



Review of the Pilotage Act 1987 - Summary

Table of contents

- [Port Marine Safety Code: Consultation Paper](#)
 - [Terms of Reference](#)
 - [Conduct of the Review](#)
 - [Parties consulted](#)
 - [Questionnaire to competent harbour authorities](#)
 - [NUMAST survey](#)
 - [Summary of findings and recommendations](#)
 - [Main conclusions](#)
 - [Principal Outcome of Review](#)
 - [Part 1 - Providing pilotage services](#)
 - [Part 2 - Maintaining standards](#)
 - [Part 3 - Improving accountability](#)
 - [Annex A: List of Recommendations in this Report](#)
 - [Annex B: MAIB Recommendations](#)
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Port Marine Safety Code: Consultation Paper

i. Following publication of the Marine Accident Investigation Branch (MAIB) report on the SEA EMPRESS, and comments made therein on pilotage, the Deputy Prime Minister announced on 16 July 1997 a review of the arrangements for harbour pilotage under the Pilotage Act 1987.

ii. This summary to the report of the review-

- records its terms of reference
- describes its conduct
- summarises its conclusions
- lists its recommendations - as an Annex

It includes as another Annex the list of the recommendations in MAIB's report: paragraph 59 of this summary makes clear the review's conclusions on these.

iii. The body of the report is in five parts, of which the summary covers the first three -

1. providing pilotage services
2. maintaining standards
3. improving accountability
4. the history
5. summary of present arrangements

Terms of Reference

iv. The review has had the following terms of reference;

to review the way functions conferred by the Pilotage Act 1987 are discharged by competent harbour authorities with particular reference to the recommendations made in the MAIB report on the SEA EMPRESS, and to make recommendations to Ministers on their response to that report and generally by 31 March 1998.

The review has covered the pilotage arrangements throughout the UK. It may be noted here that harbour regulation, including pilotage, is not proposed to be a reserved matter in relation to devolution to the Scottish Assembly. The Welsh Assembly, however, is not proposed to have any similar function.

Conduct of the Review

v. The review has involved a wide ranging series of meetings with interested representative bodies and visits to ports. Submissions have been made by a number of these bodies, and by pilots from various ports. Comprehensive information has been obtained on the operation of the present system through a questionnaire to competent harbour authorities. A large amount of reference material has also been studied, including reports leading to the creation of the present system and its predecessor.

vi. The review has attracted considerable interest in the ports and shipping industries and the discussions held have been detailed. Over forty meetings have been held in total. Many people in the ports visited freely gave a lot of time to these, which has been greatly appreciated. It has been clear throughout, however, that the report was the Department's - other interests are associated with its conclusions only to the extent that they share them.

Parties consulted

vii. The following bodies have been consulted during the review:

Maritime & Coastguard Agency Marine Accident Investigation Branch (MAIB)
UK Major Ports Group (UKMPG)
British Ports Association (BPA)
UK Independent Ports Association
Chamber of Shipping
Nautical Institute
UK Pilots Association (Marine)

National Union of Marine Aviation & Shipping Transport Officers (NUMAST)
UK Harbour Masters Association
Transport & General Workers Union (TGWU)
International Association of Independent Tanker Owners (INTERTANKO)
UK Association of Private Terminal Operators
British Marine Industries Federation (BMIF)
Royal Yachting Association (RYA)
Inland Waterways Association (IWA)

There have been detailed bilateral meetings with interested bodies, including two with the UK Pilots Association. Three meetings have been held with the main representative bodies together. Visits were made to the ports of -

Aberdeen
Bristol
Forth
Harwich
Humber
Liverpool
London
Milford Haven
Poole
Portsmouth
Southampton
Sullom Voe

with separate meetings with management, pilots and, in some cases, operators.

Questionnaire to competent harbour authorities

viii. At the outset of the review a questionnaire was sent to all of the competent harbour authorities (CHAs) as the initial fact finding stage of the review process. The form of the questionnaire was agreed by the parties listed above and was intended to elicit some general facts about the provision of pilotage at the harbours in question, including details on the numbers of pilots authorised, their employment status and provisions for exemption from pilotage. Returns were received from 75% of the CHAs consulted, including virtually all ports believed to provide a pilotage service. The main facts obtained from the questionnaire returns are contained in this report.

NUMAST survey

ix. In parallel with the review, NUMAST undertook a survey of master and pilot members. A questionnaire was answered by about a hundred pilot members, and some 375 from a wide sample of senior ships officers. The survey was prompted by the MAIB report on the *SEA EMPRESS*, and to inform NUMAST's contribution to this review. The survey's findings have been drawn upon in this report.

Summary of findings and recommendations

The remainder of this summary summarises the findings, with a list of recommendations. A separate note is annexed on the MAIB's recommendations and a brief note of the review's findings on each, as required by the terms of reference. *Some of the recommendations require legislation.* Assuming the adoption and expeditious implementation of other recommendations, the proposals for legislation in this review are unlikely to warrant an early Bill devoted to them: they should be taken forward at the earliest available opportunity presented by a Shipping or other appropriate Transport Bill.

Main conclusions

1. The main conclusions in this report are -

- that pilotage ought to remain a harbour authority function, and become fully integrated with other port safety services under harbour authority control;
- harbour authorities should use their powers to ensure that there is a clear practical assignment of responsibility for the safety of piloted vessels, and should adopt general port passage planning for this purpose;
- harbour authorities should keep under formal regular review the specific powers and duties imposed by the 1987 Act, relating to the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots;
- harbour authorities should be made more accountable for all their port safety functions, with a new reserve power for the Secretary of State to direct improvements where neglect of safety duties may cause a danger to public navigation.

Principal Outcome of Review

This report's main proposal is that a "Marine Operations Code for Ports" should be developed, covering all port safety functions, and not just pilotage. This should serve as a national standard - among other things for training and examination of pilots as proposed by MAIB, a guide to best practice, and a framework for the preparation of published policies and plans by harbour authorities in consultation with local users and other interests. Since the development of such a code goes beyond this review's terms of reference, it is proposed to extend it with new terms for a further year to develop the code in co-operation with representative bodies.

2. The Pilotage Act 1987 made about the most radical changes ever to the provision of pilotage services in this country. Its substantive predecessor, an Act of 1913, was largely to rationalise pilotage authorities. The 1987 Act swept them away, transferring their functions to harbour authorities. It also dealt successfully, where a series of earlier reviews had failed, with a costly accumulated surplus of pilots. Pilotage had previously involved significant work for the responsible Department. That was all stopped by the Act, and this review is about the first significant work on pilotage undertaken since by the Department.

Numbers

3. 127 harbour authorities now have pilotage functions, although over 20 appear not to exercise them. Pilot numbers have fallen from about 1400 before the Act to just over 800 now, of whom about 10% are part time. The largest pilotage operation accounts for 20% of all authorised pilots, the next largest about 12%. The largest ten account for over 500 pilots, but over a quarter of authorities using pilotage powers have no more than two pilots.

Central issue

4. The main question for this review has been whether, allowing for a painful transition, these radical changes were for the better, and should be built upon; or whether the disbenefits outweigh their gains, and justify another round of major changes.

Part 1 - Providing pilotage services

5. Harbour authorities have always had general responsibility for safety of marine operations in ports, and associated powers. *The review concludes that it was right to add pilotage to these functions.* Pilotage needs statutory regulation: this should be independent of the pilots whose services are engaged. Regulation of operations in ports should be under a single statutory authority in each port, with *an integrated safety management system*, covering pilotage.

6. Traditions, and the political and commercial imperatives behind the 1987 Act, inhibited development of working relationships between some authorities and their pilots, making it difficult to reap the major potential benefits from merging pilotage with other harbour powers. There has been real progress in many ports. Problems have continued in others - to a serious extent in at least one case. They do not all originate with management; nor should undue criticism be levelled at the harbour masters who manage pilotage services; but, where the difficulties have been overcome - or are now receding, the evidence is that the authority itself has given a clear management lead.

Management responsibilities

7. Integration cannot be achieved simply by bringing statutory powers and duties under single authorities. Port safety is an important *management responsibility*, the effective discharge of which is crucial to the success of the statutory functions. The distinction is important for pilotage because management of the service typically - and properly - lies with harbour masters. However, they have no statutory pilotage functions of their own: these all lie with the statutory harbour authority.

8. Management difficulties have beset the operation of pilotage services for very many years. The regime replaced by the 1987 Act - and those which went before that - were by no means trouble free. The 1987 Act undoubtedly addressed some of the difficulties, but its implementation has so far failed to resolve them all.

Apportioning responsibility

9. Integrated port safety management depends upon a clear definition of respective responsibilities, in practice on each and every ship arriving at or embarking from a port. The harbour authority, as the repository of statutory powers, should give the lead. The harbour master's task, under the authority, is primarily managerial. Ship owners have an important role in relation to the standards of ships, crew and operating procedures. The master is, and remains, in charge of the vessel; the pilot advises on the navigation. Pilots are accountable to their authorising body, whether employed by it or not.

10. Ports' businesses are very varied and a diverse range of competence is exhibited by visiting masters. The reasons for incompetence need to be addressed by the appropriate authorities; the consequences must also be managed by harbour authorities. A harbour authority is not in general allowed to prohibit a ship's port entry: its task is to use its powers (including pilotage powers) to achieve its safe navigation. Commercial considerations are inescapable: port's facilities depend upon their business. The authority has a difficult task protecting financial and safety interests. The difficulty cannot be overcome by setting the former aside, or by assigning the latter to somebody else - including the pilots.

11. Clear ground rules, understood by all, are important. Procedures for exceptions cannot be made up as and when they arise. Flexibility on all sides is essential. Powers of direction provide the basis of integrated regulation of navigation in harbours, enabling harbour authorities to require good navigation practice. Not all authorities have powers to make general directions - the reasons for this need to be reviewed with the industry to establish the scope for a general provision.

Port control

12. Integration of vessel traffic management, conducted from the shore, and pilotage, is a sensitive subject. A close working relationship between pilots and port control is essential, and is for the harbour authority to promote. 'Shore pilotage', the management of a ship's navigation without a pilot on board, is not 'pilotage'. Those giving advice must be competent and properly trained, and make clear whether advice or direction is being given. Authorities must be very wary of using port control advice to make good deficiencies on the bridge.

13. Traditionally, port control has only provided advice to supplement pilots' local knowledge with up to date information. Many authorities are putting pilots in port control positions. This is a positive step bringing relevant skills and experience to port control work. The jobs are different and training should not be overlooked. Technological advances may allow much more of the information available to port control to be passed to ships. Pilots trained to use it would be an asset to both. Ability to do so might become a requirement for exemption from pilotage.

Two pilots

14. There are times when a single pilot cannot safely conduct a ship on his own. The advantage of a second pilot is that pilots work, train and exercise together. Authorities' directions should reflect an understanding with their pilots about use of two pilots. Authorities should decide how to levy dues in such cases - not all charge for a second pilot.

Escort tugs

15. Tugs are used in various ways to assist ships in ports. Some assist only with berthing; others provide escorts which may be 'active', or 'passive'. Authorities should cover the use of tugs for this purpose in their directions. Where tugs may be used for piloted passages, the authority should determine the requirement, after prior consultation with their pilots, including the number to be used.

Pilots as marine advisers

16. Pilots ought to be seen, as they are in many ports, as a principal source of skilled marine advice to the harbour authority. All are daily operators with first hand awareness of the local conditions - including those created by other traffic. An authority has no imperative need to duplicate in the harbour master skills and knowledge already available through the pilots. There are historical and cultural barriers to be overcome in some ports to the full use of this expertise. Some ports have marine advisory committees - these bear no relation, however, to the former pilotage committee and cannot dilute the authority's statutory position.

Port passage plans

17. Port passage plans, as recommended by MAIB, supported by directions, provide the practical framework within which the different roles can be clearly assigned, and ensure that ship movements are conducted in a considered and defensible manner. Their use is growing but is not sufficiently general yet. The report discusses their practicalities in detail.

18. Planning the movements of ships in port has inherent advantages. The report proposes that authorities should aim to consider and publish general plans, after consultation with pilots and ship owners, more or less elaborated as necessary, and keep them under review. These will facilitate the preparation of passage specific plans by master and pilot, and thus their speedy agreement before ships are committed to the port's channel.

Part 2 - Maintaining standards

19. Harbour authorities have a number of specific powers and duties to ensure that pilotage services are to a proper standard. The review has looked at the main duties relating to the use of pilotage directions, and the recruitment, authorisation, employment status, examination and training of pilots. It has identified 127 authorities which have pilotage powers, but concludes that **only three-quarters of these** are exercising them.

Periodic reviews

20. There is a clear duty to consider the pilotage services needed to secure the safety of ships, and to decide the circumstances in which it should be compulsory. This requires periodic reviews. Overall, evidence is patchy: although some do so continuously, the industry as a whole cannot be said to be conducting regular reviews of their requirements routinely. It is best practice to do so, with a general review, say, every three years; also ensuring that changes in traffic and other conditions are addressed in the interim.

Joint arrangements

21. An authority is not required itself to carry out the duties placed upon it by the Act but can have another body do so on its behalf, including another harbour authority, a body it might set up itself, or a pilots' co-operative. Joint arrangements are also contemplated and there are a handful of these. An authority cannot, however, delegate key decisions: the report's proposals on accountability will allow it to be established whether any have done so.

Consultation

22. There is an express provision that those to be made subject to pilotage directions have to be consulted by the authority in advance. This is right, and additional to the need identified in later discussion of accountability to consult other interested parties.

Criteria for directions

23. A more analytical approach is required in deciding the need for compulsory pilotage, which must be judged solely on grounds of safety. Merely using dimensions of vessels may not accurately reflect the true need, which may also be affected by the facilities available to particular ships. There is, however, considered to be no need to change the Act in respect of the minimum size limits below which directions cannot apply.

Pilot numbers

24. Authorities must ensure that they have the right number of appropriately qualified pilots. This may require a more sophisticated approach in future, especially to training; and to ensure that larger vessels' pilotage dues are not unfairly subsidising small ones. There are some 800 authorised pilots, compared with 1400 just prior to the 1987 Act. An economic service can only be maintained in many ports by giving pilots other duties. There is no apparent shortage of recruits, partly because of pilots' prevailing pay levels.

Qualifications

25. There are no formal qualifications for pilots, beyond the local knowledge needed to obtain an authorisation. Most, but not all, have master's certificates but to insist upon these, unnecessarily reduces the recruitment pool. The same applies to command or other sea-going experience. However, such qualifications and experience are indicators of an applicant's relative quality, since this will have justified his promotion to command positions. Holders of a master's certificate are also subject to standards maintained by the Maritime and Coastguard Agency, as well as those of the authorising authority.

Control of authorisations

26. Responsibility for pilot authorisation covers the assignment of pilots to vessels required to use them. The authority must have discretion to decide not to roster an authorised pilot for a period, or for particular ships, and this should be an accepted condition of every authorisation. The Act does not appear to prevent this, but should be amended if it does. Long-standing arrangements in some ports for 'choice pilots', and associated training issues, should be reviewed.

Employment status

27. The employment status of pilots has been a contentious issue. Harbour authorities assuming pilotage functions had to offer authorised pilots employment unless another arrangement was acceptable to a majority of the local pilots. Whatever arrangements are made must safeguard the authority's position. If an alternative proves not to allow an authority sufficient control, it should review it. Employment is the default option. It is the easier way of integrating pilotage services, although evidence shows it is not the only one.

Examinations

28. All pilots have examinations before authorisation, and as they progress to an unrestricted category in which they can handle all ships. With some exceptions, these examinations are rigorous and require lengthy practical experience. A national examination criteria for so many different ports may have to be confined to a general requirement to be proved on the full range of conditions and regulations likely to be encountered, with local rules spelling out how this general principle will be applied in each port.

Training

29. Pilot training concentrates on initial authorisation and progression to unrestricted status. Ports should address more comprehensively the need for in-service training - and make it routine when new types of vessels (including tugs) are introduced. This is part of the authority's oversight of authorisations. There should be discussion with those providing appropriate training in the interests of a co-ordinated syllabus encompassing pilots, other port personnel and port navigation modules for ships' officers. MAIB recommended the use of simulators for both training and examining pilots: these are being used more as facilities become available for individual ports.

STCW

30. MAIB noted that the Sub-Committee on Standards of Training Certification and Watchkeeping (STCW) at the International Maritime Organization (IMO) has in its work programme an agenda item to consider developing provisions for the training and certification of maritime pilots and VTS personnel. The Government should support, and seek to influence this initiative, which covers general maritime competence as well as pilotage skills, recognising that it goes only so far, and that further work is required to establish how the appropriate standard of competence is to be established and recognised.

Pilotage exemption certificates

31. Authorities have a duty to issue pilotage exemption certificates to appropriately qualified masters and first mates, and are not to be allowed to withhold one for reasons unconnected with an applicant's skill and experience. Certificates have always been a bone of contention. This report discusses the main current issues relating to these certificates.

Qualification for exemption

32. As a useful general rule, the qualification for authorisation and a certificate should be equivalent, although there are differences, especially with certificates for masters. The principles in the proposed IMO recommendation therefore bear extension to exemption certificates. Port safety training should encompass applicants for and holders of exemptions, and authorities should extend principles of pilot training, such as the syllabus, and medical fitness, to their exemption policies.

Certificates for mates

33. First mates are entitled to exemption certificates. Crewing arrangements are evolving and becoming more flexible, and the restriction to first mates needs review. There is a special concern about the use of certificates on ferries: the review has found that the practice raises no concern about safety and that the officers concerned are amply proficient to have charge of port navigation.

Control of certificates

34. There is a concern, shared by some harbour authorities, about how the *proper use of certificates can be monitored*. It is difficult to ensure that the certificate holder has control of the navigation when claimed. The report proposes further discussion of best practice.

Withholding certificates

35. The report looks at the provision in the Act allowing for authorities to be empowered to *withhold certificates*. Only two (Forth and Sullom Voe) have this power and use it in different ways. There are many other instances where ship owners have more or less formal local understandings with harbour authorities not to seek exemptions for various types of vessel. The report proposes no change to the present statutory arrangement, but that local agreements between ship owners and authorities should be promoted.

Revocation and suspension of certificates

36. There should be a means to *revoke or suspend* an exemption certificate with immediate effect. Existing powers do not allow this explicitly. The equivalent of a harbour master's power of special direction is needed for this purpose, with the safeguard that any pilotage dues levied during a suspension would be refundable if the holder successfully exercised his existing right to a hearing.

Dues

37. It is right for pilotage dues to be set by each port. Judging from the absence of appeals, former acute concern about levels of dues has abated. There is no evidence of general overcharging for pilotage, allowing that dues must cover a range of services beyond pilot remuneration. The distinction between pilotage and other dues is becoming blurred and the need for separate rules on publishing accounts may need review in due course.

Pilot boats

38. This review has not considered arrangements for pilot boats since these are well covered by Regulations which are under parallel review. There is, however, evidence of substantial investment in boats by harbour authorities in order to comply with the related Code, but concern about some use of unsuitable craft.

Part 3 - Improving accountability

39. Authorities have adequate powers to maintain port safety standards, but there should be better means to demonstrate that they are doing so, and for best practice to be more generally accessible. This is where the main proposals for change are made. They are not limited to pilotage functions, since these ought to be integrated with other safety functions. Additional work is therefore needed with broader terms of reference.

Revocation of pilotage powers

40. More work is needed on whether all harbour authorities which have pilotage powers should retain them: a further weeding out is needed. The Act did not aim to transfer powers to 'inactive' authorities. Evidence to the review suggests that some twenty are not active in pilotage terms, and that the threshold was too low. Orders to create new pilotage authorities may be revoked, but powers cannot be taken from those to which they were transferred by the Act. A further attempt has to be made to establish the position of authorities failing to participate in this review: powers might need to be sought to remove pilotage and perhaps other functions from authorities not needing them or capable of discharging them.

Former role of Government

41. Pilotage has always been delivered through local agencies. It was the Pilotage Act 1913 which created a role for central Government, to impose reorganisation on a 'chaotic condition' created piecemeal. The Act's safeguards were intended to preserve the system it created from relapse. However, their strength came to inhibit needed change. The Board of Trade had extensive powers under the 1913 Act, which it latterly shared with the Pilotage Commission, but was never responsible for pilotage services. The exercise of these powers became a disproportionate burden which was among the prompts for the 1987 Act, in which the Government took no significant oversight role.

Need for single local authority

42. As a general rule, port safety should be in the hands of a single locally based authority. Any form of safeguard needed to make authorities accountable for the use of their powers must operate without their exercise being inhibited. If pilotage should be an integrated part of port safety management, proposals for improving accountability cannot be confined to pilotage. This, however, takes consideration beyond the terms of reference.

43. The Maritime and Coastguard Agency certifies those who work on UK ships and exercises powers to suspend certificates held by UK ships officers. It should be a rule that pilots' certificates are reviewed where the misconduct of a ship, or ships, prompts a review of their authorisation. MAIB investigates accidents in UK waters, including port waters. It intends to investigate more incidents in future involving

pilots - not just serious ones.

Case for Government oversight

44. The UK Pilots Association (UKPA) accepts that pilotage should remain with harbour authorities but argue that the Government should oversee harbour authorities. They seek a right for pilots to have a wide range of operational and contractual questions decided by an inspector with an arbitration panel to hear disputes between the inspector and either the port or the pilots. This would be a much greater role than was formerly exercised by either the Board of Trade or the Pilotage Commission.

45. The review has examined the arrangements for rail and airport safety. The arrangements for railways are the best analogy, although railway operations have more in common with workplaces in general than do port operations. Arrangements proposed by pilots would not be comparable to those made for railways or airports.

46. Harbour authorities generally are run professionally. Improvements could be made - locally and generally. Rights to question operational decisions would pass effective power to interests without statutory duties. This was a main weakness of the old regime. These proposals go further than it did here; they would not secure improvement - the opposite is very probable. Authorities cannot be held accountable if decisions are liable to be taken out of their hands. Other undertakers are not overseen thus, and it is not warranted for ports.

47. Questions between pilots and harbour authorities about operational matters are best dealt with locally and internally, and authorities should have procedures for such purposes, which allow unresolved disagreements, and their outcome, to be recorded. It does not promote the working relationship advocated in this report to bring external arbitrators into such matters.

Principle of accountability

48. The principle of public accountability applies, for a statutory authority, to the discharge of its statutory duties, having regard to their objective and associated public interests. Harbour authorities' duty relates to safety of navigation and regulation of marine operations: the former is a public right. Providing pilotage is a specific duty to that end, facilitating the public right. Harbour authorities, however, are not publicly accountable. The statutory duties are not neglected. Authorities generally are very aware of the potential dangers from lack of diligence, and of the exposure to public scrutiny accidents bring.

49. There is a case for enhancement. While statutory obligations remain with harbour authorities, Parliament and the public expect Ministers to answer when incidents occur, which argues for them to have at least a reserve power to ensure adequate standards. Some ports already have formal systems for managing risks; many will need them to comply with obligations under the Oil Pollution Response Convention. There is scope for spreading best practice in a diverse industry where expertise is not at all evenly distributed.

National and local plans

50. Harbour authorities ought to account publicly for the discharge of their statutory duties. A system of accountability should be based on a clear national framework setting a high overall standard for port safety - a "**Marine Operations Code for Ports**"; and require a periodic account of the policies and procedures adopted by each port to achieve that standard. It should include performance measures to test compliance and progress; and a monitoring and enforcement element. It should dovetail with other requirements on ports for plans. It should complement IMO's ISM International Safety Management Code.

51. This echoes recommendations by MAIB on pilot training and examination. Harbour authorities and the commercial operations they oversee are diverse. This can be made a virtue: it is not an insurmountable objection to a national safety framework. Elaborate systems may appear beyond the resources of many small ports: this too can be dealt with. It is very desirable that both national and local levels should be developed in parallel. The public as well as port personnel and users ought to be consulted in preparation of a plan.

Reporting

52. There need to be periodic published reports from each port on how they have discharged their policies and procedures, and that they are kept under review. Appropriate performance measures are important, especially a tally of incidents. MAIB will be very willing to participate in the development for the national framework of a common method of recording by ports, and in discussing related questions about ensuring common reporting.

Spreading good practice

53. Any regulatory function related to the national standard must be balanced with the opportunity it presents to disseminate good practice. There is a special need for large ports to assist the small ports.

Role of Government

54. Any role taken by the Government needs to be carefully balanced: enforcement and related monitoring, or auditing, must not divide operational responsibility. It should support the spread of good practice. The aim of such a role is to ensure that an agreed overall standard is generally applied, and to safeguard the public interest. A reserve power would serve this purpose - in the following terms -

If it appeared to the Secretary of State that a harbour authority had failed, or was failing, to discharge any of its statutory functions, and that a serious danger to navigation was likely to result, he may, after consulting the harbour authority and such other persons as he considered appropriate, give the authority appropriate directions.

The power would relate to the national standard. The local safety assessments would be the principal means of assessing conformity to the standard: deficiencies in these would therefore be the main prompt for the reserve power.

District Marine Safety Committees

55. MAIB's report suggested a role for the District Marine Safety Committees monitoring standards. They have no executive function and are structured accordingly. The Committee chairmen have reported that this proposal has been discussed and that their Committees do not consider themselves the right repository for this task. Nobody consulted disagrees.

Implementation

56. A reserve power would have no statutory force unless it was enacted. It is not clear how quickly that could be done. This should be taken forward when an opportunity is presented by a Shipping or other appropriate Transport Bill. It is proposed to proceed in advance of legislation, initially with the development of the national standard. An incremental approach will work best, starting with ports that already have advanced safety procedures, and any other large ports. All those with pilotage powers should participate.

57. The detailed scope and content of the national standard needs a lot of further discussion. Overlap with other plans has to be avoided. Some items (formal safety assessments, passage plans and training) have a high technical content on which expert help will need to be drawn from the industry. Substantial progress could be made towards an initial standard in twelve months.

Cost of reserve power

58. It has not been possible to assess the cost of these proposals. It would be significant for some ports and will need watching. Substantial costs would not fall on Government either in developing the Code, or auditing local safety assessments; some would be absorbed as those of this review have been almost entirely. There might be extra costs for the Maritime and Coastguard Agency, at either stage. This might represent the cost of one post. It is clear that this is not currently available and would therefore be a matter for the incoming Chief Executive to address in his initial budgetary review.

MAIB recommendations

59. The report on the *SEA EMPRESS* by MAIB made eight recommendations on pilotage - reproduced in the attached Annex. Most of these were addressed to the Milford Haven Port Authority but all have a general application. This report concludes that they should be accepted with two exceptions. On employment of pilots, the merits are recognised of the proposal that pilots should be directly employed to ensure proper management control, but in some (but not all) cases alternative provisions work satisfactorily. There is no support for the idea that District Marine Safety Committees should monitor standards of pilot training and examination. The two recommendations addressed to the Department, relating to national standards, are proposed to be fully implemented in the Code.

Next steps

60. The Department will now commence work on the 'Marine Operations Code for Ports'. It welcomes comments and help on this report, and its planned work on the Code, from all who are able to provide it. Written contributions should be sent to -

Department of the Environment Transport & the Regions
Ports (2) Division
Zone 4/13
Great Minster House
76 Marsham Street
London SW1P 4DR

Annex A: List of Recommendations in this Report

The following specific recommendations are cross-referenced to the preceding section:-

- Statutory responsibility for pilotage should remain with harbour authorities and they should integrate pilotage with their other functions relating to port safety (paras 5 to 10).
- The case for all authorities having general powers of direction should be reviewed (para 11) (this would require legislation).
- Harbour authorities should have clear rules about the role of port control, the use of two pilots and the employment of tugs: the case for all harbour authorities to have powers of general direction should be reviewed (paras 12 to 14).
- Harbour authorities should adopt passage planning as proposed by MAIB (paras 17 & 18).
- Harbour authorities should review pilotage requirements formally at least every three years, ensuring that they have a proper number of suitably qualified pilots for their needs (para 20).
- Joint arrangements for providing pilotage services should be investigated to ensure that the authorities concerned have retained their statutory functions (para 21).
- No change is needed in the general power to give pilotage directions but it should be applied in a more analytical way (para 23).
- Harbour authorities should retain full control over the rostering of pilots: 'choice pilot' arrangements should be reviewed (para 26).
- Harbour authorities should keep the employment status of pilots under review to ensure that they retain sufficient control and offer direct employment if they do not (para 27).
- Training facilities should be reviewed with the training providers to identify elements of a common syllabus covering pilots, other port personnel and port navigation modules for ships' officers (para 29).
- The proposed IMO recommendation on pilot training and examination should be supported, and its principles applied to exemption certificates (para 30).
- The use of exemption certificates by mates is not widely abused: the restriction of exemption certificates to first mates should be reviewed (para 33) (this would require legislation).
- Means of controlling misuse of certificates should be developed (para 34). Authorities should have special powers to suspend the use of a certificate pending any appeal by the holder (paras 34 & 35) (this would require legislation).
- Local agreements should be made where the use of exemption certificates needs to be restricted in the interests of safety (para 36).
- Requirements to keep separate accounts of pilotage dues should be reviewed in due course (para 37) (this would require legislation).
- Further work is needed on whether all harbour authorities which have pilotage powers should retain them (para 40) (this might require legislation).

- An arbitration panel for disputes about pilotage matters is not warranted (para 45).
- The Maritime and Coastguard Agency and MAIB should be more routinely involved with incidents involving piloted vessels (para 43)
- Authorities should have internal procedures for resolving difficulties about operational matters (para 47)
- Harbour authorities ought to account publicly for their statutory duties through a "Marine Operations Code for Ports", and periodically reviewed published local plans (paras 48 to 51) (a statutory requirement would require legislation).
- Performance measures should be developed to monitor port safety improvements (para 52)
- Ministers should have a reserve power to ensure standards (para 54) (this would require legislation).

Annex B: MAIB Recommendations

To the Department

A. National minimum standards of pilot training and examination in the UK should be prepared. It is noted that the Sub-Committee on Standards of Training Certification and Watchkeeping (STCW) at the International Maritime Organization (IMO) has in its work programme an agenda item to consider developing provisions for the training and certification of maritime pilots and VTS personnel.

B. Procedures should be developed and implemented for the effective monitoring of competent harbour authorities' standards of training and examination of pilots. The involvement of the District Marine Safety Committees should be considered for this purpose.

To the Milford Haven Port Authority

C. The Pilotage Authorisation Committee should amend the qualifying requirements for authorisations to perform pilotage on vessels in excess of 30,000 dwt. The requirements for each of these authorisations should be based upon a minimum number of trips under instruction from another pilot, of which at least half are undertaken at night and at least half are inward trips from sea.

D. The Pilotage Authorisation Committee should improve the standards of examination of pilots. There should be an examination prior to the granting of any additional authorisation, not just initial authorisation to perform pilotage on vessels up to 30,000 dwt. Consideration should be given to the use of simulators as an additional means for both training and examining pilots.

E. Pilots should be instructed to ask after boarding to see any pilotage plan prepared by the vessel. A plan to be followed, taking the vessel's own plan into account, should be discussed and agreed with the Master and then notified to the port radar operator. The level of detail of the agreed plan, which should either be in writing or drawn on the chart, should be appropriate for the particular pilotage to be carried out.

F. The boarding position off Milford Haven for pilots should be such that it allows sufficient time to agree the passage plan with the Master of the vessel and sufficient sea room to allow the vessel to be lined up for the agreed approach.

G. Reforms should be introduced in the management of the pilots. In particular, they should consider abolishing their wholly owned subsidiary, Milford Haven Pilotage Ltd, so that the pilots become direct employees of the Port Authority and managed by them on a day-to-day basis.

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