

FORTH PORTS PLC

**PILOTAGE EXEMPTION CERTIFICATES
REGULATIONS**

6th August 2008

**FORTH PORTS PLC
1 PRINCE OF WALES DOCK
LEITH
EDINBURGH
EH6 7DX**

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1. **DEFINITIONS**

1.1 In these Regulations, the following expressions shall have the following meanings:

“Applicant” means the Master (or, as the case may be, First Mate) applying for a PEC.

“the Authority” means Forth Ports PLC incorporated under the Companies Acts (number 134741) and having its Registered Office at 1 Prince of Wales Dock, Leith, Edinburgh.

“Dredger” means a dredger of more than 85 metres overall length engaged in dredging activities.

“Forth” means that part of the description of the limits of the Forth (as set out in Schedule 1 of the Forth Ports Authority Order Confirmation Act 1969) extending from the Eastern limits of the Forth as therein defined westwards to the Kincardine Bridge.

“Holder” means the holder of a validly issued and current PEC.

“PEC” means a pilotage exemption certificate, issued by the Authority pursuant to these Regulations in terms of section 8(1) of the Pilotage Act 1987.

“Pilot” means a pilot authorised by Forth Ports PLC under the terms of the Pilotage Act 1987.

“Certificate of Competency” means a recognised certificate of competency appropriate for the capacity in which the applicant serves, and valid for the ship(s) in which the PEC will be used.

“Vessel” means a vessel of over 45 metres overall length and more (including Dredgers).

1.2 A reference to one gender includes a reference to the other gender.

2. **REGULATIONS FOR THE ISSUE OF A PEC**

2.1 The Authority, in exercise of the powers conferred on it by Section 8(1) of the Pilotage Act 1987 shall grant PEC’s to the bona-fide Master or First Mate of any Vessel within the Forth provided the conditions set out in these Regulations are met.

3. **APPLICATION FOR PEC – CONDITIONS AND QUALIFICATIONS**

3.1 **General Conditions for all Vessels**

Each PEC Holder must: -

- a) be less than 65 years of age.
- b) be the bona-fide Master or First Mate of the Vessel, which he will be piloting within the Forth.
- c) hold a Certificate of Competency enabling him to serve as bona-fide Master or First Mate of the Vessel or Vessels concerned.
- d) exhibit a medical certificate testifying to his physical fitness, and in particular, certifying that he is not suffering from any physical or mental infirmity or defect in vision rendering him unfit properly to perform the duties of pilotage.
- e) Apply to the Authority before commencing any qualifying trips. The application should contain copies of the applicant's Certificate of Competency, medical certificates and name of vessel. The applicant will then be issued with the PEC Application pack.

3.2 **Qualifying and Assessment Trips for Vessels other than Dredgers**

Masters and First Mates of Vessels other than Dredgers, must have each made the number of qualifying and assessment trips specified below accompanied by a pilot on the Forth in the twelve months immediately preceding the date of his examination, and, during that time, must have been the bona-fide Master or First Mate of the Vessel or Vessels of substantially the same class as that to which the PEC will relate. An Applicant must furnish proof that he has made the voyages specified and that he was on the vessel's bridge throughout the time the vessel was in the compulsory pilotage area. Such proof should be in the form of a PEC Tripping Record signed by the pilot. The tripping record should be on the appropriate form provided in the PEC application pack. The assessment trips are to be completed in addition to and separate from the qualifying trips.

Port	Qualifying Trips at least half of which should be completed dockings/berthings. (Shifts are not qualifying trips)	Assessment Trips
Grangemouth		
(i) vessels up to 100m LOA	12 (2 carried out in darkness)	2 In and 1 Out
(ii) vessels 100m - 120m LOA	16 (3 carried out in darkness)	2 In and 1 Out
(iii) vessels over 120m LOA	Confirmed on application	On application
Leith	12 (2 carried out in darkness)	2 In and 1 Out
Rosyth	12 (2 carried out in darkness)	2 In and 1 Out
Burntisland	12 (2 carried out in darkness)	2 In and 1 Out
Inverkeithing	12 (2 carried out in darkness)	2 In and 1 Out
Methil Dock	4 (1 carried out in darkness)	1 In and 1 Out
Methil Yard	4 (1 carried out in darkness)	1 In and 1 Out

- 3.2.1 PECs issued under the qualifying trips indicated in 3.2 are not valid if a tug or tugs are to be utilised unless at least two assessments trips have been undertaken utilising a tug or tugs. If for whatever reason tug assistance is required by a PEC holder who is not authorised to utilise

tugs then the services of a pilot are required. Should a PEC holder who has not utilised tugs during at least two of his assessment trips require exemption when using a tug or tugs then two further assessment trips with a pilot must be successfully completed while utilising tug assistance.

3.3 **Qualifying Trips for Dredgers**

Masters and First Mates of Dredgers must have each made a minimum of 12 round trips, accompanied by a pilot, between the dredging area and the spoil ground. These trips must relate to the current (and not a previous) dredging contract. An applicant's PEC Tripping Record is to be signed by the pilot for each round trip between the dredging area and spoil ground.

4. **ADDITIONAL/ALTERNATIVE QUALIFICATIONS**

- 4.1 The conditions laid down in Regulation 3 above are the minimum requirements. There may be cases where for particular vessels (due to length, beam, draft, tug requirement, etc.), cargoes, etc., higher and more stringent qualification requirements will be necessary.
- 4.2 Equivalent Certificates of Competency of the Applicant's country will be accepted provided they are of a class approved by the MCA for the purpose. Furthermore, in the interests of safety, such Applicants must also demonstrate that their command of written and spoken English is adequate to enable them to perform the function for which the pilotage certificate is to be issued.
- 4.3 The Secretary of State for Transport has issued a direction that the Authority may refuse to grant PEC's under Section 8(1) of the Pilotage Act 1987.

5. **EXAMINATION AND ASSESSMENT**

5.1 **Vessels other than Dredgers**

- (a) Once an Applicant (who is the Master or First Mate of a Vessel other than a Dredger) has satisfied the requirements set out in Regulations 3 and (as appropriate) 4 above, he must sit the appropriate oral examination. Examinations are held every two months and the dates for the coming year are published in a Notice to Mariners issued each December. The Authority shall appoint examiners who shall examine an Applicant on his knowledge of the local navigation of that part of the Forth for which a PEC is sought, the course and distance between any two places within that part of the Forth, the rise and set of tides, the depths and character of soundings, the best anchorages, the sandbanks, rocks, shoals and other dangers, the landmarks, buoys, beacons and lights within that part of the Forth, local Byelaws and any other matters which the examiners consider to be necessary. A number of the examination questions have been designated as safety critical, if a candidate incorrectly answers these critical questions the examination will be stopped and he will be deemed to have been unsuccessful.

Upon successfully completing an examination the applicant will be required to attend Forth and Tay Navigation for a familiarisation visit.

- (b) An Applicant who receives an unsatisfactory report following an appropriate assessment trip will be required after a period of one month to undergo a further appropriate assessment trip. If he fails to satisfy the assessor at the second attempt, the Applicant may again present himself not sooner than one month after the second attempt but, if he fails again, may not present himself until one year after his third attempt, his previous attempts being treated as null and void.
- (c) An Applicant who fails to satisfy the examiners at the first attempt may present himself again after two months. If he fails to satisfy the examiners at the second attempt, the Applicant may again present himself not sooner than four months after the second attempt but, if he fails again, may not present himself until two years after his third attempt, his previous attempts being treated as null and void.

5.2 Dredgers

- (a) Once an Applicant (who is the Master or First Mate of a Dredger) has satisfied the requirements set out in Regulations 3 and (as appropriate) 4 above, he must undergo a practical pilotage assessment. The Authority shall appoint pilotage assessors who must be satisfied as to the skill, experience and local knowledge of the Applicant. Thereafter the Authority's Chief Harbour Master may interview the Applicant.
- (b) An Applicant who fails to satisfy the pilotage assessors may present himself for re-assessment following the completion of qualifying trips/periods as described in 3.3. If he fails to satisfy the pilotage assessors at the second attempt, the Applicant will not be re-considered during the term of the current dredging contract.

6. CLASSES OF PEC

6.1 There are eight classes of PEC entitling the holder to conduct vessels without the services of a pilot within a specified part of the Forth, namely:

Port	Description
Grangemouth	That part of the Forth lying to the east of the meridian of 03° 41.5' West and the Port of Grangemouth, with the exception of the Braefoot Channels, South Channel to Leith, the area of the Middle Bank including voyages to/from the Hound Point and Braefoot Bay Marine Terminals, Leith, Burntisland, Inverkeithing, Rosyth, Crombie and Methil.
Leith	That part of the Forth comprising the South Channel approach to Leith and the adjacent areas south of Latitude 56° 02' north and east of Longitude 003° 15' West including the Port of Leith. Vessels with a summer deadweight of less than 8,000 tonnes and not carrying 12 or more passengers or dangerous goods will be exempted from pilotage when shifting berths within Leith Docks. In certain circumstances the Harbour Master will require a pilot to be taken. These circumstances include but are not restricted to the following: the close proximity of berthed vessels carrying dangerous goods or passengers and the use of tugs by the shifting vessels.
Rosyth	That part of the Forth lying to the east of the meridian of 03° 31.35' West and the

	Port of Rosyth, with the exception of the Braefoot Channels, the South Channel to Leith and the area of the Middle Bank including voyages to/from the Hound Point and Braefoot Bay Marine Terminals, Leith, Burntisland, Inverkeithing, and Methil.
Burntisland	That part of the Forth lying to the east of the meridian of 03° 15.0' West and the Port of Burntisland, with the exception of the Braefoot Channels west of No. 3 & 4 buoys, the South Channel to Leith and the area of the Middle Bank including voyages to/from Leith and Methil.
Inverkeithing	That part of the Forth lying to the east of the meridian of 03° 23.35' West and the Port of Inverkeithing, with the exception of the Braefoot Channels, the South Channel to Leith and the area of the Middle Bank including voyages to/from the Hound Point and Braefoot Bay Marine Terminals, Leith, Burntisland and Methil.
Methil Dock	That part of the Forth lying to the north of Latitude 56° 10' North and west of Longitude 003° West including the Port of Methil, with the exception of Methil Yard.
Methil Yard	That part of the Forth lying to the north of Latitude 56° 10' North and west of Longitude 003° West including Methil Yard, with the exception of Methil Dock.
Dredgers	A PEC entitling the holder to pilot a Dredger within the following areas: <ul style="list-style-type: none"> (i) Where the dredging is being undertaken. (ii) The designated spoil ground. (iii) The channels and adjacent areas transited on passage to/from the spoil ground.

7. **GENERAL INFORMATION**

7.1 Each PEC shall contain: -

- a) The Holder's Name.
- b) The name of the Owner of the Vessel for which the PEC is granted.
- c) The name of that Vessel and it's IMO Number.
- d) The class of the PEC and, where it is a PEC for Dredgers, the area or areas for which the PEC is granted.
- e) The date on which the original PEC is granted;

7.2 In the case of Vessels other than Dredgers, each PEC shall also contain:

- a) Each date of renewal.
- b) The name or names of any other Vessel or Vessels, belonging to the Owner of the Vessel for which the PEC is granted, which is or are of substantially the same size and type to which the Holder might be appointed Master or First Mate providing that the number of additional Vessels does not exceed the number of PEC's held for similar Vessels in the Owner's fleet.

8. **PILOTAGE EXEMPTION CERTIFICATES – DURATION AND RENEWAL**

8.1 **Vessels other than Dredgers**

- a) PEC's shall last for an initial period of the lesser of (i) one year (ii) the period expiring on 1st February immediately following the granting of the PEC and thereafter may be renewed annually on 1st February with or without the Holder having to undergo re-examination at the discretion of the Authority. No PEC shall be renewed without examination unless the Holder has made at least twelve inward and/or outward passages at the port specified on the PEC during the previous year as Master or First Mate of the Vessel or Vessels named. For the Port of Methil the number of voyages is 4.
- b) This tripping requirement is the minimum which must be attained before a PEC will be renewed. In certain cases for particular Vessels and cargoes a greater number of trips may be required.
- c) PEC Holders shall be assessed at intervals not exceeding four years in order that their certificate is re-validated. Such re-validation shall be in addition to the annual renewal requirement set out in clause 8.1 a). The re-validation process shall consist of an assessment trip with an appointed assessor from the Forth Pilots followed by an appraisal interview with the Chief Harbour Master and if deemed appropriate by the Authority an appointed assessor.

Should the report from the Assessor Pilot or appraisal interview be unsatisfactory, a recommendation should be made to Forth Ports that further consideration should be given to the PEC holder being no longer "suitably qualified" and, as such, the PEC is not to be re-validated.

In cases where it is recommended that a PEC is not to be re-validated, the PEC shall be immediately revoked and the holder will be required to re-sit the Pilotage Exemption Certificate Examination.

8.2 **Dredgers**

- (a) PEC's granted to the Masters or First Mates of a Dredger shall automatically expire when the current dredging contract has completed.

9. **REPORTING REQUIREMENTS**

- 9.1 If any accident or damage is caused within the Forth by or to a Vessel under the charge of a Master or First Mate holding a PEC, such Master or First Mate shall as soon as practicable, report the occurrence to the Authority's Chief Harbour Master, and thereafter furnish him with a full written report in the form approved by the Authority.
 - 9.1.1 Should a Master or First Mate holding a PEC and being in charge of the vessel observes any breaches of Byelaws, General Directions, regulations, procedures, near misses or dangerous occurrences he should report such observations to the Authority on the Forth Ports Marine Report Form.
- 9.2 The holder of a PEC is to keep fully acquainted with all matters affecting the navigation of vessels in the Forth and, if he observes any alteration in any channel or that any of the navigational marks are damaged or out of place, he is to inform the Authority immediately.

10. **MEDICAL QUALIFICATIONS**

The holder of a PEC shall (notwithstanding the terms of Regulation 3 above), every two years, submit to the Authority a certificate signed by a qualified medical practitioner that he is not suffering from any physical or mental infirmity or defect in vision rendering him unfit properly to perform the duties of pilotage.

11. **EXEMPT VESSELS**

11.1 The holder of a PEC for Vessels other than Dredgers shall not attempt to pilot any Vessel whether belonging to the same owners or otherwise even although the name of such Vessel be on his PEC, unless he is a bona-fide Master or First Mate of such a Vessel. He must perform all pilotage duties within the Forth personally whenever pilotage is compulsory.

12. **REVOCAATION/SUSPENSION**

12.1 The Holder of a PEC who, in the opinion of the Authority, navigates his vessel without due care and attention, or through want of reasonable care allows his vessel to ground, come into collision with another vessel, or cause damage to his Vessel or other property, shall be liable to have his PEC suspended or revoked as the Authority shall decide. Any PEC so suspended shall not be re-issued until the holder has been re-examined (or, in the case of the Master or First Mate of a Dredger, undergoing and satisfactorily completing a further practical pilotage assessment, as set out in clause 5.2(a) above).

13. **GENERAL CONDITIONS**

13.1 A PEC is issued to the Holder and is not transferrable. Loss of a PEC must be reported immediately to the Authority.

13.2 A Vessel or Vessels must remain the property of the Owners by whom the holder of a PEC is employed or else the PEC will be held to have lapsed from the date of change of ownership.

13.3 A PEC issued for a dredger is restricted to the Master or First Mate of the Dredger undertaking the relevant dredging contract. Such Certificate will lapse when the contract is completed.

13.4 Any necessary alterations, endorsements or amendments to a PEC shall only be made by the Authority.