



**THE ORKNEY PILOTAGE
DIRECTION 1988
(AS AMENDED 2007)**

**COMPETENT HARBOUR
AUTHORITY**

ORKNEY ISLANDS COUNCIL
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PILOTAGE ACT 1987

ORKNEY ISLANDS COUNCIL THE ORKNEY PILOTAGE DIRECTION 1988 (AS AMENDED 2007)

1. Title and Commencement

This direction under Sections 2 and 7 of the Pilotage Act 1987 may be cited “The Orkney Pilotage Direction 1988 (As Amended 2007)” and shall come into operation on 1st October 1988.

2. Interpretation

In this Direction:

“The Act” means the Pilotage Act 1987;

“Competent Harbour Authority (CHA)” means the Orkney Islands Council;

“Authorised pilot” means a person who is an authorised pilot for the Competent Harbour Authority areas;

“The Competent Harbour Authority areas” means the Orkney Harbour areas.

3. Application

Competent Harbour Authority Areas

Pilotage shall be compulsory for the types of vessel specified in Articles 4 (1) and (2) within the Competent Harbour Authority areas the limits of which shall be:

- (1) The Competent Harbour Authority area for Scapa Flow etc., bounded as follows: commencing at the Out Taings point of Hoy; thence in a straight line to Breckness on Mainland; thence in a generally eastern direction following the line of low water on the southern boundaries of Mainland to the northern end of the northernmost Churchill Barrier; then in a generally southern direction following the western sides of the four Churchill Barriers and the lines of low water on the western boundaries of the islands of South Ronaldsay (other than Swona) to Brough Ness; thence in a generally western direction by a straight line to the southernmost part of Swona and a straight line from that point to

Brims Ness on South Walls on the island of Hoy; thence following the line of low water on the western and northern side of Aith Hope and the seaward boundaries of South Walls and of Hoy to the point of commencement.

- (2) The Competent Harbour Authority area for Wide Firth/Shapinsay Sound area, bounded as follows: commencing at Harpy Taing on Mainland; thence in a straight line to Strombery on Shapinsay; thence following the line of low water on the southern boundary of Shapinsay to Hacksness; thence in a straight line to Rerwick Point on Mainland; thence in a generally westerly and north-easterly direction following the line of low water on part of the northern boundary of Mainland to the point of commencement.

4. Compulsory Vessels excluding HM Ships

Pilotage shall be compulsory within the Competent Harbour Authority areas specified in Article 3 above for the following ships:

- (1) All passenger vessels over 65 metres overall length;
- (2) All other vessels over 80 metres overall length;

AUTHORISATION OF PILOTS

5. Examining Body

- (1) The CHA shall appoint an Examining Body consisting of not less than four persons, of whom:
 - (a) One shall be the Director of Harbours, Orkney Islands Council, the Chairman;
 - (b) One shall be the Pilotage Superintendent, Orkney Islands Council;
 - (c) One shall be an authorised pilot elected in such a manner as may be agreed between the authorised pilots for the CHA areas and the CHA;
 - (d) One shall be a person nominated by ship owners using the pilotage services.
- (2) It shall be the duty of the Examining Body to set the qualifications required for applicants and to conduct the examination of applicants for pilots' authorisations or Pilotage Exemption Certificates under the Pilotage Act 1987.
- (3) It shall be the duty of the Examining Body to conduct preliminary investigations into any accidents involving vessels, who at the time of the incident had on board an authorised pilot or a person holding a Pilotage Exemption Certificate for the Competent Harbour Authority area. The Examining Body will report directly to the CHA with any recommendation it considers appropriate.
- (4) The Examining Body will consider all matters relating to pilotage within the CHA areas and advise the CHA of their views.

6. Authorisation of Pilots

A person shall not be authorised as a pilot unless and until he has satisfied the CHA that he possesses the qualifications referred to hereof.

7. Candidature for Authorised Pilot

A candidate for authorisation as a pilot must:

- (1) Possess a valid Certificate of Competency Class 1 (Master Mariner) (Master Foreign Going as defined in Section 741 of the Merchant Shipping Act 1894);
- (2) Have been employed as a Marine Officer by the CHA for a period which may be decided by the CHA at the time of engagement;
- (3) Produce a certificate of sobriety and good conduct and of good health;
- (4) Pass a medical examination which will be conducted by the Medical Officer of the CHA, the fee of such examination being met by the CHA; and
- (5) Pass such examination as may be laid down by the Examining Body, which examination shall test him as to his knowledge of the Competent Harbour Authority areas, his familiarity with local navigation requirements, his working knowledge of the traffic moving therein and such other matters as may be considered appropriate from time to time.

8. Suspension of Authorisation

The CHA may suspend or revoke an authorisation granted by it under this section if it appears to it:

- (1) that the authorised person has been guilty of any incompetence or misconduct affecting his capability as a pilot;
- (2) that the authorised person has ceased to have the qualifications required from persons applying for authorisation by it under this section or has failed to provide evidence that he continues to have those qualifications and in this connection each holder of a pilot's authorisation shall, on being required to do so by the CHA at least once per annum provide evidence to the CHA of his continuing to have the standard of physical fitness required of applicants for a pilots' authorisation; and
- (3) that an authorised pilot who, without valid reason, has failed to join vessel when he has been booked upon it or is found intoxicated when he may be required for duty.

9. Limitation of Liability

An authorised pilot, on being authorised, shall execute a bond for £1,000 which bond shall be in such form as the CHA may direct, in order that his liability for any loss or damage caused by any act or omission of his whilst acting as an authorised pilot shall be limited to that amount, all as provided for in Section 22 of the Pilotage Act 1987.

10. Classes of Authorised Pilots

- (1) Authorised pilots shall be of two classes, first class and second class. The qualifications for a second class authorisation are as defined in Section 7 of this authorisation. In dealing with applications from authorised pilots of the second class for promotion to first class, the CHA will have regard to length of service, local knowledge and efficiency and to the recommendations of the Examining Body.
- (2) Authorised pilots of the first class may pilot vessels of any tonnage or size but authorised pilots of the second class shall be limited to piloting vessels with a draught not exceeding 6.5 metres or LOA exceeding 125 metres.

11. Duties of Authorised Pilots

Every authorised pilot shall, on boarding any vessel which is to be piloted by him, exhibit his authorisation to the Master of the vessel and give his name and address to the said Master. He shall behave with strict sobriety and respect and shall use his utmost care and diligence to conduct the vessel safely, thereby avoiding any damage to any other vessel or property. An authorised pilot shall in all respects and at all times obey the Byelaws, rules and regulations of the CHA from time to time in force and shall obey and execute all lawful orders given by the CHA's Harbour Master or other authorised officer relative to the berthing, towing, transporting or moving of any vessel being piloted by him.

12. Documentation etc.

- (1) Every authorised pilot when on duty shall, in addition to his authorisation, always carry a good watch and a Tide Table and a copy of the CHA's Byelaws, rules and regulations and copies of the Pilotage Act 1987 and the Orkney Pilotage Direction 1988 (as Amended 2007) and any amendments from time to time in force relating to the Competent Harbour Authority areas.
- (2) Every authorised pilot shall, before leaving any vessel piloted by him either inwards or outwards, obtain from the officer in command of such vessel, a signed certificate of his services and he shall thereafter forward such certificate to the CHA.

PILOTAGE EXEMPTION CERTIFICATES

13. Pilotage Exemption Certificates

A Master or Mate applying for a Pilotage Exemption Certificate in respect of his vessel must on examination satisfy the CHA or the Examining Body thereof that he has, in their opinion, sufficient skill, experience and knowledge of local navigation to render him capable of piloting the vessel of which he is at the time Master or Mate or any other vessel in respect of which a certificate is desired.

14. Duration of Pilotage Exemption Certificates

A Pilotage Exemption Certificate shall not continue in force beyond the 31st day of August next following the date of issue of that certificate, but the certificate may be renewed as from the 1st day of September in any year by endorsement under the hand of a person authorised by the CHA.

15. Conditions for Renewal and Revalidation of Pilotage Exemption Certificates

A Pilotage Exemption Certificate shall not be renewed without re-examination unless the holder has made at least six acts of pilotage within the Competent Harbour Authority area as Master or Mate of his vessel during the preceding twelve months.

Revalidation of Pilotage Exemption Certificates to take place every five years as per recommendations of the Port Marine Safety Code. Revalidation will require the Pilotage Exemption Certificate holder to perform an inward and outward trip with a licensed Orkney Harbours pilot for the area, and in the vessel which they require their Pilotage Exemption Certificate to be revalidated. All candidates for examination for a Pilotage Exemption Certificate must have completed at least one trip into and out of the pilotage area under the supervision of an Orkney Harbours licensed pilot.

16. Applicability of Pilotage Exemption Certificates

In the case of a Master or Mate holding a Pilotage Exemption Certificate, such certificate shall only be available for the vessel of which he is the Master or Mate at the time of obtaining such certificate or for a vessel substantially the same class belonging to the same owners of which he may from time to time be a bona fide Master or Mate.

17. Alterations to Pilotage Exemption Certificates

No alteration shall be made to any Pilotage Exemption Certificate except with the prior approval of the CHA or its authorised officers, nor shall the certificate be lent to any other person and, in the event of the certificate being altered or lent without the previous consent of the CHA, the certificate shall be liable to immediate revocation.

18. Applicability of Harbour Byelaws

Every Master or Mate to whom a Pilotage Exemption Certificate has been granted in terms thereof shall conform himself strictly to the terms laid down by the CHA and failure to comply shall render such Master or Mate liable to withdrawal of the said certificate by the CHA.

19. Charges

Appropriate charges as per Schedule of Charges which is published annually.