

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 3 May 2007 and in force at 25 November 2003.

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Legislative Counsel
Dated 3 May 2007

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 12 of 2006.

Merchant Shipping (Pilotage) Regulation 2006

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SCHEDULE 1 – .

Merchant Shipping (Pilotage) Regulation 2006

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Merchant Shipping Act 1975*.

1. INTERPRETATION.

(1) In this Regulation, unless the contrary intention appears “International Code Signal” means a signal referred to in the International Code of Signals adopted by the Fourth Session of the Assembly of the Inter-governmental Maritime Consultation Organization as amended from time to time.

(2) In Sections 2, 3 and 4, unless the contrary intention appears –

“**Authority**” means the National Maritime Safety Authority established by the *National Maritime Safety Authority Act 2003*;

“**exempt ship**”, in relation to a particular pilotage area, means a ship referred to in Section 17; and

“**ship**” in relation to a particular pilotage area, means a ship other than an exempt ship.

(3) In this Regulation a reference to a form by number shall be read as a reference to the form so numbered in the Schedule.

2. NOTICE OF REQUIREMENT FOR LICENSED PILOT.

(1) Where a licensed pilot is, or will be, required to be on board a ship within a particular compulsory pilotage area, the owner or the master of the ship shall give reasonable notice to the pilotage authority that the services of a licensed pilot are required.

(2) Where –

- (a) a pilotage authority has made the services of a licensed pilot available; and
- (b) for reasons beyond the control of the licensed pilot, the ship in respect of which the services have been made available is not ready to proceed,

the person giving the notice referred to in Subsection (1) shall pay for every hour or part of an hour during which the ship is not ready to proceed such charges as are fixed by the pilotage authority by notice in the National Gazette.

3. READINESS TO TAKE LICENSED PILOT ON BOARD.

(1) For the purposes of this section, a ship is made ready to take a licensed pilot on board when –

- (a) the ship, by heaving to in a seamanlike manner, has created a lee; and
- (b) a pilot ladder, mechanical hoist, or other safe means of access has been placed so as to facilitate the boarding of the ship by the licensed pilot.

(2) Where –

- (a) the master of a ship that is within three nautical miles of a compulsory pilotage area intends that the ship shall enter that area; or
- (b) a ship is at a boarding ground,

and a licensed pilot –

- (c) is within hail of the ship; or
- (d) approaches the ship,

the master of the ship must cause the ship to be made ready to take the licensed pilot on board.

(3) Where the master of a ship refuses, or fails without reasonable cause, to cause the ship to be made ready to take licensed pilot on board, the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K500.00.

4. PILOT SIGNALS.

(1) Where a licensed pilot is required for a ship, the master of the ship shall cause signals to be made to denote that a licensed pilot is required;

(2) The signals referred to in Subsection (1) are –

(a) by day – International Code Signal “G”; and

(b) by night – International Code Flash “G”.

(3) Where, by day, a licensed pilot is on board a ship, the master of the ship shall cause International Code Signal “H” to be made.

(4) Where a ship that is an exempt ship under Section 17(b)(ii) is about to enter, or is moving within, a compulsory pilotage area by day the master of the ship shall cause International Code Signal Numeral Pennant “O” to be made.

5. APPLICATION FOR PILOTAGE LICENCE.

(1) A person may apply to a pilotage authority for the issue of a pilotage licence in respect of a particular compulsory pilotage area.

(2) An application for a pilotage licence shall –

(a) contain –

(i) the name and address of the applicant; and

(ii) particulars of any certificate of competency held by the applicant; and

(iii) particulars of any relevant qualifications held by the applicant; and

(iv) details of the sea-going service of the applicant; and

(b) be accompanied by evidence as to the –

(i) age; and

(ii) competence; and

(iii) experience; and

(iv) skill; and

(v) service; and

(vi) character; and

(vii) medical fitness,

of the applicant.

6. REQUIREMENTS FOR APPLICANTS FOR PILOTAGE LICENCES.

(1) A pilotage authority may determine –

(a) the minimum and maximum age of; and

(b) the standards of competence, experience, fitness and skill to be attained by; and

(c) the extent of sea service to be required of,

an applicant for the issue of a pilotage licence.

(2) In making a determination under Subsection (1) a pilotage authority shall have regard to the safety requirements for shipping within a particular pilotage area.

(3) A pilotage authority may require a medical examination to be undergone by an applicant for the issue of a pilotage licence.

7. ISSUE OF PILOTAGE LICENCES.

(1) Where a pilotage authority is satisfied as to the matters specified in Section 5(2)(b) in relation to a person making application for a pilotage licence it may issue a pilotage licence to that person.

(2) A pilotage licence shall be in Form P.1.

8. RENEWAL OF PILOTAGE LICENCES.

After the expiry of each successive period of two years from the date of issue of a pilotage licence, a pilotage authority may, if it is satisfied as to the matters referred to in Section 7(1), on written application by the holder of a pilotage licence, renew the licence for a further period of two years.

9. MEDICAL FITNESS OF LICENSED PILOTS.

(1) A pilotage authority may at any time require a licensed pilot to undergo medical examination so that his continued fitness as a licensed pilot may be determined.

(2) Where –

(a) in the course of the navigation of a ship any damage is caused to, or by, the ship; and

(b) the ship is in pilotage charge of a licensed pilot; and

(c) in the opinion of the pilotage authority, the medical fitness of the licensed pilot may have been a contributory cause,

the pilotage authority shall require the licensed pilot to undergo medical examination so that his continued fitness as a licensed pilot may be determined.

10. APPLICATION FOR PILOTAGE EXEMPTION CERTIFICATES.

(1) A crewmen belonging to a ship may apply to a pilotage authority for the issue of a pilotage exemption certificate in respect of his employment in that ship or in a ship of a length and draught similar to the length and draught of that ship.

(2) An application for a pilotage exemption certificate shall contain –

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- (a) the name, address and age of the applicant; and
- (b) particulars of any certificate of competency held by the applicant; and
- (c) particulars of any relevant qualification held by the applicant; and
- (d) details of the sea-going service of the applicant; and
- (e) the name and a description of the ship in respect of which the application is made; and
- (f) evidence as to the applicants ability to speak and understand the English language.

(3) An application for a pilotage exemption certificate shall be accompanied by –

- (a) the certificate of competency or other evidence of the qualifications of the applicant; and
- (b) testimonials as to the –
 - (i) sobriety; and
 - (ii) experience; and
 - (iii) ability; and
 - (iv) good conduct,

of the applicant for a period of not less than 12 months immediately preceding the date on which the application is made; and

- (c) evidence that, within the period of 12 months immediately preceding the date on which the application is made, the applicant has –
 - (i) served actively in commanding a ship in pilotage charge of a licensed pilot for not less than three entries into and for not less than three exits from; or
 - (ii) while acting as a bridge watchkeeper of a ship that was in pilotage charge of a licensed pilot or an exempt pilot – served either actively, or as an observer on the navigation bridge of the ship for not less than six entries into and for not less than six exits from,

the compulsory pilotage area in respect of which the issue of the pilotage exemption certificate.

(4) A pilotage authority may require a medical examination to be undergone by an applicant for the issue of a pilotage exemption certificate.

11. ISSUE OF PILOTAGE EXEMPTION CERTIFICATE.

(1) Where –

- (a) there has been compliance with the requirements of Section 10(2) and (3); and
- (b) a pilotage authority is satisfied as to the general sobriety, experience, ability, conduct and medical fitness of a person making application for the issue of a pilotage exemption certificate,

the pilotage authority may issue a pilotage exemption certificate to that person.

(2) A pilotage exemption certificate issued under Subsection (1) shall be in Form P.2.

(3) A pilotage exemption certificate issued under this section shall, subject to the Act and to this Regulation, be valid –

- (a) in respect of –
 - (i) the ship; and
 - (ii) the pilotage area,

in respect of which it is issued; and

- (b) or an initial period of 12 months.

12. EXTENSION OF VALIDITY OF PILOTAGE EXEMPTION CERTIFICATE.

(1) A person who holds a pilotage exemption certificate the validity of which is restricted to a particular pilotage area or to his employment on a particular ship may apply to the pilotage authority which issued that certificate for extension of the validity of that certificate to –

- (a) another pilotage area; or
- (b) another ship, or both.

(2) Where a pilotage authority is satisfied that the validity of a pilotage exemption certificate should be extended, it shall endorse on the certificate details of the extension.

13. APPLICATION FOR RENEWAL OF PILOTAGE EXEMPTION CERTIFICATE.

(1) The holder of a pilotage exemption certificate may apply to a pilotage authority for the renewal of the certificate.

(2) An application under Subsection (1) shall be accompanied by the record of usage referred to in Section 16.

(3) A pilotage authority may require a medical examination to be undergone by an applicant for the renewal of a pilotage exemption certificate.

14. RENEWAL OF PILOTAGE EXEMPTION CERTIFICATE.

Where a pilotage authority is satisfied as to the matters referred to at Section 11(1)(b), it may renew a pilotage exemption certificate for a period of 12 months from the date of expiry of the previous certificate.

15. SUSPENSION AND CANCELLATION OF PILOTAGE EXEMPTION CERTIFICATES.

(1) Where, in the opinion of a pilotage authority, an exemption pilot is unfit to continue as an exempt pilot, the pilotage authority shall –

- (a) for such period as it thinks fit, suspend; or
- (b) cancel,

the pilotage exemption certificate of that exempt pilot.

(2) Where a pilotage authority suspends or cancels a pilotage exemption certificate under Subsection (1) it shall notify in writing the holder of the pilotage exemption certificate of the suspension or cancellation.

16. RECORD OF USAGE OF PILOTAGE EXEMPTION CERTIFICATE.

(1) An exempt pilot who refuses, or fails without reasonable cause, to keep and maintain a record of usage of his pilotage exemption certificate is guilty of an offence.

Penalty: A fine not exceeding K250.00.

(2) The record of usage referred to in Subsection (1) shall –

- (a) contain full particulars of each usage of the pilotage exemption certificate to which it relates; and
- (b) be signed by the holder of the pilotage exemption certificate.

(3) Where an exempt pilot has been convicted of an offence under Subsection (1), the pilotage authority may cancel his licence.

17. EXEMPT SHIPS.

In relation to a particular compulsory pilotage area –

- (a) a ship (other than a tug with a ship or barge in tow) that is less than 30 m in length; and
- (b) a ship that is –
 - (i) owned by, under charter to or hired by, the pilotage authority; or
 - (ii) under the navigational command of an exempt pilot,

is an exemption ship.

18. SPECIFICATION OF BOARDING GROUNDS.

The Authority may, by notice in the National Gazette, specify an area to be a boarding ground in relation to a particular compulsory pilotage area.

19. FEES FOR PILOTAGE LICENCES AND PILOTAGE EXEMPTION CERTIFICATES.

The Head of State, acting on advice, may, after obtaining a recommendation from a pilotage authority, by notice in the National Gazette, fix the fees payable in respect of the issue and renewal of pilotage licences and pilotage exemption certificates.

**SCHEDULE 1 – .
PAPUA NEW GUINEA**

Merchant Shipping Act 1975	
Act, Sec. 220. Reg. Sec. 7.	Form P.1
PILOTAGE LICENCE.	
No.:	
The holder of this licence whose signature appears below is authorized to take pilotage charge of ships of within the pilotage areas listed on the reverse side of this licence.	
Dated _____, 20.	
(Signature of Holder.)	Pilotage Authority.
<i>(Reverse side.)</i>	
This licence is valid within the pilotage areas of: –	
1.	
2.	
3.	
4.	
5.	
Full name of holder:	
Colour of eyes:	
Complexion:	
Colour of hair:	

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Merchant Shipping Act 1975	
Act, Sec. 220. Form. P.2 Reg., Sec. 11	
PILOTAGE EXEMPTION CERTIFICATE	
I _____ certify that _____ is entitled to be in navigational command of _____ within the pilotage areas listed on the reverse side of this certificate.	
This certificate is valid until _____, 20 .	
Dated _____, 20	
Pilotage Authority.	

<i>(Reverse side.)</i>
This licence is valid within the pilotage areas of: –
1.
2.
3.
4.
5.

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