

L.N.96 of 2003

**MALTA MARITIME AUTHORITY ACT
(CAP. 352)**

Maritime Pilotage Regulations, 2003

IN exercise of the powers conferred by articles 28 and 64 of the Malta Maritime Authority Act, the Minister for Transport and Communications, after consultation with the Malta Maritime Authority, has made the following regulations:-

PRELIMINARY

1. The title of these regulations is the Maritime Pilotage Regulations, 2003, and they shall come into force on such date as the Minister responsible for ports may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or for different purposes of these regulations. Title and commencement.

2. These regulations, the Pilotage Agreement and the Code of Conduct referred to in regulations 6 and 25 hereof shall regulate the provision of pilotage services within the ports of Malta in accordance with the Act. Scope.

3. In these regulations, unless the context otherwise requires:- Interpretation.

“Act” means the Malta Maritime Authority Act;

“Authority” means the Malta Maritime Authority as established by the Act;

“Board” means the Pilotage Board established in virtue of article 55 of the Act;

“Chief Pilot” and “Deputy Chief Pilot” means those pilots elected in accordance with and for the purpose of regulation 18 hereof;

“compulsory pilotage port” means a port declared as such in Part III of the First Schedule to the Act;

“Director” means the Executive Director responsible for ports appointed under article 8 of the Act, or any person or officer authorized by him to act on his behalf;

“Length Overall (LOA)” means the overall length of the vessel from the foreside of the foremost fixed permanent structure to the afterside of the aftermost fixed permanent structure of the vessel;

“Minister” means the Minister responsible for ports and shipping;

“pilot” means a person holding a licence granted by the Authority in terms of regulation 7 to pilot ships and it shall also include the Chief Pilot and the Deputy Chief Pilot;

“pilot launch” means a boat or ship employed in the rendering of pilotage services;

“pilotage agreement” has the meaning assigned to it in regulations 4 and 6 hereof;

“pilot launch dues” shall be the amount payable by the ship for the provision of the pilot launch;

“pilotage fee” shall be the fee charged by the service provider for the provision of the pilotage service in accordance with these regulations and the Agreement referred to in regulation 6 hereof;

“pilotage tariff” shall be the whole amount due by the ship for the provision of the pilotage service as specified in the Schedule to these regulations, and shall include the pilotage fee due to the service provider, the social contributions due in accordance with regulation 34 of these regulations and other fees as may be charged by the Authority in connection with pilotage on the order of the Minister;

“port” shall have the same meaning as that assigned to it in the Act;

“senior pilot” means a Class 1 pilot who is authorized by the Authority to perform all pilotage services without limitations relating to particular ships, ports or parts thereof;

“service provider” means that association, co-operative society or company made up of a group of pilots licensed according

to these regulations, whose number is equal to that required for the provision of pilotage services according to regulation 4(2) hereof:

Provided that if the number of persons licensed to provide pilotage services under these regulations falls below that required under the said regulation 4(2), the group shall consist of such number of licensed pilots;

“ship” shall have the same meaning as that assigned to it in the Act;

“technical committee” means a committee made up of representatives of the Authority and of the service provider, the precise composition and functions of which shall be determined by the pilotage agreement.

PILOTAGE

4. (1) (a) Subject to the provisions of the Act, the Authority shall organize and ensure the provision of pilotage services in the ports by entering into a pilotage agreement in terms of regulation 6(1) hereof with a service provider. Organization of pilotage

(b) If a service provider fails to provide the pilotage service in accordance with these regulations and with the pilotage agreement, in cases of emergency the Authority may seek to engage competent persons so as to ensure the proper running of the pilotage service.

(c) Prior to entering into an agreement with a service provider, the Authority shall ensure that the structure of the entity is such as to allow for the adequate provision of pilotage services in accordance with these regulations and the pilotage agreement.

(2) The Authority shall establish, in accordance with the pilotage agreement, the number of licensed pilots required for the provision of pilotage services at any one time taking into account market considerations and the efficacy of the service to be provided.

(3) Pilotage shall be under the supervision and regulation of the Authority.

5. (1) The function of a pilot on board a ship is to provide information and advice to the master of the ship, as well as to assist the master and the ship’s navigating officers to make safe passage through the pilotage area or areas for which the pilot is engaged. Function of the pilot.

(2) Despite the presence of a pilot on a ship, the master of the ship continues to be responsible for the conduct and navigation of the ship in all respects.

Pilotage agreement.

6. (1) The Authority shall enter into a pilotage agreement with the service provider.

(2) There shall be a Code of Conduct annexed to the pilotage agreement outlining standards that the pilots are to adopt and procedures that they are to follow in the provision of pilotage services. The Code of Conduct shall form an integral part of the pilotage agreement.

Pilots' licences.

7. (1) For the purposes of regulation 4 and subject to the provisions of the Act and of these regulations, the Authority, following the advice of the Board, may grant licences to persons to act as pilots.

(2) The person in whose favour a licence is issued must pay to the Director a fee as is established from time to time by the Authority.

(3) Such licence may be revoked by the Authority in terms of these regulations.

(4) Subject to the provisions of the Act, when issuing a licence under these regulations, the Authority may attach such conditions to the licence as specified in regulation 13 of these regulations.

Revocation of licence.

8. (1) The Authority may suspend or revoke a pilot's licence issued by it on the grounds referred to in these regulations. Such licence, if so revoked, shall cease to have effect and, if so suspended, it shall cease to have effect for the period for which it is suspended.

(2) In such cases when the Authority revokes or suspends a licence, the licence shall be returned to the Authority within twenty four hours.

(3) A person whose licence has been suspended or revoked shall have a right to appeal to the Board from the decision of the Authority by application within 15 days of the notification to him of the decision.

Requisites and qualifications for the grant of a licence.

9. (1) No person shall be licensed to serve as a pilot unless such person -

(a) is a citizen of Malta, provided that the Authority may, on the advice of the Board, issue a licence to a citizen of another country if such applicant complies with the provisions of these

regulations and no citizen of Malta qualified to serve as a pilot offers his services;

(b) is not less than twenty-three years of age and not over forty years of age on the closing date for the submission of applications;

(c) produces satisfactory evidence of good character and sobriety of conduct;

(d) has been declared to be physically and mentally fit to serve as a pilot by a medical board appointed by the Authority and in accordance with appropriate standards of medical fitness established by the Authority to ensure that a pilot does not have a condition that could jeopardize or hinder the safe conduct of pilotage operations;

(e) possesses one of the following qualifications in the following order of priority:

(i) a certificate of competency of Master of a ship of 3000 GT or more without limitations (STCW Regulation II/2) issued by the Authority in terms of the Merchant Shipping Act, Merchant Shipping (Training and Certification) Regulations, 2002 as amended;

(ii) an equivalent certificate to (i) issued by the relevant Authority of a flag state that is party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended;

(iii) a certificate of competency of Chief Mate of a ship of 3000 GT or more without limitations (STCW Regulation II/2) issued by the Authority in terms of the Merchant Shipping Act, Merchant Shipping (Training and Certification) Regulations, 2002 as amended;

(iv) an equivalent certificate to (iii) issued by the relevant Authority of a flag state that is party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended;

(v) a certificate of competency for grades not lower than officer in charge of a Navigational Watch of an ocean going ship issued in accordance with the provisions of the

Merchant Shipping Act or an equivalent certificate issued by a foreign competent authority acceptable to the Authority;

(vi) a certificate of competency of Commercial Vessel Master issued by the Authority in terms of the Malta Maritime Authority Act, Commercial Vessels Regulations 2002, as amended.

(f) produces satisfactory evidence that he has not less than six years relevant experience at sea;

(g) has passed the appropriate examination prescribed in regulation 10 of these regulations;

(h) is able to read, write and speak Maltese and English fluently;

(i) has served as a trainee pilot in accordance with the provisions of these regulations.

(2) No person shall be licensed to serve as a pilot if he has been found guilty of any criminal offence which in the opinion of the Authority is deemed to be detrimental to the provision of pilotage services as a whole.

Examination.

10. (1) A person wishing to obtain a pilot's licence must first obtain a licence to serve as a trainee pilot. Before a licence is granted to a candidate to serve as a trainee pilot the Authority and the Board shall be satisfied that such candidate -

(a) satisfies the provisions of regulations 9 (l) (a) to (h) and 9 (2);

(b) has passed, to the satisfaction of the panel of examiners appointed by the Board from the technical committee, a written and, or oral examination based on a syllabus which is published from time to time by the Authority.

(2) Before sitting for the aforementioned examination, each candidate shall pay the Director a fee established from time to time by the Authority.

(3) When in the case that more candidates than the number of applicants needed to fill the vacancy or vacancies are successful in the examination, which would be of a qualifying nature, the order of merit which would thereafter determine the placement of candidates

would be established by the Board on the advice of the panel of examiners. The Board may give preference to those successful candidates who hold superior qualifications and who have the most suitable practical experience.

11. (1) When a candidate satisfies the requirements of regulation 10 of these regulations, the Authority, on the advice of the Board, may issue to such candidate a licence to serve as a trainee pilot subject to such conditions as the Authority, on the advice of the Board, may deem fit.

Licence to serve as trainee pilot.

(2) A licence issued in terms of regulation 11(1) shall, unless previously revoked, remain valid for a period of six months from the date of issue, during which time the licensee shall be deemed to be a trainee pilot.

(3) The trainee pilot shall be remunerated during his traineeship by the service provider.

12. (1) In order to qualify for a licence to serve as a pilot, a trainee pilot shall, not earlier than the fourth month and not later than the sixth month from the date of issue of the trainee licence, satisfy the Authority:

Licence to serve as pilot.

(a) that he has accompanied a licensed pilot on not less than four hundred pilotage operations on board ships, while such ships were entering or leaving the compulsory pilotage ports, of which one hundred must be done during the night and one hundred must be inward bound;

(b) that the trainee has all such moves referred to in paragraph (a) hereof recorded in a special log book kept for this purpose in which shall be recorded the ship, date, nature of move and countersigned by the accompanied pilot. Each log sheet is to be countersigned by the Chief Pilot at the end of the traineeship;

(c) that he has acquired necessary knowledge of the relevant legislation and pilotage practice and operations, particularly in so far as these regulations refer to the report, movement and berthing of ships;

(d) that he has detailed knowledge of the information that should be passed to the Master of the ship as well as detailed knowledge of the information that should be received from such Master.

(2) A trainee pilot who fails to satisfy the provisions prescribed in sub-regulation (1) hereof may be allowed to undergo further training for a period not exceeding six months.

(3) A trainee pilot who satisfies the requirements prescribed in sub-regulation (1) hereof shall be issued a licence to serve as a pilot, by the Authority.

(4) A licence issued in terms of sub-regulation (3) shall be automatically revoked if within fifteen days from its date of issue the pilot has not become a member of the service provider.

(5) The service provider is obliged to accept as a member a pilot as soon as he has obtained his licence.

Classes of pilots.

13. (1) Pilots shall be divided into the following classes:-

- (a) Class 1 Pilots: Pilots licensed to pilot any ship;
- (b) Class 2 Pilots: Pilots licensed to pilot ships up to 300 metres LOA;
- (c) Class 2A Pilots: Pilots licensed to pilot ships up to 250 metres LOA;
- (d) Class 3 Pilots: Pilots licensed to pilot ships up to 200 metres LOA;
- (e) Class 3A Pilots: Pilots licensed to pilot ships up to 175 metres LOA;
- (f) Class 4 Pilots: Pilots licensed to pilot ships up to 150 metres LOA;
- (g) Class 4A Pilots: Pilots licensed to pilot ships up to 130 metres LOA.

(2) Prior to his application to the Authority for classification as a Class 4 pilot, a Class 4A pilot must have first served for at least 10 months as a Class 4A pilot and must have accompanied a pilot for at least 100 moves (25 of which must be during the night) on ships over 130 metres LOA.

(3) Prior to his application to the Authority for classification as a Class 3A pilot, a Class 4 pilot must have served for at least 10 months as a Class 4 pilot and accompanied a pilot for at least 75 moves (20 of which must be during the night) on ships over 150 metres LOA.

(4) Prior to his application to the Authority for classification as a Class 3 pilot, a Class 3A pilot must have served for at least 10 months as a Class 3A pilot and accompanied a pilot for at least 50 moves (13 of which must be during the night) on ships over 175 metres LOA.

(5) Prior to his application to the Authority for classification as a Class 2A pilot, a Class 3 pilot must have served for at least 10 months as a Class 3 pilot and accompanied a pilot for at least 30 moves (10 of which must be during the night) on ships over 200 metres LOA.

(6) Prior to his application to the Authority for classification as a Class 2 pilot, a Class 2A pilot must have served for at least 10 months as a Class 2A pilot and accompanied a pilot for at least 15 moves (5 of which must be during the night) on ships over 250 metres LOA.

(7) Prior to his application to the Authority for classification as a Class 1 pilot, a Class 2 pilot must have served for at least 10 months as a Class 2 pilot.

(8) The moves referred to in sub-regulations 13(2) to 13(7) must be recorded in a special logbook kept for this purpose indicating ship particulars, date, and nature of move. Each entry shall be countersigned by the accompanied pilot and Chief Pilot.

(9) The pilot who is to have his licence upgraded can present proof of his training by the ninth month so that his application can be processed by the Authority in time to upgrade his licence when due.

(10) The application of a pilot to the Authority requesting a licence upgrade shall be accompanied by a copy of the recorded moves referred to in sub-regulation 13(8).

(11) Once an application for an upgrade accompanied by the records referred to in 13(10) has been presented by the pilot to the Authority, the Authority shall issue the upgrade unless such pilot has during the previous ten months been found negligent in the conduct of his duties by the Disciplinary Committee appointed by the Board. .

(12) In the cases referred to in 13(11), where a Disciplinary Committee finds a pilot negligent in the conduct of his duties the Authority will determine that period of time, which shall not be longer than a further ten months, during which the pilot concerned must continue to operate in the Class from which he is applying for an upgrade before such pilot is able to reapply for such upgrade.

(13) If a pilot fails to upgrade his licence as specified in sub-regulations (2) to (7) hereof for each category within a period not exceeding 18 months his licence may be revoked:

Provided that the pilot shall have a right of appeal in terms of regulation 8(3) of these regulations.

(14) Under no circumstances except as stated in sub-regulation 13(15) and except when accompanying a pilot for the purposes of sub-regulations 13(3) to 13(7), may a pilot pilot a ship in excess of the limits stipulated in his licence.

(15) Notwithstanding the restrictions in sub-regulation 13(14) hereof the Director may, at his discretion and having regard to:

- a) the circumstances, and
- b) the specification of any ship,

on the request of the Chief Pilot and subject to the pilot's consent, authorize a pilot to pilot ships outside the parameters of his licence.

(16) Such authorization must be given to the Chief Pilot in writing and signed by the Director. If such authorization is required outside office hours, it will be given by the Director verbally and confirmed in writing as early as practicable.

(17) The Chief Pilot shall inform and authorize the pilot concerned and shall give such pilot a copy of the authorization referred to in subregulation (16) as soon as practicable.

(18) The Chief Pilot shall be guilty of an offence under these regulations if he instructs a pilot to pilot a ship outside the parameters of his licence without the required authorisation in accordance with sub-regulations (15) and (16) hereof.

Failure to perform
regular pilotage
services.

14. (1) A licensed pilot who fails to perform regular pilotage services for a period of 12 months shall have his licence revoked by the Authority unless this failure is due to medical reasons or other circumstances acceptable to the Authority.

(2) Such pilot shall have a right of appeal in terms of regulation 8(3).

(3) The Authority may, in agreement with the Service Provider, exempt the Chief Pilot from providing regular pilotage services if his services are required elsewhere in connection with pilotage technical matters.

15. (1) When there is a vacancy for pilots, the service provider must notify the Authority; the Authority shall publish a notice to that effect and shall request the Board to organise the holding of examinations in accordance with regulation 10 hereof. Recruitment of pilots.

(2) If the vacancy is due to retirement the service provider shall inform the Authority at least six months before so that the Authority can initiate the recruitment process.

(3) The panel of examiners appointed by the Board by virtue of regulation 10(1)(b) shall submit the results of the examination held in terms of these regulations to the Board and shall show the order of merit obtained by all candidates.

16. (1) The Authority shall appoint a Medical Board to examine whether a pilot is physically and mentally fit for the proper discharge of his duties and in any case when a pilot attains forty years of age and thereafter at the end of every fifth year. Medical examination and age limit.

(2) If the Medical Board under sub-regulation (1) hereof certifies that the pilot is no longer fit to carry out his duties, the Authority shall revoke the licence.

(3) A licence issued under these Regulations shall be automatically withdrawn on the day that the licensee is 61 years of age:

Provided that the Authority may, in accordance with the pilotage agreement, extend the validity of such licence if on medical examination the licensee is found to be physically and mentally fit to serve as a pilot by a Medical Board appointed by the Authority.

17. It shall be the duty of the service provider to: Duties of the service provider.

- a) conduct the administration of the pilotage service;
- b) make an equitable distribution of the pilotage load amongst the pilots;
- c) distribute the watches amongst the pilots in accordance with the pilotage agreement;

- d) keep general discipline and good order amongst the pilots;
- e) provide the Director with such statistical information as he may require, including statistics relating to the attendance and absenteeism of pilots and annual audited accounts;
- f) ensure that equipment used by the pilots is at all times available and in good working order;
- g) take steps to acquire alternative equipment as may be necessary;
- h) liaise with the Director on pilotage matters and submit any reports as may be requested by such Director;
- i) administer the pilots' office or offices;
- j) perform pilotage duties as specified in the pilotage agreement and these regulations, and other duties which may arise from time to time in connection with the provision of pilotage services;
- k) recommend measures to the Director to further enhance the pilotage service;
- l) provide the Authority with the identity of the member or members having the judicial representation of the service provider.

Chief Pilot.

18. (1) One of the licensed pilots shall be a Chief Pilot, who shall be assisted by a Deputy Chief Pilot, both of whom shall be Class 1 pilots.

(2) The serving pilots shall, following an election, nominate from amongst the Class 1 Pilots a candidate for the position of Chief Pilot. The candidate so nominated shall be appointed by the Authority on advice of the Board and upon approval by the Minister.

(3) The Deputy Chief Pilot shall be chosen by the pilots on the basis of an election.

(4) If the serving pilots fail to nominate a pilot for the post of Chief Pilot within one month from the vacancy of the post of Chief Pilot, the Board may itself make such nomination to the Authority.

(5) The Chief Pilot and the Deputy Chief Pilot shall hold such office for a period of three years, which may be renewed following the procedure mentioned above.

(6) The Minister may, acting on the advice of the Board and, or Authority, remove the Chief Pilot if he is no longer suitable to hold such office.

(7) For the purposes of sub-regulation (6), the grounds on which the Chief Pilot shall be deemed to be no longer suitable to hold such office shall include:

(a) if for any reason whatsoever his licence is revoked or suspended;

(b) if he is no longer capable of performing his duties under these regulations and, or the agreement;

(c) if he has been found guilty of misconduct or any other disciplinary breach by the Disciplinary Committee in accordance with these regulations;

(d) if a vote of two-thirds of all serving pilots is taken in favour of his removal from the position of Chief Pilot.

(8) The Chief Pilot shall at all times liaise with the pilots and with the Director.

(9) It shall be the duty of the Chief Pilot to:

a) keep good order and discipline amongst the duty pilots;

b) be a reference point for the Authority in respect of technical matters relating to the Pilotage Service;

c) liaise with the Director on pilotage matters and submit any reports as may be requested by such Director;

d) comply with any reasonable directive given to him by the Director in connection with the provision of pilotage services;

e) perform any other duties required of him under these regulations.

(10) The Deputy Chief Pilot shall assume the duties of the Chief Pilot during such time as the Chief Pilot is absent from his duties and if the situation so arises, until such time as another Chief Pilot is nominated and appointed.

PILOTAGE PROCEDURE

Request for the attendance of a pilot.

19. (1) The request for the attendance of a pilot or pilots aboard a ship shall be made by the ship's master or ship's agent to the Director in accordance with directives issued by the Director from time to time and in accordance with the pilotage agreement.

(2) Should a ship require a pilot or other related service at short notice, she shall make the appropriate signals as prescribed in the I.M.O. International Code of Signals.

Master's duties.

20. (1) Every master shall ensure that the procedure for boarding and disembarking from ships is in accordance with SOLAS Regulation V/23 (Pilot Transfer Arrangements).

(2) The pilot may request the master of a ship which he is piloting to declare to him the particulars of the ship's draft, state of readiness of engines and navigational aids, and other information relating to the ship as the pilot specifies and is reasonably necessary to enable the pilot to carry out his duties as the pilot of the ship.

(3) The master shall also bring to the notice of the pilot any defects in, and any matter peculiar to the ship, her machinery and equipment, of which the master is aware and which might materially affect the navigation of the ship.

Display of pilot flag.

21. No ship shall hoist or display a pilot flag indicating that a pilot is on board unless such ship -

- a) is a pilot launch on duty, or
- b) is being piloted by a pilot licensed according to these regulations.

Movement of ships.

22. A pilot shall not berth or shift any ship from her berth without the approval of the Director.

Pilots to control mooring men.

23. Subject to the provisions of any other laws or regulations, a pilot shall, when assigned to an operation, be deemed to have full control over mooring men and pilot launch crew assigned with him to that operation.

Pilots to control pilot launch.

24. Subject to the provisions of any laws or regulations, a pilot shall, when assigned to an operation, be deemed to have full control over the pilot launch.

25. When providing pilotage services, each pilot shall implement a high standard of care and skill as established by the Code of Conduct referred to in regulation 6(2) hereof. Code of Conduct.

26. (1) The pilot shall complete a Certificate of Pilotage Service outlining the pilotage service he has rendered, to be signed by the ship's master in respect of each service he performs. Certificate of pilotage services.

(2) The format of such certificate shall be agreed to by the Authority and the service provider.

27. (1) When providing pilotage services the pilot shall liaise as required with the Director or his office as delegated in order to record the proceedings of the said service. Liaison with Chief Pilot and the Director.

(2) Whenever a duty pilot perceives or encounters any difficulties in the provision of the services, he shall immediately communicate this to the Chief Pilot who if necessary shall liaise with, or seek the direction of the Director.

(3) It shall also be the duty of the pilot to draw to the attention of the Chief Pilot, who shall in turn inform the Director, any deficiencies on ships piloted, or any other occurrence that may affect the safe manoeuvre of the ship or the safety of personnel.

(4) Pilots shall immediately report to the Chief Pilot and the Director any environmental concerns, navigational hazards or defects in navigational aids.

(5) It shall be the duty of the Authority to ensure the safe and efficient use of ports, their approaches and allocated berths.

(6) The pilot shall, however, be obliged to follow the written instructions of the Director received prior to boarding the ship, even if such instructions may appear to conflict with already existing available printed data:

Provided that in an emergency such written instructions may be dispensed with.

28. (1) A pilot shall immediately report to the Chief Pilot and the Director any accident involving the ship which he is serving, particularly any incidents or accidents that may have resulted in damage to port facilities and, or third parties. Reports of accidents.

(2) A pilot shall also immediately report to the Chief Pilot and the Director any near misses or any concerns in respect to navigation as expressed by the master or pilot whilst piloting a ship.

(3) Such notification shall be followed by a formal written report which shall reach the Chief Pilot and the Director not later than twenty four hours after the occurrence of such incident or accident.

(4) The report mentioned in this regulation shall not be made available to any person without the approval of the service provider and, or the Director and, or by order of a competent court.

(5) Notwithstanding any proceedings which may be taken under any law, the Director may take disciplinary action against any pilot who fails to comply with the provisions of this regulation.

Boarding and
disembarking from
ships.

29. (1) A pilot shall board and disembark from ships at the pilot boarding and disembarking stations as established by the Director.

(2) The Director may authorize a pilot to board or disembark from a ship inside the port if the weather is such as to preclude the pilot launch from safely transferring a pilot outside such port.

(3) A pilot who does not comply with the provisions of sub-regulations (1) hereof shall explain his actions to the Director within two working days, and if the Director is not satisfied with such explanation, he may take disciplinary action against the pilot concerned.

Shore based
pilotage.

30. (1) Subject to the following criteria the Authority may provide Shore Based Pilotage:

(a) the shore based pilotage service shall be provided only in areas as established by the Authority;

(b) the shore based pilotage service shall be rendered by the service provider through its licensed pilots for the purpose of

(i) piloting ships to the pilot launch; and, or

(ii) piloting ships when pilots cannot embark or disembark at sea.

(2) Shore based pilotage shall only be provided when:

(a) required and accepted by the master of the ship and allowed by the Director; and

(b) the pilot rendering the shore based pilotage considers it possible.

(3) Masters of ships employing shore based pilotage shall be obliged to accept a pilot as soon as embarkation is possible.

(4) The Authority in consultation with the service provider shall establish the norms under which such service shall be rendered.

31. The Authority shall organize, operate and manage a pilot launch service in connection with the provision of pilotage services. The Pilot launch.

PILOTAGE TARIFFS AND REMUNERATION

32. The administration, collection and recovery of the pilotage tariff and the disbursements of this tariff shall be the responsibility of the Authority. Administration of pilotage tariffs.

33. Subject to the provisions of these regulations, the service provider shall be remunerated for pilotage services and for work connected thereto in accordance with the pilotage agreement. Pilots' remuneration.

34. (1) Pilotage tariffs shall be those in the Schedule to these regulations. Tariffs.

(2) The social security contributions to be paid by the persons mentioned in sub-regulation 34(3) in terms of Article 57 of the Act shall be deemed to form part of the tariff.

(3) Pilotage tariffs shall be paid directly to the Director within a period of eight days by:

a) the owner, charterer, master or agent of a ship in respect of which pilotage services were performed; or

b) by the person who requests pilotage services in respect of a ship.

(4) Interest shall accrue on any overdue pilotage tariff and, or any other payments payable to the Authority under these regulations from the date of presentation of the invoice until full payment is effected at the rate of two per centum per month or part thereof.

35. (1) The Director may require any person who in terms of regulation 34(3) is bound to pay the pilotage tariff, to make a deposit, or to furnish a bank guarantee issued by a local bank in favour of the Authority in such amount as the Director considers sufficient to cover payment of such tariff. Deposit or bank guarantee.

(2) The Director may recover any pilotage tariff out of such deposit or bank guarantee if such tariff is not paid within eight working days from the day on which payment is demanded.

(3) Whenever the Director takes such measure he shall promptly give the person who has made the deposit or furnished the guarantee an account of such payments recovered therefrom

(4) If the person so directed to make such deposits contravenes the provisions of this regulation he shall be liable to the payment of a penalty not exceeding Lm5,000.

Remittance of
proceeds to service
provider.

36. The Authority shall remit to the Service Provider the pilotage fee established in accordance with these regulations and the pilotage agreement.

Over-charging and
over-payment.

37. (1) No pilot shall demand or receive any dues or other remuneration in respect of a standard pilotage service other than those specified in the pilotage agreement.

(2) Any pilot who contravenes the provisions of sub-regulation (1) hereof shall be liable for each such contravention to a disciplinary penalty not exceeding Lm100.

(3) No person shall pay a pilot any dues or remuneration in respect of pilotage services other than those specified in the pilotage agreement.

(4) Any person who contravenes the provisions of sub-regulation (3) shall be guilty of an offence and on conviction shall be liable to a fine (*multa*).

Discipline.

38. Disciplinary proceedings amongst pilots and trainee pilots shall be administered by the Board according to Article 55 of the Act :

Provided that in cases of breach of a pilot's obligations under the Code of Conduct, the Authority shall have the right to temporarily suspend a pilot's licence pending disciplinary action by the Board.

Provided further that if the Authority takes the action contemplated in the above proviso and suspends a pilot, and the eventual decision of the Board is such as to find the suspension unjustified, the Authority shall pay to the pilot the earnings he would have been entitled to during such period and would have lost as a result of such suspension.

39. (1) The Board shall appoint a Disciplinary Committee consisting of three members, one of whom shall be elected as chairman of the Committee:

The Disciplinary Committee.

Provided that in any particular case, no member of the Board who initiated disciplinary action or who has some personal interest in such case shall be eligible to sit on the Disciplinary Committee and the Disciplinary Proceedings appointed to hear such case.

(2) It shall be the duty of the Disciplinary Committee to:

- a) investigate cases brought before it by the Director;
- b) summon witnesses;
- c) appoint experts to assist when necessary;
- d) hear evidence on oath;
- e) make recommendations to the Board on the cases investigated by it.

(3) In the exercise of the powers in accordance with paragraphs (b) to (d) of sub-regulation (2) hereof, the Disciplinary Committee shall have the powers which are conferred by law on the First Hall of the Civil Court.

(4) Provided that:

- a) the Disciplinary Committee shall not be enabled to order the detention of any person; and
- b) the duties of the Court Marshall and the Court Usher shall be performed by members of the Executive Police detailed for the purpose by the Commissioner of Police.

(5) The Chairman of the Disciplinary Committee shall sign the summons and administer oaths to witnesses.

(6) The Disciplinary Committee shall conduct all disciplinary proceedings in accordance with the provisions of these regulations.

40. The Board shall consider the recommendations of the Disciplinary Committee and shall thereafter take such disciplinary decision in accordance with the provisions of these regulations.

Board to consider recommendations.

Proceedings of the Board.

41. No member of the Disciplinary Committee shall be debarred from taking part in the disciplinary proceedings of the Board.

Decisions to be binding.

42. The decisions of the Board shall be final and binding.

Disciplinary proceedings.

43. (1) The Director shall institute disciplinary proceedings against any pilot who has contravened any provisions of these regulations or who in the course of, or in connection with his duties is negligent, or has carried out his duties in an inappropriate manner or has acted inappropriately when on duty or fails to comply with any reasonable directive given by the Director.

(2) Such proceedings shall be instituted by the Director within twenty-one days from the date on which the Director becomes aware of the act or omission which has given rise to such disciplinary action:

Provided that in the case of an offence resulting from the award of a Court of Inquiry convened in terms of the Merchant Shipping Act, or in the case of an offence in respect of which criminal proceedings have been instituted, the Director shall be deemed to have become aware of such offence on the date on which the Court gives its award or judgment as the case may be.

Charges proffered.

44. The Director shall, within the time specified in regulation 43(2), communicate to the pilot concerned a detailed statement in writing clearly specifying the charge or charges against him, and setting out the particulars of the evidence relied upon to support such charge or charges.

Prior explanation.

45. In making a charge the Director shall demand a written explanation from the pilot concerned within fifteen days from the date on which such charge is communicated to such pilot. In default of such written explanation the charge shall be deemed to have been admitted and the Director shall refer the matter to the Board for its decision without the need for the Board to appoint a Disciplinary Committee.

Notification of pilot.

46. The Director shall notify the pilot concerned of the charge made against him either by having such charge delivered to him personally or by sending it to him by registered post.

Oral submissions.

47. In replying to a charge, the pilot concerned may reserve the right to make oral submissions to the Disciplinary Committee.

Acknowledgement in writing.

48. The Director shall acknowledge in writing the receipt of such reply and shall indicate the date on which it is received by him.

49. If the Director decides to refer the matter to the Board he must refer the matter to the Board within fifteen days from the receipt of the pilot's reply or from the day when the pilot should have submitted his reply.

50. The Board shall, within fifteen days from receipt of the letter from the Director containing the complaint against the pilot, nominate a Disciplinary Committee to hear and investigate the complaint.

Time for hearing and concluding disciplinary proceedings.

51. (1) The Disciplinary Committee shall commence the hearing of any case brought before it within fifteen days of its nomination.

(2) The hearing of a case is deemed to have commenced when the Disciplinary Committee commences a discussion of the case brought before it.

(3) The pilot charged shall be informed of the date of commencement and shall have the right to attend all disciplinary hearings.

(4) The Disciplinary Committee shall conclude the hearing of the case and shall make submissions to the Board within sixty days from the commencement of the hearing:

Provided that in exceptional cases the Board may, for valid reasons, extend such period by further periods of thirty days.

52. (1) When replying to a charge or when appearing before the Disciplinary Committee, the pilot against whom disciplinary proceedings are being taken may be assisted by a person of his choice.

Pilot assisted by another person.

(2) Such pilot may request the Disciplinary Committee to summon witnesses in his defence and the Disciplinary Committee shall duly summon such witnesses, and he or the person assisting him may cross-examine such witnesses.

53. (1) The Disciplinary Committee shall notify the pilot against whom disciplinary proceedings are being taken and shall summon any witnesses to appear before it on the day, time and place fixed for the hearing of such proceedings.

Notice of hearing.

(2) Such notification or summons shall be signed by the Chairman of the Disciplinary Committee and shall be delivered personally to the pilot or to the witness as the case may be, or sent by registered post, not later than five days before hearing of the proceedings.

Proceedings in
absentia.

54. If the pilot against whom disciplinary proceedings are being taken under the provisions of these regulations fails to appear before the Disciplinary Committee within sixty minutes from the time fixed for the hearing, the Disciplinary Committee shall proceed in his absence and give its report accordingly:

Provided that if the pilot within two days after the day fixed for the hearing of his case justifies his absence to the satisfaction of the Disciplinary Committee, the Disciplinary Committee may hear the submissions of the pilot and the evidence of his witnesses before submitting its report.

Proof of service.

55. Whenever the Director, or the Board, or the Disciplinary Committee, as the case may be sends any communication, notification or summons by registered letter through the postal service, it shall be sufficient proof of service of such letter for all effects and purposes of these regulations if the registered letter has been properly addressed and posted.

Penalties.

56. (1) If a pilot is found guilty of having contravened any one of the provisions of these regulations, or if in the course of or in connection with his duties is found to have been negligent or of having carried out his duties in an inappropriate manner or of having acted inappropriately when on duty or of having failed to comply with the directives given by the Director, the Board, after taking into consideration the report and recommendations of the Disciplinary Committee may, without prejudice to the provisions of any other law:

a) impose a disciplinary penalty or fine against such pilot of a sum not exceeding Lm500; and, or

b) suspend his licence for a period of not less than ten days and not exceeding six months during which time no remuneration shall be paid to or received by such pilot; or

c) revoke his licence forthwith.

(2) Any disciplinary penalty or fine inflicted by the Board as a result of disciplinary proceedings shall be recoverable by the Attorney General as a civil debt due to the Government.

Criminal
proceedings.

57. Any disciplinary proceedings taken against a pilot under the provisions of these regulations shall be without prejudice to any criminal proceedings under any other law and any proceedings taken under any other such law shall be without prejudice to any such disciplinary proceedings.

58. (1) Subject to the provisions of sub-regulation (2) hereof, the Pilotage and Mooring Regulations, 1975 as subsequently amended, are hereby repealed: Repeal and saving.

Provided that wherever in the Pilotage and Mooring Regulations, 1975, as subsequently amended, there is a reference to mooring-men, leading mooring man, mooring dues, pilot launch, Pilot Launch Replacement Fund and Pilot Launch Maintenance and Repair Fund, the relative provisions in the said Regulations shall continue to have effect as if made under these present regulations until such time as they are repealed.

Provided further that in so far as Pilotage and Mooring Regulations 1975 as subsequently amended, continue to have effect with regard to mooring-men, leading mooring-man, mooring dues, pilot launch, Pilot Launch Replacement Fund and Pilot Launch Maintenance and Repair Fund, the word “Chief Pilot” shall be substituted by the words “the person specifically appointed by the director after consulting the representatives of the mooring men”.

.Provided further that the provisions in the Pilotage and Mooring Regulations, 1975 relating to the “Stabilization Fund” shall continue to have effect in so far as they concern the general administration of the said Fund and in so far as they are concerned with:-

(a) the remittance by the Director to the said Fund of the National Insurance Deductions, the National Insurance Levy, and the levy of ten per centum on the gross expenses incurred for mooring services paid to the Director by persons bound to pay mooring dues, and

(b) the payment out of the said Fund of contributions due in respect of mooring men under the Social Security Act by employed persons and employers, any bonus payable to mooring men, the extra attendance of mooring men when so required under the provisions of these regulations, the cost of uniforms to mooring men, and such other payments in respect of mooring men as may from time to time be authorized by the Minister;

and provided further that the accumulated funds in the said “Stabilization Fund” shall remain so contained in such Fund until further provisions are made for their distribution.

(2) Notwithstanding the provisions of sub-regulation (1) hereof, a pilot’s licence granted by the Authority before the coming into force of these regulations shall continue to be valid in accordance with its terms and shall be deemed to be a licence granted by the Authority under regulation 7 of these regulations.

Schedule

Regulation 34

Pilotage Tariff

1. For the purpose of this Schedule:-

“ton” means gross tonnage of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969;

“oil tanker” means a ship which complies with the definition of the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973, as modified by the Protocol of 1978;

“segregated ballast tank” means a tank exclusively used for the carriage of segregated ballast;

“length overall (LOA)” 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;

“disabled ship” means any ship which arrives off Malta on tow or with engine breakdown or with rudder trouble or other defect which affects the capability of the ship when manoeuvring while pilotage services are being provided.

2. Pilotage Dues at the standard rate shall be as follows:

a)	Ships not exceeding 500 tons	Lm 21
b)	Ships exceeding 500 tons but not exceeding 1000 tons	Lm 24
c)	Ships exceeding 1000 tons but not exceeding 2000 tons	Lm 27
d)	Ships exceeding 2000 tons but not exceeding 3500 tons	Lm 30
e)	Ships exceeding 3500 tons but not exceeding 5000 tons	Lm 34
f)	Ships exceeding 5000 tons but not exceeding 7000 tons	Lm 37
g)	Ship exceeding 7000 tons but not exceeding 10000 tons	Lm 40
h)	Ships exceeding 10000 tons but not exceeding 15000 tons	Lm 44
i)	Ships exceeding 15000 tons but not exceeding 20000 tons	Lm 46
j)	Ships exceeding 20000 tons but not exceeding 25000 tons	Lm 51
k)	Ships exceeding 25000 tons but not exceeding 30000 tons	Lm 55
l)	Ships exceeding 30000 tons but not exceeding 40000 tons	Lm 60
m)	For every additional 10000 tons or part thereof in excess of 40 000 tons	Lm 15

3. Pilotage dues at the standard rate shall be charged for either :

- a) entering port; or

- b) leaving port; or
- c) shifting berth under own power (“hot move”) in the same port.

4. Charges additional to pilotage dues at the standard rate shall be made as follows:

- (a) Shifting berth not under own power (“cold move”) in the same port: 25%
- (b) Shifting berth from one port to another port not under own power (“cold move”) i.e. leaving one port, passage to and entering another port: 100%
- (c) Oil tankers not equipped with segregated ballast tanks : 17%

5. For any of the following services :

- (a) making contact with a ship outside a port when the ship is not to enter that port; or
- (b) pilotage service rendered outside a port, including pilotage from outside the entrance of one port to another,

there shall be charged half the standard rate, subject to a minimum of Lm 15.

6. If, in the performance of any of the services specified in paragraphs 3,4, and 5 of this schedule :-

(a) a pilot is detained on board the ship for piloting, mooring, or unmooring the ship for any reason beyond the pilot’s control, or is left in quarantine for a period longer than two hours, the following additional due shall be payable :

- (i) in respect of services rendered at Malta Drydocks and Malta Shipbuilding, from the second to the twenty-fourth hour, per hour or part thereof Lm2
- (ii) in respect of services rendered elsewhere, from the second to the twenty-fourth hour, per hour or part thereof Lm5
- (iii) thereafter, per twenty-four hour period or part thereof, in cases (i) and (ii) above Lm 30

(b) When a pilot is compelled to proceed abroad with a ship, he shall be provided with board and lodging at a standard not less than that of an officer on board, and not less than a first class accommodation and travel when landed ashore for repatriation and the following additional dues shall be payable per day or part thereof until the pilot is returned to Malta Lm40

7. Additional pilotage dues at the rate of 15% on the appropriate rates shall be payable in respect of services rendered between 1900 hours and 0700 hours and on Sundays and public holidays.

8. (1) When a cancellation for a request for a pilotage service is made, the following dues shall be made :

- (a) when a cancellation notice is made prior to one hour before commencement of operation : No charge
- (b) when a cancellation notice is made within the one hour immediately preceding the commencement of the operation 25% of standard rate
- (2) When pilot, on request, reported on board at the time he was requested but the move either does not commence within 60 minutes from the time he boarded the ship or the move is cancelled 50 % of standard rate

9. In respect of disabled ships, there shall be payable the following charges : Lm 25 per pilot

10. In the eventuality that following the request for a pilotage service, the service provider reaches the conclusion that he may be entitled to present a claim for salvage and, or extraordinary service, the service provider must present the ship and / or its representatives with a formal written notice in writing containing the claim as soon as practicable.

11. All rates for pilotage of a ship shall cover any number of hours required to be performed by any pilot :

Provided that all ships over 240 metres entering, leaving or shifting in Grand Harbour are to employ two pilots with the exception of cruise liners;

Provided further that when, in the opinion of the Director it is necessary to employ more than one pilot for any ship, the pilotage dues will be commensurate with the number of pilots providing the said service.

12. For any other particular pilotage service not otherwise specifically provided for in this Schedule, the dues payable shall be determined by the Director who shall, as far as possible, assimilate them with the appropriate dues specified in this Schedule.

13. Persons bound to pay pilotage dues in accordance with the provisions of these Regulations shall also pay to the Authority an administrative charge of 10% on the total pilotage dues as established in this Schedule.