

## MARINE ACT, 1986

(ACT NO. 35 OF 1986)

1. Marine (Pilotage) Regulations, 1990
2. Marine (Pilotage Fees) Regulations, 1990
3. Declaration of pilotage areas

[LEGAL NOTICE NO. 75]

## MARINE ACT, 1986

(ACT NO. 35 OF 1986)

IN exercise of the powers conferred upon me by sections 201 and 212 of the Marine Act, 1986, I have made the following Regulations—

*Short title*

1. These regulations may be cited as the Marine (Pilotage) Regulations, 1990.

*Purpose*

2. The purpose of these Regulations is to specify—
  - (a) what the master of a vessel must do to help a pilot board his vessel;
  - (b) how a person may apply for, and obtain, a pilotage licence or a pilotage exemption certificate;
  - (c) the qualifications and health standards an applicant for a pilotage licence must have;
  - (d) the knowledge a pilot must obtain in respect of pilotage areas;
  - (e) the measures necessary to maintain pilotage standards.

*Master to give notice of arrival*

3. The master of a vessel requiring a pilot must give notice of the estimated arrival time of his vessel at a pilot station at least 48 hours in advance of that time, and must give an amended estimate of its time of arrival 12 hours in advance of that time.

*Boarding facilities for pilots*

4. A master of a vessel who has accepted the service of a pilot must facilitate the boarding of the vessel by the pilot by providing equipment and supervision—
  - (a) consistent with the safety of the vessel; and
  - (b) in accordance with that prescribed by Regulation 17 of Chapter V of the Safety Convention.

*Pilot signals*

5.—(1) The master of a vessel that requires a pilot for his vessel must, 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 vessel that is under the charge of a pilot or (when in a compulsory pilotage area) an exempt master must exhibit on the vessel, where it may best be seen, flag "H" in the International Code of Signals

*Classes of pilotage licences*

6.—(1) The Marine Board may issue 3 classes of pilotage licences.

(2) The classes of pilotage licences that may be issued and the classes of vessels for which each class of licence is valid is shown in the following Table.

TABLE

Class III	Valid for all classes of vessels not exceeding 146 metres in overall length.
Class II	Valid for all classes of vessels not exceeding 183 metres in overall length.
Class I	Valid for all classes of vessels.

*Contents of pilotage licence*

7.—(1) The Marine Board must endorse on a pilotage licence—

- (a) the full name of the licensed pilot;
- (b) the pilotage area for which the holder of the licence is licensed;
- (c) the class of the licence, as specified in regulation 6(2);
- (d) the date the licence was issued;
- (e) any conditions subject to which the licence was issued; and
- (f) the date on which any subsequent pilotage area endorsements were made on the licence by the Marine Board.

(2) Subject to subregulation (1), a pilotage licence shall be in a form determined by the Board.

*Application for pilotage licence or endorsements*

8.—(1) An application for a pilotage licence, or for an endorsement on such a licence, must be made in writing and must be made to the Marine Board.

(2) An application under subregulation (1) must be accompanied by—

- (a) any documents for information the Board requires to satisfy itself that the application should be granted; and
- (b) any prescribed fee.

(3) The Board may, after receiving an application under subregulation (1), require the applicant to supply the Board with such further information or documents as it considers necessary to satisfy itself that the application should be granted.

(4) When the Board has made a requirement under subregulation (3) it need not continue considering the application until that requirement has been met.

(5) The Board may require an applicant for a pilotage licence to appear before it.

*Qualifications for a Class III pilotage licence*

9. The Marine Board may, in accordance with section 188(2) of the Marine Act, 1986, issue a Class III pilotage licence to a person who—

- (a) satisfies the Board that he is the holder of a Certificate of Competency as Master Grade 2; and
- (b) satisfies the Board that he has served a 6 months' probationary period of training to be a pilot under a pilot or pilots holding Class I or II pilotage licences; and

- (e) produces to the Board 2 references that satisfy the Board as to his conduct and sobriety; and
- (d) satisfies the Board as to his physical fitness; and
- (e) passes the eyesight test prescribed by the Marine (Certificates of Competency) (Examination Procedures) Regulations, 1989; and
- (f) satisfies the Board that he has on at least 30 occasions accompanied a Class I Pilot piloting a vessel, both inwards and outward, in Suva Harbour; and
- (g) satisfies examiners, appointed for the purpose by the Board, that he is capable of carrying out the duties of a pilot on a vessel of at least 146 metres in overall length.

*Qualifications for a Class II pilotage licence*

10. The Marine Board may, in accordance with section 188(2) of the Marine Act, 1986, issue a Class II pilotage licence to a person who—

- (a) satisfies the Board that he has served as a pilot in Fiji Waters (as defined in section 5(1) of the Marine Act, 1986) for at least 18 months while in possession of a Class III pilotage licence; and
- (b) produces to the Board 2 references given by holders of Class I pilotage licences stating that, in their opinions, the applicant is suitable to be a Class II pilot; and
- (c) satisfies the Board as to his physical fitness; and
- (d) passes the eyesight test prescribed by the Marine (Certificates of Competency) (Examination Procedures) Regulations, 1989; and
- (e) satisfies examiners, appointed for the purpose by the Board, that he is capable of carrying out the duties of a pilot on a vessel of at least 183 metres in overall length.

*Qualifications for a Class I pilotage licence*

11. The Marine Board may, in accordance with section 188(2) of the Marine Act, 1986, issue a Class I pilotage licence to a person who—

- (a) satisfies the Board that he has served as a pilot in Fiji Waters (as defined in section 5(1) of the Marine Act, 1986) for at least 18 months while in possession of a Class II pilotage licence; and
- (b) produces to the Board 2 references given by holders of Class I pilotage licences stating that, in their opinions, the applicant is suitable to be a Class I pilot; and
- (c) satisfies the Board as to his physical fitness; and
- (d) passes the eyesight test prescribed by the Marine (Certificates of competency) (Examination Procedures) Regulations, 1989; and
- (e) satisfies examiners, appointed for the purpose by the Board, that he is capable of carrying out the duties of a pilot on vessels of unlimited length.

*Pilotage licences for pilotage areas*

12.—(1) A pilotage licence may be issued for, or subsequently endorsed as valid for, a pilotage area by the Marine Board if the applicant—

- (a) satisfies the Board that on at least 3 occasions or, in the case of Lautoka Harbour, 6 occasions, including at least 1 occasion to Vuda, he has accompanied a pilot or pilots holding Class I pilotage licences while piloting vessels on that route in each direction; and
- (b) satisfies examiners, appointed for the purpose by the Board, that he is capable of carrying out the duties of a pilot on a vessel for which his pilotage licence is valid in respect of that pilotage area.

(2) A pilotage licence issued in respect of a pilotage area, or endorsed as valid for a pilotage area is not valid except in respect of vessels for which the licence is valid.

(3) If the holder of—

- (a) a Class III pilotage licence obtains a Class II or Class I pilotage licence; or
- (b) a Class II pilotage licence obtains a Class I pilotage licence,

in respect of a pilotage area, the superior licence is not valid for any other pilotage area in respect of any additional vessels the holder of the superior licence may pilot by virtue of that superior licence until the superior licence is endorsed by the Marine Board as being valid in respect of those vessels in that area.

(4) The Marine Board may endorse a licence for the purpose of subregulation (3) if the holder of the licence produces to the Board at least 2 references given by holders of Class I pilotage licences that are valid for that pilotage area that state that, in the opinions of the holders of those licences, the applicant is capable of carrying out the duties of a pilot in respect of the additional vessels permitted by his superior licence in that pilotage area.

*Annual medical examination, etc. in respect of pilots over 55*

13.—(1) A pilotage licence held by a pilot who is over the age of 55 ceases to be valid unless the pilot on reaching the age of 55 years and annually thereafter—

- (a) passes the eyesight test prescribed by the Marine (Certificates of Competency) (Examination Procedures) Regulations, 1989; and
- (b) produces to the Marine Board a medical report that certifies that the pilot is physically fit and able to carry out the duties of a pilot (including the particular exigencies of boarding the disembarking vessels at sea).

(2) The medical report referred to in subregulation (1) must be provided by a registered medical practitioner designated by the Board.

(3) When a pilot has passed the eyesight test referred to in subregulation (1)(a) and produced the certificate referred to in subregulation (1)(b) the Marine Board must endorse his pilotage licence to indicate that it is still valid, and to indicate when the pilot again needs to comply with subregulation (1).

*Pilotage licence ceases to be valid in respect of pilotage area in certain circumstances*

14. A pilotage licence ceases to be valid in respect of a pilotage area for which it was valid if the holder of the licence does not carry out the duties of a pilot on a vessel in that area for a period of more than 24 months.

*Revalidation of pilotage licence in respect of a pilotage area*

15.—(1) A pilotage licence that has ceased to be valid in respect of a pilotage area for which it was valid may be revalidated by the Marine Board in respect of that area if the holder of the licence—

- (a) satisfies the Board that he has, within the month before the application for revalidation was made, accompanied the holder of a Class I pilotage licence while piloting a vessel in that pilotage area; and
- (b) produces a letter from that pilot that states that in his opinion the applicant can satisfactorily carry out the duties of a pilot in that area; and
- (c) if required to do so by the Board, meets any additional requirements the Board considers necessary to satisfy itself that the applicant can satisfactorily carry out the duties of a pilot in that area.

- (2) An application for revalidation under subregulation (1) must be made in writing and must be made to the Board.
- (3) An application for revalidation must be accompanied by—
- (a) any documents or information the Board requires to satisfy itself that the revalidation should be granted; and
  - (b) any prescribed fee.

*Pilotage exemption certificates*

16. The Marine Board may, in accordance with section 192(1) of the Marine Act 1989, issue a pilotage exemption certificate in respect of a pilotage area to a person who—

- (a) satisfies the Board that he possesses a Certificate of Competency that is equivalent to or of a higher standard than a Master Grade 2 Certificate of Competency; and
- (b) satisfies the Board, on written evidence, that on at least 3 occasions or, in the case of Lautoka Harbour, 6 occasions, including at least 1 occasion to Vuda, he has served as Master or Chief Mate in charge of the navigation of a vessel while it was in the pilotage charge of a licensed pilot or exempt person in the pilotage area for which the pilotage exemption certificate is sought while the vessel was travelling the route in each direction; and
- (c) produces to the Board certificates from 2 of the pilots or exempt person referred to in paragraph (b) stating that, in their opinions, the applicant is a suitable person to whom a pilotage exemption certificate may be granted in respect of the relevant pilotage area; and
- (d) satisfies examiners, appointed for the purpose by the Board, that he is capable of carrying out the duties of a pilot in the vessel or class of vessels to be specified in the pilotage exemption certificate in respect of a the relevant pilotage area.

*Contents of pilotage exemption certificates*

18.—(1) The Marine Board must endorse on a pilotage exemption certificate—

- (a) the full name of the holder of the certificate; and
- (b) the pilotage area in respect of which the certificate is valid; and
- (c) the vessel or class of vessels in respect of which the certificate is valid; and
- (d) the date on which the certificate was issued; and
- (e) any conditions subject to which the certificate was issued; and
- (f) the date on which any subsequent endorsements were made on the certificate by the Marine Board.

(2) Subject to subregulation (1), a pilotage exemption certificate shall be in such form as is determined by the Board.

Dated at Suva the 26th day of July 1990.

A. V. TORA  
Minister for Infrastructure and  
Public Utilities

MARINE ACT, 1986  
(ACT NO. 35 OF 1986)

MARINE (PILOTAGE FEES) REGULATIONS, 1990

In exercise of the powers conferred upon me by sections 201 and 212 of the Marine Act, 1986, I have made the following Regulations—

*Short title*

1. These regulations may be cited as the Marine (Pilotage Fees) Regulations, 1990.

*Purpose*

2. The purpose of these Regulations is—
  - (a) to prescribe the fees payable in respect of the pilotage of vessels and other fees payable in respect of pilotage; and
  - (b) to specify when and how pilotage fees are to be paid.

*Pilotage Fees*

3. The fees payable in respect of the pilotage of a vessel are those specified in Schedule 1.

*Other fees*

4. The fee payable in respect of a service specified in column 2 of Schedule 2 is the fee specified in column 3.

*Payment of pilotage fees*

5. Fees payable in respect of the pilotage of a vessel—
  - (a) are due on completion of that pilotage; and
  - (b) are payable to the pilot or as the pilot may direct.

SCHEDULE 1  
PILOTAGE FEES

<i>Pilotage</i>			
<i>Item</i>	<i>Description of vessel</i>	<i>Fee for each nautical mile of pilotage</i>	<i>Berthing or unberthing at a wharf or buoy</i>
1	1,000 GRT or less	\$1.00	\$25.00
2	4,000 GRT or less but more than 1,000 GRT	1.20	30.00
3	8,000 GRT or less but more than 4,000 GRT	1.40	35.00
4	10,000 or less but more than 8,000 GRT	1.60	40.00
5	15,000 or less but more than 10,000 GRT	1.80	45.00
6	More than 15,000 GRT	2.00	50.00

*Minimum pilotage fee*

- (1) The minimum pilotage fee (not including berthing or unberthing at a wharf or buoy is—
- (a) for a vessel not exceeding 10,000 GRT — \$100.00; or
  - (b) for a vessel exceeding 10,000 GRT — \$150.00

*Travel and standby time*

For each hour or part of an hour that a pilot is—

- (a) standing by a vessel; or
- (b) travelling from his home port to join a vessel or travelling to his home port after leaving a vessel, \$10.00.

*Travel and accommodation costs*

A pilot is entitled to charge reasonable travel accommodation costs incurred by him.

SCHEDULE 2  
OTHER FEES

<i>Column 1 Item</i>	<i>Column 2 Service</i>	<i>Column 3 Fee</i>
1	Application fee for pilotage licence	\$ 50
2	Application fee for pilotage exemption certificate	25
3	Examination fee	50
4	Application for endorsement of further pilotage area on licence	25
5	Revalidation fee	25

MARINE ACT, 1986  
(ACT NO. 35 OF 1986)

**DECLARATION OF PILOTAGE AREAS**

I, the Minister for Infrastructure and Public Utilities, acting in accordance with section 183 of the Marine Act, 1986, and after consulting the Marine Board, declare the areas specified in the Schedule and shown on the attached plan to be pilotage areas.

Dated at Suva the 26th day of July 1990.

**A. V. TORA**  
Minister for Infrastructure and  
Public Utilities

**SCHEDULE**

1. The port of Suva
2. The port of Lautoka, including the area to Navula passage
3. The port of Levuka
4. Beqa passage
5. Lautoka to Malau
6. Malau to Mali
7. Savusavu