

The Mumbai Port Trust (Licensing and Control of Pilots) Regulations, 2007

UNION OF INDIA

India

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Rule

THE-MUMBAI-PORT-TRUST-LICENSING-AND-CONTROL-OF-PILOTS-REGULATIONS, 2007

- Published on 1 March 2007
- Commenced on 1 March 2007
- [This is the version of this document from 1 March 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

The Mumbai Port Trust (Licensing and Control of Pilots) Regulations, 2007Published vide Notification No. G.S.R. 116(E), 1st March, 2007Ministry of Shipping, Road Transport and Highways(Department of Shipping)(Ports Wing)G.S.R. 116(E). - In exercise of the powers conferred by Section 124 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Mumbai Port Trust (Licensing and Control of Pilots) Regulations, 2007 detailed in the Schedule Annexed to this notification made by the Board of Trustees of Mumbai Port Trust, in exercise of the powers conferred on them by Section 28 of the said Act and in supersession of the Regulations contained in the "Mumbai Port (Licensing and Control of Pilots) Regulations, 1975".

Schedule

In exercise of the powers conferred by the proviso to Sub-section (1) of Section 124, read with Section 28, of the Major Port Trusts Act, 1963 (38 of 1963), and in supersession of Mumbai Port (Licensing and Control of Pilots) Regulation, 1975, the Board of Trustees of the Port of Mumbai, with the approval of the Central Government, under Sub-section (1) of Section 124 of the said Act, hereby makes the following Regulations:Part-I 1. Short title and commencement.(1)These Regulations may be called the Mumbai Port Trust (Licensing and Control of Pilots) Regulations, 2007.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these regulations, unless the context otherwise requires -(1)"Board", "Chairman" and "Deputy Chairman" shall have the same meaning as in the major Port Trusts Act, 1963 (38 of 1963).(2)"Control Station" means the station through which boarding and disembarkation of Pilots and other activities are monitored and controlled.(3)"Deputy Conservator" means the officer in whom the direction and management of pilotage are vested.(4)"Dock Master" means an officer appointed to perform such duties, in connection with movements of ships in the port as may, from time to time, be assigned to him by the Deputy Conservator and includes the Senior Dock Master.(5)"Harbour Master" means the officer appointed to perform such duties as may from time to time be assigned to him by the Deputy Conservator.(6)"Limits of compulsory pilotage waters" means the limits defined under Sub-section (2) of Section 4 of the Indian Ports Act, 1908 (15 of 1908).(7)"Pilot" means an officer licensed under these regulations to perform pilotage and other duties as may be assigned to him by the Deputy Conservator and includes 'Master Pilots'.(8)"Pilot Licence" means licence issued to a person to carry out pilotage of vessels within the port limits of the Port.(9)"Port" means the Port of Mumbai.Part-II Licensing-Qualifications and Conditions

3. Qualifications of candidates.

(1)A candidate for a Pilot Licence shall-(a)be an Indian national;(b)produce certificates of good character and sobriety;(c)be in possession of a -(i)Certificate of Competency as Master (Foreign Going) granted by the Government of India or its equivalent and have preferably experience of six months as First Mate on a foreign-going ship; or(ii)certificate as Dredge Master issued by the Directorate General of Shipping and have preferably experience of two years as a Dredge Master; or(iii)have successfully completed training as Pilot under the In-house Training of Pilots at the Port, as may be decided by the Board from time to time in consultation with the Director General of Shipping;(d)obtain a certificate of physical fitness from such medical authority as may be prescribed by the Chairman for the purpose; and(e)unless the Chairman otherwise determines, serve a period of probationary training of not less than six months and successfully pass the prescribed examination.Provided that the period of probationary training may be extended beyond six months for sufficient and valid reasons such as -(i)candidate is unable to complete required phases of training, due to his own illness, or has to proceed on leave for sufficient and valid reasons or due to any, national emergencies, etc.:(ii)in the interest of the Port or Government of India, the candidate is required to be allotted some other duties (with prior agreement) such as Dredging Master, Berthing Master, etc., and is thus unable to complete his training requirement;(iii)candidate for valid reasons is unable to pass his examination during the stipulated period of twelve months and in the view of Chairman, needs to be given a fair chance to pass the examination;(iv)in case of candidates belonging to SC/ST, special extra training or guidance is, deemed necessary :Provided further that the period of probationary training may be curtailed under the following Circumstances:(i)if the candidate has been a pilot in the said Port Trust and has rejoined subsequently;(ii)if in future modern technology such as a simulator is used for training.

4. Pilot Licence.

(1) Every Pilot (and Master Pilot) shall hold Pilot Licence to perform the duties of a Pilot at the particular port. This licence shall be issued on the sanction of the Central Government and under the signature of the Deputy Conservator. (2) A Pilot severing his connection with the Port shall forthwith surrender his Pilot Licence to the Deputy Conservator. (3) The Pilot Licence may be revoked by the Chairman in circumstances such as: (a) proven misconduct and/or misconduct under the conduct and discipline rules; (b) professional misconduct; (c) shipping casualties (accidents) where professional competence is questioned or negligence proved after enquiry into the accident; (d) where formal court of enquiry instituted in to marine casualty holds the Pilot responsible for an accident; (e) on cessation from service if the licence is not surrendered as required under (2) above; (f) on being medically found unsuitable for pilotage jobs. (4) A Pilot shall retain licence on subsequent promotions in the Pilotage service upto the post of Deputy Conservator and continue to pilot vessels as per the requirement.

5. Conditions for joining the Pilot service in Port.

- A person shall not be appointed as a Pilot unless and until he satisfies the Chairman that he fulfils the following conditions, namely :- (a) the conditions of eligibility for direct recruitment to posts under the Board as may be laid down by regulations in this behalf; (b) on the date of appointment as a probationary pilot, is of an age not below 25 years and not above 35 years, unless otherwise relaxed by the Chairman; and (c) possesses the qualifications specified in Regulation 3. Part-III Training and Examination

6. Training.

(1) During the period of training, probationary pilot will be instructed in the duties of a pilot, the lights, landmarks, buoyage, etc. of the harbour, the handling of ships within the pilotage waters of the port, berthing or unberthing of vessels within the dock basins, handling the port trust owned suction Dredger and operating her dredging equipments, etc. (2) On completion of the training, the probationary pilot may, subject to the approval of the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

7. Subjects of Examination.

- The examination shall include the following subjects, namely:-- regulations and rules framed for navigating in the harbour and approaches to the docks and piers;-- course and distance between any two places;-- rise and set of tides;-- anchorages, rocks, shoals and other dangers, landmarks, buoys, beacons and lights within the Port;-- management of ships and steamers, how to bring them to anchor and to keep them dear of their anchors in a tideway;-- to moor and unmoor and to get underway;-- to handle a vessel under all conditions; and-- such other subjects as may be determined by the Examination Committee.

8. Examination Committee.

- The examination of the Probationary Pilot shall be conducted by an Examination Committee composed as follows:(1)the Deputy Conservator - Chairman(2)the Harbour Master - Member(3)a Dock Master - Member(4)a Master Pilot - Member(5)an Independent (Foreign-Going) Master Mariner - Member

9. Failure to pass examination.

- In the event of a probationary pilot failing to pass the specified examination within twelve months of his appointment, he will be liable to be discharged.

10. Issue of Licence.

(1)On successful completion of the examination, the Pilot shall be issued the Pilot Licence under 4 above.(2)The fee for a Pilot's Licence, and for renewal thereof in case of loss, shall be prescribed by the Board from time to time.

11. Classification of Pilots.

(1)A pilot on being licensed will be permitted to pilot vessels as follows:-(a)during the first six months, attached to the berthing service and perform berthing or unberthing manouvers within the dock basins of Indira and Princess and Victoria docks.(b)during the next six months, vessels not exceeding 10,000 tons gross tonnage and not exceeding 25 feet draft (excluding tankers and men-of-war).(c)during the next six months, vessels not exceeding 12,000 tons gross tonnage (excluding loaded petroleum tankers and men-of-war).(d)during the next six months, vessels not exceeding 16,000 tons gross tonnage (excluding tankers proceeding to Pir Pau and Jawahar Dweep but including tankers from Jawahar Dweep and Pir Pau not exceeding 25 feet draft).(e)during the next six months, vessels not exceeding 16,000 tons gross tonnage (including tankers proceeding to and from Jawahar Dweep and Pir Pau not exceeding 25 feet draft).(f)during the next six months, vessels not exceeding 20,000 tons gross tonnage (excluding tankers exceeding 30 feet in draft proceeding to and from Jawahar Dweep and Pir Paul)(g)during the next six months, vessels not exceeding 20,000 tons gross tonnage (excluding tankers exceeding 35 feet draft proceeding to and from Jawahar Dweep and Pir Pau)(h)during the next six months, vessels not exceeding 60,000 tons gross tonnage.(i)thereafter unrestricted tonnage.(2)The transfer of a pilot from one class to the next higher class will be made with the approval of the Deputy Conservator.(3)A Pilot who joins with previous pilotage experience at another port may he granted accelerated tonnage at the discretion of the Deputy Conservator.

Part-IV Shore Station - Monitoring And Control

12. Pilot boarding or disembarkation at the entry point of the Port including identification of Pilot Launch or Vessel.

- (i) The Pilot shall board incoming vessels from pilot launch and disembark from outgoing vessels by pilot launch at a position due east of the Prongs Reef Buoy position or at any other suitable and safe location as directed by the Dock Master Control Station, (ii) The Pilot launch shall have the word "Pilot" amidships on each side. (iii) During the day the pilot launch shall exhibit day or night signal as per international regulations.

13. Dock Masters to do duties at Shore Station.

- The Dock Masters at various shore stations shall perform their duties in rotation for such periods as may from time to time be ordered by the Deputy Conservator. The Dock Master at the control Station, shall perform such duties, including control of the Vessel Traffic Service station, as may be specified by the Deputy Conservator.

14. The Pilot Station and Shore Station.

- The Dock Master at the control Station shall monitor the boarding and disembarking of Master, Pilots or Pilots and exercise control over them.

15. Operation Control of Pilots.

- The Harbour Master, and Dock Masters on behalf of the Harbour Master, shall have control over Master pilots and Pilots in pilotage charge of vessels while entering or leaving the port, mooring or unmooring and berthing or un-berthing at any anchorage, berth, dock within the port.

16. Boarding Inward bound vessels, etc.

- The Dock Master at the Control Station shall ensure that the Master Pilot or Pilot on turn for boarding inwards are duly boarded upon inbound vessels requiring Pilots. Also ensure that Master Pilot or Pilot are disembarked from outbound vessels.

17. Power to direct Pilots to take charge of a vessel of higher tonnage in certain circumstances.

- The Dock Master at the Control Station may, if necessary, direct a Pilot to perform the pilotage of a vessel which exceeds the tonnage for which he is qualified to pilot. In every such case, the Dock Master at the Control Station shall forthwith send a report in writing to the Deputy Conservator or any other officer nominated by Deputy Conservator stating the reasons which in his opinion necessitated such action.

18. Regulation of Pilots on vessels.

- The duty Dock Master on at the control station shall detail pilots to vessels requiring their services. He shall be guided by the Deputy Conservator's orders issued for such allocation. Part-V Duties of

Pilots

19. Pilots to obey the orders of the authority.

- All the Pilots and Master Pilots shall obey and execute all orders by the Deputy Conservator or the officer nominated by him relating to be the docking, undocking, towing, transporting, berthing un-berthing, removing of vessels and or duties pertaining to the working and handling of the port trust owned suction Dredger.

20. Pilot's behaviour.

- A Pilot shall at all times exercise strict sobriety. He shall throughout the time he is charge of a vessel use almost care and diligence for her safety and the safety of other vessel and property. He shall, when necessary, monitor the soundings to ascertain the underkeel clearance. He shall not lay by the vessel a ground without a written order from the owner or officer in command.

21. Pilots to obtain certificate of services performed by them.

- A Pilot shall on boarding the vessel get the pilotage papers signed by the Master (details of arrival or departure of the ships for the purpose of raising marine related charges).

22. Pilot to go on board vessels in good time.

- A Pilot about to take charge of a vessel which is outward bound or which is about to be moved from the berth in which she is laying, shall go on board and report himself to the officer in command at the time appointed, i.e. in sufficient time for her to moved out to sea or to her destination.

23. Pilots to see that vessel and her equipment are in order.

- A Pilot before the taking charge of a vessel shall enquire of the Master of the vessel whether all the main engines, steering system and other navigational aids are in proper working order.

24. Pilot to acquaint with the movement of vessels.

- All pilots, prior to boarding the vessel, acquaint themselves with the movement of vessels in the harbour and the pilot on board in each of them.

25. Commencement of Pilot's outward duties.

- The duties of a pilot in regard to outward bound vessels shall commence:-(i)in Indira, Princess and Victoria Docks, when the vessel is clear of the lock or dock gates and the "all clear" signal is given by the Dock Master.(ii)at Ballard Piers, harbour wall berths, Pir Pau jetties and Jawahar Dweep, when the vessel proceeds to unmoor.(iii)in the harbour, on boarding the vessel.

26. Termination of Pilot's outward duties.

- (i) The duties of a Pilot in regard to outward bound vessels shall cease when he has piloted the vessel upto the pilot boarding or disembarking point. (ii) A Pilot shall ascertain the position of the vessel before leaving the vessel and enter them in the pilotage paper.

27. Commencement of Pilot's inward duties.

- The duties of a Pilot in regard to an inward bound vessel shall commence when he boards the vessel in any position within the limits of compulsory pilotage waters.

28. Termination of Pilot's inward duties.

- The duties of a Pilot in regard to an inward bound vessel shall cease - (i) in Indira, Princess and Victoria Docks, when the vessel is safely entered into the lock or dock entrance. (ii) at Ballard Piers, harbour wall berths, Pit Pali Jetties and Jawahar Dweep, when the vessel is safely moored in her berth. (iii) in the harbour, when the vessel is safely anchored or moored in her berth.

29. Moving of Vessels.

- No Pilot shall move or direct the moving of any Vessel within the port from one position to another, unless the following conditions are fulfilled - (i) if the vessel is underway, the Master shall be on board; (ii) if the Master leaves the vessel before the movement is completed, the Pilot shall direct the vessel to be anchored in such safe position as may be most easily reached by the vessel and shall not give directions to proceed with the moving until the return of the Master to the vessel; (iii) throughout the moving, the number of officers and crew on board and available for duty shall be required, and if the Pilot on boarding considers that the number is not sufficient, he shall call the master's attention to the Port rules and refuse to proceed with the moving unless the Master first signs a declaration under his own hand expressly assuming entire responsibility. Explanation. - In this regulation, the expression "Master" shall include the first or other officer duly authorised to act for the Master in the event of the latter being incapacitated from performing the duties of his office.

30. Pilots to report on landing.

- On landing, after piloting a vessel inward and/or transporting a vessel in the stream, or returning from the Pilot launch or vessel, a Pilot shall report without delay to the officer designated by the Deputy Conservator for further duty.

31. Pilot not to bring vessels into dock when the signal is against him.

- A Pilot shall not bring a vessel into dock or alongside a berth unless cleared to do so by the shore station.

32. Pilot when on duty to carry with him his licence, etc.

- A pilot when on duty shall always have with him an official Tide Table for the Port, a copy of the Port Rules, Docks Bye-Laws, Pilotage Regulations for the time being in force and his licence.

33. Loss of licence.

- A Pilot losing his licence shall forthwith give notice thereof to the Deputy Conservator, stating the circumstances in which the licence was lost and the Deputy Conservator shall, unless he is satisfied that the loss has been caused by the Pilot's misconduct, arrange for the issue of a duplicate licence to the Pilot.

34. Pilots to give information of any alternations in navigational marks, etc.

- A Pilot who has observed any alternation in the depth of the channels, or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position, or become aware of any circumstance likely to affect the safety of navigational shall forthwith send a detailed report thereof in writing to the Deputy Conservator.

35. Pilots to report casualties.

- (i) A Pilot, whenever any accident has happened to or been caused by a vessel while in his charge, shall as soon as possible report the facts in writing in the form prescribed for the purpose to the Deputy Conservator. (ii) In case of any damage caused to port property by the vessel, the Pilot on behalf of the Port, shall issue a letter to the Master holding the Master of the vessel responsible for the damage as per Indian Ports Act, 1908 (15 of 1908) and Major Port Trusts Act, 1963 (38 of 1963) and obtain acknowledgement thereof.

36. Pilot to ascertain quarantine and security compliance.

- A Pilot, on boarding an inward bound vessel, shall obtain the International Declaration of Health from the Master and if the answer to all questions in the declaration is in negative, grant free pratique. In case the answer to any question is in the affirmative or if the pilot is in doubt, he shall appraise the Dock Master at the Control Station immediately who in turn shall pass the information to the Port Health Officer. In the mean time, the Pilot shall anchor the vessel in suitable anchorage and await the Port Health Officer. Pilot on boarding the vessel shall co-ordinate with the Dock Master at the Control Station or the officer designated in relation to the International Ship & Port Security compliance. Part-VI Administrative Procedures

37. Log book to be kept at Control Station.

- The Dock Master at the Control Station shall maintain a log book containing such particulars as may be specified by the Deputy Conservator. The Officer Incharge of the Control Station shall also

forward the log book to the Deputy Conservator for inspection at such intervals as may be ordered by him.

38. Senior Pilots to give instructions to Junior Pilots and Probationary Pilots.

- The Senior Pilots shall assist and instruct the Junior Pilot and Probationary Pilots in all branches of a Pilot's duty.

39. Pilots giving evidence.

- A Pilot shall not attend to give evidence in any trial or enquiry to which he is not a party, unless he is under subpoena, without the prior permission of the Deputy Conservator and a Pilot under subpoena to give evidence shall at once report the fact in writing to the Deputy Conservator.

40. Pilot's examination of charts.

- All Pilots will attend frequently at the office of the Deputy Conservator or Harbour Master to examine the latest plans and charts of the port and other information concerning the port.

41. Uniform.

- All officers of the pilotage service shall wear uniform when on duty as prescribed by the Port.Part-VII General

42. Interpretation.

- If any question arises relating to the interpretation of these regulations, it shall be referred to the Chairman for decision :-Provided that any Pilot may within sixty days of the receipt of the order of the Chairman make a representation to the Board and the Board may make such orders thereof as it deems fit.

43. Repeal and Savings.

- On commencement of these regulations, Mumbai Port (Licensing and Control of Pilots) Regulations, 1975 stands repealed:Provided that - (a) such repeal shall not affect the previous operation of the said Regulations or orders or practices or anything done or actions taken thereunder; and(b)any proceeding under the said Regulations pending at the commencement of these regulations shall be conducted and disposed of, as far as may be feasible, in accordance with these regulations.