

[Legal Notice No. 66]

**SHIPPING (PILOTAGE CERTIFICATION) REGULATIONS 2010**

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**SHIPPING ACT 1998  
(NO. 5 of 1998)**

**SHIPPING (PILOTAGE CERTIFICATION) REGULATIONS 2010**

IN exercise of the powers conferred upon the Minister by section 109 of the Shipping Act 1998, the Minister makes these Regulations –

**PART 1 - PRELIMINARY**

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1. These Regulations may be cited as the Shipping (Pilotage Certification) Regulations 2010, and shall come into force on the 1st day of July 2010.

pretation

2. (1) In these Regulations, unless the contrary intention appears –

“the Act” means the Shipping Act 1998;

“the Administration” means the Solomon Islands Maritime Safety Administration established under the Maritime Safety Administration Act 2009;

“Director” means the Director of Marine holding office in accordance with the Maritime Safety Administration Act 2009; and

“the Ports Authority” means the Solomon Islands Ports Authority established under the Ports Act [Cap. 161].

(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998 and the Ports Act [Cap. 161], unless a contrary intention appears.

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3. (1) These Regulations shall apply to – Application of  
these  
Regulations
- (a) all pilotage districts established under section 36(1) of the Ports Act [Cap. 161] in any port, the approaches to any port or in territorial waters;
  - (b) all pilotage services provided in accordance with any other law; and
  - (c) all persons engaged in the provision of pilotage services to vessels in Solomon Islands, whether on a commercial basis or not.

(2) All certified pilots engaged in the provision of pilotage services other than as an employee of the Ports Authority, must have the written approval of the Ports Authority for the provision of the services in any place within Solomon Islands, and must act at all times in accordance with any directions given by the General Manager of the Ports Authority or the Harbour Master.

(3) These Regulations do not apply to any person who has been granted exemption by the Minister in accordance with section 98(6) of the Act.

(4) All qualifications and experience for the certification of pilots under this Part have been determined by the Administration, after consultation with the Ports Authority in accordance with sections 98(1) and 109(b) of the Act.

#### **PART 2 - QUALIFICATIONS AND EXPERIENCE REQUIRED OF PILOTS**

4. (1) The qualifications and experience required for the issue of a Pilotage Certificate to any applicant under these Regulations are – Qualifications  
and experience  
required for  
certified pilots

- (a) the applicant must be the holder of a current Certificate of Competency of Master Class 3, or higher;
- (b) the applicant must be able to establish that he or she has had a minimum of 5 years experience as a Deck Officer Watchkeeping, and that –
  - (i) of the 5 year period, at least 18 months was served on a foreign going vessel; and
  - (ii) of the 18 month period, at least 6 months was served on a foreign going vessel of not less than 2,000 gross registered tonnage.

(2) The Director shall reject any application which is made by any person who does not hold the necessary qualifications and experience as required by this regulation.

qualifications  
experience  
required for  
issue of  
Pilotage  
Exemption  
Certificates

5. (1) An application for a Pilotage Exemption Certificate may only be made by a member of the crew of a vessel, and shall only apply in relation to his or her employment in relation to the vessel nominated by the applicant, or to any other vessel of similar length and draught as identified in the application, and endorsed in the certificate.

(2) The qualifications and experience required for the issue of a Pilotage Exemption Certificate to any applicant under these Regulations are –

- (a) that each of the requirements applicable for Pilotage Certificates in accordance with regulation ~~4, are satisfied,~~
- (b) evidence that within the period of 12 months immediately preceding the date on which the application is made that the applicant has –

- (i) served actively in commanding a vessel in pilotage charge of a certified pilot for not less than three entries into and for not less than three exits from; or
- (ii) while acting a bridge watchkeeper of a vessel 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 vessel for not less than six entries into and for not less than six exits from –

the pilotage district in respect of which the issue of the Pilotage Exemption Certificate is sought.

- (3) The Director shall reject any application which is made by any person who does not hold the necessary qualifications and experience as required by this regulation.

#### PART 3 - CERTIFICATION OF PILOTS AND EXEMPT PILOTS

6. (1) All applications for the issue of a Pilotage Certificate must be made on a form approved for that purpose by the Director.

Applications  
for Pilotage  
Certificates

- (2) Each application for a Pilotage Certificate must be accompanied by documentary evidence that –

- (a) the applicant currently holds the required Certificate of Competency;
- (b) there are no pending or outstanding inquiries or disciplinary proceedings relating to the conduct of the applicant;

- (c) the applicant has satisfactorily completed the requirements of regulation 4(1)(b);
- (d) the applicant is in good health and has eyesight assessed by recent examination to be not less than the standards required for masters and deck officers required to undertake look-out duties;
- (e) the applicant is of good character and considered by persons whom the applicant has served with or under to be of sufficient competence, experience and skill to hold a Pilots Certificate.

(3) A non-refundable application fee of \$1,000 must accompany each application.

Applications  
for Pilotage  
Exemption  
Certificates

7. (1) All applications for the issue of a Pilotage Exemption Certificate must be made on a form approved for that purpose by the Director.

(2) Each application for a Pilotage Exemption Certificate must specify the vessel or vessels on which the applicant serves as crew and the pilotage district or districts in which that vessel operates.

(3) Each application for a Pilotage Exemption Certificate must be accompanied by documentary evidence as required under regulation 6(2), and which provides evidence that the applicant meets the requirements of regulation 5(2)(b).

(4) The Director may request that any additional information be provided in support of an application, and that the applicant verify any matter stated in an application, or the supporting documents relating to an application.

(5) A non-refundable application fee of \$3,000 must accompany each application.

8. (1) The Director may grant an application and issue a Pilotage Certificate or Pilotage Exemption Certificate.

Issue of  
Pilotage  
Certificates  
and Pilotage  
Exemption  
Certificates

(2) When issuing a Pilotage Certificate or Pilotage Exemption Certificate under these Regulations the Director may impose any conditions in relation to the certificate and the activities that may be undertaken under the authority of the certificate.

(3) Without limiting the generality of sub-regulation (2), conditions may be imposed in relation to –

- (a) requirements for periodic medical, fitness and eyesight examinations, and for reporting outcomes of such examinations; and
- (b) requirements that the pilot give notice to the Director in relation to any specified incident, inquiry or proceeding which may affect the right of the pilot to hold a certificate under these Regulations.

(4) It is a condition of every Pilotage Certificate or Pilotage Exemption Certificate issued under these Regulations that the certified pilot must:

- (a) file an annual return with the Director;
- (b) provide any information that the Director requires from time to time; and
- (c) comply with all requirements imposed by the Ports Authority in accordance with the Ports Act [Cap.161] relating to the need for on-going training and certification, or any other requirement applying to licensed pilots under that Act.

- (5) Returns required under sub-regulation (4) must --
  - (a) be submitted to the Director by the end of each calendar year, and at such other intervals, or upon such events, as the Director may require at any time; and
  - (b) contain details of the pilotage duties performed in the 12 month period, and such other information as the Director may require.

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(6) All conditions applying to an approval given under these Regulations shall be deemed to be conditions applying to any pilot licence issued to the certified pilot under the Ports Act [Cap.161].

Period of validity of certificates

9. All certificates issued under this Part shall be valid for a period of 5 years from the date of issue, unless sooner cancelled in accordance with regulation 10.

Cancellation of certificates

- 10. (1) A Pilotage Exemption Certificate --
  - (a) shall be deemed to be cancelled if the holder of the certificate ceases to be employed as crew member on the vessels stated in the certificate; and
  - (b) may be cancelled by the Director at any time.
- (2) A Pilotage Certificate may be cancelled by the Director on the grounds that --
  - (a) false or misleading information was provided by the certified pilot to the Administration in the application, or at any time;

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- (b) the certified pilot has committed any offence under the Shipping Act 1998, or any other law for which a penalty of imprisonment can be imposed;
- (c) the Director has determined by inquiry conducted under section 100 of the Shipping Act 1998, and after consultation with the Ports Authority, that a certificate should be cancelled;
- (d) the Ports Authority has revoked the relevant pilot's licence in accordance with section 48 of the Ports Act [Cap.161];
- (e) the certified pilot has not performed pilotage duties in Solomon Island waters for a period of 12 months or more;
- (f) the Pilot has failed to submit an annual return or otherwise failed to comply with any other lawful requirement applying to the Certificate; or
- (g) the pilot has failed to pay any fees prescribed by law and payable to the Administration.

11. (1) Every person issued with a pilotage exemption certificate under these Regulations must pay annual fee of S3,000. Provisions applying to fees

(2) All fees prescribed under these Regulations shall increase by 5% per annum, and each increased fee shall be deemed to be imposed under these Regulations from the 1<sup>st</sup> January each year after the commencement of these Regulations.

## PART 4 - MISCELLANEOUS

Offences  
against these  
Regulations

12. (1) Any person who provides false or misleading information –
- (a) in any application made under these Regulations;
  - (b) when required to provide a return or report; or
  - (c) when otherwise required to provide information under these Regulations –

commits an offence and shall be liable upon conviction to a fine not exceeding 250 penalty units.

- (2) Any person who –
- (a) impersonates a pilot while not being the holder or a certificate under these Regulations; or
  - (b) falsely represent that he or she is the current holder of a certificate issued under these Regulations whilst not holding such certification –

commits an offence and shall be liable upon conviction to a fine not exceeding 500 penalty units.

Compliance  
with other  
laws

13. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands.

MADE AT HONIARA this second day of July, 2010.

STANLEY SOFU  
Minister for Infrastructure Development