate pass and to defray other direct administrative expenses.

(5) Extra charges for container and heavylifts—

Cargo which is shipped in containers or heavylifts receptacle to the port shall be assessed with additional terminal handling charges on the following basis (agent only)—

Container and heavy lift with a weight of—

- (a) 3 – 5 tons \$30.00/lift
- (b) 5 – 10 tons \$50.00/lift
- (c) above 10 ton \$100.00/lift

A charge shall be made for shifting containers during longshore operations.

The terminal charge for containers shall be—

Full Containers	\$200.00 per TEU
Empty Containers	\$100.00 per TEU

(6) Extra charges for wheeled vehicles—

Automobiles, tractors, trucks grading and road making equipment, cement trucks and lifting equipment being landed or loaded to or from place of deposit in open areas—

Cargo per unit.....	\$10.00
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(7) Containers – handling charges—

- (a) The following handling charges are applicable—

TEU means Twenty equivalent units

Full in per TEU.....	\$450.00
Empty in per TEU	\$50.00
Full in per TEU.....	\$270.00
Empty in per TEU	\$50.00

Note.—Handling and storage charges assessed against an empty container are payable by the agent.

Cargo transhipped through the Port shall be assessed cargo handling dues at the rate of \$200.00 TEU each way for single or small.

Empty containers transhipped through the Port shall be assessed at the rate of \$100.00 per TEU each way for single or small volumes.

Larger volumes shall be subject to discount rates to be negotiated with the Port Manager.

- (b) Cleaning wharf—

The following charge may be made for cleaning the wharf where ships cargo warrants it \$100.00;

- (c) Stuffing and De-stuffing of Containers—

Stuffing and de-stuffing of containers shall be charged at the rate of \$25.00 per ton of cargo.

(8) Sorting—

Ordinary sorting to shipping marks and numbers is included in the handling charges on imports. If additional sorting is required by the consignee or his agents to any subsidiary mark or marks or to size, the latter meaning each of the three dimensions, the following additional charges shall apply—

for sorting to any mark or size \$15.00 per ton or part thereof

In this paragraph, “**shipping marks and numbers**” means distinctive marks and numbers common to the whole consignment under which the goods are shipped and delivered. “**Subsidiary marks and numbers**” means those which are mixed with other consignments not common to the one consignment.

(9) 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 shall be charged additionally for the account of the owner or of the carrier.

(10) Damaged goods—

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

(11) Goods not under cover—

Goods and commodities held in open areas are at owners risk on account of loss and damage caused by weather deterioration or any other cause not attributed to regulation on the part of the Authority.

(12) Requirements of documents—

To expedite prompt handling of goods through the terminal areas, original or certified facsimiles of the following documents are required—

(a) Inbound cargo—

four legible copies of vessel manifest (required at least two clear days prior to arrival of vessel);

one copy of steamship company release (delivery order).

Note.—Vessels trading inter-Caribbean manifest, upon arrival of the vessel.

(b) Out-bound cargo—

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

one copy of Customs Report Outward (A – Z);

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

For late submission of documents there shall be a fee of \$50.00

(c) For waiting and stoppage time—

A charge shall be made to the ship for any waiting or stoppage due to ship delay on fault, to cover staff labour and supervision. The charge for waiting or stoppage time shall be the appropriate rate for each worker scheduled to work and present at the time.

A vessel clearance of \$10.00 per document is payable.

(13) Weight measurement adjustment—

Ships manifest shall carry weights and measurement of goods. The Authority may exercise its discretion in determining which will be applied for account purposes.

(14) Free time allowance—

The free time allowed for storage of imported cargo in the port shall be as follows—

- (a) Full containers..... five (5) working days after discharge;
- (b) Empty containers fourteen (14) days after discharge of cargo;
- (c) Break bulk cargo—
 - (non perishable)..... five (5) working days after discharge;

(d) Transhipment twenty-one (21) days after discharge.

(15) Computation of time—

The free time allowed for removing cargos shall commence at 8.00 a.m. on the first working day following placement of the cargo on the port.

(16) Excess storage time—

Storage charges shall be assessed after the free time allowance as follows—

Full containers (Lolo)	\$20.00 per day or part thereof per TEU
Empty containers (Lolo).....	\$10.00 per day or part thereof per TEU
Break Bulk Cargo.....	\$7.00 per ton per day or part thereof
Vehicles.....	\$3.00 per ton per day or part thereof

Note.—(1) Ro Ro containers shall be charged stored 1.6 times the charge for Lolo containers.

(2) Handling charges and storage charges for empty containers are chargeable to the account of the ship’s agent.

(3) Barrels and small *bona fide* gift packages shall be assessed at ¼ of the normal rate with a minimum of \$7.00.

(17) Non-shipment by water—

Cargo delivered on the port for export and not loaded on a vessel berthed at the Port of Kingstown and moved inland from the port is subject to excess storage charges with no free time allowance commencing with the date of arrival on the port.

(18) Removal of goods—

Upon completion of time specified for free time and demurrage—goods shall be removed to the Queen’s Warehouse.

The charge for removal per ton or part thereof \$5.00

(19) Normal working hours – Authority—

The rates provided in this tariff shall apply only to services performed in normal working hours between 8.00 a.m. and 4.00 p.m. Mondays to Fridays inclusive and Saturdays 8.00 a.m. to 12 midday.

Special arrangements are required outside of the above hours or on Saturday afternoons, Sundays or public holidays and are to be made four hours before closing time on a working day.

(20) Overtime payment by vessel owner or agent—

For any overtime after normal working hours, the port pays the basic rate labour and the additional rate of overtime goes to the account of the vessel owner or agent.

(21) Charges for equipment rental—

There shall be a charge for the rental of port equipment, per unit per hour as follows—

	<i>To work off compound and for ships under 400 GRT</i>	<i>To work ships over 400 GRT</i>
Forklift trucks	\$75.00 per hour	\$85.00
Over 3 ton capacity to 9 tons	\$100.00 per hour	\$125.00
Over 10 ton capacity	\$125.00 per hour	\$150.00
Tow Motors (Tractor)		
Large	\$60.00 per hour	\$70.00
Small	\$50.00 per hour	\$60.00

Dock Trailers		
Large	\$30.00 per hour	\$40.00
Small	\$20.00 per hour	\$30.00
Container Handling Unit		
Hyco Boss	\$225.00 per 20 TEU	\$375.00
Clarke	\$325.00 per 40 TEU (on and off compound)	\$375.00
Equipment NOS (NOS means otherwise specified)	Upon negotiation	

Note.—(1) Charges do not include driver’s wage which is to be borne by the hirer.

(2) A minimum charge of two hours for ships over 499 GRT shall apply.

(22) Schooner and ferry cargo handling.

The following applies to schooner and ferry cargo handling—

- (a) no handling of cargo is to be done by the Authority unless requested by the owner, agent or master of the schooner vessel or ferry;
- (b) the loading and unloading of cargo is permitted direct from schooner or ferry to Warehouse or direct from truck to vessel or vice versa;
- (c) no crating or packaging of goods is permitted at schooner or ferry berth in the harbour and the storage of empty crates or packages at any berth is prohibited.

[Regulation 34 repealed and replaced by SRO 7 of 2000.]

(23) Port security charge—

A charge of \$3.00 per ton shall be payable by a ship in respect of all cargo landed or loaded at a port.

[Item 23 inserted by SRO 6 of 2006.]

35. Annual permit fees (Licensing)

The following annual permit fees are applicable to the following business categories for the privilege of conducting their operations on the Port of Kingstown or any other port in Saint Vincent and the Grenadines.

	\$
(1) Ships agents	50.00
Stevedoring firms	500.00
Laundry and/or dry cleaning, per firm	50.00
Ship chandlers	100.00
Fuelling of vessels by truck, per firm	50.00
Freight forwarders & custom brokers	50.00
Distribution of merchandise for sale not otherwise listed	10.00
Water authority	100.00
Telephones	50.00
Electrical services	200.00
(2) Other business categories will be covered by special arrangements.	
(3) The above permit fees will be applied on a calendar year basis.	
(4) Firms commencing business after June 30th in any calendar year will pay one-half of the scheduled yearly fee.	

36. Piloting dues and navigational aids

The charges for piloting and navigational aids shall be as set out in the following table—

(1) (a) Piloting ships and vessels—

For piloting of ships and vessels on arrival and departure and the shifting of the same from one berth to another the following fees shall be charged—

100 GRT	499 GRT	\$75 per move
500 GRT	999 GRT	\$125 per move
1,000 GRT	1,999 GRT	\$175 per move
2,000 GRT	4,999 GRT	\$225 per move
5,000 GRT	9,999 GRT	\$300 per move
10,000 GRT	19,999 GRT	\$400 per move
20,000 GRT and over	\$400 per move plus \$50.00 per every additional 1000 GRT or part thereof	

Note.—These fees shall apply to normal operations to cover pilotage from 07.00 hrs to 18.00 hrs Monday to Friday and from 07.00 hrs to 13.00 hrs on Saturdays, except holidays.

(b) Overtime Charges—

The fees stated in (a) plus fifty per cent shall apply to overtime operations to cover pilotage—

- (i) from 18.01 hrs to 06.59 hrs Mondays to Fridays,
- (ii) from 13.01 hrs on Saturdays to 06.59 hrs on Mondays, and
- (iii) on public holidays.

(c) Application—

The fees and conditions stated in (a) and (b) shall apply to the pilotage of all classes of vessels except where special circumstances dictate that different charges should apply.

[Item (1) repealed and replaced by SRO 10 of 1993.]

2. (a) For piloting every steamer from the port of Kingstown to any anchorage outside the harbour limits 20% additional to rates at 1.

(b) For piloting every steamer from one anchorage to another within the harbour by day (8.00 a.m. to 4.00 p.m.) 20% additional to rates at 1.

(c) For piloting steamers in or out of harbour by night (4.00 p.m. to 8.00 a.m.) 50% additional to day rates.

(d) For piloting ships not engaged in commercial trade—

- (i) Not exceeding 50 GRT
 - Between 8.00 a.m. to 4.00 p.m. \$20.00
- (ii) Between 50 GRT and 100 GRT
 - Between 8.00 a.m. to 4.00 p.m. \$40.00
- (iii) Between 100 to 500 GRT
 - 8.00 a.m. to 4.00 p.m. \$20.00
 - 4.00 p.m. to 8.00 a.m. \$30.00
- (iv) Over 500 to 5,000 GRT
 - 8.00 a.m. to 4.00 p.m. \$40.00

4.00 p.m. to 8.00 a.m.	\$60.00
(v) Over 5,000 GRT	
8.00 a.m. to 4.00 p.m.	\$50.00
4.00 p.m. to 8.00 a.m.	\$75.00

3. Navigational aids per call per ship – excluding ferries and yachts—

001 GRT to 99 GRT	\$15.00
100 GRT to 499 GRT	\$20.00
500 GRT to 999 GRT	\$35.00
1,000 GRT to 1,999 GRT	\$50.00
2,000 GRT to 4,999 GRT	\$70.00
5,000 GRT to 9,999 GRT	\$90.00
10,000 GRT to 19,999 GRT	\$110.00
20,000 GRT and over	\$135.00

[Item 3 repealed and replaced by SRO 7 of 2000.]

TABLE

[Table deleted by SRO 10 of 1993.]

First Schedule

[Regulation 16.]

Port Authority

Application for a Berth

The Port Manager

We the undersigned *owner/master/agents of the
S/M/V Sch GRT Light Draft
Fwd Aft Registered 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.

I hereby declare and certify as follows—

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

Signed

Master/Agent

- * Cross out whichever is not applicable.
- † State number of tons of each type of cargo.
(to be submitted in quadruplicate).

Second Schedule

[Regulation 16.]

Port Authority Requisition for Port Services

Date

To:

The Port Manager

Please provide the following for 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) Port labour (Overtime);
- (vi) Crane to lift tons;
- (vii) Forklifts on board;
- (viii) Other port equipment as follows—

.....
.....
.....

Delete those services not required

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 deposit in the sum of dollars and cents, 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	\$15.00
	(b) per ton loaded	\$10.00

.....
Port Manager

Date

ARRANGEMENT OF REGULATIONS

1. Citation.
 2. Interpretation.
 3. Registration.
 4. Ferry charges.
 5. Penalty for non-payment of charges.
 6. Power to remove ships from berth.
- Schedule

SAINT VINCENT AND THE GRENADINES (FERRY CHARGES) REGULATIONS

In exercise of the powers conferred by section 72 of the Saint Vincent and the Grenadines Port Authority Act (Chapter 362) the Authority with the approval of the Minister makes the following Regulations.

[SRO 8 of 2000.]

[Date of commencement: *4th April, 2000.*]

1. Citation

These Regulations may be cited as the Saint Vincent and the Grenadines (Ferry Charges) Regulations, 2000.

2. Interpretation

In these Regulations—

“**authorised officer**” means the Port Manager, the Harbour Master and any public officer designated by him and approved by the authority and for the purpose of these Regulations the Administrative Officer of Bequia, The District Officer of the Southern Grenadines and the Administrative Officer of Canouan shall be deemed authorised officers;

“**ferry**” means any vessel plying from one side of a waterway to the other or from one locality within Saint Vincent and the Grenadines to another for the purpose of the carriage of goods or passengers;

“**State**” means Saint Vincent and the Grenadines.

3. Registration

As from the commencement of these Regulations all ferries home porting or operating in the State shall be registered with the Authority on the form prescribed in the Schedule.

4. Ferry charges

(1) All operators of ferries operating in the State shall be required to pay a fee of \$4.00 per foot for frequent use of jetties and \$2.00 per foot for infrequent use of jetties calculated at a rate per foot per month of the overall length of the boat and which shall be payable during the first week of the calendar month for which it is due.

(1A) For the purposes of paragraph (1)—

- (a) “**frequent use**” means the use of ferries of jetties at least three times a week;
- (b) “**infrequent use**” means the use by ferries of jetties less than three times a week.

[Regulation 4 amended by SRO 42 of 2004.]

(2) Where a ferry is out of service, for example on dry dock, for more than two weeks in any calendar month, a pro-rated charge shall be made on the presentation by the operator of the boat of evidence in writing in the form of a certificate stipulating the period during which the boat was out of service.

5. Penalty for non-payment of charges

A person who fails to pay the charges stated at regulation 4 within the prescribed time may be denied the use of the jetties and other facilities and may have civil proceedings instituted against him for recovery of the outstanding amount due and payable by him

6. Power to remove ships from berth

(1) The Harbour Master or other authorised officer may request the master or crew of any vessel to remove that vessel from any berth or anchorage to any other place of convenience as directed.

(2) There shall be a charge of \$1,000.00 for occupancy of a berth after request for removal and \$500.00 per hour for protracted occupancy.

Schedule
[Regulation 2.]

- Date of Registration
1. Name of Vessel
 2. Name of Owner/Operator
 - Address of Owner/Operator
 -
 3. Captain
 4. Length of Ship
 5. Gross Registered Tonnage
 6. Country of Registration
 7. Type of Hull
 8. Registration No. of Passengers
 9. No. of Crew

Saint Vincent and the Grenadines Port Authority (Declaration of Port) Notice
SRO 9 of 2004

ARRANGEMENT OF NOTICES

1. Citation.
2. Declaration of area of Chateaubelair as a port for limited purposes.
3. Description.

SAINT VINCENT AND THE GRENADINES PORT AUTHORITY
(DECLARATION OF PORT) NOTICE

In exercise of the powers conferred by section 3(2) of the of the Saint Vincent and the Grenadines Port Authority Act (Chapter 362) the Minister after consultation with the Saint Vincent and the Grenadines Port Authority gives the following Notice.

[SRO 9 of 2004.]

[Date of commencement: *23rd March, 2004.*]

1. Citation

This Notice may be cited as the Saint Vincent and the Grenadines Port Authority (Declaration of Port) Notice, 2004.

2. Declaration of area of Chateaubelair as a port for limited purposes

(1) For greater certainty the Minister hereby declares and notifies the area of Chateaubelair described as a port in the Port of Entry Regulations and described herein, to be a port for the purposes of the Saint Vincent and the Grenadines Port authority Act.

(2) The port shall be for the purpose of yachts only.

3. Description

The port of Chateaubelair shall be taken to include all that part of the sea fronting the town of Chateaubelair from Cavelle Rock on the north to the northern end of "The Islet" on the south, thence following the coast line of "The Islet" across "the passage" to the shore.
