

TRINIDAD AND TOBAGO.

*Pilots and Pilotage.*

No. 6.—1893.

20th March, 1893.

AN ORDINANCE to make provisions in relation to  
Pilots and Pilotage.

*J. K. Williams*  
Governor

*4th April 1893*

**B**E it enacted by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative Council  
thereof as follows:—

1. This Ordinance may for all purposes be cited as Short title.  
“The Pilots Ordinance, 1893.”

2. The following term and expression shall have the Interpretation.  
meaning herein ascribed to them.

“Gazette” shall mean either the Royal Gazette  
of Trinidad or the Official Gazette of Tobago.

3. The harbours and channels in the first Schedule of Harbours, &c.,  
subject to this  
Ordinance.  
this Ordinance mentioned shall be the harbours and  
channels within the operation of this Ordinance.

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Appointment of  
Commissioners  
of Pilotage.

4. It shall be lawful for the Governor to issue Commissions under his hand constituting and appointing any number of persons, not exceeding three, of whom the Harbour Master of the Islands of Trinidad and Tobago respectively shall be one, to be Commissioners of pilotage in and for the said Islands respectively.

Commissioners  
may grant Cer-  
tificates and  
Licenses.

5. The Commissioners shall examine applicants for a License, and on being satisfied of the competency and of the sobriety and good character of the applicant, may grant to such applicant a license to act as a pilot for any of the harbours or channels within the operation of this Ordinance.

It shall be lawful for the Commissioners to call to their aid any one or more pilots licensed under this Ordinance or other competent persons to examine with them into the qualifications of any applicant for a pilot's license.

Pilots to be  
examined.

6. No person shall act as a pilot under this Ordinance until he shall have passed an examination and received a license to act as pilot.

Pilot's License.

7. Every pilot's license under this Ordinance shall be made under the hand of the Commissioners and shall contain

- (a.) The name, surname and place of abode of the licensee.
- (b.) A description of his person.
- (c.) A specification of the limits within which he is qualified to act.

Every license shall be in the form in the second Schedule hereunto annexed.

Fee on License.

8. Every pilot shall on receiving a license pay a fee of Twenty Shillings for such license, which shall be paid into the Treasury for the use of Her Majesty the Queen.

9. It shall be the duty of the Harbour Master of Trinidad and Tobago respectively to furnish every licensed pilot with a copy of this Ordinance, together with a copy of the rates, bye-laws and regulations payable or made in pursuance of them.

Pilots to be furnished with copy of this Ordinance, &c.

10. Each of the Commissioners and each pilot or other competent person who under the provisions of Section 5 shall be employed to examine an applicant for a pilot's license shall be entitled to demand and receive from each applicant a fee of twenty shillings which shall be paid before the examination of the candidate.

Fees on examination of candidates.

11. Notice of the licensing of every pilot shall be published in the "Gazette" within fourteen days next after the issuing or granting of any such license.

Granting of Pilot Licenses to be publicly notified.

12. The Harbour Master of Trinidad and of Tobago shall respectively keep and have suspended in some conspicuous place in his office a list of the names, stations and particulars of all pilots duly licensed, specifying also any punishment which may have been imposed on any pilot under the provisions of this Ordinance, and the cause, extent and duration of such punishment.

Harbour Master to keep lists of Pilots.

13. It shall be the duty of the Harbour Master of Trinidad and of Tobago respectively in the month of January in each and every year to publish in the "Gazette" a true and correct list of all licensed pilots.

Lists to be published annually in the Gazette.

14. For all or any of the purposes following it shall be lawful for the Commissioners to make regulations and the same from time to time to amend, alter or revoke—namely :—

Power to make Regulations.

- (1.) To regulate the pilotage limits of the Colony, the stations and government of licensed pilots; the privileges of pilots at such stations, and for ensuring the good conduct of pilots and their

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constant attendance to and effectual performance of their duty either on sea or on shore.

(II.) To establish rates and prices of pilotage or other remuneration to be demanded and received, and from time to time to vary and alter the same as occasion may require.

(III.) To regulate the distinguishing marks and flags of pilot boats, and the means of making themselves known as licensed pilots to persons in charge of ships entering the harbours or channels within the operation of this Ordinance.

(IV.) To bring within the operation of this Ordinance harbours and channels other than those in the first Schedule mentioned.

Regulations to be first approved by Governor and Executive Council.

15. All regulations made in pursuance of the powers contained in Section 14 must be approved by the Governor in his Executive Council, and shall have no force or effect whatsoever until the same shall be so approved.

Publication of Regulations in Gazette.

16. All regulations upon approval as hereinbefore provided shall be published in the "Gazette," and copies thereof shall be publicly exposed in some conspicuous place in the Office of the Harbour Master of Trinidad and of Tobago respectively, and when so published shall thenceforward have the same effect and operation as if the same were enacted by and formed part of this Ordinance.

Production of a copy of the "Gazette" containing regulations purporting to have been made under the provisions of this Ordinance shall be received as *prima facie* evidence of such regulations in all Courts of Justice.

Payment of pilotage dues.

17. The Master of any ship or vessel which shall arrive in the Colony or shall navigate from one place to another within the same, or the consignee of or agent for

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such ship or vessel shall, on demand, pay to the pilot by whom such ship or vessel was piloted the full pilotage due and payable under this Ordinance within twenty-four hours after the performance of the service for which such pilotage shall be demanded.

In default of such payment the pilotage may be recovered summarily on information before any Stipendiary Justice of the Peace.

18. No pilot shall be bound to conduct any ship to sea until the full amount of the outward pilotage of such ship shall have been paid or the payment thereof received to the satisfaction of such pilot.

Pilots may demand fees in advance.

19. In case any pilot employed by the Master of any ship or vessel prepared to sail to pilot the same shall repair on board and shall nevertheless be detained on board for more than twelve hours before such vessel shall weigh anchor and proceed on her voyage, every such pilot so detained shall be entitled to demand and receive over and above the prescribed rate of pilotage detention money at and after the rate of twenty-four shillings for each twenty-four hours of detention, and so in proportion for any lesser portion of a day, and shall have the like remedy for recovery of the same as is provided in this Ordinance for recovery of his pilotage fee unlawfully withheld.

Payment of pilot when detained on board any outward bound vessel.

20. Nothing in this Ordinance contained shall extend or be construed to extend to deprive any person or persons of any remedy upon any contract of insurance or of any other remedy whatsoever which he or they might have had if this Ordinance had not been passed by reason or on account of the neglect, default, incompetency or incapacity of any pilot duly acting in charge of any vessel under the provisions of this Ordinance, and nothing in this

Saving rights of parties and their remedies in Contracts of Insurance.

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Ordinance contained shall be construed to impose any liability on the Government of the Colony for any damage or loss resulting from any neglect, default, incompetency, incapacity, or any act whatsoever of any pilot or person acting as a pilot under the provisions of this Ordinance.

Liability of  
Pilots for negli-  
gence or inca-  
pacity.

21. Nothing in this Ordinance contained shall be held to excuse or indemnify any pilot for any damage arising from his neglect or incapacity in office.

Exemption  
from compul-  
sory pilotage.

22. Nothing in this Ordinance contained shall be construed as compulsory on Masters or others in charge of vessels to take or employ the services of any pilot, and notwithstanding anything in this Ordinance contained, every such Master or other person as aforesaid may lawfully pilot and conduct his own vessel so long as he shall pilot and conduct the same without the aid or assistance of any person other than the ordinary crew of such vessel.

Harbour Mas-  
ter may recover  
for damage to  
public property.

23. If any damage shall be caused by any ship while in charge of a pilot to any beacon, buoy, harbour-mark, jetty or other public property, it shall be lawful for the Harbour Master of Trinidad and of Tobago respectively or other person by him authorized in that behalf to sue for such damage by information before any Stipendiary Justice of the Peace, and in default of immediate payment by the Master, pilot or other person against whom such damage may be awarded, such Master, pilot or other person shall be imprisoned with or without hard labour for any period not exceeding six months.

PART II.—OFFENCES.

Certain offences  
by Pilots.

24. If any pilot commits any of the following offences, that is to say :—

- (1.) Any breach of the regulations made under the authority of this Ordinance :

- (2.) Keeps, or is interested in keeping (by any agent, servant or other person) any public house or place of public entertainment, or sells or is interested in selling any wine, spirituous or malt liquors :
- (3.) Commits any fraud or other offence against the Customs or Excise Laws :
- (4.) Is in any way directly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea, or by shipwreck, or to their moneys, goods or chattels :
- (5.) Lends or transfers his License :
- (6.) Acts as pilot when in a state of intoxication or is guilty of any violent or disorderly conduct whilst on duty :
- (7.) Acts as pilot while under suspension :
- (8.) Employs or causes to be employed on board of any ship of which he has the charge, any boat, anchor, cable, or other store, matter or thing beyond what is necessary for the service of such ship with intent to enhance the expense of pilotage for his own gain, or for the gain of any other person :
- (9.) Refuses or wilfully delays when not prevented by illness or other reasonable cause to take charge of any ship within the limits of his license upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent or consignee thereof :

(10.) Refuses on the request of the Master or other person having the chief command of any ship to conduct such ship into any port or place into which he is qualified to conduct and may legally conduct the same, except on reasonable ground of danger to the ship :

(11.) Quits the ship of which he has charge without the consent of the Master,

he shall be guilty of an offence against this Ordinance, and on conviction before any Stipendiary Justice of the Peace he shall in addition to any liability for damages at the suit of the person aggrieved or damnified forfeit and pay any sum not exceeding One Hundred Pounds, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding six months ; and he shall on conviction be furthermore liable to have his license cancelled or be suspended by the Commissioners.

Offences by un-  
licensed person

25. Any person not being a licensed pilot who shall

- (a) Tender his services as a licensed pilot ; or
- (b) Procure any person to tender his services to act as a licensed pilot ; or
- (c) Undertakes to act as a licensed pilot and acts as such ; or
- (d) Fraudulently uses or exhibits, or attempts to use or exhibit the license of a licensed pilot ; or
- (e) Wilfully uses any distinctive mark or flag prescribed by this Ordinance for pilot boats,

shall be guilty of an offence against this Ordinance and on conviction thereof before any Stipendiary Justice of the Peace, shall forfeit and pay any sum not exceeding Twenty

Pounds sterling, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding Six months.

26. Any unlicensed person may offer himself to pilot a vessel in distress so long as no licensed pilot is in sight; provided always that if any unlicensed person shall not deliver the charge thereof after a licensed pilot has offered to come on board and take charge of the vessel (she being at the time within the limits for which he is qualified), such unlicensed person shall on conviction thereof before any Stipendiary Justice of the Peace forfeit and pay a sum not exceeding Ten Pounds sterling, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding Three months.

Cases in which unlicensed person may act as Pilot.

27. Every licensed pilot when taken on board a vessel shall produce his license to the Master or other person having the chief command of such vessel, who shall enter or cause such pilot's name to be entered in the log book; and if any pilot

Refusing to produce License, &c.

- (1.) Shall refuse or neglect to produce such license; or
- (2.) Shall cause to be entered a false name in such log book; or
- (3.) Shall refuse or neglect to produce a copy of this Ordinance or a copy of the rates and regulations payable or made in pursuance of this Ordinance furnished to him under the provisions of Section 9 of this Ordinance,

he shall be guilty of an offence under this Ordinance, and on conviction thereof before any Stipendiary Justice of the Peace shall forfeit and pay a sum not exceeding Twenty Pounds sterling; and in default of immediate payment

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shall be imprisoned for any term not exceeding Six months with or without hard labour.

Pilot causing  
damage to  
Ship, &c.

28. If any pilot, when in charge of any ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness does any act tending to the immediate loss, destruction or serious damage of any ship, or tending immediately to endanger the life or lives of any persons on board of such, or if any pilot by wilful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction or serious damages, or for preserving any person belonging to or on board of such ship from danger to life or limb, the pilot so offending shall for every such offence be deemed guilty of a misdemeanour and on conviction upon indictment before the Supreme Court may be imprisoned with hard labour for any term not exceeding Three years.

Any pilot convicted under the provisions of this Section, may at the discretion of the Court be suspended or dismissed, and on dismissal his license shall be cancelled by the Commissioners, and thereafter he shall be absolutely disqualified from holding any pilot's license.

Master com-  
pelled to de-  
clare draught  
of water of his  
Ship.

29. If any Master or other person having the chief command of any vessel on being requested by any pilot having the charge of his ship to declare her draught of water refuses to do so, or himself makes or is privy to any other person making a false statement to such pilot as to such draught he shall, for every such offence on conviction before any Stipendiary Justice of the Peace, forfeit and pay any sum not exceeding Ten Pounds sterling, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding Three months.

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30. If any Master or other person having the chief command of any vessel or interested in any vessel, makes or is privy to any other person making any fraudulent alteration in the marks on the stern or stern post of such ship denoting her draught of water, he shall for every such offence on conviction before any Stipendiary Justice of the Peace, forfeit and pay the sum of One Hundred Pounds, and in default of immediate payment shall be imprisoned with hard labour for Six months.

Fraudulent alteration in marks on vessel denoting her draught.

31. Every Stipendiary Justice of the Peace shall have full power and is hereby authorized, save as hereinbefore excepted, to hear and determine all informations which shall be brought or laid under this Ordinance for the recovery

- (a) Of any fee payable under ;
- (b) Of all damages incurred under ;
- (c) Of all fines, penalties and forfeitures imposed by ;

this Ordinance.

32. The provisions of the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice," shall, so far as the same are applicable, apply to proceedings before a Stipendiary Justice of the Peace under this Ordinance.

Procedure.

The provisions of "The Summary Convictions Appeal Ordinance, 1875," shall, so far as the same are applicable, apply to appeals under this Ordinance.

Passed in Council this Twentieth day of March, in the year of Our Lord one thousand eight hundred and ninety-three.

*S. L. ...*  
Clerk of the Council.

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## FIRST SCHEDULE.

SCHEDULE OF HARBOURS AND CHANNELS WITHIN THE  
OPERATION OF THIS ORDINANCE.

## HARBOURS AND CHANNELS OF TRINIDAD.

*HARBOURS :*

Port-of-Spain, San Fernando, Chaguanas, Couva, La Brea,  
Cedros, Matura, Toco, Manzanilla, Mayaro, Moruga and  
Erin.

*CHANNELS :*

Boca Mono, Boca de Huevos, Boca de Navios and Boca  
Grande. At the Serpent's Mouth the Eastern, Western  
and Middle Channels.

## HARBOURS AND CHANNELS OF TOBAGO.

*HARBOUR :* Scarborough.*CHANNELS :* Nil.

## SECOND SCHEDULE.

## LICENSE OF PILOT.

This is to certify that (*Insert name and surname of Licensee*)  
of (*Insert place of abode of Licensee*) is hereby licensed to act as a  
Pilot for conducting all Ships or Vessels arriving sailing or navigating  
within the following limits, that is to say: (*Here specify limits within  
which Licensee is qualified to act.*)

The following is a description of the person of the said (*Here describe the Licensee.*)

Given under our hands at Port-of-Spain, this

day

A. D.

(Signatures of Commissioners.)