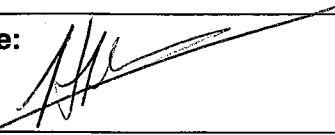


Jersey Harbours Harbour Master's Directive

Directive Reference: HM-D-2009-02			
Directive Summary Title (File Name):	Pilotage (Jersey) Law 2009, Harbour Masters Directions	Date of Directive Summary:	19th January 2009
Directive Summary Author:	Master Pilot	Directive Summary: Public or Exempt? (State clauses from Code of Practice booklet)	Public- to the companies that currently use the Pilot Service
Type of Report: Oral or Written?	Written	Person Giving Oral Report:	Master Pilot
Written Report Title (File Name):	Pilotage (Jersey) Law 2009, Harbour Masters Directions	Date of Written Report:	19th January 2009
Written Report Author:	Master Pilot	Written Report : Public or Exempt? (State clauses from Code of Practice booklet)	Public- to the companies that currently use the Pilot Service
Subject: Harbour Masters Directions issued under the Pilotage (Jersey) Law 2009			
Directive(s): In line with the requirements of the Pilotage (Jersey) Law 2009 the Harbour Master makes the directions as listed on the attached document which are compliant with The Port Marine Safety Code.			
Reason(s) for Directive: To ensure the continued safe navigation of vessels within the territorial waters of Jersey on the introduction of the Pilotage (Jersey) Law 2009 which repeals previous Pilotage legislation. These directions to come into force at the same time as the new law on 30 January 2009			
Resource Implications: N/A			
Action required: For the Master Pilot to publish directions so that they are brought to the attention of those that use the Pilotage Service.			
Signature: 		Position: Harbour Master – Jersey Harbours	
Date Signed: 2011/09		Date of Directive (If different from Date Signed): 30 th January 2009	

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE
WITH THE Pilotage (Jersey) Law 2009**

COMPULSORY PILOTAGE ZONES.

CONTROLLED PASSAGES AND THE EXTENT OF PILOTAGE.

In accordance with the provisions of Article 2, Article 5(1) and 5(2)(b) of the Pilotage (Jersey) Law 2009 the Harbour Master has determined that in order to secure the safety of ships navigating in the territorial waters applicable to Jersey the compulsory pilotage zones shall be:

- a. The waters lying within a radius of 2.5 nautical miles of Mont Orgueil Castle;
- b. The waters lying within an area bounded by an imaginary line drawn through Corbière Lighthouse in transit with Pinnacle Rock, L'Etacq bearing 358 degrees (true) and Seymour Tower open south of La Frouquie (2m high) and bearing 082 degrees true.

The Harbour Master directs that all ships, while transiting inwards, outwards or between the compulsory pilotage zones, monitor their position throughout and that the ship's position is maintained in safe water, as detailed in the Jersey Harbours Pilotage Syllabus Text Book, mindful at all times of the height of tide and the available depth of water with respect to the ship's draft. The Pilotage Syllabus Text Book shall be compiled in consultation with the Pilotage Board as detailed below and shall be made available from the Harbour Office to all candidates applying for Pilot or Pilot Exemption certificate or to Masters of vessels exempted from pilotage as described below.

The Harbour Master further directs the extent of pilotage in so far that:

- a. The pilotage inwards shall commence when the ship enters the compulsory zone or otherwise when a licensed pilot is able to safely board the ship, the pilotage inwards shall cease when the ship is safely moored to the quay or safely anchored.
- b. The pilotage outwards will cease when the ship leaves the pilotage zone or when both the pilot and Master of the ship consider that the ship is on a safe course to sea.
- c. In determining the location for transferring a licensed pilot; any form of remote pilotage shall be considered as a special operation and shall only be undertaken with due regard to the safety of the pilot and the safety of navigation of the ship.

The Harbour Master at his discretion may allow a vessels Master or First Mate to shift his vessel from one berth to another within the harbour without the services of a licensed pilot.

These directions shall apply equally to exempted ships whether utilising the services of a licensed pilot or not.

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE WITH THE
Pilotage (Jersey) Law 2009**

SHIPS EXEMPTED FROM COMPULSORY PILOTAGE

In accordance with the provisions of Article 5(2) (a) of the Pilotage (Jersey) Law 2009 the Harbour Master has determined that certain ships shall be exempt from utilising the services of a licensed pilot while navigating in the territorial waters applicable to Jersey.

The Harbour Master directs that the following ships be so exempt:

- a. Ships belonging to or employed in the service of Her Majesty or the Armed Forces of Her Majesty.
- b. Ships belonging to any Department of Her Majesty's Government.
- c. Ships belonging to the States of Jersey.
- d. Ships of War belonging to any Government.
- e. Ships less than 35 meters in overall length that are pleasure vessels as described in the Shipping (Tonnage) (Jersey) Regulations 2004
- f. Ships of less than 35 meters in overall length, which if carrying passengers are carrying not more than 12 passengers.
- g. Fishing vessels less than 35 meters in overall length.
- h. Passenger boats within the meaning of Part IV of the Boats and Surf Riding (Control) (Jersey) regulations 1969 as amended or any future replacement legislation, while operating under the command of persons holding licenses granted under that Part to carrying passengers for hire and while being operated in accordance with the conditions attached to such licenses.
- i. Sail training and small charter vessels under 35 meters waterline length provide they do not carry more than 12 passengers.
- j. A vessel under the pilotage control of the bona fide Master or First Mate who is the holder of an appropriate pilotage exemption certificate as described in Article 6 of the Pilotage (Jersey) Law 2009.

Whilst the Harbour Master has determined that the above listed vessels are exempted from the requirements to take the services of a Pilot, such exemption may be withdrawn by the Harbour Master or his Deputy following a risk assessment of some exceptional circumstances, such as, a reduction in the vessels ability to manoeuvre.

Directions concerning compulsory pilotage zones, maintaining the vessel in safe water and the extent of pilotage, shall apply equally to exempted ships whether utilising the services of a licensed pilot or not.

This direction does not exonerate the skipper/commander, Master or First Mate or Pilot who is the holder of a Pilot or Pilotage Exemption Certificate from any neglect to comply with any other direction, regulation or law whilst navigating within the territorial waters of the Island.

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE WITH THE
Pilotage (Jersey) Law 2009**

PILOTAGE BOARD

For the purposes of the provisions of Article 3(4) and Article 6(7) of the Pilotage (Jersey) Law 2009 the Harbour Master shall establish a Pilotage Board consisting of persons who have expert knowledge and experience with whom he or she shall consult with in order to establish the requirements as to Article 3(3)(a) and (b) of the Pilotage (Jersey) Law 2009 with regard to the licensing of Pilots and Article 6(3) and (4) of the Pilotage (Jersey) Law 2009 with regard to the granting of Pilotage and Pilotage Exemption Certificates, and who shall be available to advise the Harbour Master on all pilotage matters.

The Harbour Master has determined that the Pilotage Board shall consist of:

- a. The officer appointed under the article 2 of the Harbours (Administration) (Jersey) Law 1961 (Harbour Master) who shall be the President of the Board.
- b. One of the officers appointed in accordance with Article 2 2A (DHM or AHM) of the Harbours (Administration) (Jersey) Law 1961 who is the holder of a Pilots License.
- c. At least four persons who have expert knowledge and experience of pilotage in the territorial waters of the Island.

The Harbour Master directs that a quorum of the Pilotage Board shall consist of:

- a. Unless as required in "b". A minimum of at least four Board members shall be present for the examination for a Pilot or Pilot Exemption Certificate. One of whom shall be the Harbour Master/Deputy Harbour Master or one of the officers appointed in accordance with Article 2 2A of the Harbours (Administration) (Jersey) Law 1961 who is the holder of a pilots license who shall Chair the Board. And at least three other members of the Board whom have expert knowledge and experience of pilotage in the territorial waters of the Island, all of whom shall be present when a decision is taken.
- b. Where the Pilotage Board is to examine an applicant for a Pilotage Exemption Certificate for the East Coast, the Board shall consist of at least two members, one of whom shall be the Harbour Master/Deputy Harbour Master and/or an officer appointed in accordance with Article 2 2A of the Harbours (Administration) (Jersey) Law 1961 who is the holder of a pilots license and/or one other member of the Board whom has expert knowledge and experience of pilotage in the territorial waters of the Island, all of whom shall be present when a decision is taken.

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE WITH THE
Pilotage (Jersey) Law 2009**

LICENSING OF PILOTS

In accordance with the provisions of Article 3(4) of the Pilotage (Jersey) Law 2009 the Harbour Master in consultation with the Pilotage Board has determined the following criteria relating to the suitability and qualifications of persons to be licensed as a pilot for the territorial waters of the Island.

For Transitional provisions the Harbour Master recognises First Category Pilot's Licences issued under the Pilotage (General Provisions) (Jersey) Regulations 1988 as being equivalent to a Pilot licence issued under the Pilotage (Jersey) Law 2009

The Harbour Master directs those persons to:

- a. Hold a valid certificate of competency equivalent to or be superior to that certificate referred to in Section A-II/2 of the STCW 95 Code, or as deemed appropriate by the board.
- b. Hold an appropriate medical fitness certificate as required under the STCW 95 Code as amended (form ENG1 or equivalent).
- c. Have completed an approved Jersey Pilotage Training course.
- d. Have sufficient knowledge and understanding of, and be able to communicate effectively in, the English language in order to secure the safety of navigation in the territorial waters of the Island. Communication skills to be demonstrated to the satisfaction of Pilotage Board during examination.
- e. Have successfully passed the Pilotage Examinations for the proposed areas of operation.
- f. Have completed 40 acts of pilotage all of which being with and to the satisfaction of a licensed Pilot in a variety of vessels in differing weather and tidal conditions both day and night.
- g. The maximum age for a pilot is 60 years or as deemed appropriate by the Pilotage Board.

The Harbour Master further directs that in accordance with Article 3(3)(b) of the Pilotage (Jersey) Law 2009 that as a check on a licensed pilots continued competence, a pilot licence needs revalidating on an annual basis as follows.

- a. All Pilots licences expire on the 31st of December annually, or at the time the licence holder ceases to be employed as a pilot.
- b. The holder of the licence shall provide evidence of having completed 36 acts of pilotage for South coast licence and 10 acts for East coast licence, in the previous year. The Pilotage Board may consider alternatives on a case by case basis.
- c. At least 25% of the pilotage acts mentioned in "b" above must have been completed within the 6 months immediately preceding the renewal application. The Pilotage Board may consider alternatives on a case by case basis.
- d. If a licence holder fails to reach the required revalidation criteria then the Pilotage Board will make a ruling on additional revalidation requirements on a case by case basis.

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE WITH THE
Pilotage (Jersey) Law 2009**

PILOTAGE EXEMPTION CERTIFICATES (PEC)

In accordance with the provisions of Article 6(7) of the Pilotage (Jersey) Law 2009 the Harbour Master in consultation with the Pilotage Board has determined the following criteria relating to the suitability and qualifications of persons to be granted a Pilotage Exemption Certificate for the territorial waters of the Island.

For Transitional provisions the Harbour Master recognises Second Category Special Pilot's Licences issued under the Pilotage (General Provisions) (Jersey) Regulations 1988 as being equivalent to a PEC licence issued under the Pilotage (Jersey) Law 2009.

(For clarification reference in Article 6(2) of the Pilotage (Jersey) Law 2009 to First Mate to have the same meaning as that referred to under the STCW 95 code for Chief Mate; "*Chief Mate* means the officer next in rank to the Master and upon whom the command of the ship will fall in the event of the incapacity of the Master.")

The Harbour Master directs those persons wishing to apply for a PEC to:

- a. Be either the bona fide Master or First Mate of the vessel(s) for which a PEC licence is applied for.
- b. Hold a valid certificate of competency equivalent to or superior to that required by the STCW 95 Code entitling that person to be Master or First Mate of the class of ship the exemption certificate is to be applied.
- c. Hold an appropriate medical fitness certificate as required under the STCW 95 Code (form ENG1 or equivalent)
- d. Have sufficient knowledge and understanding of, and be able to communicate effectively in, the English language in order to secure the safety of navigation in the territorial waters of the Island. Communication skills to be demonstrated to the satisfaction of Pilotage Board during examination.
- e. Have completed an approved Jersey Pilotage Exemption Training Course.
- f. Have successfully passed the Pilotage Exemption examinations for the proposed areas of operation.
- g. Have, for applicants for a Jersey South coast PEC, completed 40 acts of pilotage of which at least 10 acts must have taken place in the presence of and to the satisfaction of a licensed Pilot. For a Jersey East coast PEC 20 acts of pilotage of which at least 5 acts must have taken place in the presence of and to the satisfaction of a licensed Pilot. The balance of pilotage acts in both districts may be undertaken in the presence of a Pilotage Exemption Certificate holder and all should have been completed within the year prior to application and must have been completed before the issue of a PEC.

The Harbour Master further directs that in accordance with Article 6(9) of the Pilotage (Jersey) Law 2009 that prior to annual revalidation of the pilotage exemption certificate:

- a. All PEC's expire on the 31st of December annually, or at the time the PEC holder ceases to be employed by the sponsoring company.
- b. The holder of a Pilotage Exemption Certificate shall complete at least one act of pilotage in the presence of a licensed Pilot.

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE WITH THE
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- c. The licensed Pilot will assess and report on the continued proficiency of the holder of the Pilotage Exemption Certificate.
- d. The holder of the PEC shall provide evidence of having completed 36 acts of pilotage for South coast and 10 acts for East coast, in the previous year whilst in pilotage control of a ship listed on his/her PEC.
- e. At least 25% of the pilotage acts mentioned in "d" above must have completed within the 6 months immediately preceding the renewal application. The Pilotage Board may consider alternatives on a case by case basis.
- f. If a PEC holder fails to reach the required revalidation criteria then the Pilotage Board will make a ruling on additional revalidation requirements on a case by case basis.

For clarification and in accordance with article 6(3) and 6(10) all PEC's will be endorsed with the vessels that the Harbour Master is satisfied that the PEC Holder is capable of piloting. When a PEC holder is transferred to another vessel, as *bona fide* Master or First Mate, operated by the same owner or operator, the PEC holder must undergo check trips consisting of acts of pilotage both inwards and outwards with a pilot. Subject to a satisfactory report from the pilot on the PEC holder's capability with respect to the new vessel, the Harbour Master may order that the PEC be endorsed for this vessel.

Where relief ships are brought in to service, a PEC holder employed by the operating company of the relief vessel must be signed on to the ship's articles as *bona fide* Master or Chief Mate and must undergo check trips consisting of acts of pilotage both inwards and outwards with a pilot. Subject to a satisfactory report from the pilot on the PEC holder's capability with respect to this relief vessel, the Harbour Master may order that the PEC be endorsed for this vessel.

Where a PEC holder is **NOT** signed on to the relief vessel as the *bona fide* Master or Chief Mate, that vessel will be subject to compulsory pilotage.

When a PEC holder transfers to the employment of another owner or operator of vessels trading within the territorial waters of Jersey, the PEC holder must re-apply for the issue of his Certificate. If the PEC holder transfers to a similar class of vessel as operated by his previous employer, the PEC holder must undergo a check trip consisting of acts of pilotage both inwards and outwards with a pilot. Subject to a satisfactory report from the pilot on the PEC holder's capability with respect to the new vessel, the Harbour Master may order that the PEC be endorsed for this vessel. If the PEC holder transfers to a different class of vessel from that identified on his PEC, the PEC holder must undergo a number of check trips consisting of acts of pilotage both inwards and outwards with a pilot. The number of required trips will be determined on a case by case basis. Subject to a satisfactory report from the pilot on the PEC holder's capability with respect to the new vessel, the Harbour Master may order that the PEC be endorsed for this vessel.

Where a Pilotage Exemption Certificate has expired, it may be renewed for the same vessel or class of vessel **within 6 months of the expiry date**, subject to undergoing a number of check trips with a pilot, consisting of acts of pilotage both inwards and outwards. The number of required trips will be determined on a case by case basis. Subject to a satisfactory report from the pilot on the PEC holder's capability, the Harbour Master may order that the PEC be renewed.

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Where a PEC has expired for **more than 6 months but for not more than 18 months**, it may be renewed for the same vessel or class of vessel after the PEC holder has completed 10 acts of pilotage with a pilot, plus a practical examination by the Pilotage Examination Board. Subject to a satisfactory report from the Pilotage Examination Board, the Harbour Master may order that the PEC be renewed.

Where a PEC has expired for **more than 18 months**, the PEC holder must undertake the full training programme as outlined above, regardless of the vessel or class of vessels identified on the original PEC

Within the text of the above directions, STCW 95 Code is to mean the International Convention on Standards of Training and Watchkeeping (STCW) for Seafarers and includes amendments up to 1995 and is taken to include any subsequent and future amendments.

**THE HARBOUR MASTERS MAKES THE FOLLOWING DIRECTIONS IN ACCORDANCE WITH THE
Pilotage (Jersey) Law 2009**

PILOTAGE CHARGES

In accordance with the provisions of Article 7 of the Pilotage (Jersey) Law 2009 the Harbour Master in consultation with the owners of ships that customarily navigate in the area to which the proposed charges would apply or such persons as the Harbour Master considers to be representative of them, and other interested parties has determined that the following charges be applied to the pilotage services provided in pursuance with this Law.

**PART 1
PILOTAGE DUES**

Item number	Description of service		Dues
1.	The pilotage by a pilot of a ship inward or outward –		
	(a)	between 0600 hours and 2300 hours on the same day –	
	(i)	for a ship less than 70 metres in length –	£2.01 for each metre or part of a metre of the length of the ship
	(ii)	for a ship 70 metres or more in length –	£2.44 for each metre or part of a metre of the length of the ship
	(b)	between 2300 hours on one day and 0600 hours on the following day –	
	(i)	for a ship less than 70 metres in length –	£3.01 for each metre or part of a metre of the length of the ship
	(ii)	for a ship 70 metres or more in length –	£3.67 for each metre or part of a metre of the length of the ship
		Minimum Dues	£63.84
2.	Waiting time in respect of a ship that is not ready to depart at the time for which a pilot has been engaged –		
	(a)	for a period exceeding 30 minutes, but not exceeding 1 hour –	£61.26
	(b)	for each succeeding hour or part of an hour –	£91.86
3.	Pilotage by a pilot of a ship from one harbour to another in Jersey –		An amount equal to 135% of the dues calculated in accordance with Item 1
4.	The pilotage by a pilot of a ship within the territorial waters of Jersey that returns to its harbour of departure –		An amount equal to 175% of the dues calculated in accordance with Item 1
5.	The services of a pilot to move a ship in harbour from one berth to another –		An amount equal to 30% of the dues calculated in accordance with Item 1
6.	The services of the pilot where a ship under the pilotage charge of a pilot anchors in the roads and later enters harbour under pilotage –		
	(a)	for the pilotage –	An amount equal to 150% of the dues calculated in accordance with Item 1

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	(b)	for each boarding of the ship by the pilot –	The dues prescribed by Item 8
7.		The boarding of a ship bound inwards by a pilot to take pilotage charge –	£73.46
8.		The disembarkation from a ship bound outwards by a pilot who has taken pilotage charge of the ship –	£73.46
9.		An operation mentioned in Items 7 and 8 if it takes place outside the pilotage zone –	An amount equal to 200% of the dues specified in Item 8 or 9, as the case may be
10.		Action taken on a request for the services of a pilot if those services are subsequently not required and notice of non-requirement is not received within one hour from the time of the request –	£91.86
11.		An operation mentioned in Item 10 carried out in respect of a special pilot –	An amount equal to 12% of the dues specified in respect of Item 10
12.		The services of a pilot taken beyond the territorial waters of Jersey, or beyond the point up to which the pilot was engaged to pilot the ship starting when the ship passes beyond the territorial waters of Jersey or the point up to which the pilot was engaged to pilot the ship and ending when –	A minimum amount of £275.57 for the first 3 hours and £91.86 for each hour of the following 6 hours and £137.79 for each subsequent hour, with any part of an hour being counted as a whole hour, plus, where (b) applies, reasonable travelling expenses
	(a)	the day the pilot is returned in the ship to the place where the pilot was taken on board; or	
	(b)	if the pilot is discharged from the ship at a distance from the place where the pilot was taken on board – when the pilot has had sufficient time to return to that place –	
13		Dues payable when vessel is operating with a PEC licence holder on board. (PEC Pilotage dues are to be charged as described in 1(a) regardless of the time pilotage act was carried out.	12% of dues specified in 1(a), 7 & 8.

PART 2

LICENCE AND EXAMINATION FEES

14.	For examination for pilots licence –	£223.39
15.	For the grant or renewal of a pilots licence –	£70.00
16	Pilotage training course	£3675
17	If 2 or more PEC candidates training as in 16	25% discount on training dues

 20/1/09

Harbour Master Captain H le Cornu