



ORKNEY ISLANDS COUNCIL
Marine Services
HARBOUR AUTHORITY • TOWAGE SERVICES • FERRY SERVICES

The Orkney Pilotage Direction 1988 (As Amended 2007, 2010 and 2016)

Competent Harbour Authority

**Orkney Islands Council
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(As Amended 2007, 2010 and 2016)**

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Pilotage Act 1987

Orkney Islands Council

The Orkney Pilotage Direction 1988

(As Amended 2007, 2010 and 2016)

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, 2010 and 2016)” and shall come into operation on 1 January 2017.

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 and are defined by:

- (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.

3. Application

Competent Harbour Authority Areas

Pilotage shall be compulsory for the types of vessel specified in Articles 4 (1-4). Pilotage shall be compulsory for those vessels inbound from the designated pilotage embarkation positions and outbound to the designated pilotage disembarkation positions and all areas between, within the Competent Harbour Authority.

1. The designated Pilotage embarkation positions are:
 - a) Kirkwall - 59 00.42N 002 48.83W
 - b) Scapa Flow West - 58 45.7N 003 07.83W
 - c) Scapa Flow East - 58 45.82N 003 01.73W
 - d) Stromness and Hoy Mouth - 58 56.6N 003 21.8W

2. The designated Pilotage disembarkation positions are:
 - a) Kirkwall - 59 00.42N 002 48.83W or 59 00.8N 002 53.15W
 - b) Scapa Flow West - 58 45.7N 003 07.83W or 58 50.0N 003 03.3W
 - c) Scapa Flow East - 58 45.82N 003 01.73W or 58 50.0N 003 03.3W
 - d) Stromness and Hoy Mouth - 58 56.6N 003 21.8W

3. The embarkation points for Scapa Flow are knowingly inside the pilotage CHA area in order to ensure that embarkation is possible in poor weather. Pilots will embark before the designated embarkation point if conditions allow.

4. For laden VLCCs, pilots must embark before entry or before committing to entry to the CHA area. Arrangements must therefore be made for the pilot to embark at the previous port of call or on passage or in relative shelter before entry to the Pentland Firth where wind, sea

or tide conditions would not allow for embarkation within the Pentland Firth area.

5. Embarkation and disembarkation to/from offshore platforms or similar vessels, will be determined on a case by case basis.
6. The Harbour Master or Duty Harbour Master may, in consultation with the authorised pilot, suspend pilotage or authorise an alternative embarkation point under circumstances where it is not possible to embark or disembark a pilot at the prescribed position for reasons of weather or defect. A decision to suspend pilotage must only be made when it is manifestly obvious that the risks of not bringing a ship into port/allowing it to depart are greater than the risks of doing so without an authorised pilot. Fog would not ordinarily constitute a valid reason for suspending pilotage. Where pilotage has been suspended, all other support, including VTS information should be provided where possible.
7. Pilotage may be suspended for vessels holding position under Dynamic Positioning systems (Class 2 and above) provided the vessel has been placed in such a position in the first instance under the direction of an authorised pilot.

4. Compulsory Vessels excluding HM Ships and other UK Government operated vessels

Pilotage shall be compulsory within the Competent Harbour Authority areas specified in Article 2 above for the following ships:

- (1) All passenger vessels over 65 metres overall length.
- (2) All other vessels over 80 metres overall length.
- (3) All vessels under tow where the combined overall length of the towing vessel and the vessel being towed is over 65 metres or the combined length of the tug and tow is over 65 metres. All planned tows under pilotage must be supported by a pre tow survey and towage plan.
- (4) All vessels utilising Orkney Islands Council tugs for berthing.
- (5) All vessels over 300 GT carrying persistent oils in bulk, persistent oils being designated as Heavy Fuel Oil and crude oil.

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 Head of Marine Services/Harbour Master, Orkney Islands Council or his/her operations deputy;
 - (b) One shall be the Pilotage Superintendent, Orkney Islands Council;
 - (c) One shall be an authorised pilot selected 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 or acceptable to ship owners using the pilotage services, or deputy.
- (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 incidents, accidents or failure to follow these Directions involving vessels, which at the time of the incident had on board or should have 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. It will be for the Harbour Master to determine whether an incident or event constitutes an accident such that a preliminary investigation is required. Notwithstanding this, Orkney Islands Council, as the Competent Harbour Authority, may direct the Harbour Master, or any other suitably competent body, to undertake an investigation with regards to pilotage should it consider that necessary.
- (4) The Examining Body will consider all matters relating to pilotage within the CHA areas and advise the CHA of their views.

- (5) The CHA (the Council) may choose to delegate its Duty Holder responsibilities to a Committee or Sub-committee of the Council in which case the Examining Body would report, in the first instance, to the designated Duty Holder.

6. Authorisation of Pilots

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

7. Candidature for Authorised Pilot

A candidate for authorisation as a pilot must:

- (1) Be in possession of a valid Certificate of Competency (Master Mariner) (Master Foreign Going as defined in Section 741 of the Merchant Shipping Act 1894) (STCW II/2 unlimited) and to have done so for a period of at least five years;
- (2) Have had at least one year of foreign going experience;
- (3) Pass the recognised seafarers medical examination which will be conducted by an approved Medical Doctor, on initial employment and biannually thereafter, the fee of such examination being met by the CHA; and
- (4) Complete training as determined by the Examining Body and pass any such examination and practical training/runs as may be laid down by the Examining Body. The Examining Body 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.

Pilotage training will progress candidates from trainee status to Class 2 and then Class 1. Such training shall be for a period of not less than six months and not more than twelve months to Class 2 and a further period of not less

than six months and not more than twelve months to Class 1 unless prevented from doing so by extenuating operational circumstances.

8. 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 not exceeding 125 metres.

9. 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 for 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, provide evidence to the CHA of his continuing to have the standard of physical fitness required of applicants for a pilots' authorisation;
- (3) that an authorised pilot who, without valid reason, has failed to join a vessel when he has been booked upon it or is found intoxicated or otherwise incapacitated when he may be required for duty; and
- (4) that, for whatever reasons, an authorised pilot has been unable to undertake his/her proper proportion of duties in the preceding two

years (evenly proportioned depending on the number of full time Class 1 pilots employed) and/or has repeatedly failed any training provided including simulator training.

10. 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.

This clause does not affect any non financial disciplinary action or regulatory non financial action in the case of proven negligence or willful act.

11. Duties of Authorised Pilots

Every authorised pilot shall, on boarding any vessel which is to be piloted by him/her, exhibit his/her authorisation to the Master of the vessel and give his name and work 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 an accurate watch and a marine VHF radio appropriate to the class of vessel, berth details, 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, 2010 and 2016) and any amendments from time to time in force relating to the Competent Harbour Authority areas.

- (2) Prior to arrival on board, the allocated authorised pilot will have prepared a port passage and pilotage plan utilising all available navigation, tidal and weather information, including available information on the characteristics and defects of the vessel, at the time. A copy of the original will be lodged with the duty marine officer before commencement of each act of pilotage.
- (3) 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

- (1) Orkney Harbour Authority has a duty to issue Pilotage Exemption Certificates (PECs) to appropriately qualified mariners. Those mariners wishing to apply should do so in writing, addressing their application to the Authority's pilotage superintendent.
- (2) To obtain a PEC, an applicant must satisfy the following requirements:
 - a. Be serving bona fide as the Master, Mate or other qualified officer borne for navigation and watchkeeping duties of the ship to which the PEC will apply.
 - b. Hold a valid certificate of competency for the appropriate post.
 - c. Be proficient in English particularly with respect to nautical terminology.
 - d. Provide appropriate documentation, namely a valid certificate of competence, an in date medical certificate, a fully complete trip log and assessment and a letter of introduction from the ships operators confirming that the officer is a bona fide ships officer.
 - e. Completion of a course of practical pilotage under the supervision of an authorised pilot or PEC holder for a minimum of twelve inbound and twelve outbound acts of pilotage.
 - f. Completion of a successful assessment by an authorised pilot. The assessment may be combined with the twelfth inbound and outbound trips specified at sub para (e) above.

- g. Completion of an oral examination by the Pilotage Examining Body.
- (3) Pilotage Exemption Certificates are only valid for the ship and area, including all entrances and exits from that area, specified and separate certificates will be issued for each area and each ship where appropriate. Where it has been determined by the Competent Harbour Authority that vessels are 'substantially the same class' and of near identical handling characteristics, the Competent Harbour Authority may include those vessels on the same certificate. Otherwise, separate assessments will be required.

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 inbound and six outbound acts of pilotage within the Competent Harbour Authority area as a PEC holder of his/her vessel during the preceding twelve months.

In addition to annual renewal, revalidation of Pilotage Exemption Certificates must 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.

Where a certificate has lapsed for less than two years, it may be re-issued following a reduced number of supervised runs and a full inbound and

outbound assessment by an authorised pilot. The number of supervised runs will be nominated by the Examining Body. Where the certificate has lapsed by more than two years, a full training programme as specified above will have to be followed, including re-examination.

16. Applicability of Pilotage Exemption Certificates

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

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 ships officer to whom a Pilotage Exemption Certificate has been granted in terms thereof shall conform himself strictly to the terms laid down by the CHA, including adherence to all Byelaws and any other Directions as issued and failure to comply shall render such an officer liable to withdrawal of the said certificate by the CHA.

19. Charges

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