



Atlantic Pilotage
Authority



Administration de Pilotage
de l'Atlantique

Customer Guide to Pilotage and Other Charges

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The Atlantic Pilotage Authority
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Atlantic Pilotage Authority

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A. Forward

1. Background

The Authority is a Government of Canada non-agent Crown Corporation established in 1972 pursuant to the *Pilotage Act*. The objective of the Authority is to establish, operate, maintain and administer in the interests of safety of navigation, an efficient pilotage service within the region set out in respect of the Authority. The Authority is tasked with achieving this objective whilst keeping with the following principles:

- a. that pilotage services be provided in a manner that promotes and contributes to the safety of navigation, including the safety of the public and marine personnel, and that protects human health, property and the environment;
- b. that pilotage services be provided in an efficient and cost-effective manner;
- c. that risk management tools be used effectively and that evolving technologies be taken into consideration; and
- d. that an Authority's pilotage charges be set at levels that allow the Authority to be financially self-sufficient.

The system of governance at the Authority is intended to make the Authority a self-sustaining commercial enterprise. The Authority is governed by a 7-member Board of Directors (the "Board"). The Governor in Council appoints the Chairperson of the Authority and the Minister of Transport appoints the other members of the Board for terms not exceeding four years.

The fundamental elements governing the mandate conferred on the Authority by the Pilotage Act include the exclusive right to provide pilotage services to ships in an area of water in which ships are subject to compulsory pilotage, the exclusive ability to set and collect charges for pilotage services provided or made available by the Authority or a contractor acting for the Authority, and the obligation by the Authority to provide these services.

The purpose of this Guide is to provide information on the calculation of the charges applicable to the various ports, categories of vessels, and activities while also explaining the administrative procedures relating to the charges. These charges apply in respect of pilotage services in compulsory pilotage areas and non-compulsory pilotage areas. This Guide is available on the Atlantic Pilotage Authority's website at www.atlanticpilotage.com.

This Guide is effective January 1, 2021 when the previous Tariff Regulations were repealed.

2. Charging Principles

When establishing a new charge for pilotage services or revising an existing charge, the Authority must follow the charging principles set out in section 33.2 of the *Pilotage Act*. These principles prescribe that, among other things, charges must not be set at levels that, based on reasonable and prudent projections, would generate revenues exceeding the Authority's current and future financial requirements related to the provision of compulsory pilotage services. Pursuant to the charging principles, the Board approves the amount and timing of changes to customer service charges. The Board also approves the Authority's annual budget where the amounts to be recovered through customer service charges for the ensuing year are determined.

As noted, the Authority plans its operations to result in an annual financial position in which revenues do not exceed current and future financial requirements related to the provision of compulsory pilotage services. Financial requirements include:

- a. operations and maintenance costs;
- b. management and administration costs;
- c. debt servicing requirements and financial requirements arising out of contractual agreements relating to the borrowing of money;
- d. capital costs and depreciation costs on capital assets;
- e. financial requirements necessary for the Authority to maintain an appropriate credit rating;
- f. tax liability;
- g. payments to the Minister for the purpose of defraying the costs of the administration of this Act, including the development of regulations, and the enforcement of the *Pilotage Act*;
- h. reasonable reserves for future expenditures and contingencies; and
- i. other costs determined in accordance with accounting principles recommended by the Chartered Professional Accountants of Canada or its successor or assign.

The financial statements and Management's Discussion and Analysis (MD&A), issued quarterly and annually, provide extensive information on the revenues and expenses of the Authority. These documents are also available at www.atlanticpilotage.com.

B. Schedule of Charges

1. Introduction

The Authority obtains its revenues in the form of charges levied on vessel operators for the provision of pilotage services.

The charging system based on

- The area in which the services are provided;
- The size, or type, of vessel requiring pilotage; and
- Additional services or costs incurred for the transit.

Described in the following sections are the charges applicable to each area, and ancillary charges that may apply.

2. Summary of Charges

a. Compulsory Pilotage Areas — One-Way Trips (Table 1)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Compulsory Pilotage Area	Minimum Charge (\$)	Unit Charge (\$/pilotage unit)	Basic Charge (\$)	Budgeted Fuel Consumption (litres)
1	Saint John, N.B.	1,891.00	4.91	1,059.00	110.00
2	Miramichi, N.B.	1,873.00	6.30	565.00	n/a
3	Restigouche (Zone A, Dalhousie and Zone B, Campbellton), N.B.	2,040.00	9.16	1,020.00	n/a
4	Halifax, N.S.	1,732.00	3.04	779.00	140.00
5	Cape Breton (Zone A, Sydney), N.S.	2,637.00	7.66	1,284.00	108.00
6	Cape Breton (Zone B, Bras d'Or Lake), N.S.	3,059.00	13.50	2,180.00	108.00
7	Cape Breton (Zones C and D, Strait of Canso), N.S.	1,813.00	4.88	1,323.00	290.00
8	Pugwash, N.S.	n/a	5.70	483.00	n/a
9	Bay of Exploits (Botwood and Lewisporte), N.L.	2,672.00	13.70	1,302.00	n/a
10	Holyrood, N.L.	2,448.00	7.75	790.00	n/a
11	Humber Arm, N.L.	2,622.00	11.20	1,311.00	n/a
12	Placentia Bay, N.L.	3,397.00	6.97	2563.00	600.00
13	St. John's, N.L.	2,448.00	7.75	790.00	80.00
14	Stephenville, N.L.	2,374.00	12.18	1,157.00	n/a
15	Charlottetown, P.E.I.	n/a	3.63	369.00	n/a

b. Compulsory Pilotage Areas — Trips Through (Table 2)

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	Compulsory Pilotage Area	Flat Charge, No Pilot Boat Used (\$)	Flat Charge, Pilot Boat Used (\$)	Unit Charge (\$/pilotage unit)	Basic Charge (\$)	Budgeted Fuel Consumption (litres)
1	Saint John, N.B.	1,426.00	1,426.00	n/a	n/a	110.00
2	Miramichi, N.B.	n/a	n/a	6.30	565.00	n/a
3	Restigouche (Zone A, Dalhousie and Zone B, Campbellton), N.B.	n/a	n/a	9.16	1,020.00	n/a
4	Halifax, N.S.	n/a	n/a	3.04	779.00	140.00
5	Cape Breton (Zone A, Sydney), N.S.	n/a	n/a	7.66	1,284.00	108.00
6	Cape Breton (Zone B, Bras d'Or Lake), N.S.	n/a	n/a	11.17	1,796.00	108.00
7	Cape Breton (Zones C and D, Strait of Canso), N.S.	n/a	2,102.00	n/a	n/a	290.00
8	Pugwash, N.S.	n/a	n/a	5.70	483.00	n/a
9	Bay of Exploits (Botwood and Lewisporte), N.L.	n/a	n/a	13.70	1,302.00	n/a
10	Holyrood, N.L.	n/a	n/a	7.75	790.00	n/a
11	Humber Arm, N.L.	n/a	n/a	11.20	1,311.00	n/a
12	Placentia Bay, N.L.	n/a	n/a	6.97	2,563.00	600.00
13	St. John's, N.L.	n/a	n/a	7.75	790.00	80.00
14	Stephenville, N.L.	n/a	n/a	12.18	1,157.00	n/a
15	Charlottetown, P.E.I.	n/a	n/a	3.63	369.00	n/a
16	Confederation Bridge, P.E.I.	765.00	1,639.00	n/a	n/a	n/a

c. Compulsory Pilotage Areas — Movages (Table 3)

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Item	Compulsory Pilotage Area	Flat Charge (\$)	Minimum Charge (\$)	Unit Charge, No Pilot Boat Used (\$/pilotage unit)	Basic Charge, No Pilot Boat Used (\$)	Unit Charge, Pilot Boat Used (\$/pilotage unit)	Basic Charge, Pilot Boat Used (\$)	Budgeted Fuel Consumption (litres)
1	Saint John, N.B.	n/a	1,701.00	3.92	847.00	4.43	953.00	110.00
2	Miramichi, N.B.	622.00	n/a	n/a	n/a	n/a	n/a	n/a
3	Restigouche (Zone A, Dalhousie and Zone B, Campbellton), N.B.	n/a	1,836.00	7.32	816.00	8.24	918.00	n/a
4	Halifax, N.S.	n/a	1,559.00	2.43	623.00	2.74	701.00	140.00
5	Cape Breton (Zone A, Sydney), N.S.	n/a	2,373.00	6.11	1,028.00	6.89	1,158.00	108.00
6	Cape Breton (Zone B, Bras d'Or Lake), N.S.	n/a	2,753.00	10.83	1,744.00	12.20	1,962.00	108.00
7	Cape Breton (Zones C and D, Strait of Canso), N.S.	n/a	1,632.00	3.91	1,059.00	4.39	1,192.00	290.00
8	Pugwash, N.S.	521.00	n/a	n/a	n/a	n/a	n/a	n/a
9	Bay of Exploits (Botwood and Lewisporte), N.L.	n/a	2,404.00	10.97	1,044.00	12.34	1,174.00	n/a
10	Holyrood, N.L.	n/a	2,203.00	6.20	631.00	6.98	711.00	n/a
11	Humber Arm, N.L.	n/a	2,359.00	8.97	1,047.00	10.09	1,180.00	n/a

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Item	Compulsory Pilotage Area	Flat Charge (\$)	Minimum Charge (\$)	Unit Charge, No Pilot Boat Used (\$/pilotage unit)	Basic Charge, No Pilot Boat Used (\$)	Unit Charge, Pilot Boat Used (\$/pilotage unit)	Basic Charge, Pilot Boat Used (\$)	Budgeted Fuel Consumption (litres)
12	Placentia Bay, N.L.							
	(a) between Whiffen Head and Come By Chance terminals	n/a	1,697.00	3.49	1,281.00	n/a	n/a	n/a
	(b) any other area	n/a	3,056.00	5.58	2,051.00	6.26	2,306.00	600.00
13	St. John's, N.L.	n/a	2,203.00	6.20	631.00	6.98	711.00	80.00
14	Stephenville, N.L.	n/a	2,137.00	9.74	925.00	10.98	1,040.00	n/a
15	Charlottetown, P.E.I.	400.00	n/a	n/a	n/a	n/a	n/a	n/a

d. Other Port and Harbour Areas (New Brunswick, Nova Scotia, Prince Edward Island, and Quebec)— One-Way Trips and Movages (Table 4)

	Column 1	Column 2	Column 3	Column 4
Item	Port or Harbour Area	Minimum Charge, One-way Trip (\$)	Unit Charge, One-way Trip (\$/pilotage unit)	Movage Charge (\$)
1	Caraquet, N.B.	800.00	4.56	680.00
2	Belledune, N.B.	800.00	4.56	680.00
3	Sheet Harbour, N.S.	800.00	4.56	680.00
4	Shelbourne, N.S.	800.00	4.56	680.00
5	Pictou, N.S.	800.00	4.56	680.00
6	Souris, P.E.I..	800.00	4.56	680.00
7	Summerside, P.E.I.	800.00	4.56	680.00
8	Chandler, Q.C.	800.00	4.56	680.00
9	Any port or harbour area that is a non-compulsory pilotage area	800.00	4.56	680.00

e. Compulsory Pilotage Area of Voisey's Bay

(1) The pilotage charge for a ship, other than a dead ship or an oil rig, for a one-way trip or a movage that is in the compulsory pilotage area of Voisey's Bay is \$1,200 for each 24-hour period, or part of a 24-hour period.

(2) The period referred to in subsection (1) shall begin when the pilot leaves the place of dispatch and ends when the pilot returns to the place of dispatch, and includes time spent on travel that is directly related to the pilotage assignment.

f. Coastal Areas — One-Way Trips and Movages

(1) A charge of \$590 for each 24-hour period, or part of a 24-hour period, is payable if the services of a pilot are used to pilot a ship, other than a dead ship or an oil rig, in a coastal area.

(2) The 24-hour period referred to in subsection (1)

- **(a)** begins
 - **(i)** where the services are immediately preceded by pilotage services in a compulsory pilotage area or a port or harbour area, when the ship leaves that area, and
 - **(ii)** in any other case, when the pilot leaves the place of dispatch;
- **(b)** ends
 - **(i)** where the services are immediately followed by pilotage services in a compulsory pilotage area or a port or harbour area, when the ship enters that area, and
 - **(ii)** in any other case, when the pilot returns to the place of dispatch; and
- **(c)** for the purposes of subparagraphs (a)(ii) and (b)(ii), includes time spent on travel or delay on shore that is directly related to the pilotage assignment.

(3) Where the provision of the services referred to in subsection (1) results in the pilot being unavailable for the pilot's normal duties and it is necessary to replace the pilot with another pilot for the period of absence, an additional charge equal to the sum of the following is payable:

- **(a)** the amount paid by the Authority for the services of the replacement pilot, and
- **(b)** \$228 for each 24-hour period, or part of a 24-hour period, that the replacement pilot is necessary.

g. Other Pilotage Charges

I. Dead Ships

The charge for a trip or movage of a dead ship is an amount equal to twice the charge that would be payable if the ship were not a dead ship.

II. Oil Rigs

The charge for an oil rig for a one-way trip or a movage is the greater of

- (a)** a minimum charge of \$2,800 and
- (b)** the amount determined by multiplying the pilotage unit of the oil rig by a unit charge of \$1.85.

III. Pilot Boats

(1) The charge for the use of a pilot boat to embark or disembark a pilot for pilotage service on an oil rig in a compulsory pilotage area set out in column 1 of Schedule 1 is the basic charge set out in column 4 for that item.

(2) The charge for the use of a pilot boat if a request for the service of a pilot boat is cancelled after the pilot has embarked on the pilot boat in a compulsory pilotage area set out in column 1 of Schedule 1 is the basic charge set out in column 4 of that item.

(3) The charge for the use of a pilot boat to embark or disembark a pilot for pilotage service on a safety watch in a compulsory pilotage area set out in column 1 of Schedule 1 is the basic charge set out in column 4 of that item.

(4) The charge for the use of a pilot boat to embark or disembark a pilot for pilotage service in a non-compulsory pilotage area is

- **(a)** the basic charge set out in column 4 of that item, if the pilot boat is dispatched from a compulsory pilotage area set out in column 1 of Schedule 1; and
- **(b)** the actual cost of hiring the pilot boat, if the pilot boat is dispatched from a non-compulsory pilotage area.

(5) Despite subsections (1) and (3), in the following compulsory pilotage areas, the charge for the use of a pilot boat to embark or disembark a pilot for pilotage service is the actual cost of hiring the pilot boat:

- **(a)** Pugwash, Nova Scotia, at any time during the year;
- **(b)** Charlottetown, Prince Edward Island, at any time during the year;
- **(c)** Humber Arm, Newfoundland and Labrador, during the period beginning on December 15 in one year and ending on April 15 in the next year;
- **(d)** Stephenville, Newfoundland, at any time during the year;
- **(e)** Miramichi, New Brunswick, at any time during the year; and
- **(f)** Restigouche, New Brunswick, at any time during the year.

(6) Despite subsection (2), in the following compulsory pilotage areas, the charge for the use of a pilot boat if a request for the service of a pilot boat is cancelled after the pilot has embarked on the pilot boat is the actual cost of hiring the pilot boat:

- **(a)** Pugwash, Nova Scotia, at any time during the year;
- **(b)** Charlottetown, Prince Edward Island, at any time during the year;
- **(c)** Humber Arm, Newfoundland and Labrador, during the period beginning on December 15 in one year and ending on April 15 in the next year;
- **(d)** Stephenville, Newfoundland, at any time during the year;
- **(e)** Miramichi, New Brunswick, at any time during the year.
- **(f)** Restigouche, New Brunswick, at any time during the year.

IV. Locks

A charge of \$174 is payable in respect of the passage of a ship through Canso Lock or St. Peter's Lock.

V. Trial Trips

The charge for a trial trip is

- (a)** for the first three hours or less, \$363; and
- (b)** for each hour or part of an hour after the first three hours, \$132.

VI. Compass Adjustments

The charge for ship movements required for adjusting a ship's compasses or calibrating a ship's direction finders is

- (a)** for the first three hours or less, \$363; and
- (b)** for each hour or part of an hour after the first three hours, \$132.

VII. Dry Dock

The charge payable where a pilot conducts a ship into or out of a dry dock, floating dock, graving dock, or onto or off of a syncrolift or a cradle is \$183.

VIII. Detention on Board Ship

(1) Subject to subsection (2), if a pilot is detained on board ship for any reason other than adverse weather conditions, the charge is

- **(a)** for the first hour or less of detention, no charge;
- **(b)** for the second hour of detention or part of it, \$231; and
- **(c)** for each hour of detention, or part of the hour, after the second hour, \$132.

(2) The maximum charge payable under subsection (1) for any 24-hour period is \$1,023.

IX. Detention on Shore

(1) If pilotage services are requested and the pilot reports for duty at the pilot station and is detained there, the charge for the period of detention is \$132 for each hour or less of detention, up to a maximum of \$1,023 for any 24-hour period.

(2) The period for which the charges set out in subsection (1) are payable begins one hour after the later of

- **(a)** the time at which the pilot was ordered to report at the pilot station for pilotage duty, and
- **(b)** the time at which the pilot actually reported at the pilot station for pilotage duty.

X. Detention on Oil Rigs

Where, owing to adverse weather conditions, a pilot is unable to disembark from an oil rig after the pilot has piloted the oil rig or been on duty on board the oil rig to perform a safety watch, the charge is an amount equal to the pilotage charge payable under section g (ii).

XI. Travel and other Expenses of Pilots

Travel, meal and lodging expenses incurred by a pilot that are directly related to a pilotage assignment are payable as pilotage charges.

XII. In-Transit Charges

(1) When a pilot is transported to an area other than the one for which pilotage service is requested, a charge is payable as follows for the period commencing when the pilot begins to travel to the area for which pilotage service is requested and ending when the pilot begins to perform pilotage duties:

- **(a)** for the first two hours, \$231; and
- **(b)** for each hour, or part of an hour, after the first two hours, \$132.

(2) The maximum charge payable under subsection (1) for a 24-hour period is \$1,023.

XIII. Overcarriage Charges

(1) If a pilot is carried on board ship beyond the area for which pilotage service is requested, a charge is payable as follows for the period it takes to return the pilot to the place where the pilot was taken on board the ship:

- **(a)** for the first two hours, \$231; and
- **(b)** for each hour, or part of an hour, after the first two hours, \$132.

(2) The maximum charge payable under subsection (1) for a 24-hour period is \$1,023.

XIV. Safety Watches

(1) If the owner, master or agent of a ship other than an oil rig, or the Authority, requires a pilot to be on duty on board the ship for reasons relating to safety, a charge is payable as follows:

- **(a)** for the first two hours, \$231; and
- **(b)** for each hour, or part of an hour, after the first two hours, \$132.

(1.1) The maximum charge payable under subsection (1) for a 15-hour period is \$1,023.

(2) Where the owner, master or agent of an oil rig, or the Authority, requires a pilot to be on duty on board the oil rig for reasons relating to safety, the charge is the greater of

- **(a)** a minimum charge of \$2,800, and
- **(b)** the amount determined by multiplying the pilotage unit of the oil rig by a unit charge of \$1.85.

XV. Cancellations

If pilotage services are requested for a ship and after a pilot reports for pilotage duty the request is cancelled for any reason, including weather, the charge payable is the least of

(a) the basic charge for the pilotage area,

(a.1) the flat charge for the pilotage area, with or without the use of a pilot boat, as the case may be,

(a.2) the minimum charge for the pilotage area, and

(b) \$1,000.

XVI. Tugs and Barges

For greater certainty, where pilotage services are provided for a tug and barge or barges, the pilotage unit to be used in the formulae set out in Appendix B is the sum of the pilotage units of each ship that is subject to compulsory pilotage or in respect of which pilotage services are requested.

XVII. Charges per Pilot

For greater certainty, where the services of more than one pilot are used, the charges for those services shall be determined by multiplying the number of pilots by the charges prescribed in this guide.

h. Deficit Additional Charge

(1) For a period of five years that begins on January 1, 2021, an additional charge of 4.0% is payable on each flat charge, minimum charge, unit charge, basic charge and cancellation charge payable under this Guide for pilotage service provided in the following pilotage areas:

- (a) Bay of Exploits (Botwood and Lewisporte), N.L.;
- (b) Holyrood, N.L.;
- (c) Humber Arm, N.L.;
- (d) Placentia Bay, N.L.;
- (e) St. John's, N.L.;
- (f) Stephenville, N.L.;
- (g) Cape Breton (Zone A, Sydney), N.S.;
- (h) Cape Breton (Zone B, Bras d'Or Lake), N.S.;
- (i) Cape Breton (Zones C and D, Strait of Canso), N.S.;
- (j) Halifax, N.S.; and
- (k) Saint John, N.B.

(2) For greater certainty, when the additional charge is payable on a cancellation charge, it is payable on the cancellation charge only and not on the basic charge, flat charge or minimum charge that is used to determine the amount of the cancellation charge under section (g).

(3) The additional charge will be reviewed on an annual basis to determine whether it should remain.

i. Other Charges

The Authority may, by resolution, establish or revise charges to be paid to the Authority for services that the Authority provides or makes available — other than services related to compulsory pilotage — including advisory services. These charges will vary, depending on the scope and related costs of the service, and will be agreed to between the parties prior to services being provided.

C. Billing Information

1. Pilotage Charges

The Authority issues invoices when each movement is complete, and all supporting documentation has been received.

2. Invoice

For Pilotage Charges, invoices are issued individually for each movement with a detailed source report that pertains to that assignment. The invoices are normally sent out by email or by regular mail.

3. Statement of Account

Statements are sent out periodically. A statement shows all transactions to the customer's account (e.g., bills sent, payments made, credit/debit notes issued, finance and administration charges applied).

D. Terms and Conditions

1. Payment

Amounts are billed in Canadian dollars. Payments should also be made in Canadian dollars. If payments are made in another currency, amounts will be converted at the exchange rate for buying Canadian dollars on the day the remittance is deposited by the Authority.

Remittances may be made by cheque, money order, wire transfer, online bank transfer (from Canadian Bank Accounts only) or by Credit Card (VISA, MasterCard or American Express – administrative charges to cover credit card transaction costs may apply).

Cheques and money orders must be sent by mail. The Authority is unable to accept Credit Card information via email or voicemail. Please contact Accounts Receivable at 1-902-426-8652 between 7:30am and 3:30pm AST.

Payment is credited to the customer account on the date of receipt by the Authority.

All charges are due within 30 days of the date of the invoice ("the due date"). Balances paid after the 30 days will normally be charged interest, as provided for in subsection D.3.

To ensure payments are applied correctly, customers are requested to provide clear remittance advice by listing the Invoice number and/or Customer number.

2. Credit Card Privacy Policy

The Authority will safeguard the confidentiality and security of the information we obtain from you. This describes our privacy policy as it relates to the collection, protection and disclosure of such information resulting from credit card transactions only.

Collection of Information: The Authority will collect and use information obtained from credit card transactions only for business purposes. These business purposes include the payment for pilotage and other charges.

Protecting Your Credit Card Information: The credit card information provided by you to the Authority will be stored in a confidential manner. Our employees may access such information only when there is an appropriate business reason to do so, such as to process a pre-authorized payment or when a refund

must be issued back to the credit card. We maintain physical, electronic and procedural safeguards to protect your information, and our employees are required to follow these privacy standards. Disclosure of Your Information: The Authority does not disclose any non-public information (such as credit card number and their expiration dates) about our customers or former customers to anyone, except as required by law. We do not disclose information about you to other entities who may want to sell their products to you.

3. Interest Charges and Administrative Charges

When payment in full is not received by the 30th day following the due date, The Authority shall charge interest on the amount outstanding and such interest shall be calculated commencing on the first day after the due date and continuing until all outstanding amounts are paid in full.

Interest charged is simple interest calculated monthly.

Interest shall be calculated at an annual rate of 18 per cent (or 1.5 % monthly).

NSF cheques or stop payments will be debited to the customer account along with a \$25 administrative charge and any applicable interest charges.

Administrative Charges (if applicable) for credit card payments will be added to the charge against the customer's credit card. For all transactions where a customer opts to pay for pilotage services via credit card, a 2.5% additional charge will be added to offset banking fees.

Interest and administrative charges are required to be paid immediately upon receipt of invoice or statement for same.

4. Person Liable for the Charges

Pursuant to Section 42 of the *Pilotage Act*, the owner, master and agent of a ship are jointly and severally liable to pay any pilotage charges. Where a vessel agent has significant and/or long overdue charges, the Authority may contact the master and/or owner of the vessel and advise of the overdue account status and of their joint and several liability and seek payment from them accordingly.

5. Credit Security

A customer shall be required to pay for the provision or availability of pilotage or other services in advance or provide satisfactory credit security for such payment on the basis of an estimate of charges to be incurred, in any of the following circumstances:

- A customer fails to make a payment or any part of a payment in accordance with the Authority's payment terms and conditions on three occasions or more;
- If a customer is under creditor protection (e.g., Companies' Creditors Arrangement Act (CCAA) in Canada or Chapter 11 in the United States) or any other form of financial restructuring in accordance with applicable insolvency legislation or the customer has publicly announced that it may file for creditor protection or bankruptcy; or
- The customer has not provided the Authority, upon request, with financial information such as credit ratings, credit reports, analyst reports, current audited or unaudited financial statements, etc. which the Authority deems sufficient to enable it to assess and conclude that the creditworthiness of the customer is satisfactory.

- A customer has not been invoiced previously by the Authority for services.

6. Change of Address

The Authority should be advised in writing, no later than 5 days prior to month's end, of a change of address.

7. Withholding of Service

Where an agent or vessel operator has significant and/or overdue charges owed to the Authority or where the Authority, acting reasonably and in good faith, is of the opinion that pilotage charges will not be paid when due, or where an agent or operator fails to comply with any of the provisions of subsection D.5 the Authority shall have the right to terminate or reduce (withhold) its services, except in an emergency situation, until such time as applicable charges have been paid or until such time as credit security arrangements have been made by the operator in a form and substance satisfactory to the Authority.

8. Limitation of Liability

The following Limitation of Liability Clause is included in the Terms and Conditions to clarify that the Authority does not assume responsibility for any business, economic or indirect loss or damage incurred by its customers or any third party:

In no event shall the Authority, or any of its officers, directors, employees or affiliates, be liable to its Customer or any of its officers, directors, employees or affiliates, or to any third party for any loss of profit or revenue, loss of data, loss of income, failure to realize expected savings, or for any other indirect, consequential, special, incidental, punitive or other similar damages, whether incurred or suffered as a result of unavailability of services, delay in delivery of services, performance, non-performance, suspension, termination, negligence, breach (including fundamental breach or otherwise), or other action or inaction by the Authority, or for any other reason, theory of law or equity, even if the Customer has advised the Authority of the possibility of such loss or damage or the Authority had knowledge of, or reasonably could have foreseen the possibility of such loss or damage.

E. Special Applications

1. Claims and Credit Notes

If you believe that your invoice contains data or charges that are inaccurate, contact Accounts Receivable. For all such requests, the invoice number must be quoted. Each claim is investigated by the Authority with the objective of resolving disputes and settling claims in a timely manner. Where a claim is rejected, a confirmation is provided giving the reasons for the rejection. **A claim must be filed within 90 days from the date of the invoice.**

If a payment of a disputed amount is withheld by the agent or operator, and after investigation by the Authority that outstanding amount is deemed to have been payable, interest will accrue from the due date. The Authority reserves the right to make billing adjustments if exemptions/credits have been improperly claimed.

F. Customer Service and Account Inquiries

The Authority has a dedicated person in Accounts Receivable to handle your enquiries. Any questions should be directed to Accounts Receivable. You can also forward by mail, facsimile or e-mail the item in question and a brief explanation of the issue. The contact numbers and e-mail address are as follows:

- Telephone: 902-426-8652
- Facsimile: 902-426-7236
- E-mail: billing@atlanticpilotage.com

Regular hours of operation are Monday to Friday 7:30 a.m. to 4:30 p.m. (AST/ADT).

As a service for our customers, our Customer Portal Website includes a charges calculator which allows you to calculate the pilotage charges for selected ports. Please contact the Authority to gain access to this website.

Appendix A

Definitions

Authority means the Atlantic Pilotage Authority; (*Administration*)

berth includes a wharf, pier, anchorage and mooring buoy; (*poste*)

breadth, in respect of a ship, means the maximum distance, in metric units, between the outside edges of the shell platings of the ship; (*largeur*)

coastal area means that part of the waters of the Atlantic Pilotage Authority area that is outside the compulsory pilotage areas and located

(a) in and around Nova Scotia south and southwest of Halifax,

(b) in the Bay of Fundy and the waters contiguous to the Bay of Fundy, or

(c) to the south and southwest of the outer approaches to Chedabucto Bay; (*zone côtière*)

compulsory pilotage area means an area established as a compulsory pilotage area by section 3 of the [Atlantic Pilotage Authority Regulations](#); (*zone de pilotage obligatoire*)

dead ship means a self-propelled ship that is without the use of its propelling power or its rudder, but does not include a ship warped from one berth to another solely by means of mooring lines attached to a wharf, to the shore or to a mooring buoy; (*navire mort*)

length, in respect of a ship, means the distance, in metric units, between the fore and aft extremities of the ship; (*longueur*)

moulded depth, in respect of a ship, means the vertical distance, in metric units, at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, that extends to the sides of the ship and, for the purposes of this definition, the existence of tonnage openings, engine spaces or a step in the deck is not regarded as an interruption of the continuity of the deck; (*creux sur quille*)

movage means the manoeuvring of a ship from one berth to another or back to the same berth within a compulsory pilotage area or a non-compulsory pilotage area, but does not include the warping of a ship from one berth to another solely by means of mooring lines attached to a wharf, to the shore or to a mooring buoy unless a pilot is employed; (*déplacement*)

non-compulsory pilotage area means a port or harbour area described in Appendix C or a coastal area; (*zone de pilotage non obligatoire*)

one-way trip means the passage of a ship from

(a) outside a compulsory pilotage area or non-compulsory pilotage area to any place inside that area (inward), or

(b) inside a compulsory pilotage area or non-compulsory pilotage area to any place outside that area (outward); (*voyage simple*)

pilot boat means a boat used by the Authority to embark or disembark pilots; (*bateau-pilote*)

pilotage unit, in respect of a ship, means the figure obtained by multiplying its length by its breadth and moulded depth and dividing the product by 283.17; (*unité de pilotage*)

trip through means the continuous passage of a ship from outside a compulsory pilotage area into that area and out of that area again. (*voyage via une zone de pilotage obligatoire*)

Appendix B

Calculations

Compulsory Pilotage Areas — One-Way Trips

The charge for a ship, other than a dead ship or an oil rig, for a one-way trip in a compulsory pilotage area set out in Table 1 is the sum of X and the greater of Y and Z

where

X = a fuel charge determined by the following formula:

$$\mathbf{AFP \times BFC}$$

where

AFP = the average price, in dollars per litre, for fuel for the pilot boat used in the compulsory pilotage area, based on invoices received by the Authority for fuel supplied to the pilot boat in the calendar month that is two months before the month in which the one-way trip is undertaken, and

BFC = the budgeted fuel consumption set out in column 5 of that item, or 0 if “n/a” is set out in column 5 of that item;

Y = the minimum charge set out in column 2 of that item; and

Z = the amount determined by the following formula:

$$\mathbf{(the\ greater\ of\ (PU \times UC)\ and\ (GT \times TC)) + BC}$$

where

PU = the pilotage unit,

UC = the unit charge set out in column 3 of that item,

GT = the gross tonnage,

TC = the tonnage charge of \$0.0175 per gross ton, and

BC = the basic charge set out in column 4 of that item.

Compulsory Pilotage Areas — Trips Through

(1) If a pilot boat is not used, the charge for a ship, other than a dead ship or an oil rig, for a trip through a compulsory pilotage area set out in Table 2 is the flat charge set out in column 2 of that item or, if “n/a” is set out in column 2 of that item, the amount determined by the following formula:

$$(PU \times UC) + BC$$

where

PU = the pilotage unit;

UC = the unit charge set out in column 4 of that item; and

BC = the basic charge set out in column 5 of that item.

(2) If a pilot boat is used, the charge for a ship, other than a dead ship or an oil rig, for a trip through a compulsory pilotage area set out in column 1 of an item of Table 3 is the sum of X and the greater of Y and Z

where

X = a fuel charge determined by the following formula:

$$AFP \times BFC$$

where

AFP = the average price, in dollars per litre, for fuel for the pilot boat used in the compulsory pilotage area, based on invoices received by the Authority for fuel supplied to the pilot boat in the calendar month that is two months before the month in which the trip is undertaken, and
BFC = the budgeted fuel consumption set out in column 6 of that item, or 0 if “n/a” is set out in column 6 of that item;

Y = the flat charge set out in column 3 of the item; and

Z = the amount determined by the following formula:

$$(PU \times UC) + BC$$

where

PU = the pilotage unit,

UC = the unit charge set out in column 4 of that item, and

BC = the basic charge set out in column 5 of that item.

Compulsory Pilotage Areas — Movages

The charge for a ship, other than a dead ship or an oil rig, for a movage in a compulsory pilotage area set out in Table 3 is the sum of X and the flat charge set out in column 2 of that item or, if “n/a” is set out in column 2 of that item, the sum of X and Y

where

X = a fuel additional charge determined by the following formula:

$$\mathbf{AFP \times BFC}$$

where

AFP = the average price, in dollars per litre, for fuel for the pilot boat used in the compulsory pilotage area, based on invoices received by the Authority for fuel supplied to the pilot boat in the calendar month that is two months before the month in which the movage is undertaken, and

BFC = the budgeted fuel consumption set out in column 8 of that item, or 0 if “n/a” is set out in column 8 of that item; and

Y = the greater of the minimum charge set out in column 3 of that item and the amount determined by the following formula:

$$\mathbf{(PU \times UC) + BC}$$

where

PU = the pilotage unit,

UC = the unit charge set out in column 4 of that item if a pilot boat is not used or the unit charge set out in column 6 of that item if a pilot boat is used,

BC = the basic charge set out in column 5 of that item if a pilot boat is not used or the basic charge set out in column 7 of that item if a pilot boat is used, and

Port or Harbour Areas — One-Way Trips

The pilotage charge for a ship, other than a dead ship or an oil rig, for a one-way trip in a port or harbour area set out in table 4 is the greater of

- (a) the minimum charge set out in column 2 of that item, and
- (b) the amount determined by the following formula:

$$\mathbf{PU \times UC}$$

where

PU = the pilotage unit,

UC = the unit charge set out in column 3 of that item.

Port or Harbour Areas — Movages

The charge for a ship, other than a dead ship or an oil rig, for a movage in a port or harbour area set out in table 4 is the amount set out in column 4 of that item.

Appendix C

Non-Compulsory Pilotage Areas

The following areas are non-compulsory pilotage areas:

- (a) Bathurst, New Brunswick, consisting of all the navigable waters inward of a line drawn from Carron Point to Youghall Point and all the navigable waters seaward of that line within a radius of 5.0 nautical miles;
- (b) Caraquet, New Brunswick, consisting of all the navigable waters within a line drawn from Pointe de Maisonnette on a bearing of 000° (True) for a distance of 1.8 nautical miles, thence on a bearing of 070° (True) for a distance of 10.0 nautical miles and thence on a bearing of 180° (True) to Pokesudie Island Light;
- (c) Belledune, New Brunswick, consisting of all the navigable waters within a line drawn from Little Belledune Point on a bearing of 000° (True) for a distance of 3.0 nautical miles, thence to latitude 47°56' N, longitude 65°47' W, and thence on a bearing of 180° (True) to the shore;
- (d) Georgetown, Prince Edward Island, consisting of all the navigable waters within a line drawn from Boughton Island to a geographic point situated at a distance of 2.0 nautical miles on a bearing of 090° (True), thence on a bearing of 180° (True) for a distance of 5.2 nautical miles and thence on a bearing of 270° (True) to Graham Point;
- (e) Pictou, Nova Scotia, consisting of all the navigable waters within a line drawn from Logan Point to a geographic point situated at a distance of 2.7 nautical miles on a bearing of 070° (True) and thence on a bearing of 161° (True) to Evans Point;
- (f) Souris, Prince Edward Island, consisting of all the navigable waters within a line drawn from Deane Point to a geographic point situated at a distance of 2.0 nautical miles on a bearing of 180° (True), thence on a bearing of 270° (True) for a distance of 4.0 nautical miles and thence on a bearing of 000° (True) to Souris Head;
- (g) Summerside, Prince Edward Island, consisting of all the navigable waters within a line drawn from Seacow Head to a geographic point situated at a distance of 5.5 nautical miles on a bearing of 270° (True) and thence on a bearing of 000° (True) to Sunbury Point;
- (h) Chandler, Quebec, consisting of all the navigable waters within a line drawn from Chandler Government Wharf Light on a bearing of 090° (True) for a distance of 1.0 nautical mile, thence on a bearing of 108° (True) for a distance of 1.5 nautical miles, thence on a bearing of 270° (True) for a distance of 1.5 nautical miles and thence on a bearing of 000° (True) for a distance of 1.8 nautical miles to the shore; and
- (i) any other port or harbour area, other than a compulsory pilotage area or a port or harbour area in or around the Province of Newfoundland and Labrador.