

PILOTAGE ACT

CHAPTER 51:02

Act

33 of 1939

Amended by

24 of 1941

156/1949

119/1955

162/1958

89/1965

6 of 1985

231/1990

95/1991

128/1992

6 of 2003

24 of 2006

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-45	.. 1/2009

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

2

Chap. 51:02

Pilotage

Index of Subsidiary Legislation

	<i>Page</i>
Pilotage Bye-laws (GN 113/1957)	24

Note on Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 51:02

PILOTAGE ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Pilotage area.

PILOTAGE AUTHORITY

4. Constitution of Pilotage Authority.
5. Pilotage Authority to license pilots, etc.
6. Receipts and expenses of Pilotage Authority.
7. Pilotage Authority may make bye-laws.
 - Qualifications of candidates.
 - Limit of number.
 - Good government of pilots.
 - Employment of pilots.
 - Punishment for breach of bye-laws.
 - Rates of payment.
 - Pooling of dues.
 - Deduction for expenses of Authority.
 - Bonds by pilots.
 - Pilots' benefit funds.
 - Examinations.
 - Competency.
 - Re-examination.
 - Masters and mates holding pilotage certificates.
 - Contributions towards pilot fund.
 - Fees.
 - Meetings of Pilotage Authority.
 - Distinctive marks and flags of pilot boats.
 - Other matters.
 - Confirmation of bye-laws.

PILOTS' LICENCES

8. Licensing of pilots by Pilotage Authority not to involve any liability.
 - Pilots to be CARICOM national or Commonwealth citizen.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

9. Form of pilot's licence and production and return of pilot's licence to Pilotage Authority.
Death of pilot.
Penalty.

PILOTAGE CERTIFICATES

10. Grant of pilotage certificates to masters and mates.
Pilotage certificate to CARICOM national or Commonwealth citizen.
Form of certificate.
Annual certificate.
Certificate may extend to other ships.
Alteration of pilotage certificate to another ship.
What deemed to be ownership.

**SUPPLEMENTARY PROVISIONS AS TO
LICENCES AND CERTIFICATES**

11. Suspension or revocation of a pilot's licence or a pilotage certificate.
12. Appeal by pilot, master, or mate against action of Pilotage Authority with respect to pilot's licence or pilotage certificate.
Upon failure to comply with order, Minister may exercise powers of Pilotage Authority.
13. Surrender of licences or certificates.
14. Appeal to High Court.

COMPULSORY PILOTAGE

15. Compulsory pilotage areas.
16. Obligations where pilotage is compulsory.
Fine for failing to employ a pilot.
Excepted ships.
Exemptions by bye-laws.
Trading locally.
17. Liability of owner or master in the case of a ship under pilotage.
18. Pilotage outside compulsory areas.

SECTION

PILOTAGE AND DUES

19. Payment of pilotage dues.
20. Pilots may demand fees in advance.
21. Payment of pilot when detained on board outward bound ship.
22. Saving the rights of parties and their remedies under contracts of insurance.
23. Liability of pilots for negligence or incapacity.
Harbour Master may recover for damage to public property.
24. Limitation of pilot's liability.

PILOT SIGNALS

25. Signals to be displayed by ships requiring pilot.

OFFENCES BY PILOTS

26. Penalty on pilot endangering ship, life or limb.
27. Penalty on person obtaining charge of a ship by misrepresentation.
28. Offences by pilots.
Prosecution by Customs officer.
29. Refusing to produce licence, etc.

OFFENCES GENERALLY

30. Offences by person not being a licensed pilot.
31. When person may act as pilot without licence.
32. Master to declare draught.
33. Fraudulent alteration of marks denoting draught.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 51:02

PILOTAGE ACT

An Act relating to Pilots and Pilotage.

1950 Ed.
Ch. 18 No. 3.
33 of 1939.

Commencement.

[28TH DECEMBER 1939]

Short title.

1. This Act may be cited as the Pilotage Act.

Interpretation.
[24 of 2006].

2. In this Act—

“Member State” has the meaning assigned to it in the Revised Treaty of Chaguaramas;

“national” in relation to a Member State means a person who—

(a) is a citizen;

(b) is a resident; or

(c) belongs to that State by virtue of the immigration laws applicable to that State;

“Pilotage Authority” means the Pilotage Authority constituted under the provisions of this Act;

“Pilots Association” means the Trinidad Pilots’ and Berthing Masters’ Association incorporated under the provisions of the Companies Act;

Ch. 81:01.

“Revised Treaty of Chaguaramas” means the Revised Treaty of Chaguaramas establishing the Caribbean Community (CARICOM) including the CARICOM Single Market and Economy, signed at Nassau, The Bahamas, on 5th July, 2001;

Ch. 88:02.

“Shipping Association” means the Shipping Association of Trinidad registered under the Trade Unions Act on 7th of May 1938.

Pilotage area.
First and
Second
Schedules.

3. (1) The areas described in the First and Second Schedules shall be the areas in respect of which pilots’ licences may be issued by the Pilotage Authority.

(2) The Minister may by Order amend the Schedules.

PILOTAGE AUTHORITY

4. (1) The Pilotage Authority shall consist of—

- (a) the Harbour Master, who shall be *ex officio* Chairman;
- (b) a representative of the Shipping Association;
- (c) two members of the Pilots Association;
- (d) a representative of the Port Authority;
- (e) a person who holds a certificate as Master Home Trade, issued by the Government of Trinidad and Tobago, or an equivalent or higher certificate or alternatively someone who has attained the rank of Lieutenant-Commander in the Trinidad and Tobago Defence Force;
- (f) an Attorney-at-law; and
- (g) a person suitably qualified in economics, accountancy or commerce.

Constitution of Pilotage Authority. [6 of 1985 6 of 2003].

(2) Members of the Pilotage Authority shall be appointed by the Minister on such terms and conditions approved by him.

(3) In case of the temporary absence or incapacity of a member of the Pilotage Authority appointed under this section, the Minister may appoint another member to act temporarily in the place of such member who is absent or incapacitated.

(4) Any act done or decision arrived at by the Chairman and not less than four members (temporary or otherwise) shall be deemed to be an act or decision of the Pilotage Authority.

(5) The appointment (temporary or otherwise) and the removal of members shall be notified in the *Gazette*.

5. Subject to this Act, the Pilotage Authority may license pilots for the purpose of conducting ships within the areas mentioned in the First and Second Schedules, and do all such things as may be necessary or expedient for carrying into effect the powers and duties ascribed to the Pilotage Authority.

Pilotage Authority to license pilots, etc. First and Second Schedules.

6. (1) All receipts of the Pilotage Authority, in their capacity as such (other than any money received by them on behalf of and paid over to any pilot, or if the Authority administer

Receipts and expenses of Pilotage Authority.

a pilots' benefit fund, any sums received by them as direct payments for that fund), shall be paid into a separate fund or account, to be called the pilot fund or account.

(2) All expenses incurred by the Pilotage Authority in the exercise of their powers or performance of their duties as such Authority shall be paid out of the pilot fund or account, and, except so far as may be provided to the contrary by bye-law, subject to the payment of those expenses, the balance shall in each year be applied for the purposes of any pilots' benefit fund, and so far as not required for that purpose shall be applied for the benefit of pilots in such manner as may be determined by the Pilotage Authority with the approval of the Minister.

(3) A separate account shall be kept by the Pilotage Authority of all moneys received by them as payments to any pilots' benefit fund administered by the Authority, or for the benefit of that fund, any money standing to the credit of that account shall not be applicable to any purpose other than the purposes of the fund.

(4) Nothing in this section shall prevent the Pilotage Authority from keeping a separate account in respect of pilot boats owned or hired by the Authority.

Pilotage Authority may make bye-laws.

Qualifications of candidates. [51/1980].

Limit of number.

Good government of pilots.

7. (1) The Pilotage Authority may by bye-laws made under this Act—

- (a) determine the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character, and otherwise to be required from persons applying to be licensed by them as pilots, provide for the examination of such persons, and fix the term for which a licence is to be in force, and the conditions under which a licence may be granted, renewed, or altered;
- (b) fix the limit (if any) on the number of pilots to be licensed for any specified area, and provide for the method in which and the conditions under which the list of pilots is to be filled up;
- (c) provide generally for the good government of pilots licensed by the Pilotage Authority, and of

- apprentices, and in particular for ensuring their good conduct and constant attendance to an effectual performance of their duties, whether at sea or on shore;
- (d) determine the system to be adopted with respect to the supply and employment of pilots, and provide, so far as necessary for the approval, licensing, and working of pilot boats; Employment of pilots.
- (e) provide for the punishment of any breach of any bye-laws made by them for the good government of pilots or apprentices by the infliction of fines not exceeding one thousand dollars without prejudice to their powers under this Act to revoke or suspend the licence in the case of any such breach of bye-law; Punishment for breach of bye-laws.
- (f) fix the rates of payments to be made in respect of the services of a licensed pilot (in this Act referred to as pilotage dues), and define the circumstances and conditions under which pilotage dues may be payable on different scales and provide for the collection and distribution of pilotage dues; Rates of payment.
- (g) if and so far as it appears to the Pilotage Authority to be generally desired by the pilots concerned, provide for the pooling of pilotage dues earned by the licensed pilots or by any class of pilots; Pooling of dues.
- (h) provide for a deduction being made from any sums received by pilots of any sums required for meeting the administration expenses of the Pilotage Authority, or any contributions required for any fund established for the payment of pensions or other benefits to pilots, their widows or children (in this Act referred to as a pilots' benefit fund); Deduction for expenses of Authority.
- (i) provide, if and so far as it appears to the Pilotage Authority to be generally desired by the pilots, for bonds (the penalty of which shall not in any case exceed five hundred dollars) being given by the pilots for the purpose of this Act limiting pilots' liability; Bonds by pilots.
- (j) establish pilots' benefit funds and provide for the direct payment to any such fund of any Pilots' benefit funds.

	contributions by pilots towards the fund, or of any part of the ordinary receipts of the Pilotage Authority, and also for the administration of any such fund, and for the conditions of participation in any such fund;
Examinations.	(k) provide for the method of conducting the examination of masters and mates applying for pilotage certificates so as to maintain a proper standard of efficiency;
Competency.	(l) prohibit the grant of pilotage certificates to masters or mates who do not hold at least a mate's certificate of competency recognised under Part II of the Merchant Shipping Act, 1894 of the United Kingdom;
57 & 58 Vict. c. 60.	
Re-examination.	(m) provide that a pilotage certificate shall not be renewed without re-examination unless the master or mate has made not less than a specified number of visits to the port as master or mate of any ship in respect of which the certificate is granted;
Masters and mates holding pilotage certificates.	(n) apply with any necessary modifications to masters and mates holding pilotage certificates any bye-laws made under this section for the good government of pilots and the punishment of any breach of any such bye-law;
Contributions towards pilot fund.	(o) require the owners of ships, whose masters or mates hold pilotage certificates, to contribute towards the pilot fund or account and require the holders of such certificates to make a periodical return to them of the pilotage services rendered by them; but the contribution so required from an owner shall not exceed such proportion of the pilotage dues which would have been payable in respect of the ship if the master or mate had not held a pilotage certificate, as may be fixed by the Pilotage Authority;
Fees.	(p) fix the fees to be paid for examinations and for the issue or renewal of licences and certificates;
Meetings of Pilotage Authority.	(q) provide for the holding of meetings of the Pilotage Authority and for the procedure to be

followed and the matters to be considered at such meetings;

(r) prescribe the distinctive marks and flags to be used by pilot boats;

Distinctive marks and flags of pilot boats.

(s) provide for any matter for which provision is to be made or may be made under this Act by bye-law.

Other matters.

(2) A bye-law made under this section shall not take effect unless it has been approved by the Minister.

Confirmation of bye-laws.

PILOTS' LICENCES

8. (1) The grant or renewal of a licence or certificate by the Pilotage Authority under the powers given to them by this Act does not impose any liability on such Authority for any loss occasioned by any act or default of the pilot.

Licensing of pilots by Pilotage Authority not to involve any liability.
[24 of 2006].

(2) The Pilotage Authority may grant a pilot's licence to a person who is a national of a Member State or a Commonwealth citizen.

Pilots to be CARICOM national or Commonwealth citizen.

9. (1) A pilot's licence shall be in a form approved for the time being by the Pilotage Authority.

Form of pilot's licence and production and return of pilot's licence to Pilotage Authority.

(2) A licensed pilot shall, when required by the Pilotage Authority by whom the licence has been granted, produce his licence to the Authority, and, in case his licence is revoked or suspended, shall deliver up his licence to such Authority.

(3) On the death of a licensed pilot, the person into whose hands his licence comes shall without delay transmit it to the Pilotage Authority.

Death of pilot.

(4) If any licensed pilot or other person fails to comply with the requirements of this section he is liable on summary conviction to a fine of four hundred dollars in respect of each offence.

Penalty.

PILOTAGE CERTIFICATES

10. (1) The Pilotage Authority may grant a certificate (in this Act referred to as a pilotage certificate) to any person who is *bona fide* the master or mate of any ship if that person applies for such a certificate, and if, after examinations, they are satisfied

Grant of pilotage certificates to masters and mates.
[24 of 2006].

that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master or mate within the compulsory pilotage areas.

Pilotage certificate to CARICOM national or Commonwealth citizen.

(2) The Pilotage Authority shall not grant a pilotage certificate to a master or mate of a ship—

(a) unless he is a national of a Member State or a Commonwealth citizen; and

(b) where he is prohibited from holding such a certificate by virtue of any bye-law made under section 7(1)(l).

Form of certificate.

(3) A pilotage certificate shall be in a form approved for the time being by the Pilotage Authority, and shall contain (in addition to any other particulars which may be prescribed) the name of the person to whom the certificate is granted, the name and draught of water of the ship or ships in respect of which it is granted, the limits of the area in respect of which the certificate is granted, and the date on which it was granted.

Annual certificate.

(4) A pilotage certificate shall not be in force for more than a year from the date on which it is granted, but may be renewed annually by the Pilotage Authority, subject to the provisions of any bye-law made by that Authority as to re-examination.

Certificate may extend to other ships.

(5) A pilotage certificate may be granted so as to extend to more than one ship belonging to the same owner, while the master or mate is *bona fide* acting as master or mate of any such ship, provided that they are ships of substantially the same class.

Alteration of pilotage certificate to another ship.

(6) The Pilotage Authority may, on the application of the master or mate of a ship, alter his pilotage certificate so as to relate to any other ship or ships of a not substantially greater draught of water or tonnage than that to which the certificate formerly related, to which the master or mate may be transferred, or so as to cover any ships of substantially the same class and belonging to the same owner as the ships to which the certificate already relates.

What deemed to be ownership.

(7) The Pilotage Authority may, for the purposes of this section, treat ships which are shown to their satisfaction to be *bona fide* under the management of the same person as manager, managing owner, demisee, or time charterer, as being ships owned by that person.

**SUPPLEMENTARY PROVISIONS AS TO LICENCES
AND CERTIFICATES**

11. The Pilotage Authority may suspend or revoke any pilot's licence or any pilotage certificate granted by them, if it appears to them, after giving the holder thereof an opportunity of being heard, that he has been convicted of any offence under this Act or of any breach of any bye-law made by the Pilotage Authority, or that he has committed any other misconduct affecting his capability as a pilot, or that he has failed in or neglected his duty as a pilot, or that he has become incompetent to act as pilot, and a licence or certificate, if so suspended, shall cease to have effect for the period for which it is suspended.

Suspension or revocation of a pilot's licence or a pilotage certificate.

12. (1) If a complaint is made to the Minister that the Pilotage Authority have—

Appeal by pilot, master, or mate against action of Pilotage Authority with respect to pilot's licence or pilotage certificate.

- (a) without reasonable cause refused or failed to examine any candidate for a pilot's licence or a master or mate for a pilotage certificate, or to grant such a licence or certificate after examination;
- (b) conducted any examination for a pilot's licence or a pilotage certificate improperly or unfairly;
- (c) imposed conditions on the granting of a pilot's licence or a pilotage certificate which they have no power to impose or which are unreasonable;
- (d) without reasonable cause refused or failed to renew a pilotage certificate, or having obtained possession of any such certificate, refused or failed to return it;
- (e) without reasonable cause suspended or revoked a pilotage certificate; or
- (f) in any other manner failed properly to perform their duties under this Act with respect to the matters above-mentioned in this section, or improperly exercised any of their powers under this Act, with respect to those matters,

the Minister shall consider the complaint, and if of opinion that the complaint is in any respect well founded, shall make such order as he thinks fit for the purpose of redressing the matter complained of, and the Pilotage Authority shall give effect to any order so made.

Upon failure to comply with order, Minister may exercise powers of Pilotage Authority.

(2) If the Pilotage Authority refuse or fail to give effect to any order made under subsection (1), the Minister may, for the purpose of giving effect to the Order, exercise any powers of the Pilotage Authority, and anything done by the Minister in the exercise of those powers shall have the same effect as if it had been done by the Pilotage Authority.

Surrender of licences or certificates.

13. (1) It shall be the duty of a person whose pilot's licence or pilotage certificate is revoked or suspended under this Act or whose licence or certificate has expired, to surrender his licence or certificate to the Pilotage Authority within seven days, and, if he fails to do so, he is liable on summary conviction to a fine of four hundred dollars.

(2) If a pilot's licence or a pilotage certificate is suspended it shall, if it is still in force at the expiration of the period of suspension, be restored with the particulars of the suspension endorsed on it.

Appeal to High Court.

14. (1) If a pilot is aggrieved by the suspension or revocation by the Pilotage Authority of his licence, or by the refusal or failure of the Pilotage Authority to renew his licence, or by the refusal or failure of the Pilotage Authority who have obtained possession of his licence to return it to him, he may appeal to a Judge of the High Court.

(2) For the purpose of hearing the appeal, the Judge may, if he thinks fit, sit with an assessor of nautical and pilotage experience selected and summoned by the Judge.

(3) The Judge may confirm or reverse the suspension or revocation of the licence, or the refusal or failure to renew a licence, or may make such order in the case as may seem just, and his decision shall be final.

(4) The costs incurred by the Pilotage Authority under this section shall be payable out of any fund applicable to the general expenses of such Authority.

Ch. 4:01.

(5) In default of or subject to any rules which may be made under the Supreme Court of Judicature Act, a Judge in Chambers shall give such directions as may be necessary with respect to the procedure to be observed on any appeal under this section.

COMPULSORY PILOTAGE

15. The areas described in the Second Schedule shall be compulsory pilotage areas.

Compulsory pilotage areas. Second Schedule.

***16.** (1) Every ship (other than an excepted ship) while navigating in a compulsory pilotage area shall be under the pilotage of a pilot licensed for such area or under the pilotage of a master or mate possessing a pilotage certificate for such area and *bona fide* acting as master or mate of the ship.

Obligations where pilotage is compulsory.

(2) If any ship (other than an excepted ship) in circumstances in which pilotage is compulsory under this section, is not under pilotage as required by this section, the master of that ship shall in respect of each offence be liable, on summary conviction, to a fine not exceeding double the amount of the pilotage dues that could be demanded for the conduct of the ship. A prosecution for an offence under this subsection shall not be instituted without the consent of the Pilotage Authority.

Fine for failing to employ a pilot.

(3) For the purposes of this Act the following ships are excepted ships:

*Excepted ships.

- (a) ships belonging to the Government of Trinidad and Tobago;
- (b) pleasure yachts;
- (c) fishing vessels;
- (d) ferry boats plying as such exclusively within the limits of the harbours of Trinidad and Tobago;
- (e) ships of less than fifty tons gross tonnage;
- (f) ships exempted from compulsory pilotage by bye-laws as hereinafter provided in this section.

(4) The Pilotage Authority may by bye-laws made under this Act exempt from compulsory pilotage any of the following classes of ships, if not carrying passengers, up to such limit of gross tonnage in each case as may be fixed by such bye-laws, that is to say:

Exemptions by bye-laws.

- (a) ships whose ordinary course of navigation does not extend beyond the seaward limits of the harbours of Trinidad and Tobago, whilst navigating within those limits or within such parts thereof as may be specified in the bye-law;

*See section 5(c) of Act No. 12 of 1961.

57 & 58 Vict.
c. 60.

(b) ships registered under the provisions of the Merchant Shipping Act, 1894 of the United Kingdom and trading locally.

Trading locally.

For the purposes of this subsection, a ship which habitually trades between any port or ports of Trinidad and Tobago and any port or ports between the equator and latitude 28° North and East of longitude 90° West and West of longitude 50° West shall be deemed to be trading locally if it does not remain out of the territorial waters of Trinidad and Tobago for more than sixty days since the date of its last sailing from Trinidad and Tobago.

Liability of owner or master in the case of a ship under pilotage.

17. Notwithstanding anything in any law, the owner or master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

Pilotage outside compulsory areas.

18. Notwithstanding anything contained in this Act it shall not be compulsory on the master or other person in charge of a ship to take or employ the services of any pilot when such ship is not navigating in a compulsory pilotage area, and, every such master or other person may lawfully pilot and conduct his own ship within the areas described in the First Schedule so long as he does so without the aid or assistance of any person other than the ordinary crew of such ship.

First Schedule.

PILOTAGE AND DUES

Payment of pilotage dues.

19. (1) The owner or master of any ship which arrives in Trinidad and Tobago, or navigates from one place to another within Trinidad and Tobago, or the consignee of or agent for such ship shall, on demand, pay to the pilot by whom such ship was piloted the full pilotage due payable under this Act, within twenty-four hours after the performance of the service for which such pilotage due shall be demanded. In default of such payment the pilotage dues may be recovered summarily on complaint before a Magistrate, but such recovery shall not take place until a previous demand had been made in writing.

(2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of such dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

20. No pilot is bound to conduct any ship to sea until the full amount of the outward pilotage of such ship has been paid, or the payment thereof guaranteed to the satisfaction of such pilot.

Pilots may demand fees in advance.

21. In case any pilot employed by the master of any ship prepared to sail shall repair on board and shall nevertheless be detained on board for more than three hours before such ship 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 in respect of the whole time he is so detained on board at the rate of ten dollars for each hour or part thereof or at such other rate as may from time to time be fixed by bye-laws made under section 7, and shall have the like remedy for recovery of the same as is provided in this Act for recovery of pilotage dues.

Payment of pilot when detained on board outward bound ship. [51/1980].

22. Nothing contained in this Act shall extend or be construed to extend to deprive any person of any remedy under any contract of insurance, or of any other remedy whatsoever, which he might have had if this Act 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 ship under the provisions of this Act, and nothing contained in this Act shall be construed to impose any liability on the Government 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 Act.

Saving the rights of parties and their remedies under contracts of insurance.

23. (1) Nothing contained in this Act shall be held to excuse or indemnify any pilot for any damage arising from his neglect or want of skill.

Liability of pilots for negligence or incapacity.

Harbour Master may recover for damage to public property.

(2) 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 Port-of-Spain, or any person by him authorised in that behalf, to sue for and recover such damage in the High Court exercising Admiralty Jurisdiction.

Limitation of pilot's liability.

24. (1) A licensed pilot, who has given a bond in conformity with bye-laws made for the purpose under this Act, shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the Court in which the proceedings are taken may determine the amount of the pilot's liability, and, upon payment by the pilot of that amount into Court, may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other Court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the Court thinks just.

PILOT SIGNALS

Signals to be displayed by ships requiring pilot.

25. (1) The Minister may make Rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he is liable on summary conviction to a fine of seven hundred and fifty dollars.

OFFENCES BY PILOTS

26. If any pilot, when piloting a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness— Penalty on pilot endangering ship, life or limb.

- (a) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb,

that pilot shall in respect of each offence be liable on indictment to imprisonment for three years.

27. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting, or conniving at the commission of the offence shall, in addition to any liability for damages, be liable on summary conviction to a fine of four thousand dollars in respect of each offence. Penalty on person obtaining charge of a ship by misrepresentation.

28. (1) If a licensed pilot— Offences by pilots.

- (a) himself keeps, or is interested in keeping by any agent, servant, or other person, any premises licensed for the sale of intoxicating liquors, or sells or is interested in selling any intoxicating liquors, tobacco, or tea;
- (b) is in any way directly or indirectly 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;
- (c) lends his licence;
- (d) acts as pilot whilst suspended;

- (e) acts as pilot when in a state of intoxication;
- (f) employs, or causes to be employed, on board any ship which he is piloting, any boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person;
- (g) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any ship, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent or consignee thereof, or by the Pilotage Authority, or by the Harbour Master, or by any officer of Customs and Excise;
- (h) unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship;
- (i) refuses, otherwise than on reasonable ground of danger to the ship, when requested by the master, to conduct the ship which he is piloting into any port or place within the district for which he is licensed; or
- (j) quits the ship, which he is piloting, before the service for which he was engaged has been performed and without the consent of the master of the ship,

that pilot shall, in addition to any liability for damages, be liable on summary conviction to a fine of four thousand dollars in respect of each offence.

Prosecution by
Customs officer.

(2) The provisions of the law relating to Customs with respect to the recovery of penalties under that law, and the application of such penalties, shall apply in the case of any prosecution by any officer of Customs and Excise for the recovery of a fine in respect of any offence against this section.

29. Every licensed pilot, when taken on board a ship, shall produce his licence to the master or other person in charge of such ship, who shall enter or cause such pilot's name to be entered in the log book; and if any pilot—

Refusing to produce licence, etc.

- (a) refuses or neglects to produce such licence;
- (b) causes to be entered a false name in such log book; or
- (c) refuses or neglects to produce a copy of this Act or a copy of the rates payable or of the Bye-laws and Regulations made in pursuance of this Act,

he is liable on summary conviction to a fine of four hundred dollars.

OFFENCES GENERALLY

30. Any person not being a licensed pilot who—

Offences by person not being a licensed pilot.

- (a) tenders his services as a licensed pilot;
- (b) procures any person to tender his services to act as a licensed pilot;
- (c) undertakes to act as a licensed pilot and acts as such;
- (d) fraudulently uses or exhibits, or attempts to use or exhibit, the licence of a licensed pilot; or
- (e) wilfully uses any distinctive mark or flag prescribed for pilot boats,

is liable on summary conviction to a fine of one thousand dollars.

31. Any unlicensed person may offer himself to pilot a ship in distress so long as no licensed pilot is in sight; but if any unlicensed person does not deliver the charge of such ship after a licensed pilot has offered to come on board and take charge of the ship (such ship being at the time within the limits for which he is qualified) such unlicensed person is liable on summary conviction to a fine of four hundred dollars.

When person may act as pilot without licence.

32. If any master or other person having the chief command of any ship, on being requested by any pilot having the charge of such ship to declare her draught of water, and her length and beam, 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 is liable on summary conviction to a fine of four hundred dollars.

Master to declare draught.

Fraudulent alteration of marks denoting draught.

33. If any master or other person having the chief command of any ship or interested in any ship, makes or is privy to any other person making, any fraudulent alteration in the marks on the stem or on the stern post of such ship denoting her draught of water he is liable on summary conviction to a fine of four thousand dollars.

[231/1990].

FIRST SCHEDULE

OPTIONAL PILOTAGE AREAS

The territorial waters of Trinidad and Tobago, excluding the Harbours and Channels in the Second Schedule.

[231/1990
95/1991
128/1992].

SECOND SCHEDULE

COMPULSORY PILOTAGE AREAS

- (a) The dredged channel and basin in Port-of-Spain Harbour extending in a north-easterly direction from a beacon in Latitude 10° 33' 00" North and Longitude 61° 33' 05" West and defined by other beacons, including an area within a radius of half a nautical mile south-west of the seaward beacon.
- (b) An area within a radius of one and three-quarter nautical miles from La Carrier Light Beacon in Latitude 10° 19' 19" North and Longitude 61° 27' 37" West.
- (c) An area within a radius of half a nautical mile from a light beacon in approximately Latitude 10° 15' 10" North and Longitude 61° 37' 12" West situated on a jetty known as Pitch Point Jetty.
- (d) An area within half a nautical mile from a light beacon in Latitude 10° 14' 54" North and Longitude 61° 38' 06" West situated on a jetty known as Brighton Jetty.
- (e) An area within half a nautical mile of the jetty known as Point Fortin Jetty, the base of which is on the North Shore of Point Fortin and the seaward end is marked by a light beacon in Latitude 10° 12' 27" North and Longitude 61° 42' 07" West.

-
- (f) The area enclosed within a line drawn in a southerly direction from the mainland at Pointe Gourde to the easternmost point of Carrera Island, thence eastwards to the southernmost point of Nelson Island, thence in a north-easterly direction to Martin Point.
- (g) That part of Lisas Bay known as Goodridge Bay in the Gulf of Paria bounded as follows:
- (i) on the South and south-west by an arc having a radius of two and a quarter nautical miles from Savonetta Point in Latitude $10^{\circ} 24' 07''$ North and Longitude $61^{\circ} 29' 42''$ West;
 - (ii) on the North by a line drawn due West two and a quarter nautical miles from the said Savonetta Point;
 - (iii) on the East by the shore line.
- (h) The area enclosed with a line drawn in a southerly direction from the mainland at Pointe Gourde in Latitude $10^{\circ} 40' 00''$ North, Longitude $61^{\circ} 37' 22''$ West to the easternmost point of Carrera Island thence along the southern shore of that island to its south-western point, thence along a bearing of 239° for one nautical mile, thence along a bearing 290° for two and a quarter nautical miles, thence along a bearing of 056° to San Jose Point, thence along the shore line to the point of commencement.
- (i) The dredged Sea Lots Channel and Basin in Port-of-Spain Harbour extending in an East north-easterly direction from the entrance beacons in latitude $10^{\circ} 37' 38''$ North, Longitude $61^{\circ} 31' 58''$ West, and Latitude $10^{\circ} 37' 35''$ North, Longitude $61^{\circ} 31' 56''$ West respectively, and defined by other beacons including an area within a radius of half a nautical mile south-west of the entrance beacons.
-

SUBSIDIARY LEGISLATION

PILOTAGE BYE-LAWS

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation.
2. Interpretation.
3. Qualifications of candidates for pilot's licence.
4. Selection of apprentices.
Appointment of pilots.
Register of pilots.
5. Duration, renewal, fees for licences, certificates and examinations.
6. Temporary licences, number of pilots—Fees for such licences.
7. Sickness to be reported.
8. Leave for pilots.
9. Duties of pilots.
10. Boarding or leaving ships.
11. Employment of pilots.
12. Pilot boats.
13. Rates for calculation of pilotage dues.
14. Pilotage dues in compulsory pilotage areas.
15. Pilotage dues in non-compulsory pilotage areas.
Pilotage dues for ship under dead tow.
Pilotage dues for services outside the Gulf of Paria.
16. Payment of pilot's fees when detained.
17. Travelling allowances to and from certain outports.
18. Cases when pilot cannot board ship.
19. Collection of pilot dues.
20. Association to make returns to the Authority.
21. Pilots to give bond.
22. Conditions applicable prior to the receipt of a pilotage certificate.
23. Renewal of pilotage certificates.

BYE-LAW

24. Fees for pilotage certificates, medical certificates.
25. Certificated officers to produce certificates.
26. Certified officers to fly signals.
27. Examining Committee.
28. Exempting local trade ships.
29. Meeting of the Authority.
30. Duties of the Authority.
31. Fees to be credited to Authority.
32. Pilot boarding and landing fees.
33. Payment for call at port.

FIRST SCHEDULE.

SECOND SCHEDULE.

113/1957*.

PILOTAGE BYE-LAWS

made under sections 7 and 16(4)

Citation.

1. These Bye-laws may be cited as the Pilotage Bye-laws.

Interpretation.
[130/1973].

2. In these Bye-laws—

“apprentice” means a person serving an apprenticeship to the Pilots’ Association, under the terms approved by the Authority, and who is in training as a candidate for a pilot’s licence;

“the Authority” means the Pilotage Authority established by section 4 of the Act;

“Basin” means the dredged portion of the harbour of Port-of-Spain abutting on King’s Wharf and its extension, but does not include the dredged channel leading to such dredged portion;

“certificated officer” means a master or mate holding a pilotage certificate granted to him by the Authority;

“the Committee” means a committee of the Authority appointed by such Authority;

“compulsory pilotage areas” means the areas described in the Second Schedule to the Act;

“container ship” means a ship designed to carry containerised cargo or a ship so described on its Certificate of Registry;

“dead tow” means in relation to a ship that the ship has no propulsion or steerage of its own or that its propulsion or steerage is not in working order;

“Dock Master” means the person for the time being in charge of the mooring or unmooring, docking or undocking, of a vessel at any outport;

“Grier Channel” means the dredged channel in the Port-of-Spain harbour leading to the Basin and extending in a north-easterly direction from a beacon in latitude 10° 38' 00" North, and longitude 61° 33' 05" West and marked out by other beacons;

* These Bye-Laws have been amended by GN’s 79/1959; 31/1962; 90/1963; 131/1963; 88/1967; 32/1971; 130/1973; 51/1980; 193/1989; 68/1990; 90/1992; 134/1992; 43/1995; 127/1996; 286/2000 and 252/2005.

“Harbour Master” means the Harbour Master of the harbour of Port-of-Spain;

“King’s Wharf” means the deep water wharf built on the reclaimed area South of Wrightson Road, Port-of-Spain, and extending from a point in latitude 10° 38' 43" North and longitude 61° 30' 54" West in a North 62° West direction;

“King’s Wharf Extension” means the deep water wharf to the West of King’s Wharf;

“master” means the person for the time being in command or having charge of a ship;

“maximum gross tonnage” means the maximum gross tonnage registered or ascertained in accordance with the Tonnage Regulations of the Merchant Shipping Act, 1894;

57 & 58 Vict.
c. 60.

“optional pilotage areas” means the areas described in the First Schedule to the Act;

“outport” means any of the compulsory pilotage areas other than the area described at paragraph (a) of the Second Schedule to the Act;

“pilot” means a person holding a licence granted by the Authority to pilot vessels in one or more pilotage areas;

“pilotage areas” include compulsory pilotage areas and optional pilotage areas;

“pilotage dues” means the payment to be made in respect of the services of a pilot;

“pilots’ office” means the premises of the Pilots’ Association at Port-of-Spain;

“Pilot Master” means the person appointed to be Pilot Master by the Pilots’ Association with the approval of the Authority;

“Secretary-Accountant” means the person appointed to be Secretary-Accountant by the Pilots’ Association with the approval of the Authority;

“ship” means every description of vessel used in navigation not propelled by oars;

“tanker” means a ship designed to carry bulk liquid cargo or a ship so described on its Certificate of Registry.

Qualifications
of candidates
for pilot's
licence.
[68/1990].

3. A person shall not be licensed as a pilot unless and until he satisfies the Authority that—

- (a) he is a Commonwealth citizen;
- (b) he is, at the time a licence is first granted him, more than twenty-five and not more than fifty years of age;
- (c) he holds a certificate as a Master Mariner issued by the Government of Trinidad and Tobago or an equivalent or higher certificate;
- (d) he has served an apprenticeship of not less than six months with the Pilots' Association under the conditions approved by the Authority;
- (e) he has produced certificates of good conduct and sobriety from persons by whom he may have been employed during the three years immediately preceding his application for a licence;
- (f) he has satisfied either a board of medical practitioners or a medical practitioner approved by the Authority—
 - (i) that he is medically and physically fit;
 - (ii) that his eyesight is normal in respect of both distance and colour;
- (g) he has satisfied the examining committee constituted under these Bye-laws that he has a satisfactory knowledge of local conditions and the Regulations affecting the pilotage areas for which he has applied for a licence including—
 - (i) his skill in handling ships;
 - (ii) his knowledge of navigation in each area for which he has applied for a licence;
 - (iii) the courses and distances between any two places within the limits of such pilotage areas;
 - (iv) the rise, velocity and set of the tides;
 - (v) the depth and character of the soundings;

- (vi) the best anchorages;
- (vii) the banks, shoals and other dangers;
- (viii) the buoys and lights in such areas.

4. (1) Applications for admission as an apprentice shall be made to the Pilots' Association. Such applications shall forthwith be entered in a register kept for that purpose by the Pilots' Association. These entries shall set out the name, age, address and qualifications of the applicant.

Selection of apprentices.

(2) Applications for admission as an apprentice shall be presented periodically by the Pilots' Association to the Authority, and always in order of their entry in the register required to be kept by paragraph (1).

(3) Whenever a vacancy occurs in the number of licensed pilots, the Pilots' Association shall submit to the Authority for its approval the application of the applicant considered by them most suitable for admission as an apprentice.

Appointment of pilots.

(4) The Authority shall cause to be kept a register in which the following particulars shall be entered:

Register of pilots.

- (a) the name, age and qualifications of each licensed pilot;
- (b) the date on which each such pilot passed the examinations required by paragraphs (f) and (g) of bye-law 3.

5. (1) A pilot's licence or pilotage certificate shall be valid for a period of one calendar year from the date of its being issued.

Duration, renewal, fees for licences, certificates and examinations. [131/1963 51/1980 43/1995 252/2005].

(2) Subject to this bye-law, the Authority may require a pilot who has attained the age of sixty years to retire if it is satisfied that for reasons of health or any just or reasonable cause such pilot is unable to perform his duties competently.

(3) The Authority shall require a pilot who has attained the age of sixty-five years to retire from the pilotage service.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

30

Chap. 51:02

Pilotage

[Subsidiary]

Pilotage Bye-laws

(4) When the Authority requires a pilot to retire under paragraph (2) or (3), it shall forthwith cancel the licence which the pilot may be holding at the date of his retirement and from the date of the cancellation the licence shall be void and of no effect.

(5) A candidate for an examination for a pilot's licence or a pilotage certificate shall pay to the Authority a fee of five hundred dollars. From this fee each examiner shall be entitled to be paid a fee of one hundred dollars for each examination.

Second
Schedule.

(6) The fees prescribed in the Second Schedule to these Bye-laws shall be payable to the Authority on the issue or renewal of a pilot's licence or pilotage certificate prescribed in these Bye-laws.

Temporary
licences,
number of
pilots—Fees for
such licences.
[43/1995
252/2005].

6. (1) The number of pilots to be licensed for all areas may at any time be fixed by resolution of the Authority if the pilotage requirements of ships calling at the ports of Trinidad and Tobago so warrant.

(2) The Authority may issue temporary licences to pilot ships in any areas to one or more pilots whenever the Authority is satisfied that conditions necessitate such temporary addition to the number of licensed pilots.

(3) A temporary licence issued under this bye-law shall not be in force for a longer period than six months in the first instance but may be renewed from time to time for a like period, provided that the holder of such licence returns it for cancellation by the Authority when the Authority considers and notifies him that the conditions which necessitated its issuance no longer exist. If the holder of a temporary licence fails to comply with the requirements of this paragraph, he is liable on summary conviction to a fine of five hundred dollars.

(4) A person holding a temporary licence shall be subject to all the provisions of these Bye-laws with the exception of subparagraphs (b) and (d) of bye-law 3 and bye-law 5(3).

(5) Notwithstanding anything contained in these Bye-laws every person to whom a temporary licence is issued shall pay to the Authority a fee of five hundred dollars on the issue of the licence and a fee of two hundred dollars on each renewal of such licence.

7. (1) Any pilot unable to perform his duties through illness or other cause shall forthwith cause the Harbour Master to be so notified. Sickness to be reported.

(2) Any pilot who fails to comply with paragraph (1) is liable on summary conviction to a fine of one hundred dollars.

8. (1) No pilot shall leave Trinidad and Tobago without the permission of the Chairman of the Authority; such permission shall be in writing and shall not be granted without the approval of the Authority. Leave for pilots.

(2) Any pilot who contravenes paragraph (1) is liable on summary conviction to a fine of one hundred dollars.

9. (1) A pilot shall obey and execute all lawful orders and directions given and issued by the Authority, the Harbour Master, or the General Manager of the Port Services Department. Orders affecting pilots who are members of the Pilots' Association shall be given through the Pilot Master or his nominee, and when so given shall be deemed to have been given to the pilot or pilots concerned. Duties of pilots.

In a harbour, port or dock, a pilot shall also obey all lawful orders and directions of a Harbour or Dock Master relating to docking, undocking, towing or removing a ship under his charge, so long as such ship shall be within the limits of any harbour or dock as the case may be.

(2) A pilot shall observe strict sobriety. He shall throughout the time he is in charge of a ship use his utmost care and diligence for her safety and the safety of other vessels or property.

(3) A pilot shall not lay a ship aground without a written order from the owner or master of such ship, or the agent of the owner, as the case may be; but a pilot may, in his discretion, when the owner, master, or agent is absent or unavailable, lay aground any ship which in his opinion is likely to cause an obstruction or danger in a fairway, channel or harbour.

(4) A pilot shall not leave a ship piloted by him until she is berthed alongside a wharf or jetty or brought to a safe anchorage or, if outward bound, until the appropriate limits referred to in bye-law 10 have been reached.

(5) A pilot shall, before leaving a ship piloted or attended by him, hand a pilotage note to the master of such ship, who shall enter thereon in ink all the particulars required, and sign the said note when the services of the pilot are completed. The note shall also be signed by the pilot.

(6) A pilot shall not bring a ship alongside any wharf or jetty, if the signal for the wharf or jetty is against him, or if no signal is usually used, unless he has first received permission from the person in charge of the wharf or jetty.

(7) A pilot shall behave with due civility towards the owner, master, and officers of any ship under his charge.

(8) A pilot about to take charge of a ship which is outward bound or which is about to be moved from the wharf or jetty where she is lying, shall go on board and report himself to the master or officer in command before the appointed time so as to enable her to be moved out from the wharf or jetty or to proceed to sea or to her destination.

(9) A pilot when on duty shall always have with him a reliable watch, official tide tables for Trinidad and Tobago, a copy of these Bye-laws and directions for the time being in force for the pilotage areas, and his licence.

(10) A pilot in charge of a ship before leaving a wharf, or jetty or anchorage shall enquire of the master or officer in command whether the steering gear is connected and in proper working order,

and when clear shall direct that the anchors be ready for letting go. A pilot boarding and taking charge of an inward bound ship shall direct that the anchors be ready for letting go without delay.

(11) A pilot shall not proceed to any port or place outside the pilotage area for which he is licensed for the purpose of piloting any ship into such area without the permission of the Harbour Master.

(12) A pilot shall not attend to give evidence at any trial or enquiry to which he is not a party, unless he has been required to do so by any lawful summons or subpoena, and a pilot so summoned or subpoenaed shall on the receipt of such summons or subpoena report the receipt thereof in writing to the Harbour Master.

(13) A pilot who notices within the pilotage area or areas for which he is licensed any alteration or alterations in any of the banks or channels, or any buoys or beacons which have been driven away, broken down, damaged or displaced, or any circumstances affecting the safety of navigation, shall forthwith give a correct description thereof in writing to the Pilot Master on duty who shall forward it as soon as possible to the Chairman of the Authority.

(14) A pilot, when any accident has happened to, or has been caused by, a ship while in his charge, shall as soon as possible report the facts in writing to the Pilot Master on duty who shall forthwith forward such report to the Authority.

(15) The duties of a pilot in regard to an outward bound ship shall commence as soon as such ship begins to unmoor for the purpose of proceeding to sea.

(16) On inward bound ships the duties of a pilot shall commence when he boards the ship in any position within a pilotage area.

(17) In the event of a pilot refusing to proceed to sea from any anchorage or from any wharf or jetty with any ship which he is qualified to pilot when requested to do so by the master, owner or agent of such ship, he shall forthwith give his reasons therefore in writing to the Pilot Master on duty who shall forward them to the Authority.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

34

Chap. 51:02

Pilotage

[Subsidiary]

Pilotage Bye-laws

(18) If a pilot mislays his licence he shall forthwith give notice thereof to the Authority, stating the circumstances in which the licence was mislaid, and shall forthwith apply to the Authority for a duplicate licence.

(19) A pilot shall not hold directly or indirectly any share or interest in any tug or company or in any vessel used regularly or occasionally for towing ships in the pilotage areas.

(20) On landing at Port-of-Spain after piloting a ship in or out, all pilots for all pilotage areas shall report their movements without delay to the pilots' office. At outports, pilots shall report to the Pilot Master on duty.

(21) Pilots for all pilotage areas are to be available at the shortest possible notice and shall be connected by telephone at their residence.

(22) All pilots shall attend frequently at the pilots' office to examine the latest charts of Trinidad and Tobago, notices to mariners and other information relating to the waters of Trinidad and Tobago.

(23) A pilot shall wear when on duty either ashore or afloat such uniform as may from time to time be required by the Authority.

(24) Any pilot who contravenes this bye-law is liable on summary conviction to a fine of four hundred dollars (without prejudice to the powers conferred on the Authority by the Act to revoke or suspend his licence).

Boarding or leaving ships.

10. The limits for pilots boarding or leaving ships shall coincide with the limits specified in bye-laws 14 and 15.

Employment of pilots.

11. Pilots shall be allotted to ships in all pilotage areas by the Pilot Master subject to any special directions of the Harbour Master or the General Manager of the Port Services Department.

12. (1) No boat shall ply as a pilot boat or carry a pilot flag or pilot boat light or make signals prescribed under Article 8 of the Regulations for the Prevention of Collision at Sea in or near any area prescribed in the First and Second Schedules to the Act unless a pilot is on board. Pilot boats.

Any boat engaged solely for the purpose of embarking or disembarking pilots in ships shall have the word "Pilot" painted on the bow or superstructure in plain letters.

(2) Any person who plies a boat in respect of which paragraph (1) of this bye-law is contravened is liable on summary conviction to a fine of four hundred dollars.

13. Pilotage dues in respect of pilotage services rendered by licensed pilots in the several pilotage areas shall be calculated in accordance with the rates laid down in bye-laws 14 and 15 and in the First Schedule to these Bye-laws. All these rates shall be subject to such surcharge or rebate as may from time to time be fixed by the Authority and approved by the Minister. Rates for calculation of pilotage dues.

14. (1) Pilotage dues in respect of services rendered by licensed pilots in compulsory pilotage areas shall be calculated as follows: Pilotage dues in compulsory pilotage areas. [90/1963 130/1973 43/1995 252/2005]. First Schedule.

- (a) the relevant charge prescribed in the First Schedule to these Bye-laws shall be made;
- (b) between the hours of 6:00 a.m. and 6:00 p.m. a charge of three hundred and forty dollars shall be made in respect of attending lines by a pilot's launch or launches;
- (c) between the hours of 6:00 p.m. and 6:00 a.m. and on weekends and public holidays an additional charge of twenty-five per cent of the fees payable in accordance with paragraph (a) shall be made for such service.

(2) The pilotage dues calculated in accordance with the provisions of paragraph (1) shall cover pilotage of any ship to or from the Grier Channel and Basin when the pilot boards it, or leaves it at anchor or underway, within the limits of Port-of-Spain harbour.

LAWS OF TRINIDAD AND TOBAGO

(3) Whenever a ship is shifted and the operation necessitates letting go and re-securing at another berth, the pilotage dues calculated in accordance with paragraph (1)(a) shall be charged.

(4) Whenever a ship is shifted along a wharf without letting go, a pilot need not be employed. If a pilot is employed half the pilotage dues calculated in accordance with paragraph (1)(a) shall be charged.

(5) In case of pilotage at outports, the pilot shall embark within five miles, but not less than one mile, of the berth.

Pilotage dues in non-compulsory pilotage areas. [130/1973 51/1980 43/1995 252/2005].

15. (1) Pilotage dues in respect of services rendered by licensed pilots in non-compulsory areas shall be calculated as follows:

(a) Within the limits of Port-of-Spain Harbour—

- (i) to and from an anchorage within the limits of Port-of-Spain Harbour the dues shall be one thousand dollars;
- (ii) to and from alongside another vessel or hulk the dues shall be the like dues as are payable under bye-law 14 for services rendered by licensed pilots in compulsory pilotage areas.

(b) Outside the limits of Port-of-Spain Harbour—

- (i) from outside the Bocas to Teteron, Chaguaramas Bay, Carenage, Port-of-Spain, Point Lisas, Pointe-a-Pierre, San Fernando, Brighton, or Point Fortin, or vice versa, per unit of gross tonnage50 provided that the minimum charge shall be 4,000.00

\$ ¢

	\$	¢
(ii) from inside the Bocas to Teteron, Chaguaramas Bay, Carenage, Port-of-Spain, Point Lisas, Pointe-a-Pierre, San Fernando, Brighton, or Point Fortin, or vice versa per unit of gross tonnage ... ..	.50	
provided that the minimum charge shall be... ..	3,500.00	
(iii) from Port-of-Spain to Point Lisas, San Fernando, Pointe-a-Pierre, Brighton or Point Fortin, or vice versa, per unit of gross tonnage ... ..	.50	
provided that the minimum charge shall be	3,000.00	
(iv) from Point Lisas, Pointe-a-Pierre, San Fernando to Brighton or Point Fortin or vice versa per unit of gross tonnage ... ..	.50	
provided that the minimum charge shall be	3,000.00	
(v) from Port-of-Spain to Carenage or Chaguaramas Bay or vice versa per unit of gross tonnage ... ..	.25	
provided that the minimum charge shall be	3,000.00	

(2) Notwithstanding paragraph (1) and bye-law 14, pilotage dues in respect of services rendered by licensed pilots in either compulsory or non-compulsory pilotage areas to a ship under dead tow shall be twice the dues payable under bye-law 14 for services rendered by licensed pilots in compulsory pilotage areas.

Pilotage dues for ship under dead tow. [130/1973].

(3) Notwithstanding paragraphs (1) and (2), pilotage dues in respect of services rendered by licensed pilots outside the Gulf of Paria shall be negotiated between the operator or agent of the vessel and the Pilots' Association; the agreed charge to be subject to the approval of the Pilotage Authority.

Pilotage dues for services outside the Gulf of Paria. [130/1973].

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

38

Chap. 51:02

Pilotage

[Subsidiary]

Pilotage Bye-laws

Payment of
pilot's fees
when detained.
[130/1973
43/1995
252/2005].

16. (1) A pilot shall be entitled to detention money in accordance with the provisions of section 21 of the Act at the rate of three hundred dollars for each hour or part thereof and shall have the like remedy for recovery of the same as is provided in the Act for recovery of pilotage dues.

(2) An attendance fee of three hundred dollars in lieu of detention shall be charged in respect of a pilot ordered for a vessel arriving or departing when such order is subsequently cancelled or for each hour or part thereof in respect of a ship arriving after the time for which the pilot is ordered and for which no notice of cancellation has been received:

Provided always that no fee shall be chargeable when notice of cancellation or change in time of such vessel's arrival or departure is received before the pilot starts his journey to such vessel by land or sea, as the case may be.

(3) Any pilot who, without his consent or who, owing to unavoidable necessity, shall be taken beyond the limits of the areas for which he is licensed, shall be entitled—

- (a) to a detention fee of two hundred dollars for each day he is so detained; and
- (b) in the event that he is taken to a foreign port, to a return passage to Trinidad and Tobago by plane.

Travelling
allowances to
and from certain
outports.
[252/2005].

17. A Travelling allowance in respect of pilotage services shall be chargeable per round trip by the Pilots' Association on ships arriving at or departing from—

- (a) Chaguaramas at the rate of \$125.00;
- (b) Point Lisas at the rate of \$190.00;
- (c) Pointe-a-Pierre at the rate of \$190.00;
- (d) Claxton Bay at the rate of \$190.00;
- (e) Brighton at the rate of \$325.00; and
- (f) Point Fortin at the rate of \$375.00.

Cases when
pilot cannot
board ship.

18. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board, in a non-compulsory area, when the last mentioned ship cannot through stress or weather or other exceptional circumstances be boarded,

the pilot so leading the last mentioned ship, at the request of the master thereof, shall be entitled to full pilotage rates as if he had actually been on board and had charge of that ship.

19. A pilot who is not a member of the Pilots' Association shall collect all fees due to him and members of the Association shall make arrangements for the collection by the Secretary-Accountant of all fees due to them.

Collection of pilot dues.

20. (1) The Secretary-Accountant shall make an annual audited return to the Authority of all revenue and expenditure of the Association, and when required to do so by the Authority shall render supplementary returns.

Association to make returns to the Authority.

(2) The Secretary-Accountant shall place annually before the Authority an audited statement of the Provident Fund or staff pension scheme accounts of the Association, and a certificate that all insurances required by the Articles are in force.

(3) The Secretary-Accountant shall furnish the Authority monthly with a statement giving the following particulars in respect of each pilot for the preceding month:

- (a) Number and description of pilotage movements performed monthly at Port-of-Spain and outports.
- (b) Leave or sick periods, if any, with dates.
- (c) Stand off periods with dates.

21. (1) Every pilot on being licensed, and every pilot already licensed shall execute a bond for four thousand dollars in such form as the Authority may direct with a view to the limitation of his liability for neglect or want of skill to that amount as prescribed by section 24 of the Act.

Pilots to give bond. [90/1992].

(2) Any pilot who fails to execute a bond as required by paragraph (1) is liable on summary conviction to a fine of four hundred dollars.

22. (1) A master or mate of a ship who applies for a pilotage certificate shall not be entitled to receive such certificate unless and until he satisfies the Authority that—

Conditions applicable prior to the receipt of a pilotage certificate. [193/1989].

- (a) he holds a certificate as master or mate issued by

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

40

Chap. 51:02

Pilotage

[Subsidiary]

Pilotage Bye-laws

the Government of Trinidad and Tobago or an equivalent or higher certificate;

- (b) he has made six voyages to the compulsory pilotage area for which he applies for a certificate within the twelve months immediately preceding the date of his application;
- (c) he has passed an examination conducted by the committee appointed under bye-law 27.

Ch. 50:07.

Ch. 50:08.

(2) Where the master or mate of a drogher registered under the Droghers Act, or the master of a motor launch licensed under the Motor Launches Act, applies for a pilotage certificate, he shall satisfy the Authority that—

- (a) he holds a valid certificate of competency to be master or mate of the particular ship;
- (b) he has made six voyages, assisted by a licensed pilot to each compulsory pilotage area within the three months immediately preceding the date of his application to navigate in such area;
- (c) he has passed an examination conducted by the committee appointed under bye-law 27;
- (d) he has fulfilled the requirements of paragraphs (a), (e), (f), and (g), of bye-law 3.

(3) Where an applicant cannot reasonably be expected to satisfy the requirements of paragraph (e) of bye-law 3, the Authority may instead accept a certificate of good character from the Commissioner of Police.

(4) A ship having a licensed pilot on board shall in compulsory areas have priority over a ship which has not such a pilot on board.

Renewal of pilotage certificates.

23. A pilotage certificate shall not be renewed without re-examination unless the applicant has made not less than three voyages to the compulsory pilotage area referred to in the certificate during the twelve months immediately preceding his application for the renewal of his certificate.

24. The fees to be paid for the issue and renewal of pilotage certificates shall be in accordance with the Second Schedule to these Bye-laws; but a pilotage certificate shall not be renewed until the applicant has produced a certificate from a medical practitioner approved by the Authority to the effect—

Fees for pilotage certificates, medical certificates. Second Schedule.

- (a) that the applicant's eyesight is normal as regards distance and colour visions;
- (b) that he is physically fit for pilotage duties.

25. (1) The holder of a pilotage certificate shall produce on demand to any harbour master, pilot, police officer or Customs Officer, his pilotage certificate when piloting within an area specified in the Second Schedule to the Act.

Certificated officers to produce certificates.

(2) Any such person failing to comply with paragraph (1) is liable on summary conviction to a fine of forty dollars.

26. Every holder of a pilotage certificate when in charge of a vessel underway in any compulsory area shall cause by day the international Code flag "H" to be flown from the jumper stay, and by night in addition to side lights a white light over a red light in a vertical line not less than eight feet apart to be carried in a similar position. Any such person failing to comply with this bye-law is liable on summary conviction to a fine of forty dollars.

Certified officers to fly signals.

27. A committee of the Authority appointed to conduct examinations under these Bye-laws shall consist of the Harbour Master, who shall be Chairman, the representative of the Pilot's Association and one other suitably qualified member of the Authority selected by the Chairman.

Examining Committee. [193/1989].

28. In addition to ships exempted from compulsory pilotage under section 16(3) of the Act, all British ships and foreign flag tugs under 600 gross tons trading locally within the meaning of section 16(4) of the Act and registered under the provisions of the Merchant Shipping Act, 1894 of the United Kingdom shall be exempted from compulsory pilotage if not carrying passengers, provided that the Master of any such ship satisfies the committee referred to in bye-law 27 that he is a fit and proper person to be given an exemption certificate.

Exempting local trade ships.

57 & 58 Vict. c. 60.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

42

Chap. 51:02

Pilotage

[Subsidiary]

Pilotage Bye-laws

Meeting of the Authority.

29. (1) The Authority shall meet on the third Monday in each calendar month to transact business; but if that day is a public holiday the meeting shall be postponed to the following Monday or such other day as the Chairman may appoint.

If for any reason business is not concluded at a regular meeting, the meeting may be adjourned to such date as the Chairman may decide.

(2) It shall be competent for the Chairman to call by notice in writing an emergency meeting of the Authority at any time, should he consider the business sufficiently urgent.

Duties of the Authority.

30. The Authority shall consider at its regular meetings all business placed before it in connection with—

- (a) recommendations made for the amendment or alteration of the Act or Bye-laws dealing with pilotage;
- (b) complaints against pilots or holders of pilotage certificates;
- (c) proposals to vary fees for pilotage licences or certificates;
- (d) the disposal of funds accruing to the Authority;
- (e) proposals to engage apprentices to the pilotage service;
- (f) suggestions for the improvement of the pilotage service;
- (g) any business arising under these Bye-laws which is properly before the Authority.

Fees to be credited to Authority. [43/1995 127/1996 252/2005].

31. (1) All fees payable under the Second Schedule shall be credited to the Authority and shall be used by the Authority to defray the expenses of the Authority.

(2) The Pilot's Association shall deduct the sum of one hundred and ninety thousand dollars per annum from moneys received by it and shall pay the sum deducted to the Authority to defray the expenses of the Authority and any surplus shall be applied as provided under section 6 of the Act.

32. (1) The following fees shall be paid by all vessels when under pilotage:

Pilot boarding and landing fees. [88/1967 130/1973 43/1995 252/2005].

- (a) on week days other than public holidays between the hours of 6:00 a.m. and 6:00 p.m.—
- (i) within the declared limits of Port-of-Spain Harbour that is to say within a radius of 4 miles of a point in latitude $10^{\circ} 39' 12''$ N. and longitude $61^{\circ} 31' 47''$ W.—\$900.00;
 - (ii) within the area of Cronstadt Island, Tembladora and the United States Naval Jetty that is to say the area beyond the declared limits of Port-of-Spain Harbour as at (i) but within a radius of 6 miles of a point in latitude $10^{\circ} 39' 12''$ N. and longitude $61^{\circ} 31' 47''$ W.—\$1,700.00;
 - (iii) within the Chaguaramas area that is to say the area beyond the area of Cronstadt Island, Tembladora and the United States Naval Jetty as at (ii) but within a radius of 9 miles of a point in latitude $10^{\circ} 39' 12''$ N. and longitude $61^{\circ} 31' 47''$ W. and having a northern limit of the parallel of latitude $10^{\circ} 41' 00''$ N.—\$2,200.00;
 - (iv) within the Bocas that is to say the area beyond the Chaguaramas area as at (iii) but within a radius of 18 miles of a point in latitude $10^{\circ} 39' 12''$ N. and longitude $61^{\circ} 31' 47''$ W. and having a northern limit of the parallel of latitude $10^{\circ} 45' 00''$ N.—\$4,400.00;
- (b) on weekends, Public Holidays and between the hours of 6:00 p.m. and 6:00 a.m. on weekdays an additional charge of thirty per cent of the fees payable in accordance with paragraph (a) shall be made.

(2) The fees prescribed in paragraph (1) shall be payable only when a pilot boat owned and operated by the Pilots' Association is used and not otherwise.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

44

Chap. 51:02

Pilotage

[Subsidiary]

Pilotage Bye-laws

Payment for call at port.

33. The owners of every ship—

- (a) whose master or mate holds a pilotage certificate; and
- (b) which arrives from or departs for a foreign port; and
- (c) which during such arrival or departure calls within a compulsory pilotage area,

shall pay for each call an amount equivalent to twenty-five per cent of the pilotage dues provided by bye-law 14 and the First Schedule to these Bye-laws.

[252/2005].

FIRST SCHEDULE

<i>Description of ship</i>	<i>Dues payable in or out of any compulsory pilotage area</i>
Ships up to 2,500 tons	\$350.00
Container ships and ships (other than tankers) over 2,500 tons and up to 15,000 tons	\$350.00 plus an additional charge of 15 cents per ton for each ton in excess of 2,500 tons
Other ships	\$350.00 plus an additional charge of 20 cents per ton for each ton in excess of 2,500 tons

SECOND SCHEDULE

[252/2005].

Fees payable to the Pilotage Authority on the issue of a pilot's licence:

					\$	¢
First issue ...	...	...	...	...	400.00	
Renewal or Amendment	...	...	...	...	160.00	
Duplicate ...	...	...	...	...	200.00	

Fees payable to the Pilotage Authority on the issue of a pilotage certificate:

					\$	¢
First issue ...	...	...	...	...	600.00	
Renewal ...	...	...	...	...	240.00	
Amendment to Certificate	...	...	...	...	240.00	
Duplicate ...	...	...	...	...	400.00	
