

Ordonnance portant Règlement pour le Pilotage (1946).
(Le 6 juillet 1946)

LA COUR, sur les représentations du Conseil d'Administration des Etats, et ouïes les conclusions du Procureur du Roi, a ordonné et ordonne:—

The Pilotage Regulations, (1946).

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2. General and Special Licences.
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PART ONE.

ARTICLE 1.

Subject to the provisions of this Ordinance no person ^{General} shall hereafter act as a pilot in the territorial waters of ^{prohibition} this Island unless

- (1) He is a British Subject aged 21 years or more, and
- (2) He has had issued to him a Pilotage Certificate after due examination by the Pilotage Examination Committee, and
- (3) He has been sworn as Pilot by the Royal Court, and
- (4) He has in his possession a licence issued to him by the Pilot Board in accordance with the provisions of this Law,

and any person who so acts in contravention of this Article or who being the holder of a Special Licence performs an act of Pilotage not within the terms of that licence shall be liable on conviction to a fine not exceeding £100 or to imprisonment not exceeding six months with or without hard labour, or both, and the revocation or suspension of his licence.

ARTICLE 2.

General
and Special
Licences

- (1) There shall be two categories of licences:—
- (i) *General Licences*: for general pilotage in the territorial waters of this Island.
 - (ii) *Special Licences*: for the special pilotage of vessels under the command of a person holding a Licence of this category, and trading, for a specified owner, regularly between a port in this Island and one or more ports designated in the Licence.

(2) The Pilot Board shall, from time to time, fix the number of pilots who may hold General Licences and shall keep a register of licences issued in each category. A duplicate of that register shall be kept by the Harbour Master.

ARTICLE 3.

Constitution
and duties
of the
Pilot Board
and the
Pilotage
Examination
Committee

(1) The Pilot Board shall be composed of not less than three persons appointed by the Board of Administration, at least one of whom shall be a member of that Board. The President of the Pilot Board shall be a member of the Board of Administration. On every such appointment the Board of Administration shall decide the period during which such member of the Pilot Board shall remain in office and upon a vacancy arising for any reason whatsoever, such vacancy shall be filled without delay by an appointee of the Board of Administration. The Board of Administration may at any time at their discretion remove any member of the Pilot Board.

(2) The Pilotage Examination Committee shall be composed of the Harbour Master or in his absence the Deputy Harbour Master and four marine assessors appointed for the purpose by the Royal Court. The Harbour Master or his Deputy shall be President of the Committee. Two of the appointed marine assessors and the Harbour Master or his Deputy shall form a quorum. In the deliberations of that Committee the President shall have a casting vote only. At every examination of a Candidate in pilotage the Committee shall be assisted by not less than two Pilots, holding General Licences, co-opted for the purpose by the Harbour Master. Such Pilots shall effectively examine every candidate in pilotage and shall make recommendations to the Committee. They shall have no vote but their recommendations shall be recorded by the President as part of the proceedings of that Committee.

For the purposes of this Article the expression "marine assessors" means those persons whose profession is or has been the sea and who hold or have held an office of rank indicative of knowledge and experience in seamanship and navigation in His Majesty's Royal Navy or in the Merchant Navy.

ARTICLE 4.*

ARTICLE 5.

(1) A candidate for the post of Pilot shall address a written and signed application to the Pilot Board and the application shall include the following:—

Applications
for admission
into the
Pilotage
Service

- (a) The full name and address of the applicant.
- (b) The date and place of birth.
- (c) A declaration that to the best of his knowledge the candidate is then in good health and not suffering from any physical defect which is likely to impede his efficiency as a licensed Pilot.

* New Article substituted by The Pilotage Regulations (1946) Amendment Ordinance, 1950.

The candidate shall furnish such further particulars, including a Medical Certificate, as the Pilot Board may require.

(2) Any person who in connection with any such application as aforesaid wilfully withholds any material particular or knowingly or recklessly makes any statement or furnishes any information which is false in a material particular, shall be guilty of an offence against this Ordinance and shall be liable on conviction to a fine not exceeding £50 or to imprisonment not exceeding three months, or both, and if a Pilot's licence has been issued to any such person that licence shall be surrendered immediately and shall be deemed to have been revoked.

(3) Upon receipt of an application as aforesaid the Pilot Board, if satisfied as to the particulars thereof, shall inform the Pilotage Examination Committee of their desire to have the candidate examined with a view to the issue to him of a Pilot's Licence and thereupon that Committee shall proceed to an effective examination of the knowledge of that candidate in Pilotage in the territorial waters of this Island, or in such Pilotage and in seamanship as the case may require.

(4) It shall be the duty of the Harbour Master to notify the candidate of the time and place appointed for his examination, but no such examination shall be held unless and until the candidate shall have deposited with the Pilotage Examination Committee the sum of Five pounds by way of examination fee. The candidate shall provide a boat suitable, in the opinion of that Committee, for the purposes of the examination. The amount so deposited shall be paid to those members and assessors who conduct the examination, in such proportions as they shall agree among themselves.

(5) (i) The Pilotage Examination Committee shall issue gratis to every candidate who by examination satisfies the requirements of that Committee, a certificate of competency which shall be entitled "Pilotage Certificate," and shall notify the Pilot Board upon the issue of every such certificate.

- (ii) It shall be the duty of the Harbour Master to keep a register in which shall be entered the particulars of every Pilotage Certificate issued by the Pilotage Examination Committee.
- (iii) The Pilot Board may, upon notification as aforesaid, and provided that as regards General Licences, the number of them will not exceed that fixed by the Board, recommend to the Law Officers of the Crown that the Candidate be presented to the Royal Court, sitting as an Ordinary Court, to be sworn as a Licensed Pilot, and if the Candidate is so sworn the Pilot Board shall forthwith deliver to the Pilot a licence of the category to which he has been admitted.

ARTICLE 6.

1. (1) Every Pilot holding a General Licence shall pay Licence fees to the Treasurer of the States the sum of Two Pounds upon the first issue of his licence in respect of that year, and thereafter annually and for so long as the licence is not revoked he shall pay a like sum to the Treasurer of the States before the expiration of the 31st day of January in each year. No reduction shall be made in respect of a portion of any year or in respect of any period during which a licence is suspended.*
- (ii) Every Pilot who holds a Special Licence shall pay to the Treasurer of the States the sum of Twenty-five Pounds upon the first issue of his licence in respect of that year, and thereafter annually and for so long as the licence is not revoked he shall pay a like sum to the Treasurer of the States before the 31st day of January in each year. No reduction shall be made in respect of a portion of any year, or in respect of any period during which a licence is suspended.

* Proviso added 11th September, 1948.

(iii) The first annual payment of the fees above prescribed shall be made not later than the 31st day of January, 1947.

2. The licence fees prescribed in the preceding paragraph shall be paid from time to time into a Pilots' Fund to be kept by the Treasurer of the States. The amount of that fund shall be applied from time to time, at the discretion of the Board of Administration, for the relief of Pilots and their dependents.

ARTICLE 7.

Suspension
of Licence
and appeal

1. A Pilot's Licence shall be deemed to be suspended as from the date:—

- (a) when and for so long as his licence fee is due and remains unpaid; or
- (b) when in the opinion of the Pilot Board, after considering satisfactory evidence of the facts, the Pilot ceases by reason of his age, health or character to be adequately fitted to discharge with efficiency all the duties of a Licensed Pilot. In such case the Pilot Board shall immediately send written notice of the fact to the Pilot concerned, or
- (c) when he last performed an authorised act of Pilotage if, thereafter and without the permission of the Harbour Master, he has absented himself from duty for fourteen days or more; or
- (d) when, upon the complaint of the Master or the owner of a vessel, or of the Harbour Master, the Pilot Board, after due enquiry, is satisfied that the Pilot against whom the complaint is made has:—
 - (i) committed an offence punishable under the provisions of this Ordinance; or (ii) has committed an infringement of the Harbour Regulations; or (iii) has been guilty of gross misconduct either by wilful disobedience of the orders of the Master Pilot or of the Harbour Master or of the Pilot Board, or of conduct of such a nature that,

in the opinion of the Pilot Board, he has failed or is unlikely in the future to discharge efficiently the duties of a Pilot;

and any person who acts as a Pilot in the territorial waters of this Island and whose licence at the time of so acting is in suspense shall be deemed to have so acted without licence and shall on conviction be punishable as if he had committed an offence against Article 1 of this Ordinance.

2. (i) Where a licence has been suspended in accordance with the provisions of sub-paragraphs (b), (c) or (d) of the preceding paragraph and, in the opinion of the Pilot Board the facts are of insufficient gravity to warrant the revocation of the licence, the Pilot Board shall determine the period, not exceeding three months, during which such suspension shall operate, and shall inform the Pilot concerned, in writing, of their decision; provided always that where the period of suspension shall exceed one month the Pilot concerned may appeal to the Royal Court, sitting as the Ordinary Court, against the decision of that Board. The appeal shall be made by way of Petition and the appellant shall cause the President of the Pilot Board to be served with a summons (with a copy of the Petition annexed) to be present at the hearing of the appeal to shew cause why the decision of that Board should not be set aside, and thereupon the Court whose decision shall be final may allow the appeal, or may disallow the appeal and increase or decrease the period of suspension, or may revoke the licence.

(ii) Where in the opinion of the Pilot Board there exist facts of such gravity as to warrant the revocation of a Pilot's Licence, that Board shall shew cause, by way of Petition to the Royal Court sitting as a Full Court why, upon the facts set out in the Petition, the licence of that Pilot should be revoked and the Court may upon the hearing thereof impose a term of suspension or revoke the licence. A copy of the Petition, annexed to the summons to appear, shall be served upon the Pilot concerned, and the decision of the Full Court shall be final.

ARTICLE 8.

Medical
examination

At any time during the currency of a licence the Pilot Board may require a Pilot to produce a certificate signed by a Medical Practitioner previously approved by the Pilot Board, as to the physical condition of that Pilot and such certificate may be required to relate generally to the health and physique of the Pilot or specifically to the state and condition of his ocular organs, and if a Pilot, having been so required, fails or refuses to produce the required certificate either within the time stated in the requirement or otherwise within a reasonable time after the day when he receives such requirement, then the Pilot Board may proceed to the consideration of his case as provided in sub-paragraph (b) of paragraph 1 of the preceding Article.

ARTICLE 9.

The Master
Pilot and
Deputy
Master Pilot

1. (i) Not later than thirty days after the date of the coming into operation of this Ordinance the Pilot Board shall assemble the Pilots who hold General Licences and those Pilots present shall, subject to the approval of that Board, and by a majority of those Pilots present and voting, elect a Master Pilot and Deputy Master Pilot who shall remain in office until the 31st day of January, 1947. In that year and in each succeeding year a similar meeting shall be convened and held upon the same conditions and for the like purpose. Subject as aforesaid the retiring Master Pilot and Deputy Master Pilot shall be eligible for re-election.
- (ii) In the absence from duty of the Master Pilot or during a vacancy in that office, the Deputy Master Pilot shall fulfil the duties of the Master Pilot.
- (iii) The Master Pilot shall be responsible to see that the orders of the Pilot Board and of the Harbour Master are promptly and efficiently carried out, and he shall

be responsible to the Pilot Board for the organisation of the Pilotage Service and the discipline of the Pilots.

- (iv) Pilots who hold General Licences shall be subject to the orders and disciplinary control of the Harbour Master and the Pilot Board.

ARTICLE 10.

Every Pilot* upon the first issue of his licence, shall furnish the Treasurer of the States with good and sufficient security in the sum of £50 sterling to make good any damage resulting from his neglect or incapacity in the fulfilment of his duties as Pilot.*

Deposit of
security
by Pilot

ARTICLE 11.

1. It shall be the duty of every Pilot to report to the Harbour Master without delay any information coming to his knowledge concerning:—
- (i) Any fixed or moored beacon, buoy or navigational mark which is not in its correct position, and
- (ii) Any damage to or defect in any beacon, buoy, navigational mark, and any irregularity in any light or fog signal, and
- (iii) All damage caused to, or sustained by, a vessel under his charge or being piloted by him.

Duty of
Pilot
to report
irregularities
in
navigational
aids

PART TWO.

ARTICLE 12.

1. (i) For the purpose of performing the Pilotage service, the Pilots who hold General Licences shall supply and maintain, in serviceable condition, and at their expense, two Pilot-boats to be approved by the Pilot Board.
- (ii) At least one Pilot-boat shall be maintained at all times in a state of readiness to be used for Pilotage purposes.

Pilot boats

* Amended 11th September, 1948.

- (iii) A Pilot-boat when on duty at sea shall fly continuously a flag five feet by four feet in minimum dimension, rectangular in shape and coloured half red and half white, the white part of which shall be above the red.
- (iv) Every Pilot when on duty shall observe, as if they were incorporated in the present Ordinance, the regulations of the British Board of Trade, from time to time in force, concerning day and night signals for piloting.

ARTICLE 13.

**Duties of
Pilots on
boarding**

1. On boarding a vessel for the purpose of piloting that vessel, it shall be the duty of the Pilot: —

- (i) to exhibit his licence, if required so to do by the Master or other officer in charge of that vessel; and
- (ii) to hoist a flag not less than three feet six inches long and four feet three inches wide, the base in red and the top in white. That flag shall remain hoisted until the pilotage of that vessel has been completed; and
- (iii) to put to the Master or other officer in charge of that vessel, the following questions: —
 - (a) Where are you from?
 - (b) Has there been disease, sickness or death among the crew or passengers during the voyage?
 - (c) Are the crew and passengers now in good health?
- (iv) to deliver to the Master or other officer in charge of that vessel, a Pilot Boarding Note in the appropriate form set out in the Schedule to this Ordinance. The Master or other officer shall complete and sign that form and return it to the Pilot before the Pilot leaves the ship and the Pilot on landing shall deliver that form immediately to the Harbour Master.

2. Any Pilot who fails to exhibit his licence when required, or to hoist his flag on boarding, or to put the statutory questions or deliver the statutory Boarding Note as required by this Article, and any Master or other

officer as aforesaid who fails or refuses to answer the questions or to complete and sign and return the Boarding Note, or who withholds any information or makes any answer or statement whether oral or written which to his knowledge is false in a material particular shall on conviction be liable to a fine not exceeding £100.

PART THREE.

ARTICLE 14.

1. Every vessel except: —

Vessels
liable to
take a
pilot

- (i) A vessel of His Majesty's Royal Navy; or the Navy of a Dominion, Colonial or Foreign Government;
- (ii) A vessel, if not engaged in trade, belonging to or under the control of a department of His Majesty's Government;
- (iii) A trading vessel of less than forty tons, gross tonnage, if not carrying passengers for hire or reward;
- (iv) Pleasure Yachts and boats licensed by the Board of Administration in accordance with the provisions of any Ordinance from time to time in force;
- (v) A vessel the Master* of which is a Pilot holding a Special Licence;

shall, upon arriving at the limits of the territorial waters of this Island. and, if bound for the roadstead or for a port in Guernsey, fly the distinctive flag calling for a Pilot and that vessel, on arriving in the Pilotage Zone delimited in the next succeeding Article, shall take on board the first Pilot who meets that vessel and offers pilotage services and in default thereof the Master of that vessel shall on conviction be liable to a fine not exceeding £100 sterling and both the owner and the Master of that vessel shall be jointly and severally liable for the payment of the Pilotage fee payable under this law in respect of the Pilotage of that vessel into a Port in this Island.

2. Every vessel liable to take a Pilot on its arrival may on leaving the harbours or the roadstead of this Island,

* "or a Mate" added on 11th September, 1948.

demand the services of a Pilot, and shall take the first Pilot who offers his services. If such offer is not accepted the Master and the owner of that vessel shall be liable as provided in the preceding paragraph of this Article. If no such services are supplied when so demanded then no Pilotage fees shall be payable.

3. A Pilot shall, if required by the Master of a vessel, pilot that vessel to the limit of the Pilotage Zone.

ARTICLE 15.

The Pilotage
Zone and
area of
roadstead

1. The Pilotage Zone is the area within the following limits:—

- (i) *Northern limit*: A line drawn from the Grandes Brayes Rocks to Tautenay;
- (ii) *Southern limit*: A line drawn from St. Martin's Point to the Lower Heads Buoy;
- (iii) *Eastern limit*: A line drawn from Tautenay Beacon to the Lower Heads Buoy.

2. The roadstead is the area within the following limits:

- (i) *Northern limit*: A line drawn from the Salerie to Crévichon;
- (ii) *Southern limit*: A line drawn from the point of Clarence Battery to the Grande Fauconnaire Rock;
- (iii) *Eastern limit*: A line drawn from the Vale Mill to Mont Crevelt Tower prolonged so as to cross the two former lines.

ARTICLE 16.

Duty of the
Master of a
vessel to
heave-to or
follow
a pilot

1. The Master of every vessel under way and liable under this Ordinance to take a Pilot shall heave-to on the approach of a Pilot and take him on board and in default thereof shall be liable, on conviction, as if he had committed an offence under Article 14 of this Ordinance.

2. If by stress of weather a Pilot cannot board a vessel at sea, the Master of that vessel and the Pilot shall arrange that the Pilot-boat shall lead and serve as guide to a safe anchorage or to a berth in port, and the owner and the

Master of that vessel shall be jointly and severally liable for payment of the Pilotage fees payable under this Ordinance.

3. The pilotage of a vessel liable under this law to take a Pilot shall not cease until the vessel, if bound for the roadstead or one of the harbours of this island, is moored to the quay, or safely anchored in the roadstead as the case may be.

ARTICLE 17.

The Master of a vessel:

1. who shall have taken a Pilot on board; or
2. being the holder of a Special Licence

shall fly at the masthead the Pilot's flag so long as that vessel is under way in territorial waters, or at anchor in the roadstead, with a Pilot on board, and the Master of any vessel that flies a Pilot's flag when a Pilot whose duty it is to pilot that vessel is not on board, shall be liable, on conviction, to a fine not exceeding £100 sterling.

Duty of the Master of a vessel to fly a Pilot's flag

ARTICLE 18.

Upon arriving in territorial waters, the master of a ship on which there is or has been during the voyage, infectious sickness or disease among the crew or passengers shall fly at the masthead the recognised flag quartered in yellow and black and no person shall leave or give any other person permission to leave that ship, and the flag shall not be lowered until the Harbour Master or his deputy or appointee authorised for the purpose has visited her and given his permission in that behalf. Any person convicted of an offence under this Article shall be liable to a fine not exceeding £100 sterling or to six months imprisonment with or without hard labour, or to both such fine and imprisonment.

Duty of the Master of a vessel when sickness aboard

ARTICLE 19.

1. Pilotage fees shall be payable in accordance with the scale of fees set out in the Schedule to this Article and

Pilotage fees

shall in every instance be paid to the Treasurer of the States for the credit of a Pilotage Account to be kept by him and against which he shall be entitled to debit two and one half per centum per annum for administration expenses and to meet in part the cost of certificates, licences and other documents supplied to the pilots. The balance shall be distributed among the pilots holding general Licences, from time to time and in such manner as they shall, by a majority of them, decide.

2. The fees payable under this Article as regards vessels liable to take a Pilot shall not be payable by nor charged against a vessel the Master of which holds a Special Licence but they shall be payable at the rates fixed in the Schedule to this Article, if, not being liable to take a Pilot, a vessel accepts Pilotage service.

3. Pilotage fees shall be calculated on the Gross Tonnage of a vessel, and except where otherwise provided in the Schedule, shall be leviable in respect of Pilotage within the Pilotage Zone only.

SCHEDULE.

1. On every vessel bound for this Island and entering the roadstead or the Harbour of St. Peter Port or the Harbour of St. Sampson. *three half-pence per ton.
2. On every vessel proceeding to sea out of a Harbour in this island *three half-pence per ton.
3. On every vessel boarded or left by a Pilot outside the Pilotage Zone, *two-pence per ton.
4. On every vessel proceeding from the Harbour of St. Peter Port to the Harbour of St. Sampson or from the Harbour of St. Sampson to the Harbour of St. Peter Port, *one penny per ton.

PROVIDED ALWAYS that the maximum fee payable as aforesaid for the pilotage of a vessel on any one occasion shall not exceed *Fifteen pounds sterling and the minimum fee shall not be less than one pound sterling.

* Amended 11th September. 1948.

5. On every vessel piloted from one berth to another in the Harbours of St. Peter Port and St. Sampson, one pound sterling.
6. A vessel which is detained in the roadstead shall not be charged an additional fee upon proceeding from the roadstead to the Quayside or to the limit of the Pilotage Zone, as the case may be, but a Pilot who, for any reason beyond his control, is obliged to remain on board a vessel in the roadstead shall be paid, in addition to the Pilotage fee, at the rate of one pound sterling per tide or part of tide, and the Master of that vessel shall provide, free of cost, food for the Pilot until the pilotage of that vessel ceases.
7. Where, for any reason beyond his control, a Pilot is carried beyond the limits of the Pilotage Zone, the Master of the vessel shall pay him thirty shillings per day for every day the Pilot is away from the place where the pilotage began and the Master shall, in addition, supply him with food free of cost, and his return fare.

PART FOUR.

ARTICLE 20.

It shall be the duty of the Harbour Master to deliver to every Pilot, a copy of the present Ordinance and any amending Ordinances that may be passed from time to time; a copy of all regulations from time to time made concerning the Harbours of this Island, and a copy of the British Board of Trade Regulations concerning day and night signals for Piloting.

Duty of
Harbour
Master
to supply
Pilots with
information

ARTICLE 21.

Where it appears that the owner of a vessel has committed an infraction of this Ordinance and is not within the jurisdiction, then proceedings may be instituted against the Master of that vessel or against the local Agent of the owner and a conviction recorded in those proceedings shall be deemed to be a conviction of the owner in

Liability
of owner

respect of that infraction and any fine thus imposed against, and any costs ordered to be paid by the defendant, shall be discharged by the Master or the local Agent as the case may be, out of funds in their hands belonging to the owner, so, however, without making the Master or local Agent personally liable.

ARTICLE 22.

Suspension
of Licence

1. Where it appears in this Ordinance that a fine may be imposed upon a Pilot convicted of an offence the Court may, in addition to or in lieu of such fine, order that the licence held by that Pilot shall be suspended for such time, not exceeding twelve months, as the Court shall decide, or may order the revocation of that licence.

2. Where an order of suspension is made, the Pilot shall immediately surrender his licence to the Pilot Board who shall endorse the same with particulars of the order and shall hold that licence until the expiration of the period of suspension. Where a licence is ordered to be revoked. the Pilot shall surrender the same immediately to the Pilot Board.

3. It shall be the duty of the Pilot Board to enter in the register of Pilots the fact of every such suspension or revocation.

ARTICLE 23.

Penalty

Save where it is otherwise expressly provided for, a person convicted of an offence against this Ordinance shall on conviction be liable to a fine not exceeding Fifty Pounds sterling with or without imprisonment not exceeding six months and, in the case of a Pilot, to have his licence suspended or revoked in accordance with the provisions of the preceding Article.

ARTICLE 24.

Existing
licences

For the avoidance of doubt it is hereby declared that any licence which was in force at the date of this Ordinance shall continue in force subject to the provisions of this Ordinance.

ARTICLE 25.

Are and hereby remain repealed all previous Ordinances for the regulation of Pilots in the territorial waters of this Island. Repeal of previous regulations

ARTICLE 26.

This Ordinance may be cited as "The Pilotage Regulations, (1946)."
Short title

SCHEDULE.

(referred to in Article 13).

STATES OF GUERNSEY.

PILOT BOARDING NOTE.

INWARDS.

Name of Ship.....

Port of Registration.....

Gross Tonnage.....

Name of Master.....

Where from.....

Particulars of disease, death or sickness during the voyage.....

Name of Pilot.....

Where boarded

Where Pilot left.....

Name of Owner.....

Name of Agent.....

Signed.....

Date.....

STATES OF GUERNSEY.



PILOT BOARDING NOTE.

OUTWARDS

Name of Ship.....

Port of Registration.....

Gross Tonnage.....

Name of Master.....

Name of Pilot.....

From

Where Pilot left.....

Name of Owner.....

Name of Agent.....

Signed.....

Date.....