

FORTH PORTS LIMITED

FORTH ESTUARY TOWAGE LTD

TOWAGE CHARGES

2019

FORTH PORTS LIMITED - TOWAGE

OPERATIVE FROM 1 JANUARY 2019

CHARGES FOR TOWAGE PER TUG

Deadweight Tonnes	Roads to Dock or Vice Versa or Dock Shift *
Under 9,500 tonnes	£2515.00
9,501 and under 28,000	£3692.00
28,001 and under 38,000	£4738.00
38,001 and over	£6764.00

* Charges shall apply to routine acts of Towage at the Ports of Leith / Rosyth / Burntisland / Kirkcaldy and Crombie Jetty. Towage conducted in Methil will incur a surcharge of £499.

A routine towage act is deemed to be of less than 2 hours duration. Routine towage acts taking more than 2 hours will incur standby charges. Charges for all other acts of Towage will be provided individually upon application.

Conditions

1. All bookings will be required to be confirmed in writing before the service is required.

The agency making the booking and confirming it in writing will be the sole agency responsible for the payment of invoices relating to the services booked and provided.

By making the confirmed booking the agency are confirming that they have sufficient funds from their principle to cover the cost of the services provided.

Should there be a dispute as to the accuracy of the invoice the agency shall raise this concern with Forth Ports immediately and certainly within the 30 days payment period. Such notification shall clearly state the reason for disputing the invoice.

In the event of the above conditions not being met or invoices not being paid in full within the stipulated time as stated on the invoice the agency concerned may have future bookings for Marine Operations refused.

2. The above charges are applicable at all times unless otherwise stated in the conditions and are inclusive of overtime and use of tugs' towlines.
3. Cancellation of towage services previously ordered where no towage work is done shall be subject to a charge of £1108 per tug outside normal working hours. This charge will also be applied during normal working hours where a cancellation gives less than 2 hours' notice (from the booked commencement time).

4. A detention charge of an additional £314 per tug for each half hour or part thereof shall be made if tugs are kept waiting when in attendance for more than 30 minutes after the scheduled time arranged for the vessel's sailing, docking or shifting.

5. **Towage Orders (excluding Braefoot Terminal)**

a A surcharge of £1108 per tug shall be made for all towage work undertaken outwith normal working hours, which has not been previously ordered. Whereas every effort will be made to provide towage when a booking request is received out with normal working hours, if a FET tug is not available the option of contracting in a 3rd party tug may be considered. If a 3rd party tug is used further additional charges may apply, such charges will be provided on application.

c **Ordering Procedures**

Monday – Friday 0800 hours – 1630 hours to F&TNS
(with reasonable notice for any night towage requirements)

Saturday Orders by 1630 hours Friday to F&TNS

Sunday Orders between 0800 hours – 1030 hours on Saturday to F&TNS

Public Holidays 1630 hours Friday prior to holiday(s) to F&TNS

Christmas/New Year

Towage ordering requirements and surcharges are dealt with separately and all agents will be notified of ordering procedures in advance.

NOTE:

Orders for Sunday work, however doubtful, must be placed between 0800 hours and 1030 hours on Saturday morning to F&TNS. Likewise, all orders for Saturday work must be placed by 1630 hours on Friday to F&TNS and may be cancelled and re-ordered between 0800 hours and 1030 hours on Saturday morning to F&TNS without a cancellation charge occurring.

In respect of ordering requirements, we regret that tugs may not be available for weekend work if requested out with those times specified.

ALL orders **must** be placed with Forth & Tay Navigation Service:

Tel: 01324 498584 ~ Fax:01324.668480 and confirmation sent by email to:-
ftns@forthports.co.uk AND towagebookings@forthports.co.uk

6. Towage or escort undertaken on a time basis & hire of a tug for other than towage purposes and including conveyance of workmen, materials and standby duties will be charged at 40% of deadweight band per hour with a minimum charge of two hours.
7. Towage work on barges, rigs, vessels without power etc. where the tug is required to rig a bridle, will be subject to a £309 surcharge per tug.
8. Charges for the following types of vessels are available on application:
 - a Passenger vessels and other non-cargo carrying vessels, e.g. survey ships, diving support vessels etc.
 - b Naval and fleet auxiliary vessels.
 - c Ro-Ro vessels.
 - d Oil rigs and pumping platforms.
9. Forth Ports Limited reserves the right to review and assess the chargeable tonnage of any vessel trading or arriving in the Forth Ports area of jurisdiction.
10. **Special Services**

Special services include salvage work (whether subject to Lloyd's Standard Form of Salvage Agreement or not), fire fighting, use of pumps and any service performed for a vessel that is disabled in any way. Charges for special services will be made according to the value of the service rendered unless subject of Arbitration under the terms of Lloyd's Standard Form of Salvage Agreement.
11. All towage operations undertaken are subject to the UNITED KINGDOM STANDARD CONDITIONS FOR TOWAGE AND ANOTHER SERVICES (Revised 1986).
12.
 - a In the case of dry cargo vessels, barges, oil, chemical and gas tankers, the Charges are levied on the vessel's deadweight, this being defined as "The weight in tonnes (1,000 kg) of cargo, stores, fuel, passengers and crew carried by the ship when loaded to her maximum summer loadline ("DWT").
 - b In the case of passenger vessels and other non-cargo carrying vessels, e.g. survey ships, diving support vessels etc., the Gross Tonnage (ITC '69) multiplied by a factor of 1.54 is to be used for charging purposes.
 - c In the case of warships, the loaded displacement tonnage multiplied by a factor of 1.54 is to be used for charging purposes.
 - d In the case of Ro-Ro vessels the Gross Tonnage (ITC '69) divided by a factor of 2 is to be used for charging purposes.

GENERAL TERMS AND CONDITIONS

These terms and conditions are without prejudice to any rights and remedies or defences or limitations of liability available to Forth Ports Limited under any statutory provision in force, or under any bye-law published by Forth Ports Limited, from time to time.

1. Payment of Charges

- 1.1 Charges shall be in accordance with this booklet.
- 1.2 Charges shall be paid immediately against the invoice issued by Forth Ports Limited. Forth Ports Limited may require payment prior to the removal of goods and/or a vessel.
- 1.3 Interest shall accrue on any sum not paid within 30 days of the date of the invoice, at 5% over the Bank of Scotland base unsecured lending rate from the date of invoice until payment.
- 1.4 All charges shall be paid in full without any retention or set-off and notwithstanding any claim or counter claim against Forth Ports Limited.
- 1.5 Forth Ports Limited may require a deposit or other financial security in respect of any charges relating to facilities or marine services to be provided.

2. Lien

Forth Ports Limited shall have a general lien on goods and/or vessels for payments of all charges due.

3. Persons Liable for Charges

- 3.1 The following persons are liable for the payment of the charges set out in this booklet:
 - (a) the owner of ship (including the owner, agent, charterer or consignee or other person in charge of the vessel);
 - (b) the shipper of the goods;
 - (c) the owner of the goods;
 - (d) the consignee of the goods; and
 - (e) Anyone shipping or taking delivery of goods on behalf of the owner, supplier or consignee.

4. Liability

Forth Ports Limited shall be exempt from all liability whatever for any delay, loss or damage arising directly or indirectly as a result of any of the following:

- (a) Act of God, storm, tempest or flood;
- (b) Fire, explosion or impact by aircraft;
- (c) The failure of the Entrance Lock mechanism serving impounded dock systems;
- (d) Non-availability of tugs;
- (e) Strikes, combinations, lockouts, go-slows, stoppages or other industrial action or dispute by any person, whether official or unofficial;
- (f) Civil commotion;

- (g) Restrictions imposed by Her Majesty's Government or by any person acting under statutory powers;
- (h) Acts of Foreign Governments or Her Majesty's enemies;
- (i) Theft or wilful damage, howsoever caused; or
- (j) Late receipt of Customs entries or landing orders, or other documents, disputes in respect of documents, or declarations made for entry purposes by or on behalf of any person, delay in passing Customs entries or obtaining clearance of goods.

5. Jurisdiction

These terms and conditions shall be governed by and construed in accordance with Scots law.

CHRISTMAS AND NEW YEAR TOWAGE PROCEDURES 2019 / 2020

The following procedures will apply over the festive period in respect of Towage availability in Leith and other Estuary ports: (Except Braefoot Bay, where contractual terms are met)

CHRISTMAS HOLIDAY PERIOD:

Wednesday 25th December 2019

Towage office CLOSED

All bookings MUST have been made through FTNS by 1030 hrs Tuesday 24th Dec.

Please note: a Surcharge of £1541.00 per Tug will apply to each job undertaken between 0000 hrs and 2400 hrs. Furthermore, if the length of the job exceeds 8 hours, this surcharge will rise to £2537.00 per tug.

Thursday 26th December 2019

Towage office CLOSED

All bookings MUST have been made through FTNS by 1030 hrs Tuesday 24th Dec.

Please note: a Surcharge of £1541.00 per Tug will apply to each job undertaken between 0000 hrs and 2400 hrs. Furthermore, if the length of the job exceeds 8 hours, this surcharge will rise to £2537.00 per tug.

NEW YEAR HOLIDAY PERIOD:

Wednesday 1st January 2020

Towage office CLOSED

All bookings MUST have been made through FTNS by 1030 hrs Tuesday 31st Dec

Please note: a Surcharge of £1590 per Tug will apply to each job undertaken between 0000 hrs and 2400 hrs. Furthermore, if the length of the job exceeds 8 hours, this surcharge will rise to £2613 per tug.

Thursday 2nd January 2020

Towage office CLOSED

All bookings MUST have been made through FTNS by 1030 hrs Tuesday 31st Dec.

Please note: a Surcharge of £1590 per Tug will apply to each job undertaken between 0000 hrs and 2400 hrs. Furthermore, if the length of the job exceeds 8 hours, this surcharge will rise to £2613 per tug.

AS ALWAYS, IN THE CASE OF EMERGENCIES INVOLVING THE SAFETY OF LIFE AND SHIPPING, IT WILL BE POSSIBLE TO CALL OUT A TUG AND CREW THROUGHOUT THE FESTIVE PERIOD.