

Rules made under sections. 181 and 188(6)

PILOTS RULES

Repealed by Act. 2016-09 as from 10.3.2016

**(INCLUDING: PILOT'S BOND RULES LN 1971/099 AND
PILOTAGE ADMINISTRATION CHARGE RULES LN
1980/031)**

(1935.06.27-1)

27.6.1935

Amending enactments	Relevant current provisions	Commencement date
rules of 7.4.1945	r.19(2)	
7.8.1952	r.7	
16.8.1956	r.10(1)	
4.9.1958	r.11	
28.1.1960	–	
18.12.1962	r.3	
17.3.1968	–	
23.12.1970	–	
LN. 1975/055	–	
1976/092	–	
1978/069	–	
1978/079	Corrigendum	
1979/104	Schedule 3	
1980/033	r. 7(1)	
1980/141	Schedule 3	
1981/095	Schedule 3	
1983/027	Schedule 4	
1985/005	Schedule 2	10.1.1985
1987/114	Schedule 4	23.7.1987
1990/050	rr. 3, 6, 7, 8, 9, 10, 14, 16, 19 and Schedule 4	17.5.1990
2002/078	r. 20. Schedule 4 and 5	1.11.2002
2005/124	Sch. 4	1.10.2004
2011/066	Sch. 4	1.6.2011

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PILOTS RULES ARRANGEMENT OF RULES.

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Title.

1. These rules may be cited as the Pilots Rules.

Interpretation.

2. In these rules, unless the context otherwise requires, –

“pilot” means a pilot licensed in accordance with these rules.

Examination and Licensing.

Eligibility for examination as pilot.

3. No person shall be eligible to sit for examination as a pilot unless he –
 - (a) is a British subject or a national of a Member State of the European Communities; and
 - (b) has a good knowledge of the English language; and
 - (c) is not less than twenty-five years of age; and
 - (d) produces a medical certificate of physical fitness and has passed a colour and vision test; and
 - (e) is in possession of a certificate of competence as a master of a home-trade ship or as master or mate of a foreign-going ship; and
 - (f) produces satisfactory evidence of good character and sobriety of conduct.

Examination.

4. In order to qualify for a pilot’s licence, a candidate shall be required to satisfy the Board of Examiners in the following:–
 - (a) the rules for prevention of collisions at sea;
 - (b) management of a steamship;
 - (c) general knowledge of seamanship;
 - (d) mooring and unmooring of a ship;

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- (e) local knowledge of the Port and Bay of Gibraltar;
- (f) depths of water, including their rise and fall;
- (g) currents and their set;
- (h) port signals; and
- (i) any other matters relating to the work of a pilot which the examiners may consider appropriate.

Failure in examination.

5. In case of a failure a candidate shall be required at any future examination to sit again for the whole examination and if a candidate fails he shall not be re-examined until after a lapse of six months.

Fee for examination.

6. Candidates for examination in making their application will be required to pay into the Treasury the sum of £50 as an examination fee before any step is taken in the way of enquiring into their services or testing their qualifications. If the candidate is found not to be eligible the fee will either be returned to him or placed to his credit until he is eligible but if a candidate fails to pass the examination no part of the fee shall be returned to him.

Temporary pilots.

7.(1) If the number of pilots other than any on leave or sick shall at any time fall below the number permitted by rule 8 the Captain of the Port may in his discretion issue temporary licences, after such examination as he may think proper, to persons who are not eligible to sit for examination for a pilot's licence having regard to the provisions of paragraph (a) or (e) of rule 3, but who otherwise possess the qualification prescribed by that rule.

(2) Every such temporary licence shall be for a period of three months, but may be renewed from time to time as the occasion may require or may be cancelled by the Captain of the Port without reason assigned.

(3) Every temporary pilot's licence shall be in a form approved by the Captain of the Port .

(4) Every holder of a temporary pilot's licence shall, subject to the provisions of these rules, have the same rights, duties and liabilities as a pilot licensed in accordance therewith.

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(5) The number of pilots and temporary pilots shall in no case exceed the number of pilots permitted by rule 8.

(6) No fee shall be charged for examination for a temporary pilot's licence.

(7) Rule 5 shall not apply to a candidate for a temporary pilot's licence.

(8) In this rule "temporary pilot" means a person to whom a temporary pilot's licence has been issued.

Limitation of the number of pilots.

8. The number of pilots who may be licensed at any one time shall be limited to ten, but the Captain of the Port may increase or decrease this number as he deems necessary. Vacancies shall be filled by duly qualified pilots according to the seniority of the date on which the examination has been passed, or where more than one person has passed the examination on the same date, then according to the priority of the applications of such persons for examination.

Fee for licence.

9. When a candidate has passed the prescribed examination his name shall be placed upon the list of qualified persons and on being licensed as a pilot he shall receive a licence from the Captain of the Port in the form set out in Schedule I and shall pay a fee of £10 therefor.

Duration of employment.

10.(1) A pilot may continue to serve until the age of 65 years provided he is physically fit:

Provided that notwithstanding anything contained in these rules, where the Captain of the Port is satisfied that it is expedient in the public interest he may permit a pilot who has attained the age of 65 years to continue to serve for such further period as the Captain of the Port may determine.

(2) Any pilot shall on the request of the Captain of the Port submit himself for examination as to his physical fitness for the discharge of his duties to a medical board appointed by the Captain of the Port .

Bonds.

Form of bond.

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10A. A bond given by a pilot to the Pilotage Authority may be in the form and for the amount specified in Schedule 2.

Duties and Offences.

Whole time employment.

11. No pilot who for the time being is the holder of a valid pilot's licence shall engage in any occupation other than that of a pilot except with the consent of the Governor first had and obtained:

Provided that this rule shall not be construed to prohibit any pilot from serving on board a hulk in the Port of Gibraltar or from performing any special duty which may be required of him by the Captain of the Port.

Leave.

12. A pilot shall not be absent from duty without the permission of the Captain of the Port. The application for such permission shall be made twenty-four hours at least before leave is required.

Sickness.

13. If a pilot is sick and unfit for duty for more than seventy-two hours he shall forthwith obtain a medical certificate and forward the same to the Captain of the Port.

Duty.

14.(1) Pilots shall provide to the Captain of the Port a roster of attendance at the Boarding Station daily from 6 o'clock in the forenoon till 6 o'clock in the afternoon such as to provide the level attendance required by the Captain of the Port and to provide that one pilot will be on duty from 6 o'clock in the afternoon to 6 o'clock in the forenoon.

(2) All pilots off duty at night shall be ready for duty at any time if called upon.

Accidents or damages.

15. A pilot shall before going off duty report in writing to the Captain of the Port or officer on duty at the Boarding Station any casualty or accident to a ship piloted by him and such report shall contain full particulars of any loss or damage sustained.

Contravention of rules.

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16. A pilot who contravenes or fails to comply with the provisions of rules 11 to 15 (both inclusive), shall be liable to be fined any sum not exceeding £100 by the Captain of the Port.

17. *Renumbered as rule 19.*

Appeals by pilots.

18. Appeals by pilots under the provisions of section 188 of the Act shall be governed by the provisions set out in Schedule 3.

Fees and Charges.

Pilotage fees.

19. (1) The fees to be paid to licensed pilots by the persons liable under the provisions of this Act so to pay, shall be those agreed with the Captain of the Port and specified by him by notice in the Gazette.

(2) Any dispute as to whether any fee is payable under the provisions of this rule or as to the amount of any fee so payable shall be referred to the Captain of the Port by means of a written statement setting out the questions in issue together with all particulars relevant thereto, and shall be determined by the captain of the Port whose decision thereon shall be final.

Pilotage Administration Charge.

20. *Revoked.*

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Repealed
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SCHEDULE 1.

Rule 9.

FORM OF PILOT'S LICENCE.

To Mr.

Whereas you have duly passed the examination for pilots prescribed by the Merchant Shipping Act, I do hereby in pursuance of the said Act license you, the said _____ to be a pilot for the purpose of conducting ships within the water of Gibraltar.

Given under my hand at Gibraltar this _____ day of _____, 20__ .

(Signed)

Captain of the Port.

Entered at the Port Office on the _____ day of _____ 20__ .

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SCHEDULE 2.

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Rule 10A.

FORM OF PILOT'S BOND.

KNOW ALL MEN BY THESE PRESENTS

THAT I
of

Mariner, am held and firmly bound to the Gibraltar Pilotage Authority in the full sum of One Hundred Pounds to be well and truly paid to the Gibraltar Pilotage 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 Pilotage Authority for a licence to act as a pilot under and by virtue of Part IX of the Merchant Shipping Act 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 Pilotage Authority to act as a pilot) (being a licensed pilot) has agreed to execute the above-written Bond in conformity with the directions and provisions of Part IX 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 Part IX of the Merchant Shipping Act and all rules 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



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Address

Description

Name

Address

Description

Rule 18.

APPEALS TO MAGISTRATES' COURT.

1. A fee of 75p shall be paid for every appeal to the magistrates' court from the decision of the Captain of the Port and notice thereof shall be given in writing to the Clerk to the Justices and to the Captain of the Port, by the person who deems himself aggrieved within seven days after the day on which he shall have received from the Captain of the Port a notification of such decision, or within such further time as may be allowed by the court.
2. The appellant shall within four days after the time of giving such notice of appeal deposit with the Clerk to the Justices the sum of £5, and enter into a recognizance in the further sum of £10, with or without sureties as the court may direct conditioned to appear before the court and abide by its judgment on such appeal, and to pay such further costs (if any) as may be awarded by such court. The sum so deposited shall be applicable to the payment of the costs of the appeal, or shall, in the whole or in part, be returned to the appellant as the court shall direct.
3. On the taking of such recognizance or deposit, the court shall forthwith, in writing, require from the Captain of the Port a statement showing the exact particulars of the decision and the grounds thereof. Either party may by subpoena duces tecum compel the production of all proceedings (including the evidence) taken before the Captain of the Port.
4. If the decision of the Captain of the Port was in respect of an offence with which the appellant had been charged in any court of criminal jurisdiction, the Captain of the Port shall add to the statement required by the court full particulars of the hearing of such charge.
5. In the case referred to in paragraph 4 of this Schedule depositions taken before the magistrates' court in respect of an offence with which the appellant has been charged shall be admissible as evidence at the hearing of an appeal against a decision arising from the same offence.
6. Either party to the appeal may appear in person or by solicitor or barrister.
7. For compelling the attendance of witnesses and the hearing and adjournment of appeals, the procedure prescribed for a court exercising summary jurisdiction by the Criminal Procedure Act and the rules made thereunder shall apply so far as circumstances admit.

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8. The court shall have power to order costs of the appeal to be paid in part or in whole by either party, as it may think fit, and it may, on good reason shown, remit any fee payable in whole or in part.

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SCHEDULE 4.

Pilotage Fees

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	0-500grt	501-3000grt	3001-7500grt	7501-15000grt	15001-25000grt	25001-40000grt	40001-75000grt	75001-100000grt	100001-150000grt	Over 150000grt
(A) Bringing a ship to anchorage	£25	£40	£60	£90	£130	£165	£200	£225	£290	£330
(B) Bringing a ship alongside another in the anchorage or alongside a berth	£35	£60	£100	£130	£190	£235	£295	£330	£435	£515
(C) Boarding & Landing Fee	£50	£50	£100	£100	£100	£150	£150	£150	£150	£150
(D) Drydock Supplement	Rate of B + 100% (Rate A is not included in the calculations)									
(E) Dead Ship Supplement (inc. Oil rigs and vessels not under command)	Flat rate fee across the board of £60									
(F) Running Lines (per boat crew)	Flat rate fee across the board of £30 (only applicable to Rate B) Vessels less than 500grt are exempt									
(G) Attendance charge	A Charge of £50 can be made where there is a cost implication to the pilotage operation and must be justified.									
(H) Pilotage Exemption Charge	Calculated on the minimum chargeable amount within the appropriate tonnage band									
(I) Attendance Service Not required	Flat rate fee across the board of £50 (only applies when pilot attends vessel but is not required due to circumstances beyond his control).									
(J) Fuel Surcharge	A fuel surcharge of an equivalent of the percentage increase in fuel costs, shown in the Bunker Index, may be added to the Boarding and Landing Fees, shown in (C) on the date of entry into operation of this provision and every three months thereafter.									

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SCHEDULE 5.

Revoked.