

# QUÉBEC PORT AUTHORITY

## REGULATION NQ-2 WHARFAGE FEE

Effective date

January 1, 2019

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

Wharfage is applicable on all goods handled within the jurisdictional boundaries of the Québec Port Authority (hereinafter referred to as “the Authority”). Wharfage is applied to recover investments and costs associated with port facility operations and services related to handling goods. It is paid by the owner of the goods.

## 1. GENERAL

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

## 2. DEFINITIONS

In this notice, the expression:

- a) **“Authority”** means the Québec Port Authority as defined in the *Canada Marine Act*, its letters patent issued on May 1, 1999, and its issued or upcoming supplementary letters patent;
- b) **“Storage Fee”** means a fee that may be imposed by the Authority or by stevedoring companies leasing land from the Authority on goods in transit that remain on the Authority’s property;
- c) **“Ship”** means any vessel, barge, or floating craft intended for commercial purposes.
- d) **“Port”** or **“Port of Québec”** is a legal, physical, and territorial designation including any real property under the jurisdiction of the Authority as provided for in the letters patent issued on May 1, 1999, and its supplementary letters patent in accordance with the provisions of *Canada Marine Act*;
- e) **“Owner”** means the owner of the goods or the ship, but also the shipping agent, the charter agent, the shipowner, the shipbroker, the shipowner’s agent, the master of the ship, or any other duly authorised representative;
- f) **“Jurisdictional Boundaries of the Québec Port Authority”** refers to all navigable waters and territory under the jurisdiction of the Authority as defined in the Authority’s letters patent and supplementary letters patent;
- g) **“Property of the Authority”** refers to immovable property under the jurisdiction of the Authority or movable property owned or held by it;
- h) **“Tonne”** refers to a metric tonne, equal to 1,000 kilograms.

### 3. SUBJECT GOODS

Wharfage is imposed on all goods shipped within the Authority's Jurisdictional Boundaries, including, but not limited to goods which:

- a) travel within, above, or below the Jurisdictional Boundaries of the Authority;
- b) are transshipped from one ship to another within the Jurisdictional Boundaries of the Authority;
- c) are unloaded from a ship and deposited in the water or which are taken from the water and loaded onto a ship within the jurisdictional boundaries of the Authority;
- d) are taken from the water and deposited on the property of the Authority or vice versa;
- e) enter by land (rail or road).

### 4. CALCULATION OF FEES

- a) Subject to Section 6 of this notice, the applicable wharfage will be calculated according to the rates and features established and provided for in Schedules 1 and 2 forming an integral part hereof, which may be amended at the discretion of the Authority subject to compliance with the provisions of the *Canada Marine Act*.
- b) Wharfage is calculated according to the weight of the goods in metric tonnes;
- c) The agent of each ship or the operator or manager of the ship from which goods subject to wharfage have been loaded or unloaded must arrange for the Authority to receive at its head office, within forty-eight (48) hours after loading or unloading at each berth, a certificate detailing the tonnage, product, date, and time of the beginning and end of the unloading or loading.
- d) Wharfage will be charged only once on goods transshipped through the Port, unless they have left the Property of the Port or have changed in form or composition before being transshipped.
- e) Unless otherwise specified, wharfage is applicable only once for each type of handling (water, rail, or road).
- f) The owner of a ship carrying goods between the Port and other Canadian ports, without leaving the territorial waters of Canada, may elect to be billed at the special wharfage rate set out in Schedule 2, which forms an integral part hereof.
- g) When the owner of a ship is able to and chooses to be billed at the special wharfage rate provided for in Schedule 2, the rate will be applied to all goods carried on the ship between the Port and other Canadian ports.

### 5. ENFORCEABILITY AND PAYMENT OF FEES

- a) Wharfage is payable:
  - i) as soon as the goods are unloaded or loaded;

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- ii) as soon as the ship departs.
- b) No goods on which fees are due may leave the Port until such fees have been paid or a bond to that effect has been accepted by the Authority.
- c) If the goods leave the Authority's Jurisdictional Boundaries before the fees are paid or the bond is accepted by the Authority, an additional amount equal to twenty-five percent (25%) of the fees payable will be charged.
- d) The Authority may require goods unloaded from a ship to be removed from its Property as soon as the time allocated on the permit has expired in the case of dangerous goods and twenty (20) days after the unloading of any other goods. The removal of such goods must be carried out by the owner of the goods or by any other party legally responsible for them, at their own expense and with the complete exemption of the Authority.
- e) Upon receipt of a notice given under the preceding paragraph, the owner or any other person legally responsible for the goods concerned must remove them from the Authority's Property within five (5) business days.
- f) In the event that the owner or any other person responsible for the goods fails to act on a notice issued by the Authority pursuant to paragraph (d), the Authority may, at the owner's expense or at the expense of any other person responsible for the goods, remove, store, or restack the goods at such place as it deems appropriate.
- g) The owner or person responsible for the goods will be charged a fee of fifty dollars (\$50) for any notice given under the provisions of paragraph (d) if the Authority is subsequently required to remove, store, or restack such goods in accordance with the provisions of paragraph (f), all in addition to any costs arising hereunder.
- h) The fees are payable in accordance with the provisions set out in the *Notice respecting payment terms and penalties for unpaid fees* (NQ-9).

**6. EXCEPTION**

- a) No wharfage will be payable on cargo handling equipment carried by ships for use exclusively on docks within the Jurisdictional Boundaries of the Authority. The same applies to parts, equipment, and supplies on ships that are not entered on the manifest.
- b) No wharfage will be payable on goods loaded or unloaded from the following ships:
  - i) Royal Canadian Warships, auxiliary ships of the Royal Canadian Navy, ships under the command of the Canadian Armed Forces, ships from visiting forces present in Canada within the meaning of the *Visiting Forces Act*, or ships under the command of the Royal Canadian Mounted Police.
  - ii) Ships performing work for the Authority;
  - iii) Ships berthed at the Port for the purposes of safe navigation that are not engaged in commercial operations.