

PART XII
PILOTAGE

Pilotage Boards and Licensing of Pilots

408. Pilot Board

(1) A Pilot Board shall be appointed by the *Minister (LN 332/58)* for any area which the *Minister, (LN 332/58)* by notification in the *Gazette*, constitutes a pilotage district.

(2) The limits of any pilotage district which is constituted by the *Minister (LN 332/58)* shall be prescribed by him in the notification constituting the pilotage district.

(3) The limits of any pilotage district constituted under this section may be varied from time to time by the *Minister (LN 332/58)* by notification in the *Gazette*.

409. Constitution of Pilot Board

(1) A Pilot Board shall consist of the Port Officer of the port and of not less than two nor more than four other persons appointed by the *Minister (LN 332/58)*.

(2) The Port Officer shall be President of the Board, and in his absence from any meeting a chairman shall be chosen by the majority of the members present.

(3) Two members of the Board shall form a quorum.

410. Powers of Pilot Board

The Pilot Board shall have the control and supervision of all pilots on the register of the Pilot Board and, subject to this Ordinance, the power of granting, cancelling, withdrawing and endorsing pilotage licences and of suspending, dismissing and reprimanding pilots licensed by it, or of taking such less severe disciplinary action as it deems expedient.

411. Number of pilots to be limited

(1) The Pilot Board at each pilotage district shall, with the sanction of the *Minister, (LN 332/58)* fix the number of pilots to whom licences may be granted by the Board.

(2) No new licence shall be granted so long as the number of pilots so fixed are present at or near the pilotage district in the execution of their duties as pilot.

412. Register to be kept

Each Pilot Board shall keep a register of all pilots to whom licences have been issued to act as pilots in the pilotage district, and the particulars and the dates of passing examinations and vision tests and such other particulars as the Board deems advisable or necessary to record shall be entered in such register.

413. Candidates to be entered in register

Each Pilot Board shall also cause to be entered in the register in the order of application the name of each candidate, being a British subject or a citizen, for the office of pilot, who is approved by them, having regard to the candidate's age, sobriety and good character and his certificates of competency as master, and any testimonials held by him.

414. Filling vacancies

Whenever the number of pilots holding licences at or near any pilotage district in the execution of their duties is less than the number sanctioned by the *Minister*, (LN 332/58) and it is in the opinion of the Pilot Board desirable to fill the vacancies or any of them, whether any such vacancy is permanent or temporary, the Pilot Board shall select persons, being British subjects or citizens, from among the registered candidates to fill the vacancies permanently or temporarily, as the case may be.

415. Nomination for examination

(1) The Pilot Board on selecting a candidate, shall nominate him in writing as a person entitled to be examined for a licence as pilot in the pilotage district where the vacancy has occurred, and shall in the document of nomination appoint a date for his examination, not less than one month nor more than three months from the date of the nomination.

(2) A duplicate of the document of nomination shall be delivered to the candidate.

(3) Such nomination shall be notified in the *Gazette*.

416. Candidates may accompany licensed pilots

(1) A candidate holding a document of nomination may accompany any licensed pilot on all occasions when such pilot is engaged in or seeking pilotage or berthing work, and such pilot shall answer to the best of his knowledge and experience any question upon matters concerning pilotage or berthing work as to which the candidate requires information.

(2) If any licensed pilot is guilty of any breach or neglect of the duties cast upon him by this section, the Pilot Board may suspend his licence for a period not exceeding three months.

417. Examination for pilot and grant of licence

(1) The Pilot Board shall examine the candidate nominated as aforesaid, and on being satisfied as to his fitness and competency may grant to him a licence to act as a pilot in the pilotage district.

(2) If such licence is granted in order to fill a temporary vacancy only, the term for which it is granted or the contingency upon the happening of which it is to cease to have effect shall be noted upon it.

(3) Such licence shall immediately after expiration be given up to be cancelled, but the person who has acted under it, if subsequently selected as a permanent pilot, shall not be required to pass any fresh examination unless the Pilot otherwise directs.

418. Vision tests

No licence under section 417 shall be granted by the Pilot Board unless the applicant satisfies the Board that he has, within the twelve months preceding the date of his examination, passed the sight tests from time to time approved in the United Kingdom by the Minister of Transport for the examination of masters and mates in the mercantile marine.

419. Periodical sight tests

Every pilot holding a licence shall, once in every year if required to do so by the Pilot Board, but not less than once in every five years, submit to the sight tests mentioned in section 418, and shall whenever the Pilot Board considers that, owing to changed conditions or for any other sufficient reason, the further testing of the knowledge or efficiency of any such pilot or person is necessary, present himself for further examination, and shall in every such case first deposit with the Board his licence, to be dealt with by them as the result of such test or examination determines.

420. Fees for licences

The *Minister (LN 332/58)* may by notification in the *Gazette* fix the fees to be paid by pilots for licences, not exceeding for a permanent licence one hundred dollars and for a temporary licence twenty-five dollars.

421. Fees for examination

Every member of the Pilot Board, not being a salaried officer of the Government, shall be paid a fee of five dollars for every examination assisted at by him.

422. Pilot Board may make rules, etc.

(1) The Pilot Board for any pilotage district may, subject to the sanction of the *Minister (LN 332/58)* make rules for the proper and regular conduct and attendance of the pilots and for all matters relating to their duties and their equipment, including among other things the furnishing of returns to the Pilot Board, the distinguishing lights, marks and flags of pilot boats, and the means of making themselves known as licensed pilots to persons in charge of ships or vessels.

(2) Any pilot who infringed any such rule shall be liable to a fine not exceeding one hundred dollars, and shall, in addition to his liability to a fine, be liable to suspension or dismissal by the Pilot Board of the district for which he holds his licence.

423. Copies of pilotage provisions to be furnished by pilot

(1) Every licensed pilot shall, on receiving his licence, be furnished with a copy of the pilotage dues and rules in force within the district for which he is licensed, and of a list of the pilots licensed within the district.

(2) He shall produce such copies to the master of any ship or other person employing him when required to do so, and, if he fails without reasonable cause to do so, shall be liable to a fine not exceeding fifty dollars.

424. Licensed pilot to produce licence to employer

(1) Every licensed pilot when acting in that capacity shall be provided with his licence, and shall produce the same to every person by whom he is employed or to whom he offers his services as pilot.

(2) Any licensed pilot who refuses, on the request of any such person, to produce his licence shall be liable for each offence to a fine not exceeding one hundred dollars and shall be subject to suspension or dismissal by the Pilot Board by which he is licensed.

425. Production and return of licence to Pilot Board

(1) Every licensed pilot, when required to do so by the Pilot Board by which he is licensed, shall produce or deliver up his licence to that Board.

(2) On the death of any licensed pilot, the person into whose hands his licence comes shall without delay transmit it to the Pilot Board which licensed the deceased pilot.

(3) Any pilot or other person who fails to comply with this section shall be liable for each offence to a fine not exceeding one hundred dollars.

426. Fraudulent use of pilotage licence, etc.

Any person other than the pilot to whom any licence has been granted under this Ordinance who uses or exhibits such licence, or attempts to use or exhibit such licence, to obtain employment for himself or for any other person as a pilot or who wilfully uses any distinctive light, mark or flag prescribed by any rule made under section 422 for pilot boats, shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both.

427. Absence without leave

(1) Every licensed pilot who -

- (a) without the permission in writing of the Pilot Board -
 - (i) ceases to follow the ordinary occupation of a pilot within the pilotage district in respect of which he is licensed; or
 - (ii) neglects to provide himself with the proper equipment for a pilot.
- (b) by any means evades or avoids employment as a Pilot.
- (c) engages in any other occupation or business which prevents him from being readily available at all reasonable times to undertake the duties of a pilot; or
- (d) refuses or neglects to attend for the colour and form vision tests when required to do so by the Pilot Board;

shall when required by the Pilot Board, deliver up his licence to the Pilot Board to be cancelled.

(2) Upon failure as to deliver up his licence the same shall be deemed to be cancelled and he shall be deemed not to be a licensed pilot within the meaning of section 434.

(3) The Pilot Board may at their discretion grant to a pilot whose licence has been cancelled under this section, upon his complying with the requirements of the Board, a licence in the place of the licence so cancelled when a vacancy occurs without requiring him to present himself again for examination.

Recovery of Pilotage Dues and other Rights of Pilots

428. Pilotage Dues

The *Minister (LN 332/58)* may by notification in the *Gazette* prescribe the dues to be charged by pilots for their services.

429. Recovery of Pilotage Dues

(1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a licensed pilot are obtained

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- (a) the owner or master;

(b) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge;

(c) as to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port from which she clears out.

(2) Such dues may be recovered in the same manner as fines of like amount under this Ordinance, but such recovery shall not take place until a previous demand has been made in writing.

(3) Any consignee or agent, not being the owner or master of the ship, who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses which he has incurred by reason of the payment of the dues or his liability to pay the dues.

(4) A ship may be detained until the receipt for pilotage dues is produced to the Port Officer.

430. Receiving or offering improper rates of pilotage

(1) A licensed pilot shall not demand or receive, and a master, owner or agent shall not offer or pay to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may be demanded by law.

(2) Any pilot, master, owner or agent who acts in contravention of this section shall be liable for each offence to a fine not exceeding one hundred dollars, and the licence of the pilot may be suspended or cancelled by the Pilot Board.

(3) This section shall not apply in the case of any pilot exempted its operation by the *Minister* (LN 332/58).

431. Pilotage rate for leading ships

If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board when the last mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

432. Allowance to licensed pilot taken out of his district

(1) A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever.

(2) If he is so taken under circumstances of unavoidable necessity, or without his consent, he shall be entitled, over and above his pilotage dues, to the sum of twenty dollars a day.

(3) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes the limit up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last mentioned case he shall be entitled to his reasonable travelling expenses.

433. Penalty on making a false declaration to pilot as to draught of ship

(1) The master of a ship, on being requested by any licensed pilot having the charge of his ship, shall declare her draught of water.

(2) Any master who refuses so to declare the draught of water, or himself makes or is privy to any other person making a false declaration to the pilot in relation thereto, shall be liable for each offence to a fine not exceeding double the amount of pilotage dues which would have been payable to that pilot.

(3) Any master of a ship, or any other person interested in the ship, who makes, or is privy to the making of, any fraudulent alteration in the marks on the stem or stern post of the ship denoting the draught of water, shall be liable for each offence to a fine not exceeding five thousand dollars.

434. Penalties as to employment of unlicensed pilot

(1) Any person who, not being a licensed pilot, assumes or offers to assume charge of a ship entering or being within any pilotage district shall be liable for each offence to a fine not exceeding five hundred dollars.

(2) Any master of a ship entering or being within any pilotage district who knowingly employs any person not being a licensed pilot as pilot, shall be liable for each offence to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

(3) For the purpose of this section a licensed pilot acting beyond the limits for which he qualified by his licence, shall be deemed not to be a licensed pilot.

(4) Any person may, without subjecting himself or his employer to any penalty, take charge of a ship entering or leaving any pilotage district, when such ship is in distress or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.

Offences, and Suspension and Dismissal, of Pilots

435. Withdrawal of licence

Any pilot Board may withdraw any pilotage licence granted by it, if it appears to it that the holder thereof has ceased to be a British subject or a citizen or has been guilty of misconduct or has shown himself incompetent to act as pilot, and a certificate as withdrawal shall cease to be of effect.

436. Offences of pilots

(1) Any licensed pilot, either within or without the districts for which he is licensed, who -

- (a) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels; or
- (b) lends his licence; or
- (c) acts as pilot whilst suspended; or
- (d) acts as pilot when in a state of intoxication; or
- (e) employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable, or other store, matter of thing, beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person; or
- (f) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent or consignee thereof, or by any officer of the Pilot Board by which the pilot is licensed; or

(g) unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship; or

(h) refuses, when requested by the master, to conduct the ship of which he has charge to any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship; or

(i) quits the ship of which he has charge without the consent of the master before the service for which he was hired has been performed;

shall, in addition to any liability for damages, be liable for each offence to a fine not exceeding one thousand dollars.

(2) Any person who procures, aids, abets or connives at the commission of any offence under this section, shall, in addition to any liability for damages, be liable to a fine not exceeding one thousand dollars.

(3) Any licensed pilot who commits an offence under this section, or procures, aids, abets or connives at the commission of any such offence, shall, in addition to his liability to a fine, be liable to suspension or dismissal by the Pilot Board of the district for which he holds his licence.

437. Penalty on pilot endangering ship, life or limb

Any pilot who, when in charge of a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either -

(a) does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb;

shall be liable for each offence to a fine not exceeding one thousand dollars or to imprisonment for a term which may extend to two years, and shall also be liable to suspension or dismissal by the Pilot Board of the district for which he holds his licence.

438. Penalty on pilot obtaining charge of a ship by misrepresentation

Any person who by wilful misrepresentation of circumstances upon which the safety of a ship may depend obtains or endeavours to obtain the charge of that ship, and any person who abets the commission of the offence shall, in addition to any liability for damages, be liable for each

offence to a fine not exceeding one thousand dollars, and if a licensed pilot also to suspension or dismissal by the Pilot Board of the district for which he holds his licence.

General

439. Negligence or incapacity of pilots

Nothing in this Part shall be held to excuse or indemnify any licensed pilot for any damage arising from his neglect or incapacity in office.

440. Summary proceedings

In all proceedings before a Magistrate's Court or Sessions Court under this Part, such Court may, if it thinks fit, call upon two members of the Pilot Board to sit with it as assessors.

441. Appeal to Minister

Any person, who is dissatisfied with any decision, order or regulation of a Pilot Board, may appeal to the Minister, who may review, revise and alter such proceedings as he thinks fit.

442. Grant, cancellation or suspension of licences to be gazetted

Every grant and every cancellation or withdrawal of a pilotage licence and every suspension or dismissal of a pilot shall be published in the *Gazette*.

443. Services of pilots may be requisitioned by Minister if public interests so require

(1) If at any time the *Minister (LN 332/58)* is satisfied that any public emergency or the interests of the public safety render it necessary, he may by notice addressed to any licensed pilot, require him to enter into the service of the Government for such period as the *Minister (LN 332/58)* by the same notice or by any subsequent notice or notices requires.

(2) Such licensed pilot shall enter the service of the Government in accordance with the notice, at such remuneration as is fixed by the *Minister (LN 332/58)* and shall be deemed to be a public servant within the meaning of the Penal Code and shall perform such duties as are allotted to him by any Port Officer.

444. Liability of owner or master in the case of a vessel under pilotage

The owner or master of a vessel navigating under circumstances in which pilotage is compulsory, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.