

PRONOUNCEMENT OF REVISED SERVICE CHARGES  
NOVEMBER 29, 2021

GENERAL

The Atlantic Pilotage Authority (the Authority) hereby pronounces revised service charges, effective January 1, 2022, to be established under Section 33.2 of the *Pilotage Act*, S.C. 1985, c. P-14. This pronouncement sets out the revisions to other charges as they apply to the non-compulsory areas in New Brunswick, Nova Scotia, and Prince Edward Island.

The Authority is implementing these other charges as Non-Compulsory Areas fall outside of Section 33 (1) – Pilotage charges of the *Pilotage Act* and are captured under Section 33 (2) – Other charges.

As these other charges are classified under Section 33 (2) of the *Pilotage Act*, they may be established or revised by resolution. On November 25, 2021, a resolution was passed by the Board of the Atlantic Pilotage Authority to establish these charges.

This pronouncement aims to do the following:

- (1) Re-establish Other Charges for Non-Compulsory Areas at the new rates that were included in the Notice of Revised Service Charges published on September 23, 2021.
- (2) Establish an additional charge for consultation services, when agreed to in advance by the parties.

## RE-ESTABLISH OTHER CHARGES FOR NON-COMPULSORY AREAS OUTSIDE OF NEWFOUNDLAND AND LABRADOR

### 1. Introduction

These charges apply in respect of pilotage in Canadian waters in and around the Provinces of New Brunswick, Nova Scotia, and Prince Edward Island that are not in a compulsory pilotage area.

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

The charging system is based on:

- The time required to complete the assignment;
- The size, or type, of vessel requiring pilotage;
- Additional services or costs incurred for the transit;
- Contracted services to provide consultation or plan a transit.

Described in the following sections are the charges applicable to these Non-Compulsory assignments, and ancillary charges that may apply.

### 2. Description of Charges

The following tables set out the revised rates to be effective January 1, 2022.

#### a. Other Port and Harbour Areas (New Brunswick, Nova Scotia, Prince Edward Island, and Quebec)— One-Way Trips and Movages (Table 1)

	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	Belledune, N.B.	816.00	4.65	694.00
2	Sheet Harbour, N.S.	816.00	4.65	694.00
3	Summerside, P.E.I.	816.00	4.65	694.00
4	Any port or harbour area that is a non-compulsory pilotage area	816.00	4.65	694.00

## b. 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.

## c. 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

**(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 are as set out in column 1 of Schedule 1 in the related Customer Guide to Charges; and
- **(b)** the actual cost of hiring the pilot boat, if the pilot boat is dispatched from a non-compulsory pilotage area.

### IV. 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.

### V. 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.

### VI. 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.

### VII. 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, \$500; and
- **(c)** for each hour of detention, or part of the hour, after the second hour, \$500.

**(2)** The maximum charge payable under subsection (1) for any 24-hour period is \$2,000.

## VIII. 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 \$500 for each hour or less of detention, up to a maximum of \$2,000 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.

## IX. 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).

## X. 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.

## XI. 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.

## XII. 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.

### XIII. 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)** \$1,025.

#### d. Consultation

- (1) Where a customer decides that it would benefit them to have consultation services provided by the Authority - to plan for an operation or provide support in any way - they may reach a signed agreement with the Authority to provide this service at a negotiated price that is not to exceed \$2,000 per day for each resource provided. These services will be exclusive of any services previously captured in this Guide.

## DETERMINATION OF CHARGES

The Authority's aim when determining charges is to strive for area-by-area and port-by-port financial self-sufficiency over the longer-term. Rates are set on a port-by-port basis to achieve this aim. This is in an effort to minimize cross-subsidization between stakeholders.

Charges are applied to a pilotage assignment based on the type of movement, status of pilotage requirements for the area, and the definitions below:

### *Definitions:*

- **One-Way Trips**
  - 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);

- **Trips Through**

- means the continuous passage of a ship from outside a compulsory pilotage area into that area and out of that area again.

- **Movages**

- 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;

- **Compulsory pilotage area** means an area established as a compulsory pilotage area by section 3 of the *Atlantic Pilotage Authority Regulations*.

- **Non-compulsory pilotage area** means a port or harbour area described in Appendix B of the Customer Guide to Other Charges – Non-Compulsory Areas or a coastal area.

- **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;

- **Berth** includes a wharf, pier, anchorage and mooring buoy.

- **Breadth**, in respect of a ship, means the maximum distance, in metric units, between the outside edges of the shell platings of the ship.

- **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.

- **Length**, in respect of a ship, means the distance, in metric units, between the fore and aft extremities of the ship.

- **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.

- **Pilot boat** means a boat used by the Authority to embark or disembark pilots.

- **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.

*Calculations:*

Based on the area or port, the calculations used to determine the cost to a vessel are as follows:

References to Tables in the calculation of charges below refer to the following Tables:

- A. Other Port and Harbour Areas (New Brunswick, Nova Scotia, Prince Edward Island, and Quebec)— One-Way Trips and Movages (Table 1)

	Column 1	Column 2	Column 3	Column 4
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1	Belledune, N.B.	816.00	4.65	694.00
2	Sheet Harbour, N.S.	816.00	4.65	694.00
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4	Any port or harbour area that is a non-compulsory pilotage area	816.00	4.65	694.00

- For greater certainty, where pilotage services are provided for a tug and barge or barges, the pilotage unit to be used in the formulae 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.
- 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 calculated below.

**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:

$$\text{PU} \times \text{UC}$$

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.

### Coastal Areas — One-Way Trips and Movages

For pilotage performed in a coastal area, other than a dead ship or an oil rig, a daily rate is applied for each 24-hour period, or part of a 24-hour period.

The 24-hour period referred to above

**(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.

Where the provision of the services in a coastal area 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.

### Other Charges

Other Pilotage Charges are applied in addition to these movement charges for specific activities, services, or cost recoveries applicable to the actual assignment and may include:

- 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.
- Oil rigs
  - The charge for an oil rig for a one-way trip or a movage is the greater of
    - (a) a specified minimum charge, and
    - (b) the amount determined by multiplying the pilotage unit (PU) of the oil rig by a unit charge (UC).
- Pilot Boats
  - The charge for the use of a pilot boat in a non-compulsory area is equal to the basic charge, if dispatched from a compulsory area, or the actual cost of the pilot boat service to the Authority.

- Locks
  - A flat charge is payable in respect of the passage of a ship through Canso Lock or St. Peter's Lock.
- Trial trips
  - An hourly charge is applied for conducting trials with a pilot's assistance.
- Compass Adjustments
  - A flat charge is applied for ship movements required for adjusting a ship's compasses or calibrating a ship's direction finders.
- Dry Dock
  - A flat charge is 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.
- Detention on Board Ship
  - An hourly charge is applied if a pilot is detained on board ship for any reason other than adverse weather conditions.
- Detention on Shore
  - An hourly charge is applied if pilotage services are requested and the pilot reports for duty at the pilot station and is detained there
- 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, a charge equal to the Oil Rig charge will be added.
- Travel and Other Expenses Pilots
  - Travel, meal and lodging expenses incurred by a pilot that are directly related to a pilotage assignment are payable as pilotage charges.
- In-Transit Charges
  - When a pilot is transported to an area other than the one for which pilotage service is requested, a charge an hourly charge is payable 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.
- Overcarriage Charges
  - If a pilot is carried on board ship beyond the area for which pilotage service is requested, an hourly charge is payable for the period it takes to return the pilot to the place where the pilot was taken on board the ship.
- Safety Watches
  - 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, an hourly charge is payable.
- 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, a charge equal to the minimum charge for the specific area is payable, to a specified maximum.