

113. Responsibility for damage to port facilities or property

- (1) This section applies if any port facility or other property of a port authority is damaged by —
 - (a) a vessel or its equipment or cargo;
 - (b) any floating object;
 - (c) any material; or
 - (d) any person employed in, on or in relation to, a thing referred to in paragraph (a), (b) or (c).
- (2) If this section applies, the owner of the vessel, floating object or material is answerable in damages to the port authority for the whole of the damage whether or not the damage is caused through a person's wilful or negligent act or omission.
- (3) If the damage is caused through the wilful or negligent act or omission of the master of the vessel or of the person having charge of the floating object or the material, that master or person (as well as the owner) is answerable in damages to the port authority for the whole of the damage.
- (4) Neither the port authority nor any other person is entitled under this section to recover more than once for the same cause of action.
- (5) If the owner of any vessel, floating object or material —
 - (a) pays any money in respect of any damage to which this section applies caused through the wilful or negligent act or omission of a master or other person referred to in subsection (3); or
 - (b) pays any fine by reason of any act or omission of a master or other person referred to in subsection (3),the owner may recover the money or fine so paid, with costs, from that master or other person in a court of competent jurisdiction as a debt due to the owner.
- (6) In an action under this section the damages recoverable are to be determined on the basis of —
 - (a) the actual cost incurred in repairing or replacing the damaged port facility or property without taking into account any betterment or depreciation; and
 - (b) any economic loss suffered by the port authority as a result of the damage.