

## **Appendix 1**

### **TOR BAY HARBOUR AUTHORITY**

#### **PROPOSED PILOTAGE DIRECTIONS – SEPTEMBER 2010**

Tor Bay Harbour Authority (the Authority) as the Competent Harbour Authority for Tor Bay Harbour pursuant to the Pilotage Act 1987 (the Act) and in exercise of their powers under Section 7 of the Act and in the interests of safety hereby make the following Pilotage Directions :-

#### **1. Coming into Force**

- 1.1 This Pilotage Direction which comes into force on 1<sup>st</sup> November 2010 revokes all Pilotage Directions previously made by the Tor Bay Harbour Authority.

#### **2. Purpose**

- 2.1 Tor Bay Harbour Authority is committed to complying with its legal obligations and to complying with the Port Marine Safety Code.

#### **3. Compulsory Pilotage**

- 3.1 Pilotage shall be compulsory within the area described in paragraph 4 of this Direction (the compulsory pilotage area) for all vessels except:

- i) any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary, subject to paragraph 5.2;
- ii) foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage, subject to paragraph 5.2;
- iii) any vessel of less than 36m LOA entering or leaving an enclosed harbour and not carrying a cargo of dangerous goods or marine pollutants;
- iv) any vessel of less than 80m LOA providing they do not enter or leave an enclosed harbour
- iv) any vessel engaged in towing where the length of such vessel aggregated with the length of the tow is less than 80m or less than 36m for those entering or leaving an enclosed harbour;
- v) any fishing vessel less than 47.5m LOA;
- vi) any vessel proceeding to or departing from a designated anchorage as defined in paragraph 6 provided such vessel has been forced by stress of weather to seek shelter and subject to paragraph 5.1.

- 3.2 Vessels subject to compulsory pilotage shall while under way in the compulsory pilotage area be under the pilotage of a pilot authorised by the Authority or a holder of a valid pilotage exemption certificate issued by the Authority.

#### **4. Compulsory Pilotage Area**

- 4.1 The area to which this Direction applies shall be within the entire limits of the harbour as prescribed in section 5 of the Tor Bay Harbour Act 1970 and as shown on the attached chartlet in Appendix 2..

#### **Contact Details**

Call:	Brixham Pilots
VHF Frequency:	Channel <b>09</b> 16
Telephone:	+44(0) 1803 882214 (H24)
Fax:	+44(0) 1803 882579
Telex:	+51 42737 DENCAD G
Telegraph:	DENCADE BRIXHAM SEAPILOTS BRIXHAM
E-mail:	<a href="mailto:ops@tbsa.co.uk">ops@tbsa.co.uk</a>
Website:	<a href="http://www.tbsa.co.uk">www.tbsa.co.uk</a>

#### **Boarding**

Pilot will board vessels bound for Tor Bay anchorage, Brixham and Torquay at 50°25'.00N, 003°25'.70W. (for procedure details see Admiralty List of Radio Signals Volume 6(1))

#### **5. Radio communications**

- 5.1 Any vessel seeking shelter in the outer harbour in accordance with paragraph 3.1(v) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.
- 5.2 Any vessel navigating within Tor Bay Harbour limits in accordance with paragraph 3.1 (i) or (ii) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.
- 5.3 Any vessel or fishing vessel regardless of its length that:
- i) is on fire or has recently been on fire and/or
  - ii) is defective such that the manoeuvring capability or the safe navigation of the vessel is affected and/or
  - iii) has been involved in a collision, grounding or other event that has affected the watertight integrity and/or stability of the vessel and/or

- iv) creates any risk not normally associated with the safe passage of such vessel

is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits.

## 6. Designated Anchorages

6.1 For the purposes of paragraph 3.1 (v) the designated anchorages co-ordinates are as follows:-

	<b>Lat</b>	<b>Long</b>
<b>Alpha</b>	50 27.0 N	003 32.0 W
	50 27.0 N	003 30.0 W
	50 26.0 N	003 30.0 W
	50 26.0 N	003 32.0 W
<b>Bravo</b>	50 26.0 N	003 32.5 W
	50 26.0 N	003 30.0 W
	50 25.0 N	003 30.0 W
	50 25.0 N	003 32.5 W
<b>Foxtrot</b>	50 30.2 N	003 30.0 W
	50 29.0 N	003 30.0 W
	50 29.0 N	003 28.7 W
	50 30.2 N	003 29.3 W

In addition to the areas indicated above, there are three anchorage circles, which are 5 cables in diameter centre points being at: -

	<b>Lat</b>	<b>Long</b>
<b>Charlie</b>	50 26.5 N	003 28.5 W
<b>Delta</b>	50 26.0 N	003 28.5 W
<b>Echo</b>	50 25.5 N	003 28.6 W

as shown on the attached chartlet and on appropriate Admiralty Charts.

## 7. Definitions

7.1 For the purposes of this Direction unless the subject or context otherwise requires:

“the Act” means the Pilotage Act 1987;

“the Authority” means the Tor Bay Harbour Authority;

“dangerous goods” means dangerous goods as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“fishing vessel” means a fishing vessel as defined in Section 313 of the Merchant Shipping Act 1995;

“LOA” means length overall where length means the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the vessel.

“enclosed harbour” means at Torquay the area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south-eastern end of Princess Pier; at Paignton the area of water enclosed by an imaginary line drawn from the eastern end of North Quay to the northern end of Eastern Quay; and at Brixham the area of water enclosed by the Breakwater, an imaginary line from the northern end of the Breakwater to Battery Point and the shore, which limits are indicated on the map annexed to the Harbour Byelaws (1994);

“length of tow” means the length of the tow measured from the foremost fixed permanent structure of the towing vessel to the aft side of the aftermost fixed permanent structure of the vessel being towed;

“marine pollutants” means marine pollutants as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“Tor Bay Harbour Authority” means Torbay Council acting in its capacity as Tor Bay Harbour Authority, by way of the Harbour Committee;

“underway” means that a vessel is not at anchor, or made fast to the shore, or aground;

“vessel” means every description of vessel, however propelled or moved and includes anything constructed or used to support persons or goods on the water and includes hovercraft, non-displacement craft, floating rigs and platforms and seaplanes.

In these Directions, the singular shall include the plural and vice versa and words importing gender shall include any other gender unless the context otherwise requires.

## **8. Procedure for Pilotage**

- 8.1 The procedure that must be followed by Masters of Vessels requesting pilotage services provided by the Authority are contained in the Admiralty List of Radio Signals Volume 6(1).

### **Pilotage Exemption Certificates**

Bona fide Masters and First Mates of all vessels subject to compulsory pilotage may apply for and be issued with Pilotage Exemption Certificates for the area, or specified parts of the area, subject to their fitness and qualification both by examination and experience in the appropriate parts of the area. Criteria for the issue of Pilotage Exemption Certificates can be found in Appendix 1.

## **9. Penalties**

- 9.1 Not to comply with any part of this Pilotage Direction is an offence by virtue of Sections 15(2) and 15(3) of the Pilotage Act 1987 and Masters in contravention of this Direction may be prosecuted.

## Charges for Pilotage

Charges for vessels using an authorised Tor Bay Harbour Pilot are contained within the agreed Schedule of Charges for Tor Bay Harbour, available from the Harbour Offices.

**Note:**     *BA charts affected:*             26, 1613 & 3315  
              *Publications affected:*        NP 286 Admiralty List of Radio Signals,  
  Volume 6  
  NP 27 - Channel Pilot

## Appendix 1

### Directions in respect of Pilotage Exemption Certificates

#### **General**

1. Masters and Mates of ships who are established, regular and frequent visitors to Tor Bay Harbour may apply for and be issued with Pilotage Exemption Certificates for the area, subject to their being able to satisfy Tor Bay Harbour Authority as to their fitness to hold such a certificate.
2. These certificates will apply within the Tor Bay Harbour limits, as prescribed in Sec. 5 of the Tor Bay Harbour Act 1970.

#### **Application**

3. Application for a Pilotage Exemption Certificate should be made on the prescribed form, which is obtainable from the Executive Head of Tor Bay Harbour Authority at the Torquay Harbour Office. It should be accompanied by satisfactory written evidence of medical fitness, including eyesight, by a qualified medical practitioner registered in the United Kingdom or in the country in which the vessel is registered and dated within 2 years of the application. The appropriate fee should also accompany the application.

#### **Examination**

4. Examinations will normally be conducted at one of the Harbour Offices and/or on board the vessel. A Tor Bay Harbour Master in company with an authorised Tor Bay Harbour Pilot will conduct the examination. Experience of ship handling, as a Master or Mate, within the Tor Bay Harbour limits, including day and night movements, will be a principal factor in establishing a candidate's suitability to hold the Pilotage Exemption Certificate. Candidates must also satisfy the Tor Bay Harbour Master as to the following:
  - a) A candidate must be the Master or First Mate of his ship to qualify for certification.

- b) Candidates must have a satisfactory knowledge of the International Regulations for Preventing Collisions at Sea, Local Regulations, Harbour Byelaws, Local Notices to Mariners and Marine Emergency Procedures in force with respect to that part of the Area of Jurisdiction for which the applicant desires an Exemption Certificate.
  - c) Candidates must possess satisfactory local knowledge of the area including lights, leading marks and buoyage.
  - d) Candidates must have a satisfactory working knowledge of the English Language.
  - e) Candidates must be fully conversant with the Dangerous Substances in Harbour Areas Regulations 1987 (as applicable to the candidate's ship and as they may apply in the Pilotage Area).
  - f) Candidates would normally be expected to hold a valid certificate as a Master Mariner/Class 1, either Foreign Going or Home Trade or STCW equivalent.
5. Successful candidates will be granted a Pilotage Exemption Certificate immediately. A failed candidate will not be re-examined until at least a month after the date of failure; after a second subsequent failure, candidates will not be re-examined until at least three months have elapsed from the date of the last examination.

### **Certificates**

- 6. Certificates will include the name and description of each ship that the certificate holder is authorised to pilot in the Area of Jurisdiction. Certificate holders shall not allow any other person to have possession or to make improper use of the Certificate.
- 7. Certificates are valid for one year from the date of issue. For renewal see paragraphs 13-15 below.

### **Duties of a Certificate Holder**

- 8. When a ship is in the charge of a Master or Mate holding a Pilotage Exemption Certificate and is underway within the Area of Jurisdiction, the Pilotage Flag is to be displayed.
- 9. A Pilotage Exemption Certificate holder who observes any alteration to the charted depths or to the channels, or that any seamarks are out of place or do not conform or show their proper distinctive character, shall immediately report the circumstances verbally to the duty Harbour Master, followed by a report in writing as soon as is practicable.
- 10. When a ship in the charge of a Master or Mate holding a Pilotage Exemption Certificate has touched the ground or has been in collision or in a close quarters situation with any other ship or any fixed or floating object in the water, they shall immediately report the occurrence verbally to the duty

Harbour Master followed by a report in writing on the form prescribed, as soon as is practicable.

11. Pilotage Exemption Certificate holders are required to attend any investigation or inquiry held by the Tor Bay Harbour Authority when they are requested to appear.

### **Investigation of Incidents**

12. Pilotage Exemption Certificate holders shall attend the Harbour Office at the order or summons of the CHA to answer any complaint or charge which may be made against them for the alleged misconduct, or in respect of any marine casualty which may have occurred whilst they were in charge of their vessel in that part of the pilotage area for which they are certificated.
13. The Tor Bay Harbour Authority will investigate any serious incident or marine casualty involving the holder of a Pilotage Exemption Certificate. The Harbour Authority may, in cases involving misconduct or lack of professional expertise on the part of the Certificate holder, suspend or revoke their Pilotage Exemption Certificate. In this event, the holder would have a right to appeal to the Competent Harbour Authority.

### **Renewal of Certificates**

14. Application for the renewal of Pilotage Exemption Certificates must be made at least one month before the expiry date. Application must be made on the prescribed form obtainable from any of the Harbour Offices, and must be accompanied by the appropriate fee.
15. Certificates shall not be renewed unless holders can satisfy the Competent Harbour Authority of their continuing knowledge of pilotage requirements within the area.
16. On application for renewal, candidates must confirm that they are medically fit and produce satisfactory written medical and eyesight examination results that have been made within the preceding two years.
17. A Certificate will not normally be renewed after a holder reaches the age of 65. However consideration will be given to the renewal of Certificates for older applicants piloting small vessels plying solely within the limits of the Area of Jurisdiction.

### **Fees**

18. The fees for the issue of a Pilotage Exemption Certificate are detailed in the agreed Schedule of Charges for Tor Bay Harbour.

## **Charges for Acts of Self Pilotage**

1. The holder of a Pilotage Exemption Certificate issued by the Tor Bay Harbour Authority is to submit a monthly return no later than the 15<sup>th</sup> day of the month following to Torbay Council's Executive Head of Tor Bay Harbour Authority detailing the number of times the vessel or vessels navigated by them has entered in or departed from Tor Bay Harbour limits when an authorised pilot has not been employed.
2. A charge may be levied on a monthly basis (irrespective of the number of voyages) in respect of any ship to which this Direction applies and which navigates within Tor Bay Harbour under the pilotage of a Master or First Mate who is the holder of a Pilotage Exemption Certificate. The monthly charges can be negotiated with the Executive Head of Tor Bay Harbour Authority.
3. Invoices for charges for Acts of Self Pilotage will be rendered monthly and should be paid within 30 days of receipt. If charges incurred are not paid within that 30 day period then an additional charge of 5% compounded until payment will be payable for each period of 30 days, or part period, thereafter.



## Appendix 2

