



Marine Operations Manual – Section 03

Pilotage Enforcement Policy

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1. General Requirements for Pilotage Exemption Certificates

1.1 Introduction

The Pilotage Act 1987 (as amended by the Marine Navigation Act 2013), lays down the requirements for granting, suspending and revoking pilotage exemption certificates, and nothing in these guidelines is to be understood as preventing Dover Harbour Board ("the Board") from fulfilling its statutory duties under those Acts. They are issued as guidance for the benefit of applicants for, and holders of pilotage exemption certificates.

The Board (a competent harbour authority under the Pilotage Act 1987) has directed, in exercise of its powers under that Act, that in accordance with the Board's Pilotage Direction, pilotage shall be compulsory other than for excepted ships.

This Policy sets out the measures by which the Board intend to comply with their duties under the prescribed Acts, and in accordance with the principles of the Port Marine Safety Code.

1.2 General Definitions

'Certificate Holder' or 'Certificate' – for the purposes of this policy, means the holder of a Pilotage Exemption Certificate issued by the Board, under Section 8 of the Pilotage Act 1987.

'Harbour Master' – means a person appointed by the Board to be a Harbour Master pursuant to Section 37(1) of the Dover Harbour Board Consolidation Act 1954, and includes the deputies and assistants of a person so appointed and officers authorised to discharge the Harbour Master's duties through Port of Dover Vessel Traffic Services (VTS), or 'Dover Port Control'.

'The Directions' – means any direction exercised through the power of the Harbour Master pursuant to article 26(2) of the Dover Harbour Revision Order 2006, and as the Competent Harbour Authority under the Pilotage Act 1987. It includes:

- General Directions (as amended)
- Pilotage Direction (as amended)
- the Harbour Bye-laws 1953
- the Dover Harbour Board (Amendment) Bye-laws 1982
- any Special Directions given by a Harbour Master under article 26 (3) of the Dover Harbour Revision Order 2006
- Local Notices to Mariners
- PEC Advisory Notices

Where other definitions are not specifically listed, the definitions listed in General Directions (3), shall be taken to have the same meaning.

2. Terms of use

2.1 **Obligation to report incidents**

2.1.1 Where a vessel being navigated under the conduct of a Certificate Holder is involved in an incident as defined in General Directions 10c(1), then the Certificate Holder must notify Dover Port Control immediately, by the quickest means available.

2.1.2 Within 24 hours of the incident, a completed Pilotage Incident Report Form ([MF11](#)), must be completed in English and submitted to the Harbour Master.

2.1.3 Failure to report an incident may result in the Certificate being suspended. If the Certificate Holder is in any doubt as to whether to report an incident, advice should be sought from the Duty Harbour Master.

2.2 Failure to comply with the duties of a Certificate Holder as listed on the relevant pilotage exemption certificate will result in the Certificate Holder being issued with the next stage of enforcement as defined in section 4.1(b) of the Pilotage Enforcement Process (see section 4 below).

3. Investigation of Incidents

3.1 Depending on the severity of the incident, an investigation will be conducted. The Harbour Master will appoint suitably experienced investigator(s). Serious investigations will be undertaken by more than one deputy of the Harbour Master (together the Investigators).

3.2 The Investigators will, as quickly as possible, seek to establish the relevant circumstances of the incident and, if necessary, will interview all available witnesses.

3.3 The Certificate Holder must make themselves available to answer such questions as the Investigators may put to them, answering fully and honestly, and attend any other hearings at the request of the Harbour Master.

3.4 The Investigators will consider and discuss their findings with a view to submitting an investigation report (IR), together with a recommendation to the Harbour Master, regarding what action (if any), should be taken.

3.5 In the event of the incident being considered severe enough to warrant either moving directly or indirectly to Phase 3 of the Pilotage Enforcement Process (see section 4 below), then the Certificate will be immediately suspended pending the outcome of the investigation and any associated Phase 3 hearing. The Harbour Master will give written notice of suspension on behalf of the Board.

3.6 In the event of a serious incident, the Harbour Master will agree primacy with any external agencies, such as, but not limited to, the Marine Accident Investigation Branch (MAIB).

3.7 The Board reserves the right to apply the provisions of Section 8 of the Pilotage Act 1987, in regard to suspension and revocation of pilotage exemption certificates, absolutely and at any time, without reference to this policy, at the absolute discretion of the Harbour Master.

4. Pilotage Enforcement Process

4.1 The recommendations open to the Investigators are as follows:

- a) To recommend that no further action under the enforcement process be taken.
- b) To recommend that action under the enforcement process be initiated:
 - i. **Phase 1** – A recorded verbal warning given to the Certificate Holder with regard to their future conduct.
 - ii. **Phase 2** – A written warning given to the Certificate Holder with regard to their future conduct.
 - iii. **Phase 3** – Formation of a panel review hearing with regard to possible revocation of the Certificate.

4.2 A Phase 1 warning will remain on the Certificate Holders file for one calendar year. If the Certificate Holder is involved in a further investigation whilst the Phase 1 warning is on file, then this shall be brought to the attention of the Investigators dealing with the further investigation.

4.3 A Phase 2 warning will remain on the Certificate Holders file for three calendar years. If the Certificate Holder is involved in a further investigation whilst the Phase 2 warning is on file, then this shall be brought to the attention of the Investigators dealing with the further investigation.

4.4 A Phase 3 hearing will normally only occur in the event of a serious incident which endangered the safety of life and/or the vessel, or where the Certificate Holder has repeatedly been found to be in breach of the Directions, or where the Certificate Holder has previous Phase 1 and/or Phase 2 warnings on file.

4.5 Having regard to the IR and the recommendations of the Investigators, the Harbour Master will decide what action, if any, shall be taken against the Certificate Holder.

4.6 In the event of it being decided to take no further action, or to issue a warning and/or hearing, the Harbour Master will advise the Certificate Holder in writing. The Harbour Master may convene a meeting to discuss lessons learnt.

5. **Suspension & Revocation – Phase 3**

- 5.1** In the event of a Phase 3 hearing, the Certificate Holder will be notified in advance in writing that a hearing will take place. The notification will be, accompanied by a summary of the incident(s). The Certificate will be suspended pending the outcome of the Phase 3 hearing. A date of hearing will be given, being not less than 7 days, and not more than 28 days from the date of suspension.
- 5.2** The hearing will be undertaken by a panel (the Panel), which will be made up of a minimum of three of the following persons:
- a) Harbour Master
 - b) **Deputy Harbour Master**
 - c) A Port of Dover authorised pilot
 - d) The relevant operators Designated Person Ashore (DPA). The operators DPA may nominate either another member of the operator's management team or one of the operators other Certificate Holders to attend in their place if preferred (this position must be filled).
- 5.3** The Panel will determine matters on the basis of the IR, any previous reports or recommendations, and any submissions made in connection therewith by the Certificate Holder.
- 5.4** The Certificate Holder may be accompanied by a colleague at the discretion of the Harbour Master.
- 5.5** Having considered the IR, recommendations, and submissions made, the Panel, will adjourn the hearing to determine whether there are grounds for revocation of the Certificate (if need be by a majority decision).
- 5.6** The Panel may impose the following:
- a) No further action (in which case the record of the event will be struck from the Certificate Holders file);
 - b) A final written warning; or
 - c) Revocation of the Certificate.
- 5.7** Should the Panel decide to revoke the Certificate, the Harbour Master shall notify the Certificate Holder in writing, stating the reasons for the proposed revocation.
- 5.8** The Certificate Holder will then have 7 days within which to appeal the decision and make representations to the Board's Company Secretary. During this period and until the appeal has been determined by the Dover Harbour Board, the Certificate will remain suspended.

A committee will be formed consisting of a minimum of three members of the full Dover Harbour Board to hear the appeal, review the circumstances and reach a decision within 21 days. The decision of the Board committee is final. The Board committee in this regard will be provided where required, with navigational advice by a Port of Dover authorised pilot that has had no previous involvement with the case in question.