

THE PILOTAGE ACT

REGULATIONS
(*under section 25 (1)*)

The Pilotage Regulations, 1975

Schedule to Act

ORDER
(*under section 26 (1)*)

The Pilotage (Waiver of Compulsory Pilotage) Order, 1981

L.N. 50D/81
149/2001

7

7

THE PILOTAGE ACT

ORDER
(under section 26 (1))

THE PILOTAGE (WAIVER OF COMPULSORY PILOTAGE) ORDER, 1981

*(Made by the Minister on the 3rd day of April, 1981)*L.N. 50D/81
Amd.:
L.N. 149/2001

1. This Order may be cited as the Pilotage (Waiver of Compulsory Pilotage) Order, 1981.

2. Where, in relation to the navigation within a pilotage area of any ship—

- (a) no licensed pilot is available to perform pilotage duties; or
- (b) one or more licensed pilots refuse to perform pilotage duties for any reason other than the safety of the ship; or
- (c) being a yacht is—
 - (i) going directly from outside of any pilotage area to a marina similar in Jamaica; or
 - (ii) cruising Jamaican waters solely for pleasure,

the ship shall not be required to be under pilotage of a pilot licensed for such area by the Authority if the conditions set out in paragraph 3 are complied with prior to the ship proceeding without a licensed pilot.

3. The conditions referred to in paragraph 2 are complied with if—

- (a) the master of the ship furnishes the Authority with the following information—
 - (i) the name, nationality, call sign, draft and gross registered tonnage of the ship;
 - (ii) the immediate and ultimate destination of the ship within the compulsory pilotage area;
 - (iii) the nature of any cargo on board the ship;
 - (iv) whether the master of the ship is familiar with the route and marine traffic regulating system in the compulsory pilotage area;
 - (v) whether the master of the ship is prepared to proceed without the service of a pilot; and
- (b) the Authority, after considering the information, indicates that it offers no objection to the ship proceeding without a licensed pilot.

4. The navigation of any ship pursuant to this Order shall be subject to the Authority's directions.

PILOTAGE

THE PILOTAGE ACT

ARRANGEMENT OF SECTIONS

PART I—*Preliminary*

1. Short title.
2. Interpretation.

PART II—*The Authority*

3. Functions and powers of Authority.
4. The Register.
5. Certificate of competence and licensing of pilots.
6. Authority to issue exemption certificates to ships' masters.
7. Registration and assignment and allowances of apprentice pilots.
8. The Authority not liable for loss caused by pilot or apprentice.
9. Authority to receive pilotage charges.
10. No clearance if unpaid pilotage charges.
11. Pilotage fund.
12. Pilots' benefit fund.

PART III—*Discipline*

13. Disciplinary powers.
14. Disciplinary Committees.
15. Powers of a Disciplinary Committee.
16. Pilot's right to be represented.
17. Appeals to a Judge in Chambers against certain penalties imposed by the Committee.
18. Appeal to Court of Appeal.
19. Surrender of licence and identification card to Authority.
20. Penalty to be noted in register of pilots.

PART IV—*General Powers and Duties of the Authority*

21. Investigations into accidents.
22. Pilot to report any accident.

PILOTAGE

23. Formal enquiry.
24. Authority's power to summon and examine witness, etc.
25. Regulations.

PART V—Compulsory Pilotage

26. Obligations when pilotage is necessary.
27. Authority may impose fine.
28. Assignment of pilot and master's right to object.
29. Liability of owner or master in the case of a ship in a pilotage area.
30. Display of pilot signal when pilot is on board ship.
31. Display of pilot signal when no pilot is on board.
32. Obligation to display request signal for pilot.

Bonding of Pilots

33. Bonds required to be given by pilot and limitation of pilot's liability to extent thereof.
34. Court to determine extent of pilot's liability.

Offences by Pilots

35. Demanding or receiving pilotage charges.
36. Penalty on pilot endangering ship, life or limb.
37. Power of master to relieve pilot.
38. Penalty on persons obtaining charge of a ship by misrepresentation.
39. Offences by pilots.

General

40. Declaration as to draught of ship, etc.
41. Copies of pilotage provisions to be furnished to pilots.
42. Obligation on pilot to produce his licence or identification card.
43. Penalty for fraudulent use of licence.
44. Convictions of pilots to be noted in register.
45. Protection of members.

SCHEDULE (The Pilotage Regulations).

[The inclusion of this page is authorized by L.N. 60/1976]

THE PILOTAGE ACT

Act
24 of 1975.

[2nd June, 1975.]

PART I—*Preliminary*

1. This Act may be cited as the Pilotage Act. Short title.
- 2.—(1) In this Act, unless the context otherwise requires— Interpre-
tation.
- “apprentice” means an apprentice pilot registered as such under this Act;
- “Authority” means the Port Authority established under section 4 of the Port Authority Act;
- “certificate of competence” means a certificate issued by the Authority under subsection (1) of section 5;
- “chairman” means the chairman of the Authority and includes any person for the time being performing the functions of the chairman;
- “coastal pilotage” means pilotage of a ship bound directly from any port in the Island to any other port in the Island between the limits of the pilotage area of the port of departure and the limits of the pilotage area of the port of destination;
- “consignee” means a person to whom goods of a ship are consigned and who has accepted responsibility for the payment of the pilotage charge due on that ship;
- “Disciplinary Committee” and “Committee” means a Disciplinary Committee appointed pursuant to section 14;

“excepted ships” means—

- (a) commissioned ships belonging to the Government of Jamaica or to any other Government;
- (b) ships of less than fifty tons maximum gross registered tonnage;
- (c) vessels actually engaged in any pilotage area in—
 - (i) laying or picking up submarine cables or navigation marks;
 - (ii) salvage operations;
 - (iii) surveying;
 - (iv) dredging;
- (d) a coasting ship as defined in section 172 of the Customs Act engaged solely in the coasting trade as therein defined, except when towing another ship;
- (e) tugs operating exclusively within the port limits;
- (f) vessels owned, hired or operated by the Port Authority engaged in the business of the port;
- (g) ships of a maximum gross registered tonnage of under five hundred tons as respects any pilotage area in relation to which the master has obtained from the Authority an exemption certificate;
- (h) vessels, operating exclusively within the port limits, which may, subject to such terms and conditions as the Authority may stipulate be approved by the Authority;
- (i) such other ships as may be prescribed;

“exemption certificate” means a certificate of exemption from pilotage granted under section 6;

- “functions” includes duties and powers;
- “licensed pilot” means a pilot licensed as such under this Act;
- “maximum gross registered tonnage” in relation to any ship, means the gross registered tonnage of that ship or, if the ship has more than one gross registered tonnage, the highest of such gross registered tonnage;
- “pilotage area” means an area the limits of which are prescribed by regulations;
- “pilotage charges” means pilotage dues and fees, detention fees, boat fees, request fees, cancellation fees, travelling and subsistence allowances and any other prescribed payment relating to the service of pilots;
- “pilotage fund” means the fund established pursuant to section 11;
- “register” means the Register of Pilots and Apprentice Pilots specified in section 4;
- “secretary” means the secretary of the Authority and includes any person for the time being performing the functions of the secretary;
- “Superintendent of Pilotage” means the person appointed by the Authority to exercise and perform the functions assigned to him by or under this Act or delegated to him by the Authority.

(2) In relation to the functions of the Authority under this Act, the provisions of this Act shall be read and construed as one with the Port Authority Act and all amendments thereto, and references in that Act to the provisions of that Act and the regulations thereunder shall be construed to include references to this Act and regulations made hereunder.

PART II—*The Authority*

Functions
and powers
of
Authority.

3.—(1) In addition to the functions of the Authority under the Port Authority Act, the Authority shall have the following functions, namely—

- (a) to grant, suspend, alter or revoke pilots' licences and to discipline and control pilots;
- (b) to arrange for the apprenticeship of trainee pilots, their training, and all matters related to or connected with apprentice pilots;
- (c) to ensure the maintenance of proper standards of conduct by pilots and apprentices and for that purpose to discipline pilots and apprentices;
- (d) to supervise and manage all business connected with coastal pilotage and the pilotage in all pilotage areas, harbours, and the channels thereto.

(2) Subject to the provisions of this Act, the Authority shall have the following powers, namely—

- (a) to define the limits of pilotage areas and classify the ports of the Island for the purposes of this Act;
- (b) to classify pilots into grades and to fix rates of remuneration in respect of each grade of pilot;
- (c) to fix all pilotage charges;
- (d) to provide, manage and maintain—
 - (i) proper offices, waiting-rooms, sanitary conveniences and other facilities for the use of pilots and staff; and
 - (ii) sufficient boats, crews and necessary equipment for use by pilots who are engaged in pilotage duties;
- (e) to do such other things as are, in its opinion, necessary or expedient in carrying out most effectively the provisions of this Act.

4.—(1) The Authority shall cause the secretary to keep ^{The} a register (to be known as the Register of Pilots and ^{Register.} Apprentice Pilots) in which shall be entered the names, and addresses of licensed pilots and apprentices, the area in respect of which pilots are licensed, and such other particulars as may be prescribed.

(2) The register shall be so kept that separate parts thereof are allocated to pilots and apprentices respectively.

(3) The register shall be open to inspection by any member of the public at all reasonable times on payment of the prescribed fee, and a copy of the register shall be published in the *Gazette* by the secretary at such times and in such manner as may be prescribed.

(4) The Authority shall issue—

- (a) to every person registered as an apprentice pilot under this Act, a certificate of registration and an identification card in the prescribed forms;
- (b) to every person licensed as a pilot under this Act a licence and an identification card in the prescribed forms.

5.—(1) Upon the application of any person who desires to be licensed as a pilot the Authority may, by such test or other means as it thinks fit, ascertain whether he has the prescribed qualifications and skills for pilotage and, if so satisfied, may grant him a certificate of competence. ^{Certificate of competence and licensing of pilots.}

(2) Subject to the provisions of this section and to regulations made under section 25, any person who—

- (a) applies to the Authority in the prescribed form to be licensed as a pilot; and
- (b) satisfies the Authority that—
 - (i) he holds a certificate of competence;
 - (ii) he is of good character;

(3) (a) Where by virtue of any disciplinary action taken under this Act, or at his request, the registration of any person as an apprentice pilot is terminated, his name shall forthwith be removed by the secretary from the register, and he shall within seven days after the removal of his name surrender his certificate of registration and identification card to the secretary.

(b) Failure on the part of the apprentice to comply with this subsection shall render him liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty-five dollars.

(4) There shall be paid by the Authority to apprentice pilots such sums by way of allowances or expenses as the Authority may from time to time consider reasonable.

The Authority not liable for loss caused by pilot or apprentice.

8. The Authority shall not be liable for any loss or injury occasioned by any act or default of a licensed pilot or an apprentice.

Authority to receive pilotage charge.

9.—(1) All pilotage charges payable in respect of any ship shall be paid to the Authority by the master of the ship, the owner, agent or consignee as the case may be.

(2) The master, owner, agent and consignee aforesaid shall be jointly and severally liable for the payment of any pilotage charges payable in respect of a ship and the Authority may recover the amount due by action against any or all of them.

No clearance if unpaid pilotage charges.

10. No customs officer at any port in Jamaica shall grant a clearance to a ship if he is informed by the Authority that pilotage charges in respect of the ship are outstanding and unpaid.

Pilotage fund.

11.—(1) The Authority shall maintain a fund to be known as the pilotage fund—

[The inclusion of this page is authorized by L.N. 60/1976]

- (a) into which shall be paid—
- (i) all pilotage charges received by the Authority pursuant to section 9;
 - (ii) all fees collected in respect of the issue or renewal of any licence or registration under this Act;
 - (iii) all sums paid to the Authority or deducted from the remuneration of pilots by way of fines; and
- (b) out of which shall be paid—
- (i) all amounts payable under this Act to pilots and apprentices according to their entitlement under this Act;
 - (ii) all amounts allocated to a pilots' benefit fund established under section 12; and
 - (iii) all expenses incurred by the Authority in the performance of its functions under this Act in relation to pilotage services and matters ancillary thereto.

(2) The Authority may deduct from any amount payable to a pilot or apprentice under this Act the amount of any fine imposed on him in disciplinary proceedings pursuant to this Act and any other amount of money owing by him to the Authority under this Act.

12.—(1) The Authority may, with the approval of the Minister, establish a pilots' benefit fund.

Pilots'
benefit
fund.

(2) The Authority may make regulations for the management of the said fund and the application of such sums as may be carried from time to time to the credit thereof.

(3) A separate account shall be kept by the Authority of all moneys allocated to or received by the Authority for the benefit of the said fund, and money standing to the credit of that account shall not be applicable to any purpose other than a purpose of that fund.

PART III—*Discipline*

Disciplinary powers.

13.—(1) The disciplinary powers of the Authority shall be exercised in the first instance by the Superintendent of Pilotage who is hereby empowered—

- (a) to interdict from duty any pilot or apprentice who in his opinion is unfit to carry out any of his duties;
- (b) to hear and determine any complaint made against any pilot or apprentice which in his opinion is not of so serious a nature as to require reference to a Disciplinary Committee and in his discretion, subject to subsection (2), to admonish the pilot or apprentice or to impose on the pilot or apprentice a fine not exceeding one hundred dollars;
- (c) to investigate any complaint made against a pilot or apprentice and any case in which it appears to the Superintendent of Pilotage that there has been a breach of the provisions of this Act or any regulations by a pilot or apprentice and any case in which there is a probability that any pilot has failed in his duty and, if in his opinion the circumstances so warrant, to refer the matter to a Disciplinary Committee for hearing;
- (d) to exercise the powers conferred upon the Authority by sections 41 (2), 42 (2) and 43 of this Act.

(2) Any pilot or apprentice who is aggrieved by a decision of the Superintendent of Pilotage pursuant to paragraph (a), (b) or (d) of subsection (1) may appeal in the prescribed time and manner to a Disciplinary Committee

[The inclusion of this page is authorized by L.N. 60/1976]

and on any such appeal a Disciplinary Committee may make such order varying or affirming the order of the Superintendent of Pilotage as it thinks just.

(3) A Disciplinary Committee in dealing with an appeal under this section shall take into consideration—

(a) reports from the Superintendent of Pilotage copies of which shall be made available to the appellant; and

(b) any representation made by or on behalf of the pilot or apprentice,

and may award costs for or against a pilot or apprentice not exceeding one hundred dollars and any award of costs in favour of a pilot or apprentice shall be paid from the pilotage fund.

14.—(1) The Authority shall appoint, from among its members or such employees or other persons as may be prescribed, such Disciplinary Committees as the Authority thinks fit each of which shall consist of such number of persons not being less than three or more than five as the Authority thinks fit.

Disciplinary
Committees.

(2) The Authority may make rules for regulating the presentation, hearing and determination of matters by a Disciplinary Committee; and a Disciplinary Committee may, subject to such rules, regulate its own procedure.

15.—(1) A Disciplinary Committee shall hear and determine—

Powers
of a
Disciplinary
Committee.

(a) appeals made pursuant to subsection (2) of section 13;

(b) cases referred to it by the Superintendent of Pilotage under paragraph (c) of subsection (1) of section 13.

(2) In any disciplinary proceedings against any pilot or apprentice pursuant to paragraph (b) of subsection (1) the Committee may, if it thinks fit, take all or any of the following actions—

- (a) suspend the pilot or apprentice from duty for such period and on such terms (whether as to emoluments or otherwise) as it thinks just;
- (b) impose on the pilot or apprentice a fine not exceeding five hundred dollars;
- (c) recommend to the Authority that the licence of the pilot or the registration of the apprentice be revoked or suspended.

Pilots
right to
be repre-
sented.

16. At any disciplinary proceedings before the Superintendent of Pilotage pursuant to paragraph (b) or (d) of subsection (1) of section 13, or before a Disciplinary Committee, the pilot or apprentice, as the case may be, shall have the right to be heard and to be represented by an Attorney-at-Law or by any licensed pilot.

Appeals to
a Judge in
Chambers
against
certain
penalties
imposed
by the
Committee.

17.—(1) Any pilot or apprentice aggrieved by any action of a Disciplinary Committee under paragraph (a) or (b) of subsection (2) of section 15 may, within such time and in such manner as may be prescribed by rules of court, appeal to a Judge in Chambers who may make such order varying or affirming the order of the Disciplinary Committee as he considers just.

(2) At an appeal under this section, the Judge may award costs for or against the pilot or apprentice, and any award of costs in favour of a pilot or apprentice shall be paid from the pilotage fund.

(3) An order of a Judge under this section shall be final and conclusive and not subject to any further right of appeal.

[The inclusion of this page is authorized by L.N. 60/1976]

18.—(1) Any pilot or apprentice who is aggrieved by any action taken by the Authority pursuant to a recommendation under paragraph (c) of subsection (2) of section 15, or by the refusal or failure of the Authority to renew his licence, or by the refusal or failure of the Authority having obtained possession of his licence, to return it to him, may appeal to the Court of Appeal within such time and in such manner as may be prescribed by rules of court.

Appeal to
Court of
Appeal.

(2) At the hearing of an appeal the Court of Appeal may dismiss the appeal or, if it finds merit in the appeal, direct the Authority to take such action in relation thereto as the Court of Appeal thinks just.

(3) The Court of Appeal may award costs for or against a pilot or apprentice and any award of costs in favour of a pilot or apprentice shall be paid from the pilotage fund.

19.—(1) Where a pilot's licence has been revoked, the holder thereof shall, within seven days after the order revoking the licence has been made, surrender it together with his identification card to the Authority for retention and the Authority shall cause the fact of the revocation to be endorsed on the licence.

Surrender
of licence
and identi-
fication
card to
Authority.

(2) Where a pilot's licence has been suspended—

- (a) the holder thereof shall, within seven days after the order suspending the licence has been made, surrender it to the Authority for retention and the Authority shall cause the particulars of the suspension to be endorsed thereon;
- (b) it shall be restored so endorsed to the pilot at the expiration of the period of suspension.

(3) Failure on the part of a pilot to comply with subsection (1) or (2) (a) shall render him liable on summary

conviction in a Resident Magistrate's Court to a continuing fine of ten dollars for every day in which the pilot is in breach.

Penalty to be noted in register of pilots.

20. Whenever disciplinary action is taken against a pilot under this Part, the Authority shall cause a note of the penalty imposed on the pilot to be entered against the pilot's name in the register.

PART IV—*General Powers and Duties of the Authority*

Investigations into accidents.

21.—(1) The Authority may appoint such person as it thinks fit to hold an investigation into every case in which any ship in a pilotage area or under pilotage charge—

- (a) occasions or receives any damage; or
- (b) touches the ground; or
- (c) runs foul of any other ship, buoy or beacon; or
- (d) is manoeuvred in a manner likely to endanger other users of a port,

and to report his findings to the Authority.

(2) For the purposes of any such investigation the person appointed for that purpose may summon and examine the master of the ship concerned and any other persons.

(3) Where the evidence of any person may become unavailable for an investigation under this section by virtue of the necessity for him to leave the Island, the evidence of that person may be taken on oath, written down, signed by the witness and the signature shall be duly witnessed by the person taking the statement.

(4) The officer appointed pursuant to subsection (1) to hold an investigation shall have the power to administer

oaths for the purposes of taking evidence under subsection (3).

(5) Whenever it is desired to take evidence on oath pursuant to subsection (3), notice shall be given to the pilot concerned of—

- (a) the intention to take such evidence on oath; and
- (b) his right to be present and to cross-examine the witness.

(6) All questions asked at such cross-examination and all answers thereto shall be written down and signed by the witness and the pilot or, on failure of the pilot so to sign, shall be certified by the person taking the statement as correct.

(7) In subsections (5) and (6) references to a pilot include references to a master holding an exemption certificate.

22.—(1) Any pilot in pilotage charge of a ship which is involved in any accident or mishap specified in subsection (1) of section 21 shall report immediately the fact of such accident or mishap to the Authority and shall hold himself ready and available to assist in any investigation or enquiry in respect thereof and shall not without the permission of the Authority absent himself until such investigation or enquiry has been held.

Pilot to report any accident.

(2) In subsection (1) references to a pilot include references to a master holding an exemption certificate.

23. The Authority may whenever it thinks fit so to do, and upon receipt of the report pursuant to subsection (1) of section 21 hold a formal enquiry into the accident or mishap referred to in the report.

Formal enquiry.

Authority's
power to
summon and
examine
witness, etc.

24.—(1) Subject to such regulations as may be made under this Act, for the purposes of any enquiry to be held by virtue of section 23, the Authority is hereby empowered to—

- (a) summon and examine witnesses;
- (b) call for and examine any documents;
- (c) administer oaths;
- (d) consider any written evidence which has been taken pursuant to subsection (3) of section 21;
- (e) call assessors or experts to give advice on nautical problems;
- (f) adjourn any investigation or enquiry from time to time.

(2) For the purposes of any enquiry or investigation, the Authority shall have all the powers possessed by Commissioners appointed under the Commissions of Enquiry Act, and section 11 of that Act shall apply to the proceedings of the Authority.

Regulations.

25.—(1) The Authority may, with the approval of the Minister, make regulations generally for the proper carrying out of the provisions and purposes of this Act and, in particular but without prejudice to the generality of the foregoing, make regulations—

- (a) defining the limits of pilotage areas;
- (b) determining the qualifications, age, physical fitness, time of service, local knowledge, skill, character and other qualities required in relation to—
 - (i) persons applying to be licensed as pilots in respect of any port; and
 - (ii) masters of ships applying for exemption certificates;

- (c) fixing the term for which a licence may be in force and the conditions under which a licence may be granted, renewed, or altered and the fees relating to the grant, renewal or alteration of any such licence;
- (d) providing for the method in which and the conditions under which the list of pilots is to be compiled;
- (e) fixing the limit (if any) on the number of apprentices to be registered;
- (f) making provisions relating to apprentice pilots, the duration of their apprenticeship, the standard of education to be attained by persons wishing to be trained as pilots, the training and good government of apprentice pilots, the allowances to be paid and leave facilities to be granted to such apprentices and all other matters respecting apprentice pilots;
- (g) providing generally for the good government of all pilots and in particular for ensuring their good conduct and constant attendance to and effectual performance of their duties whether at sea or on shore;
- (h) prescribing the conditions under which the Authority may require any pilot to submit to such examination as it may consider necessary in order to determine his ability to undertake pilotage in any particular area or to determine his mental or physical capacity to take pilotage charge of ships;
- (i) determining the procedure to be followed by the Authority, its officers, or any committee of the Authority in cases of enquiry into accidents and offences by pilots, apprentices, masters or officers of ships, owners or agents of ships;

PILOTAGE

- (j) providing for the punishment of any breach of any regulation made by the Authority for the good government of pilots and apprentices by the infliction of fines not exceeding one hundred dollars, and for the suspension of pilots and apprentices from duty, subject to such rights of appeal as are provided for in this Act and, without prejudice to the powers under this Act, providing for the revocation or suspension of the licence of any pilot in the case of any such breach of any regulation;
- (k) fixing pilotage charges and regulating the extent and manner in which moneys received from such charges shall be appropriated for the purposes of this Act;
- (l) providing for the collection by the Authority of all pilotage charges and for the application and distribution of the funds of the Authority;
- (m) establishing a fund for the payment of pensions or other benefits to pilots, their widows or children and providing for payment of contributions by pilots and the Authority to such fund and for the administration of and conditions of participation in such fund;
- (n) providing for the Authority, if it sees fit so to do, to delegate the management of any pension fund created under this Act to any suitable person;
- (o) providing for deductions to be made from any sums payable to pilots for payment towards any pension fund created under this Act or towards any fine imposed by the Authority under this Act;
- (p) fixing the fees to be paid for examinations;
- (q) providing for the classification of all pilots into grades by such method as the Authority may

[The inclusion of this page is authorized by L.N. 60/1976]

determine and fixing the rate of remuneration to be paid to any such grade of pilot from the pilotage fund and different rates of remuneration may be paid to different grades of pilots;

- (r) providing for leave of absence to pilots and apprentices and for penalties for absence from duty without leave;
- (s) providing for the establishment and maintenance by the Authority of pilot stations and sub-stations and pilot launches and boats and any other facility, equipment or asset which may be required for the proper administration of the pilotage service;
- (t) providing for the establishment and regulation of pilot boat companies or other organizations offering facilities connected to pilotage;
- (u) prescribing the distinctive marks and flags to be used by all pilot launches and boats;
- (v) specifying excepted ships;
- (w) for the making of corrections to the register and the removal therefrom of names of pilots or apprentices who have died or who have ceased to be pilots or apprentices;
- (x) providing for any matter for which provision is to be made or may be made under this Act.

(2) Until varied or revoked by regulations under subsection (1) the regulations set out in the Schedule shall have effect. Schedule.

PART IV—*Compulsory Pilotage*

26.—(1) Every ship (other than an excepted ship) while navigating in a pilotage area, shall be under the pilotage of a pilot licensed for such area by the Authority except in Obligations when pilotage is necessary.

such circumstances and according to such conditions as may be specified by order of the Minister.

(2) Every ship which is permitted by an order of the Minister made pursuant to subsection (1) to navigate in a pilotage area without being under the pilotage of a licensed pilot shall nevertheless, pay such fees as the Authority may determine.

(3) Every ship while being moved within a harbour which forms part of a pilotage area, shall be deemed to be a ship navigating in a pilotage area, except in the case of ships being so moved for the purposes of changing from berth to berth without unmooring.

Authority
may
impose fine.

27.—(1) The Authority may impose a fine on the master of any ship (other than an excepted ship) which is not under pilotage while navigating in a pilotage area.

(2) Any fine imposed by the Authority pursuant to subsection (1) shall not exceed treble the amount of the pilotage charges that could be demanded for the conduct of that ship had the appropriate services been rendered.

Assignment
of pilot and
master's
right to
object.

28.—(1) The master, owner, agent or consignee (except in the case of excepted ships) shall apply to the Authority in the prescribed form for the services of a pilot to take the ship into and out of a port and shall accept the services of any pilot assigned by the Authority subject to subsection (2) of this section.

(2) The master, owner, agent or consignee may object to the assignment of a particular pilot for any duty and may, on payment of a request fee, request the Authority to withdraw the services of that pilot and assign another pilot for that duty.

(3) The request fee shall be twenty-five *per centum* of the pilotage fees for that ship and shall be paid into

the pilotage fund and shall not be refundable unless the Authority decides otherwise.

(4) The Authority may, on receipt of a request under subsection (2)—

- (a) withdraw the services of the pilot originally assigned and assign another pilot to that duty; or
- (b) refuse the request.

(5) Any pilot assigned to a ship by virtue of paragraph (a) of subsection (4) shall be accepted by the master, owner, agent or consignee and no further objection shall be permitted.

29. The owner or master of a ship navigating in any pilotage area shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if navigation in a non-pilotage area in Jamaican territorial waters.

Liability of owner or master in the case of a ship in a pilotage area.

Display of Pilot Signals

30. Where a ship is navigating in a pilotage area, and has on board a pilot licensed for that area or a master holding an exemption certificate for that area, the master of the ship shall cause the prescribed signal denoting pilot on board to be exhibited; and if he fails without reasonable cause to do so, he shall incur an additional pilotage fee of one hundred dollars, so, however, that the Authority may reduce this additional fee to such amount (if any) as it thinks fit.

Display of pilot signal when pilot is on board ship.

31. If the master of any ship while not having a pilot on board—

- (a) displays such signal as is referred to in section 30; or
- (b) displays a signal similar to the signal aforesaid with intent to deceive,

Display of pilot signal when no pilot is on board.

he shall incur an additional pilotage fee of two hundred dollars, so, however, that the Authority may reduce this additional fee to such amount (if any) as it thinks fit.

Obligation to display request signal for pilot.

32.—(1) The master of a ship (other than an excepted ship) shall, when navigating in any pilotage area, display the prescribed signal and keep it displayed until a pilot comes on board.

(2) If the master of any ship fails to comply with this section, he shall incur an additional pilotage fee of one hundred dollars, so, however, that the Authority may reduce this additional fee to such amount (if any) as it thinks fit.

Bonding of Pilots

Bonds required to be given by pilot and limitation of pilot's liability to extent thereof.

33.—(1) Every person to whom a pilot's licence is granted shall execute a bond for such amount and in such form as the Authority may prescribe, with a view to the limitation of his liability for neglect or want of skill.

(2) The liability for neglect or want of skill of a pilot who has executed a bond as required by subsection (1) of this section shall be limited to—

- (a) the amount of the bond; plus
- (b) the amount of the pilotage charges payable to the Authority in respect of the services being rendered by the pilot when he became so liable.

(3) Any bond given by a pilot by virtue of subsection (1) shall not be liable to stamp duty or other government tax and a pilot shall not be called upon to pay any expense in relation to the bond other than the premiums for obtaining or renewing the same.

Court to determine extent of pilot's liability.

34. Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by section 33, and other claims are

[The inclusion of this page is authorized by L.N. 60/1976]

made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may determine the amount of the pilot's liability, and, upon payment by the pilot of that amount into court, the court may—

- (a) distribute that amount rateably among the several claimants;
- (b) stay any proceedings pending in any other court in relation to the same matter; and
- (c) subject to any regulations, proceed in such manner as it thinks fit as to—
 - (i) making persons interested parties to the proceedings;
 - (ii) the exclusion of any claims not instituted within the prescribed time;
 - (iii) requiring security from the pilot; and
 - (iv) payment of any costs the court thinks just.

Offences by Pilots

35.—(1) A pilot shall not demand or receive, and a master, owner, agent or consignee shall not offer or pay to any pilot, any pilotage charges and any pilotage charges received by a pilot in contravention of this section shall be paid forthwith to the Authority.

Demanding
or receiving
pilotage
charges.

(2) Every pilot or other person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred dollars.

36. If a pilot when piloting a ship is in wilful breach of his duty or neglects his duty or is under the influence of drugs or alcohol, and—

Penalty on
pilot
endangering
ship, life
or limb.

- (a) does any act tending to the immediate loss, destruction or serious damage of the ship or tending immediately to endanger the life or limb of any person on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage or for preserving any person on board the ship from danger to life or limb,

that pilot shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

Power of master to relieve pilot.

37.—(1) Notwithstanding any provision of this Act, where the master of a ship has reason to believe that the actions of a licensed pilot on board a ship are in any way endangering the safety of the ship, he may, in the interest of the safety of the ship, take the conduct of the ship from the pilot or relieve the pilot from duty on board ship or both.

(2) Where the master of a ship takes any action pursuant to subsection (1) the master shall file with the Authority, within three days of taking such action, a written report setting out his reasons therefor.

Penalty on persons obtaining charge of a ship by misrepresentation.

38. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting or conniving at the commission of the offence shall, in addition to any liability for damages, be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

39.—(1) Any pilot who—

- (a) commits any fraud or other offence against the revenues of customs or excise or the laws relating thereto; Offences by pilots.
- (b) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea, their moneys, goods or chattels, or to pilotage boats or tug boats;
- (c) lends, hires or sells his licence;
- (d) acts as pilot whilst his licence is suspended or revoked;
- (e) acts as pilot when in a state of intoxication under the influence of alcohol or drugs,

shall, in addition to any liability for damages, be liable in respect of each offence on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

(2) Any person who procures, aids, abets, or connives at the commission of any offence under this section, shall, in addition to any liability for damages, be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

General

40.—(1) A pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, maximum gross registered tonnage and any other particulars which may be required in the interest of safe navigation, and the master shall comply with any such request. Declaration as to draught of ship, etc.

(2) If the master of a ship refuses to comply with any such request of a pilot, or makes or is privy to any other person making any false statement to the pilot in answer to the request, he shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred dollars or to imprisonment with or without hard labour for a term not exceeding two years:

Provided that the Authority may accept any pecuniary settlement in lieu of instituting any such proceedings.

Copies of pilotage provisions to be furnished to pilots.

41.—(1) The Authority shall provide every pilot with a copy of this Act and a copy of any regulations made thereunder.

(2) A pilot shall, when requested by the master of any ship, produce a copy of this Act and any such regulations and if he fails without reasonable cause so to do shall be liable to a fine which may be imposed by the Authority not exceeding twenty-five dollars.

Obligation on pilot to produce his licence or identification card.

42.—(1) Every pilot when taken on board a ship shall produce his licence or identification card if requested so to do by the master of that ship or other person in charge of that ship.

(2) If a pilot refuses to produce his licence or identification card in accordance with this section he shall be liable to a fine which may be imposed by the Authority not exceeding twenty-five dollars.

Penalty for fraudulent use of licence.

43. If any pilot who is not licensed for a particular area or for coastal pilotage falsely represents himself to be licensed for that area or for coastal pilotage, as the case may be, either by means of using a licence which he is not entitled to use or by any other means, he shall be liable to a fine which may be imposed by the Authority not exceeding two hundred dollars.

44.—(1) If any pilot is convicted of any offence under this Act, it shall be the duty of the Clerk of the Court in which such conviction took place to report to the Authority the fact of such conviction specifying the particulars of the penalty or other punishment imposed by the court.

Conviction
of pilot to
be noted in
Register.

(2) On receipt of such report it shall be the duty of the secretary to cause a note of the conviction and penalty to be entered against the pilot's name in the register.

(3) The Authority may suspend or revoke the licence of any pilot so convicted.

(4) For the purpose of performing its functions under this section the Authority may request the Clerk or Judge of the Court to furnish to the Authority certified copies of any notes taken of evidence given in the Court proceedings and may, to such extent as the Authority thinks fit, use and rely on the report and any such notes as aforesaid, so, however, that a copy of any such notes shall be furnished to the Pilot by the Authority.

45.—(1) No member of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority under this Act.

Protection
of members.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this section, the Authority shall be liable to the extent that it would be if the member was a servant or agent of the Authority.

THE PILOTAGE REGULATIONS, 1975

Preliminary

Citation.

1. These Regulations may be cited as the Pilotage Regulations, 1975.

Interpreta-
tion

2. In these Regulations, unless the context otherwise requires—
 “examining committee” means the committee appointed by the Authority to conduct examinations and to issue certificates of competence to candidates who satisfy them in such examinations.

*Definition of pilotage areas and classification of ports*Pilotage
areas.
First
Schedule.
Ports.

3. The limits of the pilotage areas of the Island shall be as defined in the First Schedule of these Regulations.

4.—(1) The following ports of the Island shall be specified ports—
 Kingston, Morant Bay, Port Morant, Manchioneal, Port Antonio, Annotto Bay, Port Maria, Oracabessa, Ocho Rios, St. Ann’s Bay, Discovery Bay, Rio Bueno, Falmouth, Montego Bay, Lucea, Savanna-la-Mar, Black River, Port Kaiser and Portland Bight.

(2) Any port not named in paragraph (1) shall be classified as an unspecified port.

*Qualification and registration of apprentices*Number of
apprentices.

5. The number of apprentices registered at any given time shall be as determined by the Authority.

Qualification
for apprentice.
L.N.
180/2006.

6.—(1) Subject to the provisions of subsection (1) of section 7 of the Act, no person shall be registered as an apprentice unless he holds—

(a) a General Certificate of Education with passes at least at the ordinary level in not less than four subjects including Mathematics and English or a Secondary Education Certificate from the Caribbean Examinations Council with passes at the General Proficiency Level at Grades 1, 2 or 3 in at least four subjects, including Mathematics and English ‘A’ (Language) or its equivalent; and

(b) one of the following qualifications, namely—

(i) a Class I Foreign Going Certificate;

SCHEDULE, *contd.*

- (ii) a Class II Foreign Going Certificate;
- (iii) a Class III Foreign Going Certificate and at least two years experience as a navigating officer in charge of watch;
- (iv) a Jamaica Defence Force Command Certificate and at least three years command experience,

or any other qualification which, in the opinion of the Authority, is at least equivalent to the standards specified in paragraphs (a) and (b);

(2) Any person who satisfies the requirements specified in paragraph (1) may apply to the Authority in the form specified as Form A in the Second Schedule for registration as an apprentice.

Second
Schedule.

(3) Every person who applies for registration as an apprentice in accordance with paragraph (2) and—

- (a) furnishes such satisfactory references as to character as the Authority may require;
- (b) pays the registration fee of one thousand dollars;
- (c) has been passed as medically fit to perform the duties of a pilot by a registered medical practitioner chosen by the Authority,

L.N.
180/2006

shall be registered as an apprentice indentured to the Authority for training under the supervision of the Authority with a view to such person completing the approved courses of training and shall be issued with a certificate of registration and an identification card in the form specified as Form B in the Second Schedule.

(4) Where a certificate of registration issued under paragraph (3) has been lost or destroyed, the person to whom it was granted may apply to the Authority for a duplicate certificate which shall be issued upon payment by the applicant of a fee of one thousand dollars and any duplicate certificate so issued shall be clearly marked "DUPLICATE".

L.N.
180/2006

Examinations of apprentices

7.—(1) The Authority shall appoint an examining committee to hold examinations for the purposes of the Act.

Examina-
tions.

(2) The Authority shall hold examinations in the several subjects specified in Part II of the First Schedule at such times (not being less than once in every year), at such places, and subject to such provisions as the Authority may from time to time determine.

First
Schedule.

SCHEDULE, *contd.*L.N.
180/2006

(3) No person shall be permitted to enter for an examination referred to in this regulation unless—

- (a) he has been an apprentice and holds one of the following qualifications, namely—
 - (i) a Class I certificate of competence for a minimum of two years;
 - (ii) a Class II certificate of competence for a minimum of two and a half years; or
 - (iii) a Class III certificate or a Jamaica Defence Force Command certificate for a minimum of three years;
- (b) he has completed a course of training approved by the Authority;
- (c) his conduct during the period of training was satisfactory; and
- (d) he has paid the examination fee of one thousand dollars.

Certificate
of compe-
tence.
Second
Schedule.

8.—(1) Every person who has passed an examination referred to in regulation 7 shall be issued with a certificate of competence in the form specified as Form C in the Second Schedule.

L.N. 9/1982.

(2) A certificate under paragraph (1) shall not be issued until and unless the person to whom it is issued has shown competence in the ports of Kingston, Montego Bay, Port Kaiser, Ocho Rios, Portland Bight (including Port Esquivel, Rocky Point, Salt River and Old Harbour Bay) and Fort Rhoades.

*Qualifications of Candidates for Pilot's Licences*Pilot's
licence and
identity
card.

9.—(1) Subject to the provisions of section 5 of the Act, every person who—

- (a) has attained the age of nineteen; and
- (b) holds a certificate of competence issued pursuant to regulation 8,

shall be eligible on application to be licensed as a pilot by the Authority.

PILOTAGE

SCHEDULE, contd.

(2) Every application for a pilot's licence shall be in the form specified as Form D in the Second Schedule and shall be accompanied by—

- (a) a copy of the certificate of competence;
- (b) two passport size photographs of the applicant on the back of one of which a certificate shall be affixed by a Justice of the Peace or Notary Public or Minister of Religion in the following form—

“I certify this to be a true photograph of the applicant
Mr.....”;

- (c) a fee of one thousand dollars;
- (d) evidence of good and sufficient security to the satisfaction of the Authority in accordance with regulation 43.

L.N.
180/2006

(3) The Authority shall, upon receipt of an application pursuant to this regulation, issue to the applicant a licence and identification card in the form set out as Forms E and F in the Second Schedule.

(4) Where a licence or identification card issued to a pilot has been lost or destroyed, the pilot to whom it was issued may apply to the Authority for a duplicate licence or a new identification card, as the case may be, which shall be issued upon payment by the applicant of a fee of one thousand dollars and any duplicate licence so issued shall be clearly marked “DUPLICATE”.

L.N.
180/2006

10. Subject to regulation 15 a pilot's licence issued by the Authority shall remain in force from the date of its issue until the thirty-first day of December of the year in which it was issued and, unless superseded by a new licence, shall have effect for one calendar month thereafter.

Duration
of licence.

11.—(1) Every pilot who wishes to be licensed for a pilotage area for which he is not already licensed, shall advise the Authority in writing of his intention stating the area in respect of which he intends to be examined.

Additional
certificate
of compe-
tence.

SCHEDULE, *contd.*

(2) On being so advised the Authority shall ensure that the pilot is given reasonable opportunity of accompanying a pilot licensed for such area for at least twelve (12) transits of the pilotage area, i.e., six (6) inward transits and six (6) outward transits.

(3) On completion of the required number of transits the pilot shall apply to the Authority to be examined by the examining committee with a view to obtaining an additional certificate of competence. His application shall state the area for which the applicant wishes to be examined and shall be accompanied by—

- (a) evidence of having completed the required number of transits for that area; and
- (b) a fee of one thousand dollars.

L.N.
180/2006.

(4) Every pilot who has passed an examination referred to in paragraph (3) shall be issued with a certificate of competence for the pilotage area in respect of which he was so examined.

Additional
licence.

L.N.
180/2006.

12. Any pilot who holds a certificate of competence for a pilotage area for which he is not already licensed may apply to the Authority to be licensed for that area, and upon payment of a fee of one thousand dollars shall be issued with a licence for that area.

Coastal
pilotage
examination.
L.N.
180/2006.

13.—(1) Every pilot who wishes to be licensed for coastal pilotage shall advise the Authority in writing of his intention and thereupon shall, on payment of a fee of one thousand dollars, be examined by the examining committee in the following matters—

- (a) the courses and distances between pilotage areas;
- (b) details of navigational aids around the Island;
- (c) all off-lying dangers, shoals, reefs, width of channels;
- (d) all recognized anchorages and unspecified ports in the Island and
- (e) hurricanes in the Gulf of Mexico and Caribbean area and weather conditions around the Island.

(2) Any pilot who has passed the examination referred to in paragraph (1) may apply to the Authority to be licensed for coastal pilotage

PILOTAGE

34.01

SCHEDULE, *contd.*

and, upon payment of a fee of one thousand dollars, shall be issued with a licence for coastal pilotage. L.N. 180/2006

14.—(1) A licence may be renewed annually, notwithstanding that it has expired, on application to the Authority and on payment of the appropriate renewal fee, so, however, that the licence so renewed shall have effect from the date of renewal. Renewal of licence.

(2) The renewal fees payable in respect of licences, shall be as follows— L.N. 170/1999.

(a) for every licence issued for four ports	...	\$2,000.00	L.N. 180/2006
(b) for every port in addition thereto	... ..	\$1,000.00	
(c) for every coastal pilotage licence	... ..	\$1,000.00	

15. The Authority shall not renew the licence of a pilot who has attained the age of sixty-five years unless he satisfies the Authority as to his physical fitness to hold a licence and the Authority considers it expedient to renew his licence, so, however, that the Authority shall not renew the licence of any pilot who has attained the age of seventy years, and the validity of a pilot's licence shall expire at the end of the year in which he attains that age. Age limit. L.N. 9/1982.

16. The Authority may, before renewing the licence of a pilot or at any time as it sees fit, request any pilot to submit to a medical examination by a registered medical practitioner chosen by the Authority. Medical examination.

17.—(1) The Secretary shall cause to be entered in the relevant part of the Register of Pilots and Apprentice Pilots, in respect of every person registered as an apprentice pursuant to subsection (8) of section 4 or section 7 of the Act or licensed as a pilot pursuant to subsection (6) of section 4 or subsection (2) of section 5 of the Act, the following particulars— Particulars in Register.

- (a) name and address;
- (b) date of birth;
- (c) qualification in the case of an apprentice;

PILOTAGE

SCHEDULE, *contd.*

- (d) date of registration as an apprentice;
- (e) date of issue of licence, and of any additional licences;
- (f) date of promotion to a higher grade.

(2) The fee for inspection of the Register by members of the public shall be fifty dollars.

L.N.
180/2006

Publication
of list of
pilots,
apprentices
and holders
of exemption
certificates.

18. The Authority shall publish in the *Gazette* as soon as practicable after the end of each year, the following particulars—

- (a) the names and addresses of all registered apprentices;
- (b) the names and addresses of all licensed pilots, their grades, and the areas or ports for which they are licensed;
- (c) the names and addresses of all persons to whom exemption certificates have been granted.

Disciplinary Proceedings

Superinten-
dent to report
disciplinary
action taken.

19. Where the Superintendent of Pilotage exercises his powers under paragraph (a) or paragraph (d) of subsection (1) of section 13 of the Act, he shall immediately report thereon in writing to the Authority stating the facts on which his action was based and, in relation to his powers under paragraph (a) aforesaid, the period for which the pilot or apprentice has been interdicted.

Hearings by
Superinten-
dent.

20.—(1) Where any complaint is made against any pilot or apprentice (in this regulation referred to as “the defendant”), the Superintendent of Pilotage shall forthwith notify the defendant of the nature and particulars of the complaint and the defendant shall within three days of receiving such notice inform the Superintendent in writing whether or not he disputes the complaint. If the defendant disputes the complaint the Superintendent shall inform him of the hearing at which the matter will be heard.

(2) At any hearing held in accordance with paragraph (1), the Superintendent of Pilotage shall invite the defendant—

- (a) to furnish any written statement or explanation which the defendant may wish to submit; and
- (b) to attend at the hearing, give evidence on his own behalf, call evidence in his defence and make submissions.

(3) Upon the conclusion of the hearing the Superintendent of Pilotage shall, in writing—

- (a) inform the Authority of his decision in relation to a hearing held pursuant to paragraph (b) of subsection (1) of section 13 of the Act; or
- (b) report his finding of an investigation held pursuant to paragraph (c) of subsection (1) of section 13 of the Act, stating whether or not the complaint against the defendant has been substantiated.

(4) If, at any hearing or investigation of any complaint held under the provisions of this regulation, the defendant does not attend, the Superintendent of Pilotage may proceed to hear and determine the matter or to investigate the complaint in his absence if the Superintendent of Pilotage is satisfied that the requirements of paragraph (1) have been complied with:

Provided that if the defendant, within seven days, satisfies the Superintendent of Pilotage that there was good and sufficient reason for the failure of the defendant to attend, the Superintendent may re-hear the matter.

(5) Any pilot or apprentice who wishes to appeal to a Disciplinary Committee in accordance with subsection (2) of section 13 of the Act against a decision of the Superintendent of Pilotage shall, within ten days of that decision, give to the Authority notice in writing of his intention to appeal stating—

- (a) the decision of the Superintendent of Pilotage against which the appeal is made;
- (b) the grounds on which the appeal is based.

21.—(1) Where the Superintendent of Pilotage refers a matter to a Disciplinary Committee, or notice of appeal in accordance with paragraph (5) of regulation 20 has been received, the Authority shall forthwith appoint a Disciplinary Committee to deal with the matter. Disciplinary Committee hearings.

(2) Any Disciplinary Committee appointed in accordance with the provisions of paragraph (1) may, in relation to any case in respect of which they are appointed, at any stage of the hearing, take advice from any attorney-at-law appointed by the Authority and may obtain proof of evidence in support of the allegations made against the pilot or apprentice, and may in such cases as they think fit, decline to proceed with the investigation unless the evidence in support of the allegation is verified by statutory declaration.

(3) Where a Disciplinary Committee is appointed in accordance with the provisions of paragraph (1), they shall fix a date for hearing the matter and shall send the pilot or apprentice charged a notice in writing informing him of—

- (a) in any case other than an appeal, the nature and particulars of the allegation against him;

- (b) in the case of an appeal, such particulars as are necessary to identify the case; and
- (c) the time and place of the meeting of the Disciplinary Committee at which the matter will be heard.

(4) A notice under paragraph (3) shall be sent by registered post to the relevant address contained in the register, or if the secretary has reason to believe that that address is not the current address, then to any other address that may be known to the secretary, and shall be posted so as to allow at least fourteen days to elapse between the date of posting and the date fixed for the hearing.

(5) The secretary shall send a copy of the notice sent under paragraph (3) to the Superintendent of Pilotage and the complainant (if any).

(6) Any party to proceedings being held under the provisions of this regulation who intends to be represented by an attorney-at-law or a licensed pilot shall give not less than seven days' notice of that intention to the secretary.

(7) If the pilot or apprentice charged does not attend personally or by a representative when so entitled, the Disciplinary Committee may proceed to hear and determine the matter in his absence:

Provided that if the pilot or apprentice charged satisfies the Committee, within seven days, that there was good and sufficient reason for his failure to attend, the Committee may re-hear the matter.

Disciplinary
Committee
to report
decisions.

22.—(1) Upon the conclusion of the hearing, the Disciplinary Committee shall, after consideration of all the relevant evidence, report its decision to the Authority in writing.

(2) The Authority shall, immediately after the receipt of the report by the Disciplinary Committee of its decision in any matter, inform the pilot or apprentice charged by registered letter of the decision, and shall after twenty-one days from the date of posting such letter carry out the decision of the Disciplinary Committee unless a notice of appeal against the decision has been received.

Classification of Pilots

General
classifica-
tion and
promotion
of pilots.
L.N.
9/1982.

23.—(1) Subject to paragraph (3) pilots shall be classified as follows—

- (a) senior—pilots who may pilot all ships; and
- (b) junior—pilots who may, subject to paragraph (3), pilot ships of up to 21,000 g.r.t.

(2) The promotion of a junior pilot to a senior pilot shall be determined by the Authority having regard to the skill and experience of the junior pilot, so, however, that a junior pilot before being eligible for promotion to a senior pilot, must—

- (a) have not less than seven years service as a pilot;
- (b) be licensed for—

[The inclusion of this page is authorized by L.N. 55/1983]

- (i) the six pilotage areas specified in regulation 8(2); and
- (ii) two additional pilotage areas selected by the Authority, in its discretion, from among the pilotage areas of Black River, Lucea, Oracabessa, Port Morant, Port Antonio, Rio Bueno, Savanna-la-Mar and St. Ann's Bay;
- (c) have piloted ships of up to 21,000 g.r.t. on not less than 2,500 movements; and
- (d) have accompanied a licensed pilot on ships of more than 21,000 g.r.t. for not less than 50 movements.

(2A) For the purposes of sub-paragraph (b) (ii) of paragraph (2), where there is only one pilotage area operating the word "one" shall be substituted for the word "two". L.N. 55B/1990.

(3) The Authority may, at such times as the Authority thinks it necessary so to do, authorize a junior pilot to pilot a ship the g.r.t. of which exceeds 21,000.

(4) Where, pursuant to paragraph (3), a junior pilot pilots a ship the g.r.t. of which exceeds 21,000, that junior pilot shall—

- (a) for that occasion only, be treated as if he were licensed to pilot ships of that g.r.t.; and
- (b) in respect of each movement of that ship on that occasion be treated for the purposes of promotion, but for no other purpose, as having completed two movements.

(5) Nothing contained in paragraph (4) shall be construed as entitling a junior pilot to any greater remuneration than that to which, by virtue of his classification as a junior pilot, he is entitled under regulation 37.

(6) In this regulation—

"g.r.t." means maximum gross registered tonnage;

"movement" means an inward or outward transit of a pilotage area or a movement from one part of a port or pilotage area to another part of that port or pilotage area.

24.—(1) Subject to the provisions of paragraphs (2) and (3), a pilot who immediately before the twenty-second day of February, 1982—

- (a) was classified as a Grade I pilot shall, with effect from that date, be reclassified as a senior pilot;
- (b) was classified as other than a Grade I pilot shall, with effect from that date, be reclassified as a junior pilot.

Reclassification of pilots consequent on 1982 Regulations. L.N. 9/1982.

(2) If a pilot reclassified pursuant to paragraph (1)—

- (a) in the case of a senior pilot, is licensed for less than six pilotage areas; and
- (b) in the case of a junior pilot, is not licensed for all the pilotage areas specified in regulation 8 (2),

the Authority shall in writing require him to obtain additional licences within such period, not exceeding twelve months, as the Authority may specify.

L.N.
9/1982.

(3) A requirement by the Authority pursuant to paragraph (2) may specify the pilotage areas in respect of which the licence shall be obtained to the intent—

(a) as regards a senior pilot, that—

- (i) he is licensed for not less than six pilotage areas; and
- (ii) not less than three such pilotage areas are areas specified in regulation 8(2) and the remaining pilotage areas are such as may be selected by the Authority, in its discretion, from the following pilotage areas, that is to say, Black River, Lucea, Oracabessa, Port Morant, Port Antonio, Rio Bueno, Savanna-la-Mar and St. Ann's Bay; and

(b) as regards a junior pilot, that he is licensed for not less than the six pilotage areas specified in regulation 8(2).

(4) Where, pursuant to this regulation, the Authority requires a pilot to obtain additional licences and the pilot fails to obtain such licences within the time specified, then, notwithstanding his reclassification, he shall, after the expiration of the period specified and for so long as he does not have the required number and type of licences, be entitled to three-fourths only of the number of units to which he would otherwise be entitled under regulation 37.

Pilotage Fees

Fees;
general.
Third
Schedule.

25.—(1) There shall be payable to the Authority in respect of pilotage services within the limits of any pilotage area, and for coastal pilotage the fees specified in the Third Schedule.

(2) Where pilotage services are requested for any port not within a pilotage area the fee shall be determined in like manner as if that port were within a pilotage area.

L.N.
55B1/1990.

(3) The pilotage fee in respect of pilotage services rendered to ships of the categories specified in the Third Schedule shall be the amount in Jamaican currency equivalent at the current rate of exchange to the amounts specified in relation to them respectively in the currency of the United States of America in the second column.

L.N.
55B1/1990.

(4) For the purposes of this Order "current rate of exchange" means the buying rate for sight transactions ruling on the day on which payment of the pilotage fees in respect of that vessel is made.

Fees;
excepted
ships.

26. Where any excepted ship applies for and is granted the services of a pilot by the Authority, it shall pay to the Authority the pilotage fee and incidental charges which may be applicable to a ship of that class.

Fees;
exemption
certificate.

27. Any ship the master of which holds an exemption certificate shall pay the pilotage fee appropriate to its tonnage.

Fees;
trial and
port move-
ments.

28. Where a pilot is piloting a ship—

- (a) within the limits of any pilotage area for the purpose of trial or compass adjustments; or

[The inclusion of this page is authorized by L.N. 95/1997]

SCHEDULE, *contd.*

(b) from any one part of a port or pilotage area to any other part of that port or pilotage area,
the pilotage fee payable shall be an amount equivalent to one-half of the pilotage fee appropriate to that ship as specified in the Third Schedule.

Third
Schedule.

29.—(1) Where a pilot is piloting any ship which is towing another ship, the fee payable, in addition to the fee for the ship which is being piloted, shall be—

Fees;
towing.

- (a) in respect of each ship being towed on which there is no pilot, the appropriate fee specified in the Third Schedule;
- (b) in respect of each ship being towed on which there is a pilot an amount equivalent to one-half of the appropriate fee specified in the Third Schedule;

(2) Where a pilot is piloting any ship which is being towed, the fee payable shall be an amount equivalent to one-half of the appropriate fee specified in the Third Schedule.

30. In any dispute in relation to the tonnage of a ship, the pilot or an officer of the Authority or both shall be entitled to be shown on demand the Certificate of Registration of the ship and the maximum gross registered tonnage as shown on such certificate shall be taken as conclusive of that fact.

Certificate
of Registra-
tion of ship
to be
shown.

Detention Fees

31.—(1) Whenever, consequent on a delay in the arrival or departure of a ship, a pilot, having reported for duty at a port, is obliged—

Detention
fees.
L.N.
53B/1996.

- (a) to await the ship's arrival beyond the time appointed for arrival of that ship; or
- (b) to be detained on the ship beyond the time appointed for the departure of that ship,

so remain for such period as may be agreed with the Authority and the ship, for a period not exceeding one hour in relation to the Port of Kingston or not exceeding two hours in relation to the Outports (in these Regulations referred to as the specified period), there shall be paid to the Authority, a fee of twenty-five United States dollars (US\$25.00) for each hour or part thereof.

(2) Upon the expiration of the specified period a pilot is not obliged to remain on duty at a port but may elect to so remain for such period as may be agreed with the Authority and the ship.

(3) Where, in relation to the arrival or departure of any ship, a pilot has elected, pursuant to paragraph (2), to remain on duty beyond the specified period there shall be paid to the Authority in respect of that ship, a

PILOTAGE

SCHEDULE, *contd.*

fee of fifty United States dollars (US\$50.00) for each hour or part thereof in relation to the period agreed as aforesaid.

Circumstances deemed to be detention.

32.—(1) A pilot shall be deemed to be detained upon a ship in the following circumstances—

(a) if, having performed the required services he is obliged to remain on the ship as a result of—

- (i) a request by the Commissioner of Inland Revenue;
- (ii) a request by the owner, master, agent or consignee of a ship;
- (iii) circumstances of unavoidable necessity;

(b) when he is on board a ship during the period between the time appointed for him to report for duty on such ship and the time he actually commences to pilot such ship.

(2) Where the time appointed for the arrival or departure of a ship is subsequently altered to some later time, no detention fee shall be payable to the Authority in respect of any period prior to such later time, except—

(a) such detention fee as may be due at the time when the pilot is informed of the postponement; and

(b) a fee of twenty-five United States Dollars (US\$25.00) in the event of the request for a pilot being cancelled subsequent to his being informed of the postponement.

LN
180/2006.

LN
53B/1996.

Circumstances deemed to be cancellation.

32A. A cancellation of pilotage services shall be deemed to occur in the following circumstances—

(a) a ship has advised that the services of the pilot which were previously requested and assigned to the ship will no longer be required;

(b) the specified period has expired and the pilot has not elected to remain on duty pursuant to regulation 31 (2); or

(c) the period for which the pilot agreed to remain on duty pursuant to regulation 31 (2) has expired.

L.N.
53B/1996.

Record of detention fees.

33. A monthly record shall be kept of the names of the pilots who earn detention fees for that month and the amount paid to the Authority in respect of each such pilot.

SCHEDULE, *contd.**Travelling and Subsistence Expenses*

34.—(1) When a pilot has been assigned by the Authority to pilot a ship, there shall be paid to the Authority such traveling and subsistence expenses necessarily incurred by the pilot in the course of such assignment, at such rates as the Authority may determine.

Travelling
and sub-
sistence.

(2) Notwithstanding the provisions of paragraph (1) if, in the opinion of the Authority, the pilot so assigned is offered a suitable means of transportation by the owner, master, agent or consignee of the ship to which he is assigned, no such traveling expenses shall be paid to the Authority.

35. A monthly record shall be kept of the names of all pilots who have incurred transportation and subsistence expenses for that month and the amount paid to the Authority in respect of each such pilot.

Record of
travelling
and sub-
sistence.

Distribution of Pilotage Fund

36.—(1) At the end of each month the Authority shall pay out of the pilotage fund—

Monthly
distribution.

- (a) to all pilots listed on the record kept in accordance with regulation 33, such detention fees as they have earned for that month;
- (b) to all pilots listed on the record kept in accordance with regulation 35, all travelling and subsistence expenses incurred by such pilots for that month;
- (c) to the Authority or to any other person contracting with the Authority for the purpose, boat fees and any other prescribed payments relating to the service of pilots, other than an award of costs against the Authority in favour of a pilot or apprentice pursuant to section 13(3), 17(2) or 18(3); any such costs shall be a charge against the part of the fund allocated to administrative charges pursuant to paragraph (2);
- (d) to any Pilots' Benefit Fund established pursuant to section 12 of the Act, all amounts received in that month in respect of fines;
- (e) to the Authority all amounts received in that month as a cess.

L.N.
109B/1994.

(2) After the payment of the amounts in paragraph (1) hereof the Authority shall at the end of each month, divide the balance remaining in the pilotage fund into four equal parts, three parts of which shall be appropriated for the making of disbursements to pilots in the manner specified in regulation 37, and one part for the administration of the Authority.

Allocation. 37.—(1) The three parts of the pilotage fund appropriated in accordance with regulation 36 for the making of disbursements to pilots for any month shall, for the purpose of such disbursement, be allocated to the various ports in relation to which pilotage charges were collected for that month in such proportion as the total pilotage charges collected for the port in that month bears to the total pilotage charges collected in that month in respect of all ports; and, for the purposes of this regulation, charges collected for coastal pilotage shall be treated as if such charges were collected for one port.

L.N.
120A/2000. (2) The amount allocated to each port pursuant to paragraph (1) shall be distributed in accordance with paragraph (3) among pilots who—

- (a) are licensed for and have been available for duty and have been assigned and performed duties in that port;
- (b) have been exempted from such duties under the provisions of regulation 38 (1) (o) on terms whereby they continue to be regarded as having performed the duties; or
- (c) would otherwise be available for duty in that port but for having been assigned to perform duties in another port.

(3) The amount allocated to each port shall, subject to paragraph (4) of this regulation and to the provisions of regulations 24 and 46, be divided into a number of units sufficient to permit its distribution among the pilots referred to in paragraph (2) in accordance with the following formula—

- (a) to each senior pilot—60 units;
- (b) to each junior pilot—40 units.

L.N.
15/1996. (4) If in any month, as a result of unauthorized absences, a pilot fails to perform any duty assigned to him, or, whilst on duty, fails to make himself available for pilotage service in respect of any port for which he is licensed the Authority shall adjust the roster so as to reflect a change in the pilot's tally as though the duty assigned was carried out by the pilot, but in any event the pilot shall not benefit from this adjustment except in relation to work actually done by him.

L.N.
120A/2000. (5) The part of the pilotage fund appropriated in accordance with regulation 36 (1) (e) shall be distributed—

- (a) among those pilots who perform duties in accordance with such terms and conditions as are prescribed by the Authority in a Circular entitled "Specified Directions to Pilots";
- (b) in accordance with the formula set out in the sub-paragraphs (a) and (b) of paragraph (3) of regulation 37,

so, however, that no distribution shall be made under this paragraph to any

pilot who fails to satisfy any requirements of the Circular with regard to a minimum period of availability for the services required pursuant to that Circular.

(6) In this regulation any reference to a duty assigned to a pilot means a reference to any shipping movement for which a pilot is on turn in accordance with the roster. L.N. 120A/2000.

Conduct and Duties of Pilots

38.—(1) A pilot shall—

- (a) obey and execute all lawful orders and directions given and issued by the Authority;
- (b) observe strict sobriety while on duty or while on stand-by;
- (c) throughout the time he is in pilotage charge of a ship, use his utmost care and diligence for her safety and the safety of other ships and the safety of the channel and facilities of the port and of property;
- (d) not lay a ship aground without a written order from the Authority or the owner or master of such ship or the agent of the owner, or in circumstances where but for such grounding there would be a real and substantial danger that the channel would be wholly or partly blocked;
- (e) not leave a ship piloted by him unless she is berthed alongside a wharf or jetty or brought to a safe anchorage or if outward bound, until the appropriate limits have been reached; provided that in case of an outward bound ship the pilot may, with the approval of the master, leave the ship before the appropriate limits are reached if, by reason of weather conditions his return to shore will be endangered by remaining on such ship until such limits are reached;
- (f) before leaving a ship piloted or attended by him obtain from the officer in command a signed certificate which shall contain particulars of the services rendered by the pilot;
- (g) not bring a ship alongside any wharf or jetty should the signal for the wharf or jetty be against him, or if no signal is usually used, unless he shall have first received permission from the person in charge of the wharf or jetty;
- (h) behave with due civility towards the owner, master and officers of any ship under his charge;
- (i) when he is about to take charge of a ship which is outward bound or which is about to be removed from where she is lying, go on board and report himself to the master or officer

General
conduct
and duties.
L.N.
9/1992.

PILOTAGE

in command before the appointed time, so as to enable her to be moved out from the wharf or jetty or to proceed to sea or to her destination;

- (j) when on duty always have with him a reliable time-piece, a copy of the Act and all regulations made thereunder, and his identification as a pilot;
- (k) not attend to give evidence at any trial or enquiry to which he is not a party (unless under subpoena) without permission of the Authority and, if subpoenaed to give evidence, at once report the fact in writing to the Authority;
- (l) keep the Authority informed at all times of the address of his residence and of any change of such address and of his telephone number and of any change of such telephone number;
- (m) when the pilot notices within the pilotage area for which he is licensed any alteration in any of the banks or channels or any buoys or beacons which have been driven away, broken down, damaged or displaced, or any circumstances affecting the safety of navigation, forthwith give a correct statement thereof in writing to the Authority;
- (n) when any accident has happened to or been caused by a ship while in his charge, immediately report personally, telephone or if unable to report by telephone by telegram and in any event, thereafter by letter, the facts to the Authority;
- (o) not hold directly or indirectly any share or interest in boat, tug, ship or other vessel used regularly or occasionally for rendering services in connection with pilotage within a port or have interest in any company, partnership or organization owning or having interest in any such ship or vessel;
- (p) make himself thoroughly acquainted with the provisions of the Act and all regulations made thereunder;
- (q) while on duty wear such uniform as may be approved by the Authority;
- (r) refrain from conduct unbecoming to a pilot;
- (s) hold himself available for pilotage service in all ports for which he is licensed unless the Authority, in such circumstances and on such terms as it thinks fit, exempts him from such service in any one or more such ports.

(2) If any pilot fails to comply with any of the requirements of paragraph (1), or is found—

L.N
9/1982

- (a) to have procured any licence under the Act as a result of any misleading, false or fraudulent misrepresentation; or
- (b) to have been convicted of such a criminal offence as casts a doubt on his suitability to continue to practice as a pilot; or
- (c) to be guilty of dishonesty, negligence or incompetence in the performance of his functions as a pilot or of conduct which is disgraceful in a professional respect,

he shall be subject to disciplinary action by a Disciplinary Committee.

(3) For the purposes of paragraph (2) a pilot shall be deemed to be guilty of conduct that is disgraceful in a professional respect if he—

- (a) impersonates another pilot; or
- (b) does or fails to do anything, the doing of which or the failure to do which, in the opinion of a Disciplinary Committee, is unprofessional or discreditable conduct.

(4) In this regulation the word “pilot”, where the context so admits, includes “apprentice pilot”.

38A.—(1) The Authority shall evaluate the performance of each pilot to determine whether he meets the minimum standard.

Evaluation of pilots' performance by Authority. L.N. 180/2006

(2) Where the performance of a pilot consistently falls below the minimum standard for a consecutive period of six months or such longer period (not exceeding twelve months) as the Authority may specify, the Authority may suspend his licence for a period of thirty days.

(3) For the purpose of this regulation “the minimum standard” means 75% responsiveness to duty.

39.—(1) The duties of a pilot in regard to an outward bound ship shall commence as soon as such ship begins to unmoor for the purpose of proceeding to sea. On in-bound ships his duties shall commence when he boards the ship or, if he boards the ship outside the pilotage area, when the ship enters the pilotage area.

Commencement of duty.

(2) The duties of a pilot in regard to vessels shifting shall commence as soon as such ship begins to unmoor or weigh anchor for the purpose of shifting.

(3) The duties of a pilot in regard to coastal pilotage shall commence when the ship leaves the pilotage area of the port of departure.

Report
by pilot
refusing
to pilot.

40. In the event of any pilot refusing—

(a) to bring in; or

(b) to proceed to sea from any anchorage from any wharf or jetty with,

any ship which he is qualified to pilot and to which he is assigned by the Authority when requested to do so by the master, owner or agent of such ship he shall at once give his reason therefor in writing to the Authority.

Lost
licence or
identifica-
tion card.

41. If any pilot mislays his licence or identification card or book, he shall forthwith give notice to the Authority stating the circumstances and shall forthwith apply to the Authority for a duplicate licence or identification card or book.

Report by
pilot
failing to
keep to
roster.

42. Any pilot who fails to make himself available to assume and perform pilotage duties in accordance with the roster applicable to him shall forthwith give his reasons therefor in writing to the Authority.

Bonds

Security
bond.

43.—(1) The security required to be provided under regulation 9 shall be in the form of a bond to the Authority by the pilot in the sum of one hundred thousand dollars with two or more sureties approved by the Authority or with a guarantee of a company approved by the Authority.

L.N.
180/2006.

(2) The securities given by pilots shall be revised annually by the Authority and whenever at such annual revision or at any other time the Authority shall come to the conclusion that the security bond of a surety is insufficient, it shall call upon the pilot for whom such security has been given to obtain other and sufficient security and if he fails to do so within one month, his licence shall be suspended by the Authority until such new security as shall be satisfactory to the Authority shall be given.

(3) Where a surety dies the pilot for whom the surety was bonded shall, as soon as he shall have knowledge of the death, report the same to the Authority and shall within thirty days of such report propose to the Authority a new surety, and such new surety shall, if acceptable to the Authority, execute a bond to the Port Authority.

Exemption Certificates

Exemption
certificates.

44.—(1) Requirements and qualifications necessary for the granting of exemption certificate to a master of a ship of under 500 tons maximum gross registered tonnage are—

- (a) he must hold a Master's Certificate of Competence for the Home Trade issued in Jamaica, or a similar certificate which in the opinion of the Authority is of at least equivalent standard to the first mentioned certificate;
- (b) he must have entered, as master of a ship, the port for which application is made at least four times in the preceding year;
- (c) paid the fee of one thousand dollars.

(2) The provisions of regulation 14 relating to the renewal of pilots' licences shall apply to exemption certificates as they apply to pilots' licences except that the renewal fee shall be one thousand dollars.

L.N.
180/2006.

L.N.
180/2006.

Annual Leave of Absence and Sick Leave

45. Subject to the exigencies of the pilotage service, each pilot shall be entitled in each year to one month's leave of absence which may be accumulated to three months provided that not more than four pilots shall be granted leave at any one time. During the period of such leave, a pilot shall be eligible to receive his full share from the pool fund.

Annual
leave.

46. Any pilot absent from duty as a result of any accident or illness shall receive a sick allowance at the rate of two-thirds of the amount he would have received had he not been so absent, provided that—

Leave consequent on
accident
or illness.

- (a) no sick allowance shall be paid to any pilot unless a medical officer approved by the Authority shall have certified to the Authority that the pilot is unfit for duty as a consequence of an accident or an illness; and
- (b) such allowance shall not be paid for any period of unfitness exceeding an aggregate of nine months in any calendar year.

L.N.
180/2006
Leave for
apprentices.

47. Each apprentice shall be entitled in each year to fourteen days leave of absence, (so, however, that no such leave shall be granted before he has completed twelve consecutive months of training, except on grounds of urgent private affairs or serious indisposition).

Disciplinary Committee

48. The persons, other than members of the Authority, who may be appointed members of a Disciplinary Committee shall be—

Disciplinary
Committee.

- (a) employees of the Authority not below the status of Head of a Department;
- (b) attorneys-at-law; or
- (c) persons who, in the opinion of the Authority, have experience of maritime matters.

PILOTAGE

Signals

Signals. 49.—(1) The signal, required by section 30 of the Act, to be exhibited by a ship navigating in a Pilotage area and having on board a Pilot licensed for that area shall be—

- (a) by day, the International Code Flag H;
- (b) by night, two all round lights in a vertical line, the upper being white and the lower red.

(2) The signal, required by section 32 of the Act, to be exhibited by a ship requiring a Pilot shall be—

- (a) by day, the International Code Flag G;
- (b) by night, the International Code Signal P.T. by flashing.

FIRST SCHEDULE (Regulation 3)

PART I

Limits of Pilotage Areas

PORT OF KINGSTON

The seaward arc of a circle of radius six miles centered on the site of the former Flag Staff at Port Royal between the foreshore of St. Catherine and the southern foreshore of the Palisadoes, the southern foreshore of the Palisadoes west of the point where the arc meets that foreshore, the foreshores of Port Royal and Kingston Harbours, and the foreshore of St. Catherine southwards to the point where it meets the abovementioned arc.

PORT OF MORANT BAY

The seaward arc of a circle of radius two miles centered on Morant Bay Navigation Beacon and the foreshore to the northwards encompassed by the abovementioned arc.

PORT OF PORT MORANT

The seaward arc of a circle of radius three miles centered on the Front Range Beacon and the foreshore to the northwards encompassed by the abovementioned arc.

PORT OF MANCHIONEAL

The straight line from Nettle Point to Sharp Nose Point and the foreshore of the harbour westwards of that line.

PORT OF PORT ANTONIO

The seaward arc of a circle of radius one mile centered on the Front Observation Spot of the Titchfield Peninsular and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF ANNOTTO BAY

The straight line from Free Point to Blowing Point and the foreshore to the southwards of the abovementioned line.

PORT OF PORT MARIA

The straight line joining Fort Point to Pagee Point and the foreshore of the harbour southwards of the abovementioned line.

PORT OF ORACABESSA

The seaward arc of a circle of radius one mile centred on the Front Leading Range Beacon at the mouth of Jack River and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF OCHO RIOS

The seaward arc of a circle of radius one mile centred on the Front Range Light, and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF ST. ANN'S BAY

The seaward arc of a circle of radius one mile centred on the Front Range Light, and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF DISCOVERY BAY

The seaward arc of a circle of radius one and a half miles centred on the Front Leading Range Beacon, and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF RIO BUENO

The seaward arc of a circle of radius one mile centred on the Front Leading Range Beacon, and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF FALMOUTH

The seaward arc of a circle of radius two miles centred on the Front Range Beacon, and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF MONTEGO BAY

The seaward arc of a circle of radius one and a half miles centred on the Front Leading Range Beacon in the Railway Yard, and the foreshore to the eastwards encompassed by the abovementioned arc.

PORT OF LUCEA

The seaward arc of a circle of radius one mile centred on Flagstaff Reef Beacon, and the foreshore to the southwards encompassed by the abovementioned arc.

PORT OF SAVANNA-LA-MAR

The seaward arc of a circle of radius three miles centred on the Front Range Beacon at the Fort, and the foreshore to the northwards encompassed by the abovementioned arc.

PILOTAGE

PORT KAISER

The seaward arc of a circle of radius one mile centred on the Front Range Light, and the foreshore to the northwards encompassed by the abovementioned arc.

PORT OF BLACK RIVER

The seaward arc of a circle of radius five miles centred on the Hospital, and the foreshore to the northwards encompassed by the abovementioned arc.

PORT OF PORTLAND BIGHT

The seaward arc of a circle of radius seven miles centred on the Front Range on Pigeon Island and the foreshore to the northwards encompassed by the abovementioned arc.

PART II (Regulation 7)

The subjects in which the Authority shall hold examinations shall be—

- (a) local conditions and regulations affecting the pilotage areas of Kingston and Montego Bay and any other two pilotage areas;
- (b) international regulations for the prevention of collisions at sea;
- (c) navigational charts and their uses;
- (d) the fixing of the position of a ship by compass bearings;
- (e) variation and deviation in the compass and their application to compass courses and bearings;
- (f) the ports for which the apprentice is being examined including depths of water, off-lying shoals under reefs, the width of channels and details of navigational aids;
- (g) the management, manoeuvring, anchoring, mooring, unmooring and berthing of ships;
- (h) the marks on and the use of the hand lead line;
- (i) modern inshore electronic navigational aids;
- (j) such other related and relevant topics as the Authority may from time to time decide.

SECOND SCHEDULE (Regulations 6, 8 and 9)

FORM A

Form of Application

REGISTRATION OF AN APPRENTICE PILOT (MARINE)

I hereby make application to be registered as an apprentice Marine Pilot.

Name.....
 Date of Birth.....Age.....
 Place of Birth.....Nationality.....
 Present Address.....

[The inclusion of this page is authorized by L.N. 96/1998]

Academic Qualifications:

Schools Attended and Dates

.....
.....
.....

Certificates Obtained: (Attach Copies)

.....
.....
.....

Seagoing Experience: (Give Details and Attach Copies of Discharge Certificates)

.....
.....
.....

Certificates Obtained:

.....
.....

Names of Character Referees

(1).....

(2).....

I agree to be registered as an apprentice indentured to the Authority and during the period of my apprenticeship to complete the approved course of training under the supervision of the Authority.

Signature.....

Date.....

For use by the Authority

Qualifications:

Approved:.....

Medical Examination:

Approved:.....

Fee Paid:

Approved:.....

Date of Registration:

Certificate of Registration Issued:.....

Approved Course.....

Completed:

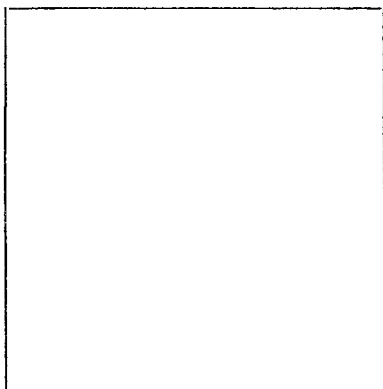
Examined:

Certificate of Competency Issued:

Pilot's Licence Issued:

PILOTAGE

FORM B



CERTIFICATE OF REGISTRATION
AND
IDENTITY CARD

The person whose photograph
appears hereon is Mr.....

.....
registered apprentice pilot with
the Port Authority of Jamaica.

.....
Signature

.....
Chairman, Port Authority

FORM C

THE PORT AUTHORITY OF JAMAICA

Department of Pilotage

THE PILOTAGE ACT

Certificate of Competence

THIS IS TO CERTIFY THAT.....
of.....having passed the
necessary examination and otherwise having satisfied the Examining
Committee in accordance with the Pilotage Regulations is competent
to pilot ships in the pilotage areas of.....

Dated this.....day of.....19.....

.....
.....
(Examining Committee)

NOTE: This Certificate of Competence renders the holder thereof
eligible to be licensed as Pilot but does not, by itself, authorize
the holder to pilot any ship. Any such authority requires the
grant of a Pilot's Licence.

FORM D
THE PILOTAGE ACT
FORM OF APPLICATION

By a Person desirous of being Examined for Certificate of Competence as a Pilot

Christian and Surname at Length	Age	Birthplace	Present Residence	Previous Occupation	Grounds on which Applicant claims to be qualified for Examination	Pilotage Area/ Areas for which Applicant desires Certificate of Competence

I, _____ hereby apply to The Port Authority to be examined, touching my qualifications for a Certificate of Competence to act as a Pilot: And for the pilotage area/areas for which I desire such Certificate, my name, age, birthplace, present residence, previous occupation, and the grounds on which I claim to be qualified for examination, I refer to the tabular form above set forth.

Dated at.....this.....day of.....19.....
(Sgd.).....

PILOTAGE

FORM E

PORT AUTHORITY

OF

JAMAICA

PILOT'S LICENCE

(Cover of Licence)

THE PILOTAGE ACT

JAMAICA

PILOT'S LICENCE NO.....

THIS LICENCE AUTHORIZES...

.....
to act as Pilot for the pilotage areas, hereinafter mentioned, from the date specified herein in relation to each such pilotage area, to the 31st day of December, 19.....pursuant to the Pilotage Act.

Given under my hand and seal of the Port Authority this..... day of.....19.....

.....
Chairman, Port Authority

DESCRIPTION OF THE PERSON TO WHOM THIS LICENCE IS GRANTED

.....aged.....years
.....ft.....in height, of a.....
complexion, has.....hair.

Any special or particular mark.....
.....
.....

.....
Signature of Pilot

PILOTAGE

FORM E, contd.

The Pilot hereby licensed is authorized to pilot vessels in and out of the pilotage areas specified in the first column hereunder, not exceeding.....maximum gross registered tonnage with effect from the date specified in relation thereto in the second column hereunder.

Pilotage Area	Date	Initials of Chairman, Port Authority

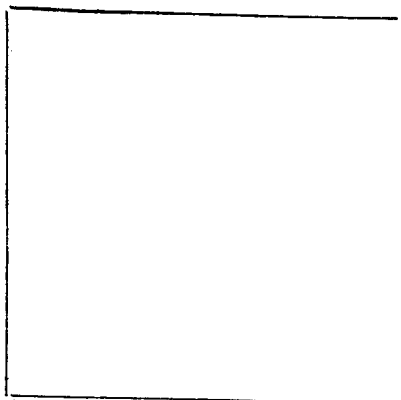
PILOTAGE

FORM E, *contd.*

RENEWALS

Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>
Renewed to 31st Dec.....	..... <i>Chairman, Port Authority</i>

FORM F



IDENTITY CARD

The Pilot whose photograph appears hereon is Mr..... who is licensed to pilot vessels not exceeding.....maximum gross registered tonnage for the pilotage areas mentioned hereunder.

.....

.....
 Signature

.....
 Chairman, Port Authority

THIRD SCHEDULE (Regulation 25) L.N.

1. The fees payable in respect of pilotage services shall be as follows— 53B/1996.

Maximum Gross Registered Tonnage of Ships	Movement	
	In or Out	Shifting
	US\$	US\$
500 tons and under	43.24	21.62
Above 500 tons and not exceeding 1,000 tons	56.20	28.10
Exceeding 1,000 tons and not exceeding 1,500 tons	62.71	31.36
Exceeding 1,500 tons and not exceeding 2,000 tons	69.18	34.59
Exceeding 2,000 tons and not exceeding 3,000 tons	80.00	40.00
Exceeding 3,000 tons and not exceeding 4,000 tons	95.13	47.57
Exceeding 4,000 tons and not exceeding 5,000 tons	110.29	55.15
Exceeding 5,000 tons and not exceeding 6,000 tons	123.24	61.62
Exceeding 6,000 tons and not exceeding 7,000 tons	138.39	69.20
Exceeding 7,000 tons and not exceeding 8,000 tons	151.36	75.68

[The inclusion of this page is authorized by L.N. 96/1998]

PILOTAGETHIRD SCHEDULE, *contd.*

<u>Maximum Gross Registered Tonnage of Ships</u>	<u>Movement</u>	
	<u>In or Out</u>	<u>Shifting</u>
	US\$	US\$
Exceeding 8,000 tons and not exceeding 9,000 tons	165.77	82.89
Exceeding 9,000 tons and up to 10,000 tons, plus \$1.07 for each additional 100 tons in excess of 10,000 tons	181.64	90.82

2. The fees payable in respect of coastal pilotage shall be at the rate of US\$40.78 per 50 miles or part thereof.

3. With effect from the 16th day of December, 1996, the amounts payable pursuant to paragraphs 1 and 2 shall be increased by ten per cent (10%).