

[LEGAL NOTICE NO. 105]

MARITIME TRANSPORT DECREE 2013
(DECREE No. 20 OF 2013)

Maritime (Pilotage) Regulations 2014

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IN exercise of the powers conferred upon me by section 240(1)(i) of the Maritime Transport Decree 2013, I hereby make these Regulations—

PART 1—PRELIMINARY

Short title and commencement

1. These Regulations may be cited as the Maritime (Pilotage) Regulations 2014 and shall come into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires,—

“Authority” means the Maritime Safety Authority of Fiji;

“Chief Executive Officer” means the Chief Executive Officer of the Authority;

“Decree” means the Maritime Transport Decree 2013;

“Certificate of Medical Fitness” means the certificate issued by a recognised medical practitioner as required under the Maritime (STCW Convention) Regulations 2014;

“compulsory pilotage areas” means all internal waters of Fiji;

“declared pilotage area” and “pilotage station” means areas that are listed in Schedule 2;

“exempt person” means a master of a ship that has been issued a Pilot Exemption Certificate in respect of a pilotage area and a class of ship in accordance with regulation 19;

“IMO” means the International Maritime Organization;

“International Code of Signals” means the code of signals for the use of mariners published by the IMO;

“master foreign going certificate holder” means a master holding a valid Class 1 Masters Certificate of Competency;

“over carriage” for the purposes of these Regulations means where a pilot has been engaged by a ship beyond the pilotage area;

“pilot” in relation to any ship, means any person who is not the master or a member of the crew of the ship and who has the conduct of the ship;

“Pilot Exemption Certificate” means a Certificate issued under regulation 19;

“Pilot Licence” means a licence issued under regulation 5;

“pilotage service provider” means the organisation approved by the Authority to provide pilotage services;

“pilotage services” means the service provided by a pilot service provider; and

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended by the Protocols of 1978 and 1988 and any amendments from time to time adopted by the IMO and accepted by the Government of Fiji.

Objectives

3. The objectives of these Regulations are to specify—

- (a) the actions to be taken by a master of a ship to help a pilot board his or her ship;
- (b) the process through which a person may apply for and obtain, a Pilot Licence or a Pilot Exemption Certificate;
- (c) the qualifications and health standards an applicant for a Pilot Licence must have;
- (d) the knowledge a pilot must obtain in respect of pilotage areas;
- (e) the measures necessary to maintain pilotage requirements;
- (f) over carriage of pilots; and
- (g) compulsory pilotage areas and classes of ships that shall carry a pilot.

Application

4.—(1) These Regulations apply to—

- (a) all foreign ships of 25 meters or more in overall length; and
- (b) tankers of all sizes.

(2) These Regulations shall not apply to the following ships—

- (a) Government ships on official voyage;
- (b) Navy or defence ships; and
- (c) Fiji ships with local masters.

PART 2—PILOT LICENCE REQUIREMENTS

Pilot Licence

5.—(1) A Fiji national may make an application in the approved form to the Chief Executive Officer for a Pilot Licence in respect of the Suva or Lautoka Port and the Chief Executive Officer may issue such licence in accordance with section 24 of the Decree, if the person fulfils the requirements under the Decree and these Regulations.

(2) An application under sub-regulation (1) shall be accompanied by the approved fee.

(3) Any person who makes an application under sub-regulation (1) and knowingly provides false information commits an offence and shall be liable upon conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

Classes of Pilot Licence

6.—(1) The Chief Executive Officer may issue three (3) classes of Pilot Licences.

(2) The classes of Pilot Licences that may be issued and the classes of ships for which each class of licence shall be valid shall be as shown in the table below —

Table 1— classes of Pilot Licence

Class I	Valid for all size of ships
Class II	Valid for all size of ships not exceeding 185 metres in overall length
Class III	Valid for all size of ships not exceeding 150 metres in overall length

Contents of Pilot Licence

7.—(1) A Pilot Licence issued by the Chief Executive Officer in accordance with regulation 5 shall contain the following information —

- (a) the full name of the pilot;
- (b) the declared pilotage area for which the licence is issued to the applicant;
- (c) the class of licence, as specified in regulation 6(2);
- (d) the date the licence is issued;
- (e) the date the licence expires;
- (f) any conditions subject to which the licence is issued; and
- (g) the date on which any subsequent declared pilotage area endorsements were made on the licence by the Chief Executive Officer.

(2) In accordance with sub-regulation (1), a Pilot Licence shall be in a form approved by the Chief Executive Officer.

Application for an endorsement of a Pilot Licence

8.—(1) An application for an endorsement on a Pilot Licence, shall be made in writing to the Chief Executive Officer in accordance with section 23 of the Decree.

(2) An application under sub-regulation (1) shall be accompanied by—

- (a) documents or information the Chief Executive Officer requires to ascertain whether the application should be granted; and
- (b) the approved fee.

(3) The Chief Executive Officer may, after receiving an application under sub-regulation (1), require the applicant to provide him or her with such further information or documents as the Chief Executive Officer considers necessary to satisfy himself or herself that the application should be granted.

(4) The Chief Executive Officer shall not consider the application under sub-regulation (1) until the further requirements, if any by the Chief Executive Officer under sub-regulation (3) have been provided.

Qualification requirements for a Class III Pilot Licence

9. The Chief Executive Officer may, in accordance with section 24 of the Decree, issue a Class III Pilot Licence to a person who—

- (a) satisfies the Chief Executive Officer that he or she is the holder of a Certificate of Competency as a Master holding a Class II licence;
- (b) satisfies the Chief Executive Officer that he or she has trained to be a pilot under a pilot holding a Class I or Class II licence;
- (c) submits two references that satisfy the Chief Executive Officer as to his or her conduct and sobriety;
- (d) satisfies the Chief Executive Officer of his physical fitness by means of a Certificate of Medical Fitness;
- (e) passes a full medical examination including eyesight test, glycemc index test and hypertension test;
- (f) satisfies the Chief Executive Officer that he or she has on at least 30 occasions been accompanied by a pilot holding a Class I or Class II licence, piloting a ship satisfactorily, both inwards and outwards, either in the Suva Harbour or Lautoka Harbour with at least 30 occasions on ships of up to 150 metres in overall length; and
- (g) satisfies the examiner, appointed by the Chief Executive Officer, that he or she is capable of carrying out the duties of a pilot on a ship of at least 150 metres in overall length.

Qualification requirement for a Class II Pilot Licence

10.—(1) The Chief Executive Officer may, in accordance with section 24 of the Decree, issue a Class II Pilot Licence to a person who—

- (a) satisfies the Chief Executive Officer that he or she has served as a pilot either in Suva Harbour or Lautoka Harbour for at least 18 months while in possession of a Class III Pilot Licence;

- (b) submits to the Chief Executive Officer references given by holders of Class I Pilot Licence stating that in their opinions, the applicant is suitable to be a Class II pilot;
- (c) satisfies the Chief Executive Officer of his physical fitness by means of a Certificate of Medical Fitness;
- (d) passes a full medical examination including eyesight test, glycemc index test and hypertension test;
- (e) satisfies the examiner, appointed by the Chief Executive Officer, that he or she is capable of carrying out the duties of a pilot on a ship of 185 metres or less in overall length; and
- (f) the Chief Executive Officer may recognise a master foreign going certificate holder who has been in command of a ship of 3000 gross tonnage or more with an aggregated sea service of not less than one(1) year as a Class II Pilot.

(2) A master foreign going certificate holder referred to in sub-regulation (1) shall satisfy the Chief Executive Officer that he or she has on at least 50 occasions piloted a ship satisfactorily under the supervision of a Class I pilot, both inward and outward of Suva Harbour.

Qualification requirement for a Class I Pilot Licence

11. The Chief Executive Officer may, in accordance with section 24 of the Decree, issue a Class I Pilot Licence to a person who—

- (a) satisfies the Chief Executive Officer that he or she has piloted at least 36 ships of 150 meters and more in length either in Suva Harbour or Lautoka Harbour over a period of 18 months while in possession of a Class II Pilot Licence;
- (b) submits to the Chief Executive Officer, two references given by holders of Class I Pilot Licence stating that, in their opinions, the applicant is suitable to be a Class I pilot;
- (c) satisfies the Chief Executive Officer of his physical fitness by means of a Certificate of Medical Fitness;
- (d) passes a full medical examination including eyesight test, glycemc index test and hypertension test; and
- (e) satisfies the examiner, appointed by the Chief Executive Officer, that he or she is capable of carrying out the duties of a pilot on ships of unlimited length.

Application for a Pilot Licence endorsement for other declared pilotage area

12.—(1) An application for an endorsement on a Pilot Licence for other declared pilotage area, shall be made in writing to the Chief Executive Officer in accordance with section 23 of the Decree.

- (2) An application under sub-regulation (1) shall be accompanied by—
- (a) documents or information the Chief Executive Officer requires to grant the Pilot Licence endorsement; and
 - (b) the prescribed fee.

(3) The Chief Executive Officer may, after receiving an application under sub-regulation (1), require the applicant to provide him or her with such further information or documents as the Chief Executive Officer considers necessary to satisfy himself or herself that the application should be granted.

(4) The Chief Executive Officer shall not consider the application under sub-regulation (1) until the further requirements, if any under sub-regulation (3) have been provided.

Endorsement of a Pilot Licence for a declared pilotage area

13.—(1) A Pilot Licence may be subsequently endorsed for a declared pilotage area by the Chief Executive Officer if the applicant—

- (a) has satisfactorily completed the number of passages inwards and outwards specified in Table 2 below, whilst under the supervision of a Class I Pilot, who is endorsed for the respective declared pilotage area; and

Table 2—Minimum ship handling experience required for the endorsement of a Pilot Licence in a declared pilotage area

<i>Pilotage area</i>	<i>Passage inwards</i>	<i>Passage outwards</i>
Suva	10	10
Lautoka	15	15
Levuka	10	10
Malau	6	6
Vuda	6	6
Wariki	6	6

- (b) satisfies the examiner, appointed by the Chief Executive Officer that he or she is capable of carrying out the duties of a pilot on a ship for which his or her Pilot Licence may be endorsed in respect of that pilotage area.

(2) A Pilot Licence issued shall only be valid for the class of ships and respective endorsements for which it is issued.

(3) In addition to sub-regulations (1) and (2), the Chief Executive Officer may endorse a Pilot Licence if the holder of the licence produces to the Chief Executive Officer at least two references given by holders of a Class I Pilot Licence that are valid for that pilotage area to confirm that the applicant has met all the requirements.

Endorsement of a Pilot Licence for special circumstances

14.—(1) The Chief Executive Officer under special circumstances where there is no Pilot Licence endorsed for a specific declared pilotage area, may issue an endorsement to a pilot holding a Class I licence for that specific area.

(2) The Chief Executive Officer may endorse on a Pilot Licence referred to in sub-regulation (1), any limitations or conditions subject to which it is issued.

(3) The pilot to whom the licence may be endorsed under sub-regulation (2) shall comply with the endorsements and limitations of that licence.

(4) Any pilot who contravenes sub-regulation (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

Validity of a Pilot Licence or endorsement

15. The Chief Executive Officer may, after considering an application under regulation 5, issue a Pilot Licence for a period not exceeding 2 years provided that the applicant continues to meet the relevant prescribed requirements.

Annual medical examination in respect of pilot over 55 years

16.—(1) Any Pilot Licence held by a pilot under these Regulations shall become invalid upon the pilot reaching the age of 55 years, unless the pilot upon reaching the age of 55 years and annually thereafter—

- (a) passes a full medical examination including eyesight test, glycemc index test, hypertension test and a fitness test to determine whether the applicant is physically and mentally fit to perform the functions of a pilot; and
- (b) submits to the Chief Executive Officer a Certificate of Medical Fitness that certifies that the pilot is physically fit and able to carry out the duties of a pilot.

(2) The Certificate of Medical Fitness referred to in sub-regulation (1)(b) shall be provided by a registered medical practitioner recognised by the Authority.

(3) Where a pilot fulfils the requirements under sub-regulation (1), the Chief Executive Officer may endorse his or her Pilot Licence indicating that the licence is still valid.

Revalidation of Pilot Licence in respect of a pilotage area and class of ship

17.—(1) The Chief Executive Officer may revalidate a Pilot Licence if the licence holder—

- (a) complies with section 32 of the Decree;
- (b) satisfies the Chief Executive Officer that he or she has piloted a minimum of 50 ships within a period of 24 months during the validity of his or her licence and provides evidence to that effect;
- (c) has not been piloting a ship but has been in command of a ship within the two-year period preceding the application;
- (d) has piloted a ship in the capacity of his or her licence at least on three occasions under the supervision of a Class I pilot and produces evidence to that effect;

- (e) submits a valid Certificate of Medical Fitness; and
- (f) if required to do so by the Chief Executive Officer, meets any additional requirements the Chief Executive Officer considers necessary to satisfy himself or herself that the applicant can satisfactorily carry out the duties of a pilot in that area.

(2) An application for revalidation under sub-regulation (1) shall be made in writing to the Chief Executive Officer.

(3) An application for revalidation shall be accompanied by—

- (a) documents or information the Chief Executive Officer reasonably requires to satisfy himself or herself that the revalidation should be granted; and
- (b) the prescribed fee.

Presentation of Pilot Licence

18.—(1) Any pilot who goes on board a ship for the purpose of carrying out his or her duties and responsibilities as the pilot of the ship shall present his or her Pilot Licence to the master of the ship for viewing, if requested by the master of the ship.

(2) Any pilot who contravenes this regulation commits an offence and shall be liable to a fine not exceeding \$1,000.

Unqualified persons not to act as licenced pilot or exempt person

19.—(1) Any person, not being a pilot, shall not—

- (a) hold himself or herself out to be a pilot or exempt person; or
- (b) be in pilotage charge of a ship in respect of which a pilot or exempt person is required to be on board.

(2) Any person who contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Misconduct by a pilot or exempt person

20.—(1) A pilot or an exempt person shall not—

- (a) attempt or carry out an act which causes, or is likely to cause—
 - (i) the loss or destruction of or serious damage to a ship; or
 - (ii) the death of or serious injury to a person on board a ship; or
- (b) be under the influence of drugs or alcohol whilst piloting a ship.

(2) A pilot or an exempt person shall not do anything required to be done by him or her to prevent—

- (a) a ship from loss, destruction or serious damage; or
- (b) any person on board a ship from death or serious injury,

in a manner which amounts to wilful breach or neglect of duty or while under the influence of drugs or alcohol.

(3) A pilot or an exempt person, either within or outside the pilotage area for which he or she is licenced shall not—

- (a) be involved in any corrupt practice relating to a ship, its tackle, furniture, cargo, crew, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;
- (b) lend his or her licence;
- (c) act as pilot when he or she knows his or her Pilot Licence has been suspended;
- (d) act as a pilot when in a state of intoxication;
- (e) employ on board a ship he or she is piloting, a 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 or her own gain or for the gain of any other person;
- (f) refuse or wilfully delay, without reasonable cause, to pilot a ship upon being required to do so by the master, the owner or agent of the ship;
- (g) unnecessarily cut a cable belonging to a ship;
- (h) refuse, otherwise on reasonable grounds of danger to the ship, when requested by the master of the ship, to conduct a ship he or she is piloting into a port or place within the pilotage area in respect of which he or she is licensed;
- (i) leave a ship he or she is piloting before the service for which he or she was engaged has been performed and without the consent of the master of the ship;
- (j) allow a ship that is required to be piloted to proceed within a pilotage area without a pilot; or
- (k) act in an unprofessional manner which leads to misconduct

(4) The Chief Executive Officer may suspend or cancel a Pilot Licence or an exempt person certificate if the pilot or exempt person contravenes this regulation.

PART 3—PILOT EXEMPTION CERTIFICATES

Pilot Exemption Certificate

21.—(1) The Chief Executive Officer may, issue a Pilot Exemption Certificate in respect of a pilotage area to a master who—

- (a) satisfies the Chief Executive Officer that he or she possesses a valid Certificate of Competency as a Master Class1;
- (b) submits a valid Certificate of Medical Fitness;
- (c) satisfies the Chief Executive Officer, on written evidence, that on at least 10 occasions inwards and outwards in Suva Harbour or, in the case of Lautoka Harbour, 15 occasions, including at least 6 occasions to Vuda, he or she has

served as Master in charge of the navigation of a ship while it was in the pilotage charge of a licenced pilot in the pilotage area for which the Pilot Exemption Certificate is sought;

- (d) submits to the Chief Executive Officer references from two (2) of the pilots referred to in paragraph (c) stating that the applicant is recommended to take pilot examination in paragraph (e); and
- (e) satisfies the examiner, appointed by the Chief Executive Officer, that he or she is capable of carrying out the duties of a pilot on the ship to be specified in the Pilot Exemption Certificate in respect of the relevant pilotage area.

(2) A Pilot Exemption Certificate is only valid for the Master the certificate is issued to, for that specific pilotage area and on that particular ship.

(3) The master to whom the Pilot Exemption Certificate is issued shall comply with the limitations endorsed on the Pilot Exemption Certificate.

(4) Any Master who contravenes sub-regulation (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) The Chief Executive Officer may cancel a Pilot Exemption Certificate if it is in the best interest of maritime safety.

Validity of a Pilot Exemption Certificate

22. A Pilot Exemption Certificate shall be valid for a period of 2 years.

Contents of a Pilot Exemption Certificate

23.—(1) The Pilot Exemption Certificate issued by the Chief Executive Officer shall include the following information—

- (a) the full name of the holder of the Pilot Exemption Certificate ;
- (b) the pilotage area in respect of which the Pilot Exemption Certificate is valid;
- (c) the ship in respect of which the Pilot Exemption Certificate is valid;
- (d) the date on which the Pilot Exemption Certificate was issued;
- (e) any conditions subject to which the Pilot Exemption Certificate was issued;
- (f) the date on which any subsequent endorsements were made on the Pilot Exemption Certificate by the Chief Executive Officer; and
- (g) the validity of the Pilot Exemption Certificate.

(2) Subject to sub-regulation (1), a Pilot Exemption Certificate shall be in such form as approved by the Chief Executive Officer.

PART 4—PILOT TRAINING AND SERVICE PROVIDERS

Training of pilots

24.—(1) It shall be the responsibility of the Chief Executive Officer to approve and ensure the implementation of a pilot training standard so that qualified ship masters are trained to become competent pilots.

(2) Training of any pilot shall be conducted by a pilot service provider approved by the Authority.

Pilot service providers

25.—(1) A registered pilot company shall make an application in writing to the Authority for approval and recognition as a pilot service provider.

(2) Any application under sub-regulation (1) shall be accompanied by evidence of a Safety Management System.

(3) The Chief Executive Officer may, in writing, require the applicant to give additional information or documents that he or she reasonably requires to consider the application.

PART 5—PILOT TRANSFER ARRANGEMENTS

Pilot transfer arrangements and ship-helicopter pilot transfer

26. This Part applies to ships engaged on any voyage in the course of which a Fiji pilot is required to be engaged or is likely to be engaged within Fiji's waters.

Duties in respect of pilot transfer arrangement

27.—(1) The owner and the master of any ship shall ensure that—

- (a) the ship is provided with a pilot transfer arrangement fit for the purpose of enabling pilots to embark and disembark safely on either side of the ship in accordance with Schedule F, I and J of the Maritime (Fiji Maritime Code) Regulations 2014, which sets the survey standards for pilot ladders and accommodation ladders used in conjunction with a pilot ladder and mechanical pilot hoist;
- (b) the pilot transfer arrangement is—
 - (i) kept clean;
 - (ii) properly maintained and that a record of that maintenance is kept on board the ship;
 - (iii) properly stowed, including being stowed clear of any bunkering arrangements; and
 - (iv) regularly inspected to ensure that it is safe to use;
- (c) all persons engaged in rigging and operating any mechanical equipment are instructed regarding the safe procedures as set out in the equipment manual provided by the manufacturer;
- (d) all mechanical equipment related to the pilot transfer arrangement is tested prior to use;

- (e) the assembly and operation of a pilot hoist forms part of the ship's routine drills;
- (f) a ship officer is designated with the responsibility of supervising the rigging and testing of the pilot transfer arrangement and embarkation and disembarkation of the person transferred by that arrangement;
- (g) the designated ship officer in accordance with paragraph (f)—
 - (i) supervises the rigging and testing of the pilot transfer arrangement and the embarkation and disembarkation of any person transferred by that arrangement; and
 - (ii) has adequate and immediate means of communicating with the navigation bridge during the rigging and testing of the pilot transfer arrangement and the embarkation and disembarkation of any person transferred by that arrangement;
- (h) there is adequate means for communication between—
 - (i) the person carried on a pilot hoist;
 - (ii) the operator; and
 - (iii) the designated ship officer;
- (i) the designated ship officer—
 - (i) advises the pilot when it is safe to use the transfer arrangement; and
 - (ii) arranges for the escort by a safe route to and from the navigation bridge of the pilot using the transfer arrangement; and
- (j) the pilot transfer arrangement is used solely for the embarkation and disembarkation of persons.

(2) Whenever a pilot is required to board or leave a ship by means of a pilot transfer arrangement and the pilot believes on clear grounds that the pilot transfer arrangement does not comply with the requirements of this Part and Schedules F, I and J of the Maritime (Fiji Maritime Code) Regulations 2014 which sets the survey standards for pilot ladders and accommodation ladders used in conjunction with a pilot ladder and mechanical pilot hoist, the pilot shall—

- (a) not attempt to use the arrangement until the deficiency has been remedied;
- (b) advise the master of the ship of the deficiency; and
- (c) report the circumstances of each such case to the Chief Executive Officer in writing as soon as practicable.

Approval of equivalent pilot transfer arrangement and ship-helicopter transfer

28.—(1) The Chief Executive Officer may approve in writing, subject to such conditions as the Chief Executive Officer considers necessary in the interests of safety, a pilot transfer arrangement other than—

- (a) a pilot ladder;

- (b) an accommodation ladder used in conjunction with a pilot ladder; or
- (c) a mechanical pilot hoist;

if he or she is satisfied, taking into account, as appropriate, the views of pilots and any organisation that represents pilots, that the arrangement is as safe and efficient as the arrangements specified in paragraphs (a), (b), and (c).

(2) The Chief Executive Officer may approve in writing a proposal in respect of shipside requirements to conduct ship-helicopter pilot transfers, subject to such conditions as the Chief Executive Officer considers necessary, having regard to the best practice guidelines set out in the Australian Code of Practice for Ship Helicopter Transfers and the International Chamber of Shipping Guide to Helicopter Ship Operations.

(3) The owner and the master of any ship in respect of which approval in writing has been issued by the Chief Executive Officer under sub-regulations (1) and (2), shall ensure that all the requirements and conditions contained in that approval are met.

PART 6—GENERAL REQUIREMENTS

Master to give notice of arrival

29.—(1) The master of a ship requiring a pilot shall give notice of the estimated arrival time of his or her ship at a pilot station at least 48 hours in advance of that time, and shall give an amended estimate of its time of arrival 12 hours in advance of that time.

(2) Prior arrangements shall be done between the master of the ship and the pilotage service provider for pilots including their transportation, accommodation and boarding of ships at pilot stations and pilotage areas listed in Schedule 2.

Ships required to take licensed pilots on board

30.—(1) Before a ship enters a compulsory pilotage area, the master of the ship shall—

- (a) present the ship at the boarding station specified in respect of that compulsory pilotage area; and
- (b) give the ship in pilotage charge to a licenced pilot.

(2) Any person who contravenes sub-regulation (1) commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Sub-regulation (1) does not apply where the master of the ship is an exempt person.

Circumstances in which ships are required to be under pilotage charge

31.—(1) Neither the owner nor the master of a ship shall permit the ship to navigate in, other than by warping, or leave a compulsory pilotage area unless a licenced pilot is in pilotage charge of the ship.

(2) The Chief Executive Officer may, from time to time, amend the declared pilotage area as specified in Schedule 2.

(3) Sub-regulation (1) does not apply where the master of the ship is an exempt person.

Pilot not required in certain circumstances

32. A master may without a pilot, bring into, move within or take out of a compulsory pilotage area a ship—

- (a) that is in grave and imminent danger; or
- (b) where the life of a person on board is in danger.

Boarding facilities for pilots

33. A master of a ship who has accepted the service of a pilot shall facilitate the boarding of the ship by the pilot by providing equipment and supervision—

- (a) consistent with the safety of the ship; and
- (b) in accordance with the provisions prescribed by Regulation 23 of Chapter V of the SOLAS Convention.

Pilot signals

34.—(1) The master of a ship that requires a pilot for his or her ship shall, in accordance with the International Code of Signals make, the letter “G” by the most suitable method having regard to the prevailing visibility.

(2) The master of a ship that is under the charge of a pilot or when in a compulsory pilotage area an exempt person shall exhibit on the ship, where it may best be seen, flag “H” in the International Code of Signals.

Pilot not to be taken to sea (over carriage of pilots)

35.—(1) Except in circumstances of unavoidable necessity, neither the owner nor the master of a ship shall take a pilot acting in the course of his or her duties to sea in the ship beyond the limits of the area for which he or she is a pilot.

(2) If a pilot is taken to sea—

- (a) in circumstances of unavoidable necessity; or
- (b) without the pilot’s consent,

the ship owner or master shall be responsible for the repatriation including accommodation and meals of the pilot from port of discharge to his or her home port when over carriage occurs under these circumstances.

(3) Where the pilot is not compensated for expenses and losses incurred as a result of over carriage under sub-regulation (2), legal proceedings may be instituted in a court of law against the owner, operator or ships agent to recover the costs.

PART 7—PILOTAGE FEES AND CHARGES

Pilotage fees

36. Schedule 1 sets out the fees payable in respect of the pilotage of a ship.

Payment of pilotage fees

37. Fees payable in respect of the pilotage of a ship—

- (a) are due on completion of that pilotage; and
- (b) are payable to the pilot or as the pilot may direct.

PART 8—DECLARATION OF PILOTAGE AREAS

Declaration of pilotage areas

38.—(1) The Minister responsible for Infrastructure and Transport in consultation with the Chief Executive Officer and in accordance with section 240(1)(i) of the Decree shall declare, such areas as pilotage areas in addition to the areas specified in schedule 2, and an area of water adjacent to the pilotage area as the pilotage station.

(2) All ships to which these Regulations apply, shall engage a licensed pilot prior to entering or leaving a pilotage area.

PART 9—MISCELLANEOUS

Repeal, savings and transitional provisions

39. The Marine (Pilotage) Regulations 1990 are hereby repealed.

Made this 14th day of December 2014.

P. TIKODUADUA
Minister for Infrastructure and Transport

SCHEDULE 1
(Regulation 34)

FEES AND CHARGES FOR SERVICES

<i>Pilotage services</i>	<i>Charge</i>
<u>The Ports of Suva, Levuka, Savusavu, Dravuni, Yasawa and other Out Ports</u>	
Rates from Pilot Boarding Ground to a place in the Port and vice versa Boarding Fee	\$900
<u>Pilotage Inward Rate</u> Per pilotage movement minimum charge: All ships except passenger ships minimum charge: passenger ships	13 cents per Grt \$500 + Vat \$3000 + Vat
<u>Pilotage Outward Rate:</u> Per pilotage movement minimum charge: All ships except passenger ships minimum charge: passenger ships	13 cents per Grt \$500 + Vat \$3000 + Vat
Additional Pilotage Movement Rate Minimum charge: *Additional pilotage movement is when a pilot is required to proceed outwards beyond the pilot boarding area for engine Trial, and/or compass adjustment.	7 cents per Grt \$300+ Vat

<i>Pilotage services</i>	<i>Charge</i>
Service performed in the movement of dead ships rate: minimum charge:	13 cents per Grt \$300+ Vat
Service performed in whole or in part while a local storm signal higher than No 1 is hoisted. Rate:	\$100.00 per hour
Pilot stays on board at master's request Rate:	\$100.00 per hour
<u>The Port of Lautoka, Vuda, Vatia and Denarau</u> Rates from Pilot Boarding Ground to a place in the Port or vice versa Boarding Fee	\$1800
<u>Pilotage Inward Rate:</u> Per pilotage movement minimum charge: All ships except passenger ships passenger ships	15 cents per Grt \$800 + Vat \$3000 + Vat
<u>Pilotage Outward Rate:</u> Per pilotage movement minimum charge: All ships except passenger ships Passenger Ships	0.15 cents per Grt \$800 + Vat \$3000 + Vat
Additional Pilotage Movement Rate: Minimum charge *Additional pilotage movement is when a pilot is required to proceed outwards beyond the pilot boarding area for engine trial, and or compass adjustment.	7 cents per Grt \$300 + Vat
Service performed in the movement of dead ships Rate: Minimum charge:	13 cents per Grt \$300+ Vat
Service performed in whole or in part while a local storm signal higher than No 1 is hoisted Rate:	\$100.00 per hour
Pilot stays on board at master's request rate:	\$100.00 per hour
<u>Coastal Pilotage Charge:</u> Minimum Coastal Pilotage Charge: Shall apply to a ship which has a pilot on board and transiting between two or more ports or destinations, or on a coastal route in excess of 25 nautical miles.	11 cents per Grt \$500 + Vat
<u>Delayed Arrival Charge:</u> A "Delayed Arrival Charge" shall apply: (a) where the request for the pilot service is amended less than two (2) hours before the ordered time; and (b) if the ship does not attend to the pilot boarding ground within 2 hours of the ordered time and the pilot is delayed boarding.	\$300+ Vat

<i>Pilotage services</i>	<i>Charge</i>
<p><u>Delayed Departure Charge—</u> A “Delayed Departure Charge” shall apply :</p> <p>(a) where a pilot has proceeded to <u>OR</u> boards a ship for a movement and the time is amended or cancelled;</p> <p>(b) whereby the departure booking time changes within ‘1 Hour’ of the booked time; and</p> <p>(c) if the ship is not ready to depart within ‘1 hour’ of the booked time and the pilot is retained on board until departure.</p>	\$300 +Vat
<p><u>Requirement of Service at Short Notice Charge —</u> If the services of the pilot are requested in less than 4 hours of the required time, then a ‘Short Notice Penalty’ shall be applicable.</p> <p>*Transport from home -port to outer port (other than Suva & Lautoka) & vice versa</p> <p>Where the pilot’s service is required beyond his home-port, all transport costs from and to his home-port including any transportation of the pilot to and from the ship whilst in an outer port shall be payable by the master, ship owner or agents of the ship.</p>	\$400+ Vat
<p><u>Over-Carriage of Pilot:</u> Daily rate In circumstances whereby a pilot is being over-carried to a foreign port, the master, owner or agents of the ship shall pay to the pilot, in addition to his repatriation/accommodation and meals, a ‘Daily Rate’ or part thereof until the pilot arrives at his home port.</p>	\$1800+Vat
<p>Pilotage Administration and Regulatory fees: Fee Payable to the Authority</p>	7% of Pilot Service fees
<p>Approval and Recognition of Pilot Service Provider</p>	\$1000.00

SCHEDULE 2
(Regulation 35)

PILOTAGE AREAS AND PILOTAGE STATION

<i>No.</i>	<i>Pilotage Area</i>	<i>Pilotage Station (Latitudes; Longitudes)</i>
1	Suva Harbour	18° 11.36'S; 178° 23.3'E
2	Lautoka Harbour Navula Passage Yavena Passage	17° 56.4'S; 177° 11.0'E 17° 19.0'S; 177° 45.0'E
3	Levuka Harbour	17° 40.78'S; 178° 51.77'E
4	Savusavu Harbour	16° 50.0'S; 179° 14.7'E
5	Malau Harbour	16° 50.0'S; 179° 17.0'E
6	Vatia Harbour	By prior arrangement.
7	Taveuni –Kioa Island, Qamea Island and Laucaala Island	By prior arrangement
8	Bligh Water	By prior arrangement
9	Yadua Passage – Malau	By prior arrangement
10	Wairiki, Bua	By prior arrangement
11	Galoa, Bua	By prior arrangement
12	Dravuni and Ono, Kadavu	18° 45.0'S; 178° 25.0'E
13	Pacific Harbour – Beqa and Beqa Channel	Suva or Navula
14	Yasawa Islands – Malakati, Mamanuca	16° 41.0'S; 177° 32.0'E
15	Lau Islands (Northern, Southern & Central)	By prior arrangement
16	Vatu-i-Ra Channel	By prior arrangement
17	Round Island Passage	By prior arrangement
18	Somosomo Strait	By prior arrangement
19	Bega Passage	By prior arrangement

Note: Any area not listed above, where compulsory pilotage is required, “prior arrangements” are necessary.