

CHAPTER 141.**PILOTAGE.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title.
 2. Boundaries of harbour.
 3. Appointment of pilots.
 4. Appointment of examiners.
 5. Remuneration of examiners.
 6. Description of licence.
Registration of licence.
 7. Fee for licence.
 8. Security required.
 9. Production of licences.
 10. Revocation or suspension of licences.
 11. Power to make rules.
 12. Creation of new pilotage districts.
 13. Flags on pilot-vessels.
 14. Disobedience to Harbour-master.
 15. Duties of pilots.
 16. Pilotage fees.
 17. Payment to Harbour-master by ship master.
 18. Payment by Harbour-master to non-Government pilots.
 19. Full fees due after a pilot has boarded vessel.
 20. Pilot bringing vessel into port entitled to preference in taking her out.
 21. Pilotage fees payable by led ships.
 22. Obstruction of pilot.
 23. (1) False declaration as to draught of ship.
(2) Fraudulent alteration in marks on stem or stern post of ship.
 24. Offences by pilots.
 25. Exemption of pilots in Government employ from certain provisions of Ordinance.
 26. Endangering ship by pilot.
 27. Obtaining charge of ship by wilful misrepresentation and doing her injury.
 28. Recovery of penalties.
 29. Limitation of time for complaints.
 30. Pilotage voluntary.
 31. Berthing of ships alongside the Queen Elizabeth II Quay.
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CHAPTER 141.

PILOTAGE.

An Ordinance to Define the Duties of Pilots and to Regulate Pilotage in the Colony of Sierra Leone.

[18TH JUNE, 1890.]

15 of 1890.
32 of 1908.
11 of 1946.
37 of 1947.
6 of 1953.
24 of 1954.
23 of 1955.

1. This Ordinance may be cited as the Pilotage Ordinance.

Short title.

2. (1) The boundaries of the harbour of Freetown shall be as follows—

Boundaries of
harbour.

Starting from a point which is the most northerly point of high water mark at Cape Sierra Leone; thence in a straight line to the most southerly point of high water mark on Leopard Island; thence due east to high water mark on the Sierra Leone Protectorate shore; thence in a general south-easterly direction along high water mark to Tagrin Point; thence in a straight line to the most easterly point of high water mark on Yema Island; thence in a straight line to the most south-westerly point of high water mark on Tonkaw Island; thence along high water mark on the southern shores of Tonkaw Island to its most south-easterly point; thence due east to high water mark on Pepel Island; thence along high water mark on the southern shore of Pepel Island to its most easterly point; thence in a straight line to high water mark at Fernando Po; thence along high water mark to Bumpbana Point; thence along high water mark up the north bank of Port Loko Creek to a point 500 yards above Tongbai; thence due east to high water mark on the south bank of Port Loko Creek; thence along high water mark down the south bank of Port Loko Creek to Kasanko Point; thence in a straight line to high water mark at Tumba Point; thence along high water mark of the Sierra Leone and Bunce Rivers back to the Starting Point.

11 of 1946.

(2) The Governor in Council may by Order vary the boundaries of the harbour of Freetown.

3. It shall be lawful for the Governor, after due examination, to appoint and license under his hand and the public seal of the Colony any fit and competent person to act as pilot for the purposes of piloting and conducting ships in and out of the harbour of Freetown:

Appointment
of pilots.

6 of 1953.

Provided—

(a) that it shall not be necessary for the pilots already appointed, or any person being the holder of a Master Mariner's (Foreign Going) Certificate of Competency issued by the Board of Trade or the Ministry of Transport, to undergo any further examination: and

(b) that any public officer in the Port and Marine Department who holds the said Certificate of Competency shall be deemed to be a licensed pilot for the purposes of this Ordinance.

Appointment
of examiners.

4. The Governor is hereby authorised and required, before he shall appoint any person to act as pilot, to appoint two master mariners or other duly qualified persons to examine such person as to his qualification, and the master mariners or other persons so appointed shall, if satisfied with the qualifications of the person so examined, give him a certificate under their hands and seals, stating therein the competency of the person examined, and such person shall then be deemed eligible to obtain a licence and to be appointed as a pilot, and he shall be so appointed by the Governor.

Remunera-
tion of
examiners.

5. The Governor shall have power to remunerate the two master mariners or other persons by him appointed to examine any person as to his competency for the appointment of a pilot with the sum of one guinea each, and to order the payment thereof by the Accountant General by any warrant under his hand, and the said Accountant General is hereby authorised and required to pay the same.

Description
of licence.

6. Each licence shall contain the name and usual place of abode of the licensee, together with a description of his person, and it shall not take effect till it has been registered, together with the certificate of competency, by the licensee, in the Office of the Registrar General.

Registration
of licence.

Fee for
licence.

7. Every person who shall be granted such licence as aforesaid shall, before the delivery thereof to him, pay the sum of two guineas into the Treasury, where a list of licensed pilots shall be exhibited. Like lists shall also be exhibited in the Harbour-master's Office and in the Customs Department.

Security
required.

8. (1) Every licensed pilot shall on appointment execute a bond for one hundred pounds conditioned for the due observance on his part of the duties imposed upon him by this Ordinance

and by any other law governing navigation and that bond shall be free from stamp duty and from every other charge except the actual expense of preparing the same.

(2) A licensed pilot who has given a bond in conformity with this section shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(3) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the Court in which the proceedings are taken may determine the amount of the pilot's liability and upon payment by the pilot of that amount into Court may distribute that amount ratably among the several claimants, and may stay any proceedings pending in any other Court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilot, and as to the payment of any costs as the Court thinks just.

(4) This section shall apply to all licensed pilots appointed after the commencement of this section and to all other licensed pilots who voluntarily execute bonds in accordance with the provisions of sub-section (1).

(5) The section hereby repealed shall continue to be in force in relation to bonds executed thereunder. *

9. Every licensed pilot, while acting in that capacity, shall, if required, produce his licence to every person by whom he is employed or to whom he tenders his services as pilot. Should such pilot refuse to produce it at the request of such person, he shall incur for every such offence a penalty not exceeding five pounds.

Production of licences.

10. The Governor in Council shall have full power to revoke or suspend the licence of any pilot who shall be guilty of misconduct, or prove himself incompetent properly to discharge his duties.

Revocation or suspension of licences.

11. The Governor in Council may from time to time make rules for the examination, government, guidance and remuneration of pilots, and the terms and conditions of granting pilot's licences.

Power to make rules.

11 of 1946.

* Before 8th October, 1953, bonds were for £40 with two sureties of £20 each (sec. 8 of cap. 173 of 1946 Edition).

Creation of
new pilotage
districts.

12. It shall be lawful for the Governor in Council, by Order, to create new pilotage districts to which the provisions of this Ordinance shall be applicable.

Flags on
pilot-vessels.

6 of 1953.

13. (1) From sunrise to sunset every vessel engaged on pilotage duties shall carry a flag of large dimensions, and of two colours, the upper horizontal half white, and the lower horizontal half red.

23 of 1955.

(2) From sunset to sunrise every such vessel shall show the lights prescribed for a pilot-vessel by Rule 8 of the Collision Regulations set forth in the First Schedule to the Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1953.

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Disobedience
to Harbour-
master.

14. The Harbour-master shall have the superintendence over all licensed pilots, and if any pilot shall not obey the lawful order of the Harbour-master with respect to the ship or vessel he shall have in charge when within the limits of the harbour, he shall be liable to a penalty not exceeding five pounds.

Duties of
pilots.

15. In case of the sickness or absence of the Harbour-master from duty, it shall be the duty of the pilot who brings a vessel into port, to moor the vessel in some safe place, and in the event of such vessel having gunpowder on board for this Colony, she shall at once be taken by the pilot to the anchorage ground off Magazine Point; and such pilot shall immediately report such arrival at the Office of the Harbour-master.

Pilotage fees.

11 of 1946.
23 of 1955.

16. The Governor in Council may make rules—

(a) for prescribing the fees to be paid to the Government in respect of pilotage services rendered to vessels; and

(b) for prescribing the fees to be paid to pilots by way of personal remuneration in respect of pilotage services rendered by them.

Payment to
Harbour-
master by
ship master.

17. The Harbour-master shall, on behalf of the Government, demand and receive from the master, commander, owner or consignee of every vessel requiring the service of a pilot the fee which may be prescribed for such service by rules made under section 16 (a), and shall certify the receipt of such payment to the Comptroller of Customs, who is hereby authorised and required to withhold the clearance of any vessel until such certificate shall have been produced to him:

* These Regulations are printed in the Volume containing the United Kingdom Laws extending to Sierra Leone.

Provided that the provisions of this section shall not apply in the case of a vessel proceeding to or from Peipel when the shipper provides the services of his own pilot to such vessel, or when the owner or charterer of such vessel employs his own pilot in relation to such vessel.

18. The Harbour-master shall, on demand made by a pilot for payment for any pilotage service rendered by him and after receipt by the Harbour-master of the fee to Government which may be prescribed for such service by rules made under section 16 (a), pay to that pilot such fee by way of personal remuneration as may be prescribed for such service by rules made under section 16 (b).

Payment by
Harbour-
Master to
non-Govern-
ment pilots.
11 of 1946.
24 of 1954.
23 of 1955.

19. After a pilot has boarded a vessel and has been accepted as pilot the full amount of pilotage fee as prescribed by rules made under section 16 (a) for the service to be performed shall be payable by the master, commander, owner or consignee, whether the service of the pilot is utilised or not.

Full fees due
after a pilot
has boarded
vessel.
11 of 1946.

20. The same licensed pilot who conducts a vessel into the harbour shall be entitled to the preference of piloting her out again, unless guilty of any dereliction of duty in bringing her in. And the master of the vessel shall give notice to the said pilot of the time of his intended departure.

Pilot bringing
vessel into
port entitled
to preference
in taking her
out.

21. If any vessel, having a pilot on board, leads any vessel which has not a pilot on board, when such last mentioned vessel cannot from particular circumstances be boarded, the led ship shall be subject to the same pilotage fees as if the pilot had actually been on board and had charge of such led ship.

Pilotage fees
payable by
led ships.
11 of 1946.

22. If any master of any vessel or other person on board of the said vessel shall obstruct, molest, or assault any pilot or boatman belonging to the said pilot while on board or alongside the said vessel, or otherwise in the execution of his duties, such master or other person on board the said vessel so offending shall, on conviction thereof, be fined in any sum not exceeding five pounds.

Obstruction
of pilot.

23. (1) If any master of a vessel subject to pay pilotage under this Ordinance, or any person duly authorised by him, shall refuse to declare to the pilot in charge of his ship, or to the Harbour-master, the draught of water of his ship, or shall himself make, or be privy to any other person making, a false

False
declaration as
to draught
of ship.

11 of 1946.

Fraudulent alteration in marks on stem or stern post of ship.

declaration to such pilot or Harbour-master as to such draught, he shall, for every such offence, incur a penalty not exceeding double the amount of pilotage which would have been payable.

(2) If any master or other person interested in a ship makes, or is privy to any other person making, any fraudulent alteration in the marks on the stem or stern post of such ship, denoting her draught of water, the offender shall incur a penalty not exceeding one hundred pounds.

Offences by pilots.

24. (1) If any qualified pilot commits any of the following offences, that is to say—

(a) commits any fraud or other offence against the revenues of Customs, or the laws relating thereto;

(b) is in any way directly, or indirectly, concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;

(c) lends his licence;

(d) acts as pilot when suspended;

(e) acts as pilot when in a state of intoxication:

(f) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by the Harbour-master or the Comptroller of Customs;

(g) refuses, on the request of the master, to conduct the ship of which he has the charge into any port or place within the pilotage limits into which he is qualified to conduct the same, except on reasonable ground of danger to the ship;

(h) quits the ship of which he has the charge, without the consent of the master, before the service for which he was hired has been performed;

he shall, for each such offence, in addition to any liability for damages at the suit of the person aggrieved, be liable to suspension or dismissal by the Governor in Council.

(2) Every person who procures, abets, or connives at the commission of any such offence shall, likewise, in addition to any such liability for damages as aforesaid, incur a penalty not exceeding fifty pounds, and, if a qualified pilot, shall be liable to suspension or dismissal by the Governor in Council.

25. The provisions of this Ordinance relating to the examination of persons desirous of becoming pilots, and the provisions of this Ordinance relating to the licensing of pilots shall not apply to pilots in the employ of Government.

Exemption of pilots in Government employ from certain provisions of Ordinance, 11 of 1946. Endangering ship by pilot.

26. If any pilot, when in charge of any ship, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship; or if any pilot, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to, or on board of, such ship from danger to life or limb, the pilot so offending shall, for each such offence, be deemed guilty of a misdemeanour, and be liable to be imprisoned for any term not exceeding twelve months, and shall also be liable to suspension or dismissal by the Governor in Council.

27. If any person, by wilful misrepresentation of circumstances, upon which the safety of a ship may depend, obtains the charge of such ship, and any injury or damage should happen to her, such person, and every other person procuring, abetting, or conniving at the commission of such offence, shall, in addition to any liability for damages at the suit of the party aggrieved, incur a penalty not exceeding forty pounds; and if the offender is a qualified pilot, he shall be liable to suspension or dismissal by the Governor in Council.

Obtaining charge of ship by wilful misrepresentation and doing her injury.

28. All penalties imposed by this Ordinance shall be recovered in a summary manner before a Magistrate, and should an offender refuse or neglect within such period as the Magistrate shall appoint, to pay such penalty, it shall be lawful for him to issue his warrant, and to levy the amount of such penalty, by distress and sale, with the costs of distress and sale. And in every such case, if it should appear to the said Magistrate by the confession of the party accused, or otherwise, that the goods and chattels of such offender are not sufficient whereon to levy such distress with the costs of such distress and sale, it shall be lawful for the said Magistrate to commit the offender to prison without hard labour, and without issuing any warrant of distress, for any term not exceeding three months, if the penalty shall not be above twenty-five pounds, and for six months, if

Recovery of penalties.

the penalty shall not be above fifty pounds, and for any term above six months, but not exceeding twelve months, if the penalty shall not be above one hundred pounds.

Limitation of
time for
complaints.

29. In every case where fine, forfeiture, or penalty is sought to be imposed by virtue of this Ordinance, the complaint shall be made within six months from the time when the matter of such complaint arose.

Pilotage
voluntary.
6 of 1953.

30. Save where otherwise expressly provided, nothing in this Ordinance contained shall be construed to imply or mean that pilotage is compulsory or otherwise than voluntary.

Berthing of
ships along-
side the Queen
Elizabeth II
Quay.

6 of 1953.

31. (1) Every ship of more than one hundred tons net registered tonnage berthing or unberthing at the Queen Elizabeth II Quay at Freetown shall be in charge of a licensed pilot and shall be attended by one or more Government-owned tugs as the Harbour-master may, in his discretion, direct.

(2) No ship, about to berth alongside the Queen Elizabeth II Quay at Freetown on arrival, shall proceed beyond an imaginary line bearing 150 degrees true to Farren Point without a licensed pilot on board.

(3) The owner or master of a ship navigating under circumstances in which pilotage is hereby made compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.
