

PORT OF DUNDEE LIMITED

**PILOTAGE EXEMPTION CERTIFICATES
REGULATIONS**

2020

**PORT OF DUNDEE
STANNERGATE ROAD, DUNDEE DD1 3LU**

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PORT OF DUNDEE LTD

PILOTAGE EXEMPTION CERTIFICATES

REGULATIONS

1. DEFINITIONS

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

“Applicant” means the Master, First Mate or any Deck Officer applying for a PEC.

“the Authority” means Port of Dundee Ltd as a wholly owned subsidiary of Forth Ports Limited incorporated under the Companies Act (number 134741) and having its registered office at 1 Prince of Wales Dock, Leith, Edinburgh.

“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.

"Deck Officer" means an appropriately qualified (STCW certified) officer, with a level of certification which would allow him to hold a command position aboard the named vessel.

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

“Tay” means that part of the description of the limits of the Tay (as set out in Part 1 of the Dundee Port Authority (General Byelaws 1984) extending from the Eastern limits of the Tay as therein defined westwards to the Tay Road Bridge.

“Outer Tay” means that part of the description of the limits of the Outer Part of the Tay extending from the Eastern limits of the Port of Dundee as therein defined westwards to the Horseshoe Buoy (Latitude 56 27.3’ N Longitude 002 50.2’ W)

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

“Restricted Holder” means the holder of a validly issued and current restricted PEC for the Outer Tay.

“PEC” means 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 Port of Dundee Limited under the terms of the Pilotage Act.

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

“Pilotage Act” means the Pilotage Act 1987 as amended by the Marine Navigation Act 2013.

“Vessel” means a vessel of over 40 metres overall length and more (including dredgers).

“Qualifying Voyage” means a voyage undertaken under the tutelage of a qualified Tay Pilot.

1.2 A reference to one gender means a reference to either 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, First Mate or any Deck Officer of any vessel within the Tay 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 applicant must:-

- a) Be a bona-fide Master, First Mate or any Deck Officer of the Vessel, which he will be piloting within the Tay.
- b) Hold a certificate of Competency enabling him to serve as a bona-fide Master, First Mate or any Deck Officer of the Vessel or Vessels concerned.
- c) Exhibit a medical certificate testifying to this physical fitness, an in particular, certifying that he is not suffering from any physical or mental infirmity or defect in vision rendering him unfit to properly perform the duties of pilotage.
- d) Apply to the Authority before commencing any qualifying trips. The application should contain copies of the applicant’s Certificate of Competency, medical certificate 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

The Master or First Mate or Deck Officers of Vessels other than Dredgers, must have each made the number of qualifying and assessment trips specified

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

below accompanied by a pilot on the Tay 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 or Deck Officers 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 PEC applicant must inform the Authority's Harbour Master after completion of qualifying trips. The assessment trips are to be completed in addition to and separate from the qualifying trips. Assessment trips must be undertaken following verified completion of all the required qualifying trips, with prior notification to, and prior approval of, the Authority's Harbour Master.

Master or First Mate or Deck Officers requiring to be authorised to utilise tugs as part of their PEC must complete the tug assessment trips specified below. Tug assessment trips may be completed in conjunction with Vessel assessment trips. If for whatever reason tug assistance is required by a PEC holder who is not authorised to utilise a tug then the services of a pilot are required. Should a PEC holder who does not hold a PEC authorising the use of tugs require exemption when using a tug or tugs then the tug assessment trips specified below with a pilot must be successfully completed while utilising tug assistance.

Class of PEC	Qualifying Trips (at least half of which should be completed berthing. Shifts are not qualifying trips)	Assessment Trips	Tug Assessment Trips
Restricted PEC	4 inward 4 outward (2 carried out in darkness) No berthing required.	1 In and 1 Out	No tug
Vessels less than 100m Length Overall	12 (2 carried out in darkness)	2 In and 1 Out	2
Vessels between 100m and 120m Length Overall	16 (2 carried out in darkness)	2 In and 1 Out	2
Vessels over 120m Length Overall	Confirmed once vessel specifications known	Confirmed once vessel specifications known	Confirmed once vessel specifications known

3.3 Additional Conditions for Dredgers

Masters, First Mates or any Deck Officers of Dredgers must have each made a minimum of 12 round trips accompanied by a pilot, between the dredging area and the spoil ground, or have spent 24 hours continuously dredging with

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

a pilot embarked provided 12 round trips (as detailed above) are achieved in such a period. These trips must relate to the current (and not a previous) dredging contract. All applicants tripping record is to be signed by the pilot for each round trip between the dredging area and the 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, cargoes, etc., higher and more stringent qualifications 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 interest 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, First Mate or Deck Officer of a Vessel other than a Dredger) has satisfied the requirement set out in Regulation 3 and (as appropriate) 4 above, he must attend an examination when requested. The Authority shall appoint examiners who shall examine an Applicant on his knowledge of the local navigation of that part of the Tay which a PEC is sought, the course and distance between any two places within that part of the Tay, the rise and set of tides, the depths and character of surroundings, the best anchorages, the sandbanks, rocks, shoals and other dangers, the landmarks, buoys, beacons and lights within that part of the Tay, local Byelaws and any other matter which the examiners consider 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.
- 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,

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

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 three months. If he fails to satisfy the examiners at the second attempt, the Applicant may again present himself not sooner than three months after the second attempt but, if he fails again he may not present himself until two years after this third attempt, his previous attempts being treated as null and void.

5.2 **Dredgers**

- a) Once an Applicant (who is the Master, First Mate or Deck Officer of a Dredger) has satisfied the requirements set out in Regulation 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 Applicant will be interviewed by the Authority's Harbour Master.
- b) An Applicant who fails to satisfy the pilotage assessors may present them self for re-assessment following the completion of further 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 reconsidered during the term of the current dredging contract.

6. **CLASSES OF PEC**

6.1 There are three classes of PEC, namely:

- a) A PEC entitling the holder to pilot vessels within a specified part of the Tay namely:
 - I. A Full PEC as covering that part of the Tay lying to the east of the Tay Road Bridge and at any harbour, basin, pier, wharf or mooring buoy within that part of the Tay for which the holder is permitted by the authority from time to time.
 - II. That part of the Tay lying to the East of the Horseshoe Buoy Latitude 56 27.3'N Longitude 002 50.2'W and at any part of the Roads and Anchorages within the area for which the holder is permitted by the Authority from time to time.
- b) A PEC entitling the holder to pilot a Dredger within the following areas:
 - 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

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

7. GENERAL INFORMATION

7.1 Each PEC shall contain:-

- a) The holders name
- b) The name of the owner or charterer of the Vessel for which the PEC is granted.
- c) The name of that Vessel, its gross tonnage, IMO number and maximum draft.
- d) The class of the PEC and where it is a PEC for Dredgers the area or areas for which a PEC is granted.
- e) The date on which the original PEC is granted;

7.2 In the case of the 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 or Charterer 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 or Deck Officer providing that the number of additional Vessels does not exceed the number of PEC's held for similar Vessels in the Owner's or Charterer's fleet. The Holder must comply with the renewal requirements set out in Section 8 in respect of each Vessel on the PEC or the name of that Vessel will be removed from the PEC.

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 grant 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 but no PEC shall be renewed without examination unless the Holder has made at least six inward or outward voyages in the Tay Estuary during the previous year as Master or First Mate or Deck Officer of the Vessel or Vessels named.
- 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 PEC is re-validated. Such revalidation shall be in addition to the annual renewal requirement set out in clause 8.1 a). The revalidation process shall consist of an assessment trip with an appointed

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

assessor from the Dundee Pilots followed by an appraisal interview with the Harbour Master and appointed assessor.

Should the report from the Assessor Pilot and appraisal interview be unsatisfactory a recommendation should be made to the Authority that further consideration should be given to the Holder no longer being “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

PEC’s granted to the Master or First Mate or Deck Officers of a Dredger shall automatically expire when the current dredging contract has completed.

9. REPORTING REQUIREMENTS

9.1.1 If any accident or damage is caused within the Tay by or to a Vessel under the charge of a Master or First Mate or Deck Officer holding a PEC, such Master or First Mate or Deck Officer shall as soon as practicable report the occurrence to the Authority’s Harbour Master, and thereafter furnish him with a full written report in the form approved by the Authority.

9.1.2 Should a Master or First Mate or Deck Officer holding a PEC and being in charge of the vessel observe any breaches of Byelaws, General Directions, regulations, procedures, near misses or dangerous occurrences he shall report such observations as soon as practicable 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 Tay 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

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023

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 (non- Dredgers) shall not attempt to pilot any Vessel whether belonging to the same owners or otherwise even although the name of such a Vessel be on his PEC, unless he is a Master or First Mate or Deck Officer of such a Vessel. He must perform all pilotage duties within the Tay personally whenever pilotage is compulsory.

12. REVOCAION/SUSPENSION

- 12.1 A PEC may be suspended or revoked in accordance with the Pilotage Act 1987 as amended by the Marine Navigation Act 2013.

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 or chartered by the Charterers 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. The Owner and if applicable the Charterer must immediately inform the Authority of any change of owner or charterer.
- 13.3 A PEC issued for a dredger is restricted to the Master or First Mate or Deck Officers, of the Dredger undertaking the relevant dredging contract and holding a valid PEC.
- 13.4 Any necessary alterations, endorsements or amendments to a PEC may only be made by the Authority.

FORTH PORTS LIMITED	Document ID FPMDL/PT/07/03	Authorised By HMD	Original Date February 2004
	Date Revised July 2020	Revised By HMD	Review Due July 2023