

Commencement: May 1973

PORTS (COMPULSORY PILOTAGE AT PORTS OF PORT VILA AND LUGANVILLE) REGULATIONS

Joint Rules 4 of 1973
Joint Rules 2 of 1977

ARRANGEMENT OF REGULATIONS

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To provide for compulsory pilotage at the ports of Port Vila and Luganville.

1. Interpretation

In these regulations –

“ship” means any ship, vessel, tug, barge or boat of whatever kind whether driven by steam or drawn by a tug.

2. Compulsory pilotage

Subject to the provisions of regulation 6, pilotage shall be compulsory within the limits of the ports of Port Vila and Luganville (as defined in regulations from time to time made under the provisions of the Ports Act, Cap. 26) for all ships of an overall length greater than 60 metres.

3. Harbourmaster to carry out pilotage

- (1) The harbourmaster shall carry out the pilotage. If the harbourmaster is not available, the pilotage may be undertaken by a licensed pilot.
- (2) If neither the harbourmaster nor any other person licensed as a pilot for the port of Port Vila or Luganville is available, the master of a ship requiring to be moved within the port limits may do so without the services of a pilot provided that prior permission to do so has been obtained from the harbourmaster or in his absence, from his representative.

4. Conduct of pilot

The pilot shall conduct himself in a proper seaman like manner in accordance with professional practice and usage and carry out his duties with all necessary care. He shall act in the capacity of adviser to the master of the ship.

5. Application for pilot's licence

- (1) Application for a licence to act as a pilot in the port of Port Vila or Luganville shall be made in writing to the Minister.
- (2) The applicant must in all cases –
 - (a) have reached the age of 27 years;
 - (b) hold either a certificate of competence issued by the Minister or an equivalent certificate considered to have the same value;
 - (c) forward a certificate from either the Director of Ports and Harbour or the harbourmaster of the port of Port Vila or Luganville (as the case may be) of his knowledge of the port of Port Vila or Luganville, his ability to manoeuvre ships and his sobriety and good character.

6. Exemption from pilotage

The following vessels are exempted from compulsory pilotage –

- (a) ships owned or operated by the Government;
- (b) pleasure yachts;
- (c) ferry-boats used exclusively within the limits of the port;
- (d) tugs, dredges and barges;
- (e) ships specially exempted by the harbourmaster.

7. Permission required for movement in port of ships over 20 tons

When any ship of a net tonnage greater than 20 tons must be moved within the limits of the port of Port Vila or Luganville, the prior permission of the harbourmaster must be obtained, whether or not it is exempted from compulsory pilotage under regulation 6.

8. Register of ships piloted to be kept in port offices

A register shall be kept in the port offices in which pilots shall record the names and tonnages of ships piloted together with the date and particulars of the services rendered.

9. Pilotage fees

There shall be payable for every ship which uses the services of a pilot to go alongside or to leave the Port Vila or Luganville wharf the pilotage fees prescribed by regulations.

10. Fees for ships exempt from pilotage

There shall be payable for every ship of which the master is authorised by the harbourmaster to manoeuvre without using the services of a pilot half the fee prescribed for such category of ship.

11. Charges for detention of pilot or cancellation of pilotage

Charges shall be payable for the detention of a pilot at the rate of VT 4,000 per hour and for cancelling an order for pilotage at the sum of VT 8,000.

12. Pilotage deposits

Every licensed pilot other than an officer of the Government shall, before engaging in any pilotage, deposit as security with the Government the sum of VT 50,000.

13. Offences and penalties

- (1) Any person who contravenes any of the provisions of these regulations shall commit an offence and shall be liable to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
- (2) Any master or agent of a ship who evades or attempts to evade paying any pilotage fees due, shall be liable to pay double the amount of such fees which would normally have been payable and such doubled fees shall be paid in addition to any fine which may be imposed.
- (3) Any person who wrongfully represents himself to be a licensed pilot shall be liable to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.