

Island of  Guernsey

Ordinance of the States **XII**

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1967

The Pilotage Ordinance, 1967

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The Pilotage Ordinance, 1967

THE STATES, in pursuance of their Resolution of the twenty-fourth day of February, nineteen hundred and sixty-five, and in pursuance of the powers conferred upon them by section one, subsection (2) and subsection (4) of section three and section ten of the Pilotage (Guernsey) Law, 1966(a), and of all other powers enabling them in that behalf, hereby order:—

PART I

Constitution of the Guernsey Pilotage Board and the Pilotage Examination Committee

1. There shall be a committee styled, in pursuance of the provisions of section one of the Law, the Guernsey Pilotage Board (hereinafter referred to as "the Pilotage Board") which shall, subject to the provisions of section three of this Ordinance, be established and constituted by the States Board of Administration (hereinafter referred to as "the Board"). Establishment of Pilotage Board.

2. The Pilotage Board shall exercise the powers and perform the duties conferred or imposed upon it by the provisions of this Ordinance. Powers of Pilotage Board.

3. (1) The Pilotage Board shall consist of:— Constitution of Pilotage Board.
 - (a) a President who shall be appointed by the Board from among the members of the Board;
 - (b) at least two other members who shall be appointed by the Board and one of whom shall be a member of the Board;

(a) Ordre en Conseil No. VI of 1966.

- (c) one other member appointed by the Board from a panel of two persons nominated by the general pilots;
- (d) one other member appointed by the Board from a panel of two persons—
 - (i) one of whom shall be nominated by the British Railways Board, and
 - (ii) one of whom shall be nominated by the owners, or by a majority of the owners, of those vessels which have been under the pilotage of a general pilot or a special pilot on at least twenty separate occasions in each of the last two periods of twelve months preceding the date of such nomination.

(2) In the last preceding subsection the expressions “general pilot” and “special pilot” shall respectively include, as respects any such period prior to the coming into force of this Ordinance, a person who immediately before the commencement of this Ordinance was licensed as a general pilot or a special pilot under the provisions of the Pilotage Regulations, (1946)(b).

Establish-
ment etc., of
Examination
Committee.

4. (1) There shall be established and constituted in accordance with the succeeding provisions of this section a committee which shall be styled the Pilotage Examination Committee (hereinafter referred to as “the Committee”) with authority to exercise the powers and perform the duties conferred or imposed upon it by the provisions of this Ordinance.

(2) The Committee shall consist of:—

- (a) a President who shall be the person who is for the time being the States Harbourmaster; and

(b) Recueil d'Ordonnances Tome IX, p. 158.

(b) four other members (hereinafter referred to as "marine assessors") who shall be appointed by the Royal Court and who shall be persons whose profession is, or has been, seafaring and who hold or have held an office or rank indicative of knowledge and experience in seamanship and navigation in the Royal Navy or the Merchant Navy.

(3) In the absence of the President or during a vacancy in that office the Deputy States Harbour-master shall preside over meetings of the Committee as Acting President and as such shall have all the powers and may perform all the duties of the President.

(4) The President or the Acting President, as the case may be, shall have no original vote but in the event of an equality of votes he shall have a casting vote.

(5) A decision of a majority of the members of the Committee present and voting at a meeting shall be a decision of the Committee.

(6) The quorum for a meeting of the Committee shall be the President or the Acting President, as the case may be, and two marine assessors.

(7) At every meeting of the Committee for the purposes of determining whether to issue a pilotage certificate in pursuance of the provisions of section eight of this Ordinance there shall be present the two general pilots appointed in pursuance of the provisions of subsection (1) of section eight of this Ordinance for the purposes of the examination of the applicant for the certificate who shall have no vote but whose report submitted in pursuance of the provisions of the said subsection shall be recorded in the minutes of the meeting and shall form part of the proceedings of the Committee.

(8) Subject to the preceding provisions of this section, the Committee shall regulate its own procedure.

PART II

Grant and renewal of pilotage licences, etc.

Prohibition
on acting
as a pilot.

5. (1) A person shall not, in the pilotage zone, act or attempt to act as a pilot for a vessel in respect of which pilotage is compulsory under the provisions of the Law, whether as master or mate of that vessel or otherwise, unless he holds a pilotage licence granted in pursuance of the provisions of section nine of this Ordinance.

(2) A person shall not, in the pilotage zone, act or attempt to act as a pilot for a vessel in respect of which pilotage is compulsory under the provisions of the Law, whether as master or mate of that vessel or otherwise, at any time during which his pilotage licence is suspended in pursuance of the provisions of section seventeen of this Ordinance.

Application
for pilotage
licence.

6. (1) A person desirous of obtaining a pilotage licence shall make application in that behalf to the Pilotage Board and such application shall be in such form and shall be accompanied by such information as the Pilotage Board may, from time to time, require.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Pilotage Board may require the applicant to supply the Pilotage Board with such information in addition to any information supplied in accordance with the provisions of the last preceding subsection, as the Pilotage Board may require.

7. As soon as may be after the receipt of an application under the provisions of the last preceding section or as soon as may be after the receipt of such additional information as may have been required by the Pilotage Board under the provisions of the said section, the President of the Pilotage Board shall send a copy of the application and such additional information, if any, to the Committee, with a request that the Committee shall conduct an examination of the applicant in accordance with the provisions of the next succeeding section.

References of applications to Examination Committee.

8. (1) As soon as may be after the receipt of a request in pursuance of the provisions of the last preceding section, the Committee shall examine the applicant in shiphandling and in pilotage in the territorial waters of the Islands and, for the purposes of examining the applicant in pilotage, the Committee shall be assisted by two general pilots appointed for the purpose by the States Harbourmaster and the said general pilots shall submit a report in writing to the Committee setting out their opinion of the competence of the applicant in pilotage in the pilotage zone.

Examination by Examination Committee.

(2) The examination of an applicant in pursuance of the provisions of the last preceding subsection shall be conducted in accordance with a syllabus which shall, from time to time, be prescribed by the Committee and different syllabuses may be so prescribed for examinations for different categories of pilotage licences and for different pilotage licences within those categories.

(3) Notice in writing of the date, time and place of the examination to be held in pursuance of the provisions of subsection (1) of this section shall be served by the States Harbourmaster on the applicant at least seven clear days prior to such date.

(4) The applicant, prior to being examined in pursuance of the provisions of subsection (1) of this section, shall pay an examination fee of ten pounds to the Committee who shall cause it to be paid to the members of the Committee and to the two general pilots appointed as aforesaid to assist at the examination in pursuance of the said subsection in such proportions as they shall agree among themselves or, in default of such agreement, in such proportions as the President of the Board shall determine.

(5) For the purposes of an examination in pursuance of the provisions of subsection (1) of this section, the applicant shall provide a boat suitable, in the opinion of the Committee, for the purpose.

(6) If after examining the applicant in pursuance of the provisions of subsection (1) of this section, the Committee is satisfied as to the competence of the applicant in shiphandling and, taking into account the report of the general pilots made in pursuance of the said subsection, in pilotage in the pilotage zone, the Committee shall issue to the applicant a certificate signed by the President thereof in such form as the Committee shall, from time to time, determine (hereinafter referred to as "a pilotage certificate") certifying that the applicant has satisfied the Committee as to his competence as aforesaid.

(7) As soon as may be after the issue by the Committee of a pilotage certificate, the President thereof shall send a copy of such certificate to the Pilotage Board.

(8) The States Harbourmaster shall keep a register in a book kept solely for the purpose of all pilotage certificates issued by the Committee.

9. (1) The Pilotage Board, on application being made to it in pursuance of the provisions of section six of this Ordinance and after receipt of a pilotage certificate in respect of the applicant concerned, may either:—

Grant or refusal of licences.

(a) grant to the applicant—

(i) a pilotage licence for the general pilotage of vessels within the pilotage zone (hereinafter referred to as “a general pilotage licence”), or

(ii) a pilotage licence for the special pilotage within the pilotage zone of a vessel of which the applicant is the master or the mate for the purposes of entering or leaving any port in the Islands specified in the licence (hereinafter referred to as “a special pilotage licence”),

as the case may be; or

(b) grant to the applicant a general pilotage licence or a special pilotage licence, as the case may be, subject to such conditions as the Pilotage Board shall deem it necessary or expedient to impose; or

(c) refuse to grant to the applicant a general pilotage licence or a special pilotage licence, as the case may be.

(2) The Pilotage Board may, from time to time, revoke or vary any conditions attached to any general pilotage licence or any special pilotage licence granted in pursuance of the provisions of the last preceding subsection.

(3) The Pilotage Board shall not grant a special pilotage licence to an applicant who is the master or mate of a vessel of which the gross registered

tonnage exceeds two hundred tons for the special pilotage of that vessel within the pilotage zone for the purposes of entering or leaving the port of Saint Sampson.

Taking of
oath.

10. If the Pilotage Board is of opinion to grant a pilotage licence in pursuance of the provisions of the last preceding section to an applicant the Pilotage Board shall inform the Law Officers of the Crown of the fact and shall request the said Law Officers that the applicant be presented to the Royal Court sitting as an Ordinary Court to take an oath as a general pilot or a special pilot, as the case may be, in such form as the said Ordinary Court shall, from time to time, require.

Pilotage
Board may
limit
number of
pilotage
licences.

11. The Pilotage Board may, from time to time, place a limit on the number of general pilotage licences which it is prepared to grant in pursuance of the provisions of section nine of this Ordinance if it is satisfied that it is necessary or desirable so to do and the Pilotage Board may, from time to time, place a different limit in respect of different ports in the Islands.

Conditions
of issue of
pilotage
licences.

12. The Pilotage Board shall not grant a pilotage licence in pursuance of the provisions of section nine of this Ordinance to an applicant unless:—

- (a) in the case of a general pilotage licence or a special pilotage licence, as the case may be—
 - (i) he is not an alien,
 - (ii) he is aged twenty-one years or more,
 - (iii) he has had issued to him a pilotage certificate,
 - (iv) he is the holder of a certificate of competence as master of a foreign going

ship or as master of a home trade passenger ship granted in accordance with the provisions of Part II of the Merchant Shipping Act, 1894,

- (v) he has taken an oath before the Ordinary Court in pursuance of the provisions of section ten of this Ordinance;
- (b) in the case of a general pilotage licence, he produces a certificate signed by a medical practitioner approved by the Pilotage Board that he is medically fit to carry out his duties as a pilot;
- (c) in the case of a special pilotage licence, he has, during the twelve months immediately preceding the date of the application for that licence, made at least twenty visits to the port in the Islands which he wishes to be specified in that licence as master or mate of a vessel.

13. (1) As soon as may be after the grant of a pilotage licence in pursuance of the provisions of section nine of this Ordinance, the States Harbourmaster, upon being satisfied that the person to whom the licence was granted has paid to the Treasurer of the States the fee required to be paid by him in accordance with the provisions of section fifteen of this Ordinance, shall issue to that person the pilotage licence which has been granted to him as aforesaid, which licence shall be in such form as the Pilotage Board shall, from time to time, direct.

Issue of
pilotage
licences.

(2) The States Harbourmaster shall keep a register in a book kept solely for the purpose of all pilotage licences granted by the Pilotage Board in pursuance of the provisions of section nine of

this Ordinance (hereinafter referred to as “the register of pilotage licences”).

(3) The register of pilotage licences shall be in two parts, one of which shall contain the entries relating to general pilotage licences and the other shall contain the entries relating to special pilotage licences.

Period of
validity of
pilotage
licences.

14. Unless suspended or revoked under any of the provisions of this Ordinance, a pilotage licence granted in pursuance of the provisions of section nine of this Ordinance shall be valid until the thirty-first day of December next following the date of such grant and thereafter, upon being renewed in pursuance of the provisions of section sixteen of this Ordinance, shall be valid during the period commencing on the first day of January in any year and ending on the thirty-first day of December of that year, both dates inclusive.

Fees for
pilotage
licences.

15. There shall be paid in advance to the Treasurer of the States in respect of every pilotage licence granted in pursuance of the provisions of section nine of this Ordinance, a fee of two pounds.

Renewal of
pilotage
licences.

16. A pilotage licence granted in pursuance of the provisions of section nine of this Ordinance shall be renewed for any year:—

- (a) in the case of a general pilotage licence, upon the payment to the Treasurer of the States on or before the thirty-first day of December next preceding, of a fee of two pounds;
- (b) in the case of a special pilotage licence—
 - (i) upon the payment to the said Treasurer on or before the said date, of a fee of two pounds, and

- (ii) upon the special pilot concerned satisfying the said Treasurer that he has or will have during the twelve months immediately preceding the said date, made at least ten visits to the port specified in the licence as master or mate of a vessel.

17. The Pilotage Board may at any time revoke, or suspend for such period as it may determine, a pilotage licence:—

Revocation
and
suspension
of pilotage
licences.

- (a) if, in the opinion of the Pilotage Board, the holder of the pilotage licence ceases to be adequately fitted to discharge with efficiency the duties of a general pilot or a special pilot, as the case may be;
- (b) if, in the opinion of the Pilotage Board, the terms and conditions of the pilotage licence are not being complied with;
- (c) if, in the opinion of the Pilotage Board, the holder of the pilotage licence has been guilty of gross misconduct of such nature that he has failed, or is unlikely in future, to discharge efficiently the duties of a general pilot or a special pilot, as the case may be;
- (d) if the holder of the pilotage licence has been convicted of an offence, being a contravention of any of the provisions of this Ordinance or of any enactment for the time being in force relating to the navigation or movement of vessels in, entering or leaving a port in the Islands;
- (e) if, in the case of the holder of a general pilotage licence, he fails to obey any order or direction given to him by or on behalf

of the Pilotage Board under the provisions of section twenty-two of this Ordinance or any order or direction given to him by the States Harbourmaster or the Master Pilot or the Deputy Master Pilot, as the case may be, under the provisions of section twenty-five of this Ordinance;

- (f) if, in the case of the holder of a general pilotage licence, he has absented himself from duty, without the permission of the Pilotage Board, for any continuous period of fourteen days or more.

(2) The power vested in the Pilotage Board under the provisions of the last preceding subsection to revoke or suspend a pilotage licence shall include a power in like circumstances to vary any conditions attached to any such licence.

Production
of medical
certificate.

18. (1) The Pilotage Board may at any time require any general pilot or any special pilot to produce a certificate signed by a medical practitioner approved by the Pilotage Board as to the general physical and mental condition of that pilot or, in particular, as to the condition of his ocular or aural organs, or both.

(2) If a general or special pilot fails to comply with a requirement made in pursuance of the provisions of the last preceding subsection or fails to so comply within such period as may be specified by the Pilotage Board and, in the opinion of the Pilotage Board, there is reason to believe that the pilot has ceased to be adequately fitted to discharge with efficiency the duties of a general pilot or a special pilot, as the case may be, the Pilotage Board may revoke or suspend the pilotage licence of that pilot and such revocation or suspension shall be

deemed to be a revocation or suspension, as the case may be, in pursuance of the provisions of paragraph (a) of subsection (1) of the last preceding section.

19. Where the Pilotage Board refuses to grant a pilotage licence to an applicant therefor or grants such a licence subject to conditions or revokes or suspends a pilotage licence or varies any condition attached to any such licence, notice in writing of such refusal, grant, revocation, suspension or variation setting out the reasons therefor and signed by the President of the Pilotage Board shall be served, as soon as may be, on the applicant or the holder of the licence, as the case may be.

Notice of refusal, etc., of a pilotage licence.

20. As soon as may be after the receipt of a notice in pursuance of the provisions of the last preceding section revoking or suspending a pilotage licence or varying any condition attached to a pilotage licence, the holder thereof shall return the pilotage licence to the States Harbourmaster who shall:—

Obligation of holder of pilotage licence if licence revoked, etc.

- (a) in the case where a pilotage licence is revoked as aforesaid, cancel the pilotage licence and make an appropriate note against the entry relating thereto in the register of pilotage licences;
- (b) in the case where a pilotage licence is suspended or any condition attached thereto is varied as aforesaid, endorse the licence accordingly and return it to the holder thereof and shall make an appropriate note against the entry relating thereto in the register of pilotage licences.

21. As soon as may be after the grant to him of a general pilotage licence, a general pilot, for

Provision of bond.

the purposes of limiting his liability in accordance with the provisions of section six of the Law, may enter into a bond in favour of the States of such amount, not exceeding one hundred pounds, as the Board may in any particular case determine and such bond shall be in such form as the Board may in any particular case approve.

PART III

The Pilotage Service

Powers of
Pilotage
Board over
general
pilots.

22. (1) For the purposes of ensuring the efficiency and reliability of the services provided by the general pilots and for ensuring their good conduct and constant attendance to, and effectual performance of, their duties, whether at sea or on shore, the Pilotage Board may give to the general pilots or any of them such orders or directions as the Pilotage Board may, from time to time, deem necessary or expedient.

(2) Every general pilot shall obey any order or direction given to him by or on behalf of the Pilotage Board in pursuance of the provisions of the last preceding subsection.

Duty of
general
pilots to
maintain a
pilotage
service.

23. Subject to the provisions of the last preceding section, the general pilots shall be responsible to the Pilotage Board for maintaining a constant, regular and efficient service for the compulsory pilotage of vessels in accordance with the provisions of the Law and of this Ordinance (hereinafter referred to as "the pilotage service").

Election and
duties of
Master Pilot.

24. (1) Before the expiration of the period of thirty days next following the date of the coming into force of this Ordinance and before the expiration of each succeeding period of twelve months

thereafter, the Pilotage Board shall, by notice served on each of the general pilots not less than seven days in advance, convene a meeting of general pilots for the purposes of the next succeeding subsection.

(2) At each such meeting the general pilots shall from among their number elect—

- (a) a person who shall be styled the Master Pilot, and
- (b) a person who shall be styled the Deputy Master Pilot.

(3) A person shall not be declared elected as the Master Pilot or as the Deputy Master Pilot in pursuance of the provisions of the last preceding subsection unless he has polled a number of votes greater than one half of the number of general pilots present at the meeting at which the election is held.

(4) The person elected as the Master Pilot and the person elected as the Deputy Master Pilot in pursuance of the provisions of subsection (2) of this section shall hold office as the Master Pilot or the Deputy Master Pilot, as the case may be, for a period of one year commencing on the date on which he is so elected if he continues for so long to be the holder of a general pilotage licence and that licence is not suspended in pursuance of the provisions of section seventeen of this Ordinance.

(5) The Master Pilot shall be responsible to the Pilotage Board:—

- (a) for the organisation and efficiency of the pilotage service;
- (b) for the discipline of the general pilots;
- (c) for ensuring that any order or direction given to the general pilots or any of them by the Pilotage Board in pursuance of the

provisions of subsection (1) of section twenty-two of this Ordinance is promptly and efficiency executed;

and shall perform such other functions and carry out such other duties as may, from time to time, be assigned to him by the said Board.

(6) In the absence from duty of the Master Pilot or during a vacancy in that office, the Deputy Master Pilot shall have all the powers and shall perform all the duties of the Master Pilot.

General
pilots to
obey orders.

25. A general pilot shall obey any order or direction in connection with the performance of his duties as a general pilot given to him by the States Harbourmaster or by the Master Pilot or the Deputy Master Pilot, as the case may be.

General
pilots to
supply
pilot boats.

26. (1) Without prejudice to the generality of the provisions of section twenty-three of this Ordinance, the general pilots shall, at their own expense, provide and maintain for the purposes of the pilotage service two seaworthy pilot boats approved by the Pilotage Board.

(2) At least one pilot boat as aforesaid shall at all times be readily available for the purposes of the pilotage service.

(3) The pilot boats as aforesaid shall be of such colour and shall have painted or marked thereon such indications of their purpose as may, from time to time, be approved by the Pilotage Board.

Duty of
pilots to
make
reports.

27. Every general pilot and every special pilot shall report to the States Harbourmaster without delay any information which comes to his knowledge relating to all or any of the following circumstances arising in the territorial waters of the Islands:—

- (a) the fact that any fixed or moored beacon, buoy or other navigational aid is not in its correct position;
- (b) the fact that any fixed or moored beacon, buoy or other navigational aid is damaged or defective;
- (c) the fact that damage has been caused to, or sustained by, any vessel in respect of which he is acting as a general pilot or of which he is the master or mate, as the case may be.

28. (1) Subject to the provisions of the next succeeding subsection, a general pilot shall retire as such on attaining the age of sixty-five years and thereupon his pilotage licence shall cease to be valid. Retirement of general pilots.

(2) A general pilot who, immediately before the coming into force of this Ordinance, was licensed as a general pilot under the provisions of the Pilotage Regulations, (1946), may, with the permission in writing of the Pilotage Board, continue to act as a general pilot until attaining the age of seventy years and shall then retire as such and thereupon his pilotage licence shall cease to be valid.

(3) As soon as may be after his pilotage licence ceases to be valid in pursuance of the provisions of subsection (1) or subsection (2) of this section, a general pilot shall return it to the States Harbourmaster who shall cancel the pilotage licence and shall make an appropriate note against the entry relating thereto in the register of pilotage licences.

29. (1) A general pilot shall be entitled on retirement in accordance with the provisions of the last preceding section or otherwise, to a retirement pension or other benefits in such circumstances, of such Pensions Scheme for general pilots.

amount and subject to such conditions as may be contained in the rules of a scheme established by the Board, whether by way of assurance or otherwise, for the payment of pensions or other benefits to general pilots.

(2) The Board may deduct from the pilotage dues paid to the States in pursuance of the provisions of Part V of this Ordinance such amount as the Board may, from time to time, consider to be required for the purposes of any scheme for the payment of pensions or other benefits in pursuance of the provisions of this section.

Existing
pilots and
dependants
on pension.

30. (1) Any person who, on the date of the coming into force of this Ordinance, is receiving relief from the Pilots' Fund in pursuance of the provisions of paragraph 2 of Article six of the Pilotage Regulations, (1946), shall continue to receive such relief as if this Ordinance had not been passed.

(2) Upon the Board ceasing to be required to provide relief as aforesaid from the Pilots' Fund the Board shall, after the payment of any debts of the said Fund, apply the net assets of the said Fund for such purposes in connection with pilotage as the Board shall, in its absolute discretion, determine and thereupon the said Fund shall be dissolved.

Issue of
legislation
to pilots.

31. (1) The States Harbourmaster shall, upon issuing to a general or special pilot a pilotage licence in pursuance of the provisions of section thirteen of this Ordinance, also issue to him a copy of this Ordinance, a copy of any enactment for the time being in force relating to the navigation or movement of vessels in, entering or leaving a port in the Islands and a copy of any enactment for the time being in force in the United Kingdom relating to pilotage signals by day and by night.

(2) The States Harbourmaster shall, from time to time, issue to every general pilot and every special pilot copies of every amendment to this Ordinance and to the other enactments referred to in the last preceding subsection.

PART IV

Compulsory Pilotage

32. For the purposes of the Law and of this Ordinance, the pilotage zone shall consist of that part of the territorial waters of the Islands bounded:—

Limits of
pilotage
zone.

- (a) on the North by a line joining Grandes Brayes Rocks and Grande Amphrocque;
- (b) on the East by a line joining Grande Amphrocque and Goubinière and by a line joining Goubinière and the Lower Heads Buoy; and
- (c) on the South by a line joining the Lower Heads Buoy and Saint Martin's Point.

33. For the purposes of the Law and of this Ordinance, the roadstead shall consist of that part of the pilotage zone bounded:—

Limits of
roadstead.

- (a) on the North by a line joining the Salerie and Crevichon;
- (b) on the South by a line joining Clarence Battery and the Grande Fauconnaire Rock and
- (c) on the East by a line intersecting the lines referred to in the last two preceding paragraphs and obtained by extending a line joining the Vale Mill and Mont Crevelt Tower.

Excepted
vessels.

34. For the purposes of the Law and of this Ordinance, the following vessels shall be excepted vessels:—

- (a) vessels belonging to Her Majesty;
- (b) vessels belonging to, or under the control of, a Department of Her Majesty's Government if used exclusively for the purposes of such Department;
- (c) vessels belonging to, under charter to or under the control of, the States of Guernsey;
- (d) vessels belonging to or under the control of the Elder Brethren of the Corporation of Trinity House;
- (e) a vessel of less than forty gross registered tons engaged in trade and not carrying passengers for hire or reward;
- (f) vessels licensed by the Board under the provisions of the Ordinance entitled "Ordonnance par rapport aux Bateaux portant Passagers, ou mis en location" made permanent on the eighteenth day of January, nineteen hundred and thirty-two(c);
- (g) local motor vessels within the meaning of the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1953(d).

Display of
pilot's
signal.

35. (1) The master of a vessel, other than an excepted vessel, when navigating in circumstances in which pilotage is compulsory under the provisions of the Law and requiring the services of a general pilot shall display a pilot signal, that is to say, a signal prescribed by rules made in pursuance of the provisions of section forty-five of the Pilotage

(c) Recueil d'Ordonnances Tome VI, p. 48.

(d) Recueil d'Ordonnances Tome X, p. 366.

Act, 1913, and shall keep such signal displayed until a general pilot comes on board.

(2) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any pilot signal for any purpose other than that of summoning a general pilot, or uses or causes or permits any person under his authority to use any other signal for the purpose of summoning a pilot, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

36. If the master of a vessel requiring the services of a general pilot displays a pilot signal in pursuance of the provisions of subsection (1) of the last preceding section and the general pilot who offers his services is unable, because of adverse weather conditions, to board the vessel, the master shall navigate the vessel so as to conform to the course of the pilot boat which the general pilot is on board, then, for the purposes of the Law and of this Ordinance, in such circumstances the vessel shall be deemed to be under the pilotage of a general pilot.

Vessels deemed to be under pilotage.

37. (1) A general pilot, on boarding a vessel for the purposes of pilotage, shall give to the master thereof a Pilot Boarding Note in the form set out in Part I or Part II of the First Schedule to this Ordinance, as the case may require.

Pilot Boarding Note.

(2) A Pilot Boarding Note given to the master of a vessel in pursuance of the last preceding subsection shall be completed and signed by the said master and returned to the general pilot before he leaves the vessel on the completion of the act of pilotage to which the said Note relates and the general pilot shall as soon as may be thereafter deliver it to the States Harbourmaster.

Production
of pilotage
licence.

38. A general pilot, on boarding a vessel for the purposes of pilotage shall, if required so to do by the master thereof, produce his pilotage licence or evidence, in such form as the Pilotage Board shall, from time to time, determine, of the fact that he is for the time being the holder of a general pilotage licence.

Display of
pilot
flag.

39. (1) When a vessel is navigating in circumstances in which pilotage is compulsory under the provisions of the Law and there is on board a general pilot, or a master or mate holding a special pilotage licence, the master of the vessel shall cause a pilot flag to be exhibited on that vessel at the masthead or on a sprit or staff or in some equally conspicuous position.

(2) A pilot flag, or a flag so nearly resembling a pilot flag as to be likely to deceive, shall not be displayed on any vessel not having a general pilot or a master or mate holding a special pilotage licence on board, and, if any such flag is displayed on any such vessel, the master of that vessel shall, unless in the case of the display of a flag likely to deceive he proves that he had no intention of deceiving, be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Display of
pilot flag
on pilot
boat.

40. (1) The person in charge of a pilot boat shall while at sea for the purposes of the pilotage service cause a pilot flag, of large dimensions compared with the size of the boat, to be exhibited on that boat at the masthead or on a sprit or staff or in some equally conspicuous position.

(2) Any person who fails to comply with the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

41. (1) The pilotage inwards of a vessel shall cease when the vessel is moored to a quay in a port in the Islands or safely anchored in the roadstead. Extent of pilotage.

(2) The pilotage outwards of a vessel shall cease when the vessel leaves the pilotage zone or if a general pilot stays on board the vessel at the request of the master beyond the limits of the pilotage zone when the general pilot leaves the vessel.

PART V

Pilotage Dues

42. (1) There shall be paid to the States in respect of the acts of pilotage set out in the left hand column of the Second Schedule to this Ordinance performed by a general pilot, pilotage dues at the rates specified in the right hand column of that Schedule in relation to those acts of pilotage respectively. Pilotage dues in respect of general pilots.

(2) Notwithstanding the provisions of the last preceding subsection, there shall be paid to the States in respect of each of the first two acts of pilotage set out in the left hand column of the Second Schedule to this Ordinance performed by a general pilot if he boards or leaves the vessel, as the case may be, outside the pilotage zone, pilotage dues at the rate of three pence and three farthings per gross registered ton.

(3) Notwithstanding the provisions of the last two preceding subsections, the maximum pilotage dues which shall be paid in pursuance of the provisions of either of those subsections for any one of the acts of pilotage set out in the left hand column of the Second Schedule to this Ordinance shall be twenty-five pounds sterling and the minimum pilotage dues which shall be so paid shall be two pounds and ten shillings sterling.

Pilotage dues in respect of special pilots.

43. There shall be paid to the States in respect of the acts of pilotage set out in the left hand column of the Second Schedule to this Ordinance performed by a special pilot, pilotage dues of an amount equal to five per centum of the pilotage dues which would have been paid in pursuance of the provisions of the last preceding section if the act of pilotage concerned had been performed by a general pilot.

Pilotage dues for movement of vessels in ports.

44. (1) A vessel, other than an excepted vessel, shall not be moved using its main engines for that purpose, from one berth to another in a port in the Islands except under the pilotage of a general pilot or a special pilot.

(2) There shall be paid to the States in respect of an act of pilotage as aforesaid performed by a general pilot pilotage dues, as follows:—

- (a) in respect of a vessel under five hundred gross registered tons £1 17s. 6d.
- (b) in respect of a vessel of five hundred gross registered tons or over £2 10s. 0d.

Notification of leaving to be given in advance.

45. (1) In the case of a vessel requiring the services of a general pilot for the purpose of leaving a port in the Islands or the roadstead the master or owner thereof shall notify the Master Pilot or the States Harbourmaster at least one hour in advance of the time when the pilot is required.

(2) If a vessel does not leave a port in the Islands or the roadstead before the expiration of one hour after the time notified in pursuance of the provisions of the last preceding subsection, a general pilot having offered his services, there shall be paid to the States pilotage dues for any further delay at the following rates—

- (a) for a period not exceeding one hour Nil
- (b) for a period exceeding one hour but not exceeding two hours £1 0s. 0d.
- (c) for any period exceeding two hours £1 0s. 0d.
per hour or part of an hour.

46. If a general pilot acts as master or mate of a vessel while navigating in the pilotage zone and while acting as such he performs an act of pilotage, pilotage dues shall be paid to the States in respect of that act of pilotage as if he were acting as a general pilot and not as master or mate, as the case may be, of the vessel. Pilotage dues to be paid when general pilot acts as master or mate.

47. (1) The following persons shall be jointly and severally liable to pay any pilotage dues required to be paid in pursuance of the provisions of this Part of this Ordinance, namely:— Recovery of pilotage dues.

- (a) the owner or master of the vessel concerned;
- (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 vessel in the port of her arrival or discharge in the Islands;
- (c) as to pilotage outwards, such consignees or agents as have made themselves liable to pay any other charge on account of the vessel in the port of her departure from the Islands;

and such pilotage dues shall be recoverable as a civil debt.

(2) Any consignee or agent, not being the owner or master of the vessel, who is liable under the provisions of this section for the payment of pilotage dues in respect of any vessel may, out of any moneys received by him on account of that vessel or belonging to the owner thereof, retain the amount of all pilotage dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the pilotage dues or his liability to pay them.

Disposal of
pilotage
dues.

48. (1) The Board may, in addition to any amount deducted in pursuance of the provisions of subsection (2) of section twenty-nine of this Ordinance, deduct from the pilotage dues paid to the States in pursuance of the provisions of this Part of this Ordinance in each year, an amount equal to one and one quarter per centum of such dues.

(2) The balance of the pilotage dues paid to the States in each year, after any deductions therefrom in pursuance of the provisions of the last preceding subsection and in pursuance of the provisions of subsection (2) of section twenty-nine of this Ordinance, shall be paid by the Board to the Treasurer of the States who shall distribute the same among the general pilots in such manner, at such times and in such proportions as the general pilots shall, by a majority of them, from time to time, determine.

Calculation
of pilotage
dues.

49. In calculating the amount of any pilotage dues payable to the States in pursuance of the provisions of this Part of this Ordinance a fraction of a penny less than a halfpenny shall be disregarded and a fraction of a penny greater than a halfpenny shall be deemed to be a penny.

PART VI

Miscellaneous, interpretation, repeals, etc.

50. (1) There shall not be paid to the States any pilotage dues in addition to those payable in pursuance of the provisions of Part V of this Ordinance in respect of the completion of an act of pilotage by a general pilot which is interrupted but a general pilot who, for any reason beyond his control, is obliged to remain on a vessel in the roadstead because of an interruption in an act of pilotage which he is performing shall be paid by the master of the vessel an amount calculated at the rate of two pounds sterling per tide or part of a tide for so long as such interruption continues and the said master shall provide him, free of cost, with meals similar to those provided for the officers of the vessel until the act of pilotage is completed.

Fees for
general
pilot
remaining
on vessel.

(2) Where, for any reason beyond his control, a general pilot is obliged to remain on a vessel beyond the limits of the pilotage zone after an act of pilotage is completed, he shall be paid by the master of the vessel an amount calculated at the rate of three pounds sterling for every period of twenty-four hours or part thereof he is away from the port in the Islands at which the act of pilotage commenced and the said master shall provide him, free of cost, with meals similar to those provided for the officers of the vessel for so long as he remains on board and the said master shall pay the return fare and reasonable maintenance to enable him to return to the said port.

51. Any notice which may be served for the purposes of this Ordinance shall be validly served:—

Service of
notices.

- (a) on any person, if delivered to him, left, or sent by registered post or recorded delivery service to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm, or left at, or sent by registered post or recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by post to, its registered office if situate in the Islands, or, if its registered office is not so situate, its principal or last known principal place of business in the Islands.

Appeals.

52. (1) Any person aggrieved by a decision of the Pilotage Board in pursuance of the provisions of paragraph (b) or paragraph (c) of subsection (1) of section nine or of section seventeen of this Ordinance may, within thirty days from the date of the service on him of a notice in pursuance of the provisions of section nineteen of this Ordinance, appeal to the Royal Court on the grounds that the decision of the Pilotage Board was an unreasonable exercise of its powers:

Provided that an appeal shall not lie against a decision of the Pilotage Board to suspend a pilotage licence for a period of less than thirty days.

(2) An appeal in pursuance of the provisions of the last preceding subsection shall be instituted by way of summons served on the President of the Pilotage Board to show cause why the decision appealed from should not be set aside or varied and such summons shall set out all the material facts upon which the appellant relies.

53. Any general pilot who—

Offences by
general
pilots.

- (a) is in any way directly or indirectly concerned in any corrupt practices relating to vessels, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels;
- (b) lends his pilotage licence;
- (c) acts as a pilot when in a state of intoxication;
- (d) employs, or causes to be employed, on board any vessel which he is piloting any boat, anchor, cable or other store, matter, or thing beyond what is necessary for the services of that vessel, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person;
- (e) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any vessel within the pilotage zone upon the signal for a pilot being made by the master of that vessel, or upon being required to do so by the master, the States Harbourmaster, the Master Pilot or the Pilotage Board;
- (f) unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any vessel;
- (g) refuses, otherwise than on reasonable ground of danger to the vessel, when requested by the master, to conduct the vessel which he is piloting into any port in the Islands or to the roadstead; or
- (h) quits the vessel which he is piloting before the act of pilotage which he was perform-

ing has been completed and without the consent of the master of the vessel; shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

General penalties.

54. (1) Except where otherwise specifically provided in this Ordinance, any person—

- (a) who contravenes or fails to comply with any of the provisions of this Ordinance or any conditions attached to any general pilotage licence or any special pilotage licence, or
- (b) who, in connection with any application for the grant or renewal of a pilotage licence in pursuance of the provisions of this Ordinance, knowingly makes any false statement or recklessly makes any statement which is false in a material particular, or
- (c) who fails to obey any order or direction given to him by the Pilotage Board under the provisions of section twenty-two of this Ordinance or any order or direction given to him by the Master Pilot or the States Harbourmaster in pursuance of the provisions of section twenty-five of this Ordinance,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

(2) Any person who obstructs any person in the exercise of his powers under this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Interpretation.

55. (1) In this Ordinance, except where the context otherwise requires, the following expressions

have the meanings hereby respectively assigned to them, that is to say:—

- “applicant” means an applicant for the grant of a pilotage licence in pursuance of the provisions of section nine of this Ordinance;
- “the Deputy Master Pilot” means the person elected as such in pursuance of the provisions of section twenty-four of this Ordinance;
- “the Law” means the Pilotage (Guernsey) Law, 1966;
- “master” includes every person, except a general pilot, having command or charge of a vessel;
- “the Master Pilot” means the person elected as such in pursuance of the provisions of section twenty-four of this Ordinance;
- “owner” includes a charterer;
- “pilot boat” means a boat provided and maintained in pursuance of the provisions of section twenty-six of this Ordinance;
- “pilot flag” means a flag of two colours, the upper horizontal half, white, and the lower horizontal half, red;
- “pilot signal” has the meaning assigned to it by subsection (1) of section thirty-five of this Ordinance;
- “the Royal Court” means the Royal Court sitting as a Full Court.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as including a reference to that enactment as amended, repealed and re-enacted, extended or applied by or under any other enactment including this Ordinance.

Amendment
to Ordinance of
1961.

56. The definition of the expression "the Pilotage Zone" in section three of the Harbours (Entry and Exit) Ordinance, 1961(e), is hereby repealed and the following definition is hereby substituted therefor—

"the Pilotage Zone" has the meaning assigned to it by section eleven of the Pilotage (Guernsey) Law, 1966;"

Repeals.

57. The Ordinances set out in the Third Schedule to this Ordinance are hereby repealed.

Citation.

58. This Ordinance may be cited as the Pilotage Ordinance, 1967.

Commencement.

59. This Ordinance shall come into force on the first day of April, nineteen hundred and sixty-seven.

FIRST SCHEDULE

Section thirty-seven

PART I

States of Guernsey
Pilot Boarding Note
Inwards

Name of ship

Port of Registration

Gross Tonnage

Name of Master

Where from

Draft For'dft.ins.

Draft Aftft.ins.

Particulars of Disease, Death or Sickness during
voyage

.....

Name of Pilot

Where boarded

Where Pilot left

Name of Owner

Name of Agent

Date Signed

PART II

*States of Guernsey
Pilot Boarding Note
Outwards*

Name of Ship

Port of Registration

Gross Tonnage

Name of Master

Draft For'dft.ins.

Draft Aftft.ins.

From

Name of Pilot

Where Pilot left

Name of Owner

Name of Agent

Additional Charges

St. Peter Port

SHIFTS

St. Sampson's

Detention

Date Signed

SECOND SCHEDULE

Section forty-two

Section forty-three

Rates of pilotage dues

Acts of pilotage	Rates of pilotage dues
Pilotage of a vessel for the purposes of entering or making use of the ports of Saint Peter Port or Saint Sampson or the roadstead.	3d. per gross registered ton
Pilotage of a vessel for the purposes of leaving the ports of Saint Peter Port or Saint Sampson or the roadstead.	3d. per gross registered ton
Pilotage of a vessel from the port of Saint Peter Port to the port of Saint Sampson or vice versa.	2½d. per gross registered ton

THIRD SCHEDULE

Section fifty-seven

Enactments repealed

The Ordinance entitled "Ordonnance portant règlement pour les Navires Français faisant un Service Régulier avec cette Ile" made permanent on the eighteenth day of January, nineteen hundred and thirty-two(*f*).

The Pilotage Regulations, 1946(*g*).

The Pilotage Regulations (1946) Amendment Ordinance, 1948(*h*).

The Pilotage Regulations (1946) Amendment Ordinance, 1950(*i*).

The Pilotage Regulations (1946) Amendment Ordinance, 1952(*j*).

R. H. VIDELO,

Her Majesty's Greffier.

(*f*) Recueil d'Ordonnances Tome VI, p. 148.

(*g*) Recueil d'Ordonnances Tome IX, p. 158.

(*h*) Recueil d'Ordonnances Tome IX, p. 177.

(*i*) Recueil d'Ordonnances Tome X, p. 99.

(*j*) Recueil d'Ordonnances Tome X, p. 319.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 3/6.