

Subsidiary Legislation made under ss. 3, 8, 9 and 30 of the Gibraltar Pilotage Act 2016.

GIBRALTAR PILOTAGE REGULATIONS 2016

(LN. 2016/049)

Commencement **10.3.2016**

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Gibraltar Pilotage

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FORM OF PILOT'S BOND

In exercise of the powers conferred on him by sections 3, 8, 9 and 30 of the Gibraltar Pilotage Act 2016, the Minister has made the following Regulations:

Title and commencement.

1. These Regulations may be cited as the Gibraltar Pilotage Regulations 2016 and come into operation on the day the Gibraltar Pilotage Act 2016 comes into operation.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Gibraltar Pilotage Act 2016;

“approved” means approved by the Captain of the Port;

“ENG 1 medical certificate” means a medical certificate issued to a seafarer by medical practitioner approved by the UK-MCA confirming that the seafarer is in a fit condition to work on board a ship;

“licence” means a licence granted to a pilot by the Captain of the Port under section 10 following the procedure prescribed in these Regulations;

“PEC” means a pilotage exemption certificate issued under regulation 20;

“pilotage area” means the compulsory pilotage area designated under regulation 3;

“retail price index” means the average measure of change in the prices of goods and services bought for the purposes of consumption by the majority of households in Gibraltar as published on a quarterly basis by notice in the Gazette;

“section” means a section of the Act; and

“UK-MCA” means the Maritime and Coast guard Agency of the United Kingdom.

Compulsory pilotage area.

3.(1) The Government has designated an area of BGTW as compulsory pilotage area for Gibraltar which is set out in Schedule 1.

(2) The Captain of the Port may by notice in the Gazette enlarge or reduce the areas in Schedule 1 by addition, change or modification.

(3) Compulsory Pilotage Areas Notice (Legal Notice No. 3 of 1975) is revoked.

Authorisation of pilots.

4.(1) No person shall act as a pilot for a ship in the compulsory pilotage area unless that person is an authorised pilot or a licensed pilot.

(2) Notwithstanding sub-regulation (1), a person may, except as specified in section 11(5), act as a pilot for a ship in a compulsory pilotage area if that person—

- (a) is undergoing training to become a licensed pilot; and
- (b) is acting under the direct supervision of a licensed pilot.

Application for authorisation.

5.(1) A person may apply in writing to the Captain of the Port for an authorisation to act as an authorised pilot under section 9.

(2) An application under sub-regulation (1) must be—

- (a) in a form approved by the Captain of the Port; and
- (b) accompanied by a fee of £10.

(3) Where the Captain of the Port is satisfied that the person who applied under sub-regulation (1) has the qualifications required by section 9(2), he may grant an authorisation to that person by an instrument in writing.

Application for licence.

6.(1) Subject to regulation 7(1), a person may apply in writing to the Captain of the Port for a licence to act as a pilot under section 10.

(2) An application under sub-regulation (1) must be—

- (a) in a form approved by the Captain of the Port; and

(b) accompanied by a fee of £100.

(3) The Captain of the Port, on receipt of an application under this regulation, shall refer the application to the pilotage committee for examination and a report on general fitness and competency of the applicant under section 13.

(4) Where the Captain of the Port is satisfied that the applicant for a licence has the qualifications required by section 9(2) and regulation 7(3), he may grant a licence to the applicant in the form prescribed by Schedule 2.

Issue of licence.

7.(1) A person who meets the requirement set out in sub-regulation (3) may apply for a licence to the Captain of the Port.

(2) No person shall be granted a licence under this regulation unless the Captain of the Port is satisfied that the applicant has met the requisite qualifications prescribed by sub-regulation (3).

(3) The Captain of the Port may grant a licence to an applicant to act as a licensed pilot if that person—

- (a) has been found fit and competent by the pilotage committee after an examination in accordance with section 13(1);
- (b) has submitted a valid ENG1 medical certificate to the Captain of the Port and he is satisfied on the basis of the certificate that the person does not suffer from any disability or condition that is likely to affect that person's ability to perform or discharge duties and responsibilities under the licence;
- (c) holds a qualification based on a certificate referred to in section 9(2);
- (d) has a minimum of 3 years relevant and recent command experience on a ship of minimum 10,000 GRT;
- (e) is a British citizen or national of a member state of the European Union;
- (f) produces satisfactory evidence of good character and conduct which includes the production of references which are acceptable to the Captain of the Port;

- (g) has completed such number of trips as a pilot acting under the direct supervision of a licensed pilot, in such condition and at such times of the day and night sufficient to satisfy the Captain of the Port that the person has adequate knowledge of the compulsory pilotage area designated under regulation 3; and
- (h) has adequate knowledge and skill to the satisfaction of the Captain of the Port to be licensed as a pilot.

(4) The Captain of the Port shall not be satisfied of a person's knowledge and skill under regulation (3)(h) unless—

- (a) the trips that person completed have been recorded in a log book in an approved form;
- (b) each trip he has completed has been verified in writing by the supervising licensed pilot; and
- (c) the supervising licensed pilot has provided to the Captain of the Port a signed statement attesting to the person's knowledge and skill.

(5) Where an applicant has been unsuccessful in his examination by the pilotage committee under section 13, that applicant—

- (a) shall not be allowed to sit another examination under section 13 until a period of one month has elapsed from the first sitting; and
- (b) shall be required to sit the whole examination once again.

(6) If the applicant who is still unsuccessful after the second sitting of the examination under sub-regulation (5)(b), that applicant shall not be allowed to reapply for consideration as a trainee pilot until a minimum period of two years has elapsed from the second sitting.

(7) An Applicant for examination referred to in sub-regulation (5) must, when filing his application, pay to the Gibraltar Port Authority a sum of £50 as an examination fee before any step or enquiry is undertaken to determine the general fitness and competency under section 13.

(8) If the applicant is found not to be eligible for application, the fee referred to in sub-regulation (7) shall be returned to him but not in the case where the applicant fails the examination conducted by the pilotage committee.

Examination of applicants under section 13.

8. In an examination conducted by the pilotage committee for applicants to qualify for a pilot's licence, an applicant shall be required to satisfy the pilotage committee in the following matters—

- (a) the relevant legal knowledge in respect of prevention of collisions at sea as prescribed in the International Regulations for Preventing Collisions at Sea, 1972;
- (b) general knowledge of shipboard management;
- (c) mooring and unmooring of a ship;
- (d) local knowledge of the port and the Bay of Gibraltar;
- (e) depths of water, including their rise and fall;
- (f) currents and their set;
- (g) port signals; and
- (h) any other matters relating to the work of a pilot which the examiners may consider appropriate.

Conditions of licence.

9.(1) The Captain of the Port may issue or renew a licence subject to any conditions that he considers it necessary to impose, as specified in the licence and in the form contained in Schedule 2.

(2) The Captain of the Port may at any time by notice in writing to the holder of a licence, impose a new condition on the licence or amend or revoke any condition imposed

(3) Without prejudice to sub-regulations (1) and (2), the Captain of the Port may impose one or more of the following conditions on a licence—

- (a) that the holder of the licence is to submit a valid ENG1 medical certificate to him by a specified date after the date on which the first certificate was submitted or at any time specified by a medical practitioner in an existing ENG 1 medical certificate submitted;
- (b) that the holder of the licence is not to act as a pilot for a ship he considers, due to exceptional circumstances to be beyond the holder's competency; or
- (c) any other conditions which the Captain of the Port deems necessary or appropriate in the circumstances.

(4) The holder of a licence must comply with any condition imposed on the licence under this regulation.

Duration of licence.

10.(1) Where this sub-regulation applies, a license granted under these Regulations shall be valid until the holder of the licence—

- (a) attains the age of 65; or
- (b) attains the date of his retirement,

whichever is the soonest.

(2) Sub-regulation (1) shall not apply unless the pilot—

- (a) holds a valid ENG1 medical certificate; and

- (b) complies with the conditions of priority of traffic as directed by the Captain of the Port under rule 10 of the Port Rules.

Procedure for the revocation and suspension of licences.

11.(1) The Captain of the Port may suspend or revoke a licence for a period—

- (a) specified by the Captain of the Port; or
- (b) until the holder of the licence complies with a requirement specified by the Captain of the Port.

(2) Before the Captain of the Port decides to suspend or revoke a licence, he must give a notice in writing to the holder stating the following—

- (a) the proposed suspension or revocation;
- (b) the findings of fact on which the decision is based;
- (c) the reason for the decision; and
- (d) the period during which the holder may make written or oral representations to the Captain of the Port.

(3) If, after considering any representations made to the Captain of the Port by the holder, he decides to suspend or revoke a licence, the Captain of the Port must give a notice in writing to the holder of the licence stating the following—

- (a) the decision to suspend or revoke;
- (b) the date from which the suspension or revocation is to take effect; and
- (c) in the case of suspension, the period of suspension or any requirement that has to be complied with by the holder before the suspension ceases to have effect.

Review by the Minister of any decision made by the Captain of the Port in relation to licences.

12.(1) Where the Captain of the Port has made a decision in relation to a licence granted under the Act and these Regulations, a person who has been aggrieved by such a decision may apply in writing to the Minister, within 7

days of the day on which that person received notice of the decision, for review of that decision.

(2) Where an application is made to the Minister for review of a decision made by the Captain of the Port under this regulation in deciding the application, the Minister shall be assisted by an assessor with nautical and pilotage experience appointed by him.

(3) The applicant for review shall be permitted to make oral or written representations to the Minister.

(4) The Minister may confirm or reverse the decision or make such other direction or recommendation as is appropriate in the circumstances of the case.

(5) A decision made by the Minister under this regulation shall be final and not subject to further appeal or review by any court unless a special leave to appeal from the same to the Supreme Court on a question of law or a question of mixed law and fact is given by the court, and in such case the decision of the Supreme Court shall be final.

(6) The applicant shall be liable to pay the costs incurred by the Minister and the costs and remuneration of the assessor if—

- (a) the decision of the Captain of the Port is confirmed or unchanged in any material way; or
- (b) the Minister feels that the application for a review of a decision was frivolous or vexatious.

(7) In this regulation, “decision” means any of the following decisions made by the Captain of the Port—

- (a) a decision not to issue a licence;
- (b) a decision to impose or amend a condition;
- (c) a decision not to renew a licence; or
- (d) a decision to suspend or revoke a licence.

Replacement of lost licences.

13. If the Captain of the Port is satisfied that a document granted as a licence has been damaged, lost or stolen, he may—

- (a) issue a replacement on payment of a fee of £50; and
- (b) request any relevant insurance or indemnity from the holder of the licence that may be appropriate in the circumstances.

Duration of employment.

14.(1) Subject to sub-regulation (2), a pilot may continue to work as a pilot until the age of 65 years or for such period as the Gibraltar Port Authority may determine.

(2) No pilot shall continue to work as a pilot under sub-regulation (1) unless that pilot—

- (a) is physically fit;
- (b) continues to meet all the requirements under these Regulations and the Act; and
- (c) holds a valid ENG1 medical certificate.

Full time employment.

15.(1) Every pilot shall be employed full time whenever that pilot is authorised or licensed to act as a pilot.

(2) No licensed pilot or authorised pilot shall engage in any trade or occupation other than that of an authorised pilot or licensed pilot without prior consent in writing of the Captain of the Port.

Duty roster.

16.(1) There shall be available a roster to be called a Duty Roster which must be such that two pilots are available at all times.

(2) The Duty Roster referred to in sub-regulation (1) must allow for one pilot to be absent through sickness or any other extraordinary circumstances at any one time.

(3) A Duty Roster made under this regulation shall comply with—

- (a) regulation 39 of the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006; and
- (b) relevant provisions of the International Convention on Standards of Training, Certification and Watchkeeping for

Seafarers, 1978, as amended from time to time and the STCW Code.

(4) If for any reason, it is not possible to provide a Duty Roster in accordance with sub-regulation (2), the Captain of the Port shall be notified immediately.

Accidents or damages.

17.(1) Every pilot shall, before going off duty, report in writing to the officer on duty of the port to be called Duty Port Officer any casualty or accident to a ship piloted by him.

(2) A report sent under sub-regulation (1) must contain full particulars of any loss or damage sustained.

Requirements relating to pilotage.

18.(1) The master of any ship which is employed to tow, move or in any way assist the manoeuvring of a ship in the charge of a licensed pilot or authorised pilot shall follow all orders and directions of the pilot.

(2) The master of any ship which is within the pilotage area—

- (a) must not move the ship within the pilotage area without the consent of the Captain of the Port; and
- (b) unless he holds a pilotage exemption certificate in respect of that pilotage area, must obtain the services of a licensed pilot or authorised pilot before moving the ship if the Captain of the Port so directs.

(3) Where because of the structural arrangement of the ship or for any other legitimate cause, the visibility of the pilot conning a ship from the normal position is adversely affected, the Captain of the Port may direct that a second licensed pilot or authorised pilot be engaged to assist the first pilot.

(4) Where a second licensed pilot is engaged to assist, an additional charge must be payable for the second pilot in respect of each occasion on which that ship is required to be so piloted.

(5) Where use of a tug is requested by the master of a ship, including ships which would not normally require a pilot, such ship shall also request the services of a licensed pilot or an authorised pilot.

(6) Sub-regulation (5) also applies to ships where the master holds a pilot exemption certificate.

Pilotage exemption certificates.

19.(1) Where a person makes an application to the Captain of the Port in the form set out in Schedule 5 and pays a fee of £100.00, the Captain of the Port shall issue to that person a pilotage exemption certificate valid for use in respect of the pilotage areas specified in the certificate which must be within the areas designated under regulation 3.

(2) No pilotage exemption certificate shall be issued under sub-regulation (1) unless the applicant—

- (a) meets the conditions set out in paragraph 1. 3 of Schedule 3, and
- (b) has passed the examination prescribed by paragraph 1.4 of Schedule 3.

(3) Where a holder of a pilot exemption certificate requires a renewal of his certificate, that holder must apply to the Captain of the Port in the form set out in Schedule 4 and pay a fee of £100.00.

(4) A pilot exemption certificate shall not be renewed unless the applicant meets the conditions set out paragraph 1.6 of Schedule 3.

Valid ENG 1 medical certificate.

20.(1) Every pilotage exemption certificate holder must be in possession of a valid ENG1 medical certificate.

(2) Where a medical practitioner has recommended that a pilotage exemption certificate holder must undergo a medical examination for the purposes of this regulation after a nominated period that is less than 2 years after the date of the previous medical examination, the pilotage exemption certificate holder must—

- (a) undergo a medical examination in accordance with that recommendation; and
- (b) submit to the Captain of the Port immediately after the examination a fresh valid ENG 1 medical certificate or written notification that such a certificate was not issued.

Contents of pilotage exemption certificate.

21.(1) As in the case of licensed pilots or authorised pilots, the Captain of the Port may issue pilotage exemption certificate for use by the person during hours or daylight or night or both.

(2) The Captain of the Port shall cause—

- (a) a pilotage exemption certificate to be suitably amended where there is any change in the entitlements of the holder under the certificate; and
- (b) to be recorded in each pilotage exemption certificate—
 - (i) the name of the master,
 - (ii) the name of the ship, and
 - (iii) the restrictions activities he wish to impose,

in respect of which the pilotage exemption certificate may be used.

Register of pilotage exemption certificate.

22.(1) The Captain of the Port shall cause to be established and maintained a register containing particulars of all persons holding pilotage exemption certificates and their entitlements under the certificates.

(2) The Captain of the Port shall cause the register to be noted where the certificate of a person is revoked or suspended.

Pilotage exemption record book.

23.(1) Every holder of a pilotage exemption certificate must keep a pilotage exemption record book.

(2) The holder of a pilotage exemption certificate shall enter in the pilotage exemption record book in respect of each trip in and out of the port, the date and time of commencement of the trip, and the name of the ship

(3) After making a trip in or out of a port and entering the particulars prescribed by sub-regulation (2) into the pilotage exemption record book, the holder shall present the book as required by the Captain of the Port to a senior port officer designated by the Captain of the Port who shall read and endorse the entry made by the holder.

(4) The senior port officer to whom a pilotage exemption certificate is submitted shall record the date on which the certificate was submitted in the pilotage exemption record book of the holder concerned and the holder shall produce the book to the officer for this purpose.

When a pilotage exemption certificate or its revalidation is invalid.

24.(1) A pilotage exemption certificate that has not been used in respect of a compulsory pilotage area for at least one year or longer shall be invalid.

(2) A pilotage exemption certificate that is invalid under sub-regulation (1) in respect of a pilotage area, may be revalidated in respect of that pilotage area if the holder of the certificate makes, under pilotage, at least one trip into and one trip out of the pilotage area in command of a ship within one year of the certificate becoming invalid in respect of that pilotage area.

Revocation or suspension of pilotage exemption certificate.

25.(1) The Captain of the Port may revoke or suspend the pilotage exemption certificate of a holder if -

- (a) the holder is convicted of any offence under the Act or these Regulations; or
- (b) it appears to the Captain of the Port that the holder has failed to comply with any requirement or condition of the certificate.

(2) The Captain of the Port must revoke a pilotage exemption certificate that has-

- (a) become wholly invalid under regulation 24; and
- (b) not been wholly or partly revalidated under that regulation.

(3) The Captain of the Port shall revoke a pilotage exemption certificate if its holder does not submit a valid ENG 1 medical certificate in accordance with regulation 20(2)(b).

(4) The Captain of the Port must revoke or suspend a pilotage exemption certificate in respect of the pilotage area if it appears that the holder of the certificate is no longer competent to navigate a ship into or out of the pilotage area.

(5) If the Captain of the Port revokes or suspends a pilotage exemption certificate, he must in writing notify the person concerned of the revocation or suspension and the reason for it including in the case of a revocation or suspension, the particulars of the reasons for the belief held by the Captain of the Port.

(6) The Captain of the Port must in the notification of a revocation or suspension, inform the person concerned of the right of appeal under regulation 26.

(7) A revocation or suspension takes effect on the service of a notice under sub-regulation (5).

Appeals against revocation or suspension of a pilotage exemption certificate.

26.(1) A person whose pilotage exemption certificate is revoked or suspended under these Regulations may in writing within 21 days of the day on which that person received notice of the cancellation or suspension, appeal against that decision to the Minister.

(2) The Minister may confirm or reverse the suspension or revocation of the pilotage exemption certificate, or make such order in the case as he may deem just, and such decision shall be final, unless a special leave to appeal from the same to the Supreme Court on a question of law or a question of mixed law and fact is given by the court, and in such case the decision of the Supreme Court shall be final.

Pilotage fees.

27.(1) The fees to be paid to the licensed pilots or authorised pilots by the persons liable under the provisions of the Act or these Regulations so to pay, shall be those as set out in Schedule 6.

(2) The fees set out under sub-regulation (1) shall be reviewed annually by the Minister with effect from the 1st April each year to consider any possible addition to an automatic increase in line with the annual retail index.

(3) The fees to be paid under this regulation with its annual increase shall be published in the Gibraltar Port Authority's website.

(4) Any dispute as to whether a fee is payable under these Regulations or as to the amount of the fee so payable shall be—

- (a) referred to the Minister by means of a written statement setting out the matters and questions in issue together with all relevant particulars; and
- (b) determined by the Minister whose decision shall be final.

Charges for boarding and landing.

28.(1) The charges specified in Schedule 7 shall be reviewed annually by the Minister with effect from the 1st April each year to consider any possible addition to an automatic increase in line with the annual retail index.

(2) The charges to be paid under this regulation with its annual increase shall be published in the Gibraltar Port Authority's website.

Charges for call out, detention or cancellation.

29.(1) Where a pilot at the port is required to remain on board or at a ship which is moored or at a berth for any reason, there shall be an hourly charge in accordance with Schedule 8.

(2) In the event of a licensed pilot or authorised pilot being detained at a ship until such ship is ready to manoeuvre, a special hourly charge shall be payable in accordance with Schedule 8.

(3) Where a licensed pilot or authorised pilot is called out to attend to a ship in accordance with a request for pilotage and such ship does not arrive at the boarding ground at the time given and the pilot is required to await the arrival of the ship or the arrival is cancelled completely, detention of the pilot and the pilot ship shall be payable at the relevant rates in accordance with Schedule 8.

(4) Where for any other reason, a licensed pilot is called out to attend to a ship and thereafter cancelled, detention of the pilot and the pilot ship shall be payable at the relevant rates in accordance with Schedule 8.

(5) Where a launch is provided to run mooring lines during the berthing of a ship or in connection with the entry or departure of a ship into and from the Port, and the use of a launch is associated with the pilotage of the ship, whether or not the ship is in the charge of a person holding a pilotage exemption certificate, the owner or the master of the ship shall pay the relevant charges for the launch in accordance with Schedule 8.

Offences and penalties.

30.(1) A person who contravenes regulation 4(1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where a holder of a licence fails to comply with regulation 9(4) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) A pilot who fails to comply with regulation 15(2), 17 or 23, commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) A master of a ship who fails to comply with regulation 18(1) or 18(2) commits an offence and is liable on summary conviction to a fine at level 4 on the standard scale.

Bond.

31.(1) No person shall be authorised to act as an authorised pilot or granted a licence to act as a licensed pilot unless that person provides a bond to the Gibraltar Port Authority in the form and for the amount specified in Schedule 9.

(2) The bond referred to in sub-regulation (1) is £100.00 only and that amount may be increased by the Minister from time to time by notice in the Gazette.

2016-09

Gibraltar Pilotage

GIBRALTAR PILOTAGE REGULATIONS 2016

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**Subsidiary
2016/049**

SCHEDULE 1

Regulation 3

COMPULSORY PILOTAGE AREA

PART 1

For inbound ships, the area within British Gibraltar Territorial Waters (BGTW) north of a line drawn from Europa Point lighthouse (36° 06' .580N 005° 20'.692W) through the Gibraltar pilot boarding point (36° 06'.00N 005° 22'.00W) to Punta Canero lighthouse (36° 04'.620N 005° 25'.580W).

PART 2

Any area within BGTW at the discretion of the Captain of the Port.

SCHEDULE 2

Regulations 6(4) & 9(1)

FORM FOR PILOT'S LICENCE

To:

No:.....

Licence is hereby granted to..... of.....

Under section 9 of the Gibraltar Pilotage Act 2016 and in accordance with the Gibraltar Pilotage Regulations 2016 to act as a pilot for the purpose of providing pilotage services to ships and conducting ships within the BGTW, subject to the following conditions:

.....

*ships displacement.

- (a) Unlimited
(b) Limited to ship not over.....

Tons or draft

*ship GRT (a) Unlimited (b) Limited to ship not over...

Gross registered tonnage * delete whichever not applicable

PARTICULARS OF LICENSEE

Place of abode

2016-09

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Place of birth.....

Date of Birth.....

Nationality.....

Height.....

Weight.....

The Validity of this licence expires on...../.....20

By order of the Gibraltar Port Authority

day of.....20

Given under my hand at Gibraltar this day of 20

Signed
Captain of the Port

Entered at the Gibraltar Port Authority's Office on the day of 20

Gibraltar Port Authority

SCHEDULE 3

Regulation 19

PILOT EXEMPTION CERTIFICATE**1. PILOTAGE EXEMPTION CERTIFICATES (PECs)**

A PEC may be issued by the Captain of the Port for use in the compulsory pilotage area, within an area specified in the PEC.

1.1 GEOGRAPHICAL AREAS

The Geographical Areas relevant to the use of PECs are as follows:

The area within British Gibraltar Territorial Waters (BGTW) north of a line drawn from Europa Point lighthouse (36° 06'.580N 005° 20'.692W) through the Gibraltar pilot boarding point (36° 06'.00N 005° 22'.00W) to Punta Canero lighthouse (36° 04'.620N 005° 25'.580W)'.

1.2 CONTRACTUAL AGREEMENT

The Gibraltar Port Authority shall seek a contractual agreement with the owner or operator of the ship regarding the management of navigation on board the ship and procedures relating to the use of PECs within the BGTW.

1.3 CONDITIONS FOR THE ISSUE OF A PEC

The following conditions must be satisfied before a PEC will be issued to a bona fide Master or Chief Mate for any ship:

- (a) a certificate of competency of Master of a ship relevant to the size of ship (STCW Regulation II/2) issued by the Administration in terms of the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 (as amended from time to time);
- (b) an equivalent certificate referred to in paragraph (a) issued by the relevant Authority of a flag state that is party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (as amended from time to time);
- (c) a certificate of competency of Chief mate of a ship relevant to the size of the ship without limitation (STCW Regulation II/2)

issued by the Administration in terms of the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 (as amended from time to time);

- (d) an equivalent certificate referred to in paragraph (c) issued by the relevant Authority of a flag state that is party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (as amended from time to time);
- (e) Applicants must be capable of communicating effectively using the English language, by VHF radio.
- (f) Applicants will complete the requisite number of trips under the guidance of an authorised pilot before undertaking the assessment and examination.
- (g) Applicants must notify the Captain of the Port of their intention to undertake qualifying trips in advance of starting the process.
- (h) No credit will be given for trips undertaken prior to this notification.
- (i) On application each Master will be designated a unique PEC number.
- (j) The PEC number must be communicated to VTS prior to any manoeuvres carried out.
- (k) During training the PEC number will be prefixed with the letter T.
- (l) On successful completion of training the Master will keep his unique PEC number which must always be communicated to VTS prior to any manoeuvre.
- (m) Qualifying manoeuvres shall reflect a balance of berthing or unberthing alongside ships at anchor, to a fixed berth and anchoring.
- (n) Qualifying manoeuvres must include those during the hours of darkness.
- (o) Applicants should complete their qualifying trips in the ship for which the PEC will be used.

- (p) An applicant may subsequently apply for and be examined for issue of a PEC relating to another company ship.
- (q) Applicants must report each qualifying trip to VTS immediately before the intended manoeuvre stating their allocated PEC number prefixed with the letter T. (i.e. PEC T14).
- (r) An applicant must complete a minimum of 20 manoeuvres berthing or berthing alongside another ship plus 2 manoeuvres alongside a berth within the harbour under the guidance of an authorised pilot prior to submitting an application for examination for a PEC
- (s) A ‘Tripping’ log, as supplied by the Captain of the Port, must be completed to reflect qualifying manoeuvres carried out. The ‘Tripping Log’ should be countersigned by the pilot.
- (t) On completion of the required number of qualifying trips, applicants should submit their application using the predetermined forms, which must comprise of–
 - (i) the applicant’s tripping log identifying all the qualifying manoeuvres undertaken with each record properly countersigned by an authorised Pilot present during the manoeuvre and the Captain of the Port may verify these details by cross-referencing with VTS.
 - (ii) a copy of the applicant’s Certificate of Competency; and
 - (iii) a copy of the applicant’s valid medical Certificate.

1.4. PEC Examination

(1) The examination for the issue of a PEC must take the following format–

- (a) A practical examination will be conducted by a Pilot, on board the ship for which the Master or Chief Mate is applying. This will take place during a berthing manoeuvre alongside an anchored ship. The Pilot must be satisfied as to the relevant skills, experience and local knowledge of the Applicant.
- (b) A 20 minute written examination issued by the Captain of the Port at their offices.
- (c) Followed by an oral examination, in English language, by a panel consisting of an officer of the Gibraltar Port Authority, an authorised pilot and the Captain of the Port Captain or his representative.

(2) Success in each of the three examinations is necessary for the issue of a PEC to a Master or a Chief mate.

1.5 CONDITIONS FOR THE USE OF A PEC

- (a) A PEC may only be used by an individual acting in the capacity of a bona fide Master or Chief Mate.
- (b) A PEC may only be used on board the ship for which it is registered.
- (c) PEC Holders should have their certificate available for inspection at all times.
- (d) Prior to any manoeuvre the number of the PEC holder must be communicated to VTS via VHF Channel 12.
- (e) The Holder of the PEC, reported to VTS, must be on the navigating bridge of that ship throughout the entire manoeuvre, unless relieved by another PEC Holder.
- (f) The Gibraltar Port Authority and VTS Centre must be appraised immediately of any change of watch between PEC Holders, which takes place.

- (g) A PEC remains valid for one year however the date for renewal is set at 1st July annually. It is the responsibility of the Holder to ensure that his/her PEC remains valid.
- (h) A PEC will only remain valid while the Holder's Certificate of Competency and Medical Certificate are also valid.
- (i) The Gibraltar Port Authority reserves the right to inspect the supporting documents of a PEC Holder and/or relevant documents of the ship in which the PEC is being used, or has been used, at any time.

1.6 CONDITIONS FOR THE ANNUAL RENEWAL OF A PEC

The following conditions must be met before a PEC is renewed—

- (a) It shall be the responsibility of the PEC Holder to ensure that a fully completed application for renewal is received by the Gibraltar Port Authority no later than two weeks before the expiry date of the PEC.
- (b) The application must be accompanied by a record of PEC trips during the previous twelve months. This should correspond to passages reported VTS, and will be checked for accuracy.
- (c) The applicant must have completed a minimum of 12 PEC usages for any ship applied for during the previous 6 months. Where this cannot be proven to the Captain of the Port's satisfaction, the Applicant will be reassessed.
- (d) The application must be accompanied by proof of the Applicant's ongoing competency and medical fitness.
- (e) The applicant must nominate the ships for which the PEC will be reissued. (1.6c) above, must apply for any ships for which renewal is applied for.
- (f) An authorised pilot must approve the application which will include an observation of a single berthing alongside another ship.

1.7 REINSTATEMENT OF AN EXPIRED PEC

- (a) The criteria for reinstatement of an expired PEC will, under normal circumstances, be as for a new application.

- (b) If the applicant can show extenuating circumstances for a delay, upon request from the Applicant, the Captain of the Port may consider an extension to the renewal deadline.

1.8 FIVE-YEARLY REVALIDATION - PRACTICAL ASSESSMENT PROCEDURE

- (a) PECs are revalidated by practical assessment which will incorporate an oral examination at five yearly intervals. The assessment will be carried out by an authorised pilot and an officer of the Gibraltar Port Authority on board the ship.
- (b) It shall be the responsibility of the PEC holder to ensure that the Gibraltar Port Authority is contacted to schedule the assessment required in a) above, during the 12 months prior to the due date of the fifth annual renewal. This assessment should be carried out as close to the renewal date as possible.

1.9 MATERIAL CHANGES TO A PEC

- (a) A PEC applies to nominated ships, upon which examination or assessment or both are based. A new ship nominated for inclusion on an existing PEC should not exceed the dimensions of any ship(s) for which the PEC was originally issued by more than 10 metres LOA, or 1.0 metres draught, or have substantially different manoeuvring characteristics, without the Holder first undertaking a minimum number of familiarisation trips on the nominated ship.
- (b) PEC applicants for ship changes outside the limits described above will be required to re-apply and complete the prescribed number of trips followed by examination and assessment.
- (c) Applications for addition ships to be added to the PEC will be subject to a practical examination by an authorised pilot. The examination will require the ship to be berthed alongside another ship.

1.10 SUSPENSION OR REVOCATION OF A PEC

The Captain of the Port may suspend or revoke a PEC granted by him under the provisions of section 5 of the Gibraltar Pilotage Act 2015. If it appears that the holder has been guilty of misconduct or incompetence affecting his or capability to pilot the ship, or any other ships nominated in the PEC.

1.11 TEMPORARY WITHDRAWAL OF A PEC

- (a) Where a PEC holder has been involved in an incident in which the safety of navigation may have been compromised, the Captain of the Port may, in the interests of safety, temporarily suspend the PEC after giving written notice setting out its reasons and allowing the PEC Holder a reasonable opportunity of making representations pending formal investigation of the incident.
- (b) Where the Certificate of Competency or Medical Certificate of a PEC holder is found to be invalid, the PEC will be withdrawn pending production of valid documents.
- (c) Where a PEC holder fails an assessment, the PEC will be withdrawn immediately, until the holder has successfully completed a re-assessment.

SCHEDULE 4

Regulation 19(1)

APPLICATION FOR PILOTAGE EXEMPTION CERTIFICATE

APPLICANT'S NAME

1. I wish to apply for a Pilotage Exemption Certificate to be issued to me. I have necessary experience of pilotage required by the Gibraltar Pilotage Act 2016 and I meet the criteria set out in regulation 19 of the Gibraltar Pilotage Regulations 2016

2. I enclose a valid ENG1 Medical Certificate or equivalent and confirm that, to the best of my knowledge and belief, my present state of health is no different to that described therein.

3. I enclose a cheque for £100.00 payable to “Gibraltar Port Authority”.

APPLICANT'S SIGNATURE

DATE

ADDRESS

.....

POST CODE TEL:

Please note: When completed this form should be forwarded to the address of the Gibraltar Port Authority.

SCHEDULE 5

Regulation 19(3)

**APPLICATION FOR RENEWAL OF PILOTAGE EXEMPTION
CERTIFICATE**

APPLICANT'S NAME

1. I wish to renew the Pilotage Exemption Certificate issued to me by the Captain of the Port dated During the last twelve months I have piloted my ship(s) on occasions in the Area of Jurisdiction for which I am certificated.

2. I enclose a Medical Certificate or equivalent and confirm that, to the best of my knowledge and belief, my present state of health is no different to that described therein.

3, I enclose a cheque for £100.00 payable to “Gibraltar Port Authority”.

4. I enclose Pilotage Exemption Certificate No.

APPLICANT'S SIGNATURE

DATE

ADDRESS
.....

POST CODE TEL:

Please note:

- (a) If fewer than 12 trips in the area of jurisdiction have been undertaken within the last twelve months, re-examination may be necessary before the certificate is renewed.
- (b) Application for renewal must be submitted at least 28 days before the date of expiry of the Certificate.
- (c) When completed this form should be forwarded to the address of the Gibraltar Port Authority.

SCHEDULE 6

Regulation 27

PILOTAGE FEES

1. SEA TO ANCHORAGE, SHIFTING ANCHORAGE, WARPING BETWEEN BERTHS, COMPASS ADJUSTING, SEA TRIALS

GROSS TONNAGE	UP TO 500	500 TO 7500	7500 TO 15000	15000 TO 25000	25000 TO 40000	40000 TO 75000	75000 TO 100000	100000 TO 150000	OVER 150000
	£40.00	£60.00	£90.00	£130.00	£165.00	£200.00	£225.00	£290.00	£330.00

2. BERTHING AND UNBERTHING TO A QUAY OR ALONGSIDE ANOTHER SHIP

GROSS TONNAGE	UP TO 500	500 TO 7500	7500 TO 15000	15000 TO 25000	25000 TO 40000	40000 TO 75000	75000 TO 100000	100000 TO 150000	OVER 150000
	£50.00	£100.00	£130.00	£190.00	£235.00	£295.00	£330.00	£435.00	£515.00

NOTE: DOCKING OR UNDOCKING, PILOTAGE OF DEAD SHIPS – PLUS 100%

NOTE: OIL RIGS, VESSELS NOT UNDER COMMAND – PLUS £60

NOTE: PILOTAGE EXEMPTION – CHARGED ON THE MINIMUM WITHIN THE APPROPRIATE TONNAGE BAND.

SCHEDULE 7

Regulation 28

CHARGES FOR BOARDING AND LANDING

GROSS TONNAGE	UP TO 500	500 TO 3000	3000 TO 7500	7500 TO 15000	15000 TO 30000	30000 TO 50000	50000 TO 70000	75000 TO 100000	100000 TO 150000	OVER 150000
	£50.00	£50.00	£100.00	£100.00	£100.00	£150.00	£150.00	£150.00	£150.00	£150.00

2016-09

Gibraltar Pilotage

GIBRALTAR PILOTAGE REGULATIONS 2016

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**Subsidiary
2016/049**

SCHEDULE 8

Regulation 29

CHARGES FOR CALL OUT, DETENTION OR CANCELLATION

	ATTENDANCE PER HOUR	SERVICE NOT REQUIRED	RUNNING LINES	BOAT SERVICE
	£50.00	£50.00	£30.00	£100.00

NOTE:- RUNNING LINES - FLAT RATE FEE PER BERTHING ALONGSIDE MOVEMENT
(VESSELS LESS THAN 500 GRT EXEMPT)

SCHEDULE 9

Regulation 3

FORM OF PILOT’S BOND.

KNOW ALL MEN BY THESE PRESENTS

THAT I
of

Mariner, am held and firmly bound to the Gibraltar Port Authority in the full sum ofPounds to be well and truly paid to the Gibraltar Port Authority upon demand, and for the due and punctual payment whereof I bind myself, my heirs, executors, and administrators, and every of them, firmly by these presents.

Signed, Sealed and Delivered by me this day of in the year of our Lord 20 .

WHEREAS the above bounden has applied to the Gibraltar Port Authority for a licence to act as a pilot under the Gibraltar Pilotage Act 2016 and the said after due examination, having been found a fit and competent person duly skilled in that behalf, and being (thereupon about to receive a licence from the Gibraltar Port Authority to act as a pilot) (being a licensed pilot/ authorised pilot) has agreed to execute the above-written Bond in conformity with the directions and provisions of the said Act.

NOW THE CONDITION of the above-written Bond or Obligation is such, that if the above bounden do and shall from time to time, and at all times thereafter, well and truly in all things yield due obedience to the Gibraltar Pilotage Act and all Regulations made thereunder and instructions for the time being in force relating to pilotage and made in pursuance of any Act or Act then the above-written Bond or Obligation shall be void but otherwise the same shall be and remain in full force and virtue.

Signed, Sealed and Delivered by)
the said

in the presence of us)



Name

Address

2016-09

Gibraltar Pilotage

GIBRALTAR PILOTAGE REGULATIONS 2016

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**Subsidiary
2016/049**

Description

Name

Address

Description