

PILOTAGE REGULATIONS

EXPLANATORY NOTE

The Secretary may, for the purpose of carrying out the intent of the National Maritime Act of 1997, make regulations that he considers necessary and advisable, and which are ancillary to the National Maritime Act of 1997 and not inconsistent with it.

The purpose of these Regulations is to provide for the administration of marine pilots, their training and qualifications, their fitness and continued proficiency.

It is recognized that pilotage requires specialized knowledge and experience of a specific area. It is incumbent upon Government to establish and maintain competent pilotage authorities to administer safe and efficient pilotage systems.

The assessment of the experience, qualifications and suitability of an applicant for pilotage certification or licensing should be the responsibility of the competent authority in the Federated States of Micronesia, in this case, the Department of Transportation, Communications & Infrastructure.

The Department should, in conjunction with the port authorities and the pilots:

- (a) develop the standards for obtaining a certificate and/or Certificate in order to provide pilotage services within the area under the Department's jurisdiction;*
- (b) determine what prerequisites, sea service, experience, or examinations are necessary to ensure that applicants for certification or licensing as pilots are properly trained and qualified, and issue certificates and/or Certificates to those deemed proficient and properly qualified; and*
- (c) arrange for investigations in pilot competence and any incidents involving pilotage.*

The Certificate issued to a pilot should state the pilotage area for which it is issued, as well as any geographical restrictions and limitations as to maximum length, breadth and draft, tonnage or special characteristics of the vessel.

Every pilot should satisfy the Department that his medical fitness, particularly regarding eyesight and hearing, meets the standards required for the certification of masters and mates under the International Convention of Standards of Training, Certification and watchkeeping of Seafarers, 1978, as amended in 1995 (STCW-95).

The specific content of training and certification and/or licensing requirements is the responsibility of the Department and should bear some correlation to the structure of certificates issued by the Department to masters and officers under the provisions of

STCW-95. Nevertheless, the standards should be sufficiently high to enable the pilot to carry out his duties for the particular area he is licensed for in a safe and efficient manner. Therefore the training should include practical experience gained under the close supervision of experienced pilots.

The Pilotage Syllabus is the same for all candidates for all levels of Pilotage Certificate. The difference is that the degree of difficulty of the questions, written and oral, and the practical examination will increase with the higher level of certification. All entry-level pilots will be expected to have a high level of knowledge and a high level of competence. The award of any class of Certificate is based on proven competence. Therefore, each applicant for a Pilotage Certificate should be able to demonstrate competence and necessary knowledge of the items contained in the syllabus.

In order to ensure the continued proficiency of pilots, by means of updating their knowledge and refining their skills, the Department should satisfy itself, at regular intervals, not exceeding five years, that all pilots:

- (a) continue to possess recent navigational knowledge of the local area;
- (b) continue to meet the medical fitness requirements;
- (c) possess knowledge of current international, national and local laws.

This may be determined by perusal of personal service records, completion of professional development courses or by an examination. Where a pilot has had more than a 1-year absence from duty for whatever reasons and is lacking recent experience in the pilotage area, the Department should satisfy itself that the pilot regains familiarity and proficiency in piloting in that area before his full return to duty. If he has suffered a serious illness, he should be required to take a full medical examination and be certified as being in full health before returning to duty.

Revalidation of pilot's Certificates shall follow the principles set forth in the International Convention for Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended in 1995 (STCW-95). Updating and refresher training courses for pilots on an on-going basis will be necessary to ensure the continuation of their proficiency and the updating of their knowledge.

Efficient pilotage depends on the effectiveness of communication between the pilot, the master, the bridge personnel and the shore communications station. It is based on mutual understanding of the roles, duties and functions of each other. Establishment of effective co-ordination between the parties on the bridge of the ship must take into account the ship, her characteristics/performance and equipment available. The pilot and the ship's team should be familiar with Bridge Resource Management.

Some pilotage, for some ships, should be compulsory. It would be compulsory for ships carrying cargoes that could easily damage the marine environment; for large ships, for ships with special characteristics (such as tug and tow) and for ships

commanded by masters who are not familiar with the area or the port. Certain ships below a certain tonnage may be granted exemptions or the master may apply for an exemption certificate or a dispensation (if he can pass certain requirements and prove proficiency in pilotage, local knowledge and superior manoeuvring and ship-handling skills).

The Department will designate Pilot Stations where the pilot will board the vessel, which will be at sufficient distance to allow time for the master-pilot information exchange. This consists of an exchange of information on the ship's characteristics, local conditions and the navigational procedures that the pilot intends to follow.

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PLILOTAGE REGULATIONS
(19 F.S.M.C. § 103)

1. Authority

These Regulations are promulgated by the Secretary pursuant to section 103 of the National Maritime Act of 1997, Title 19 of the Code of the Federated States of Micronesia, and may be cited for all purposes as the Pilotage Regulations.

2. Interpretation

- (1) In these Regulations, unless the context otherwise requires or is expressly provided for otherwise:

“Act” means the National Maritime Act of 1997, Title 19 of the Code of the Federated States of Micronesia;

“Secretary” means the Secretary of Transportation, Communications & Infrastructure;

“Department” means the Department of Transportation, Communications & Infrastructure;

“Port Authority” means a department of a State Government responsible for the operation of ports or a Port Authority established by the State Government;

“Pilotage Authority” means a Port Authority established by a State Government or a State Government responsible for the operation of a port.

“Principal Shipping Officer” has the same meaning as in section 102 (21) of the Act;

“Organization” means the International Maritime Organization;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974, including the Protocols of 1978 and 1988, as amended from time to time, which amendments have been accepted by the Government;

“STCW-95” means International Convention of Standards of Training, Certification and Watchkeeping of Seafarers, 1978, as amended in 1995;

“Pilot” means a pilot holding a Certificate issued under these Regulations;

“Pilotage Area” means an area, specified in these Regulations, within or outside the limits of a port, in which pilotage services are available;

“Compulsory Pilotage Area” means an area, specified in these Regulations, within or outside the limits of a port in which pilotage services are compulsory;

“Pilot Station” means the place defined in these Regulations as the boarding ground where the vessel picks up the pilot;

“Pilotage Exemption Certificate” means a certificate issued to the master of a ship who has met the criteria prescribed in section 21 for piloting a particular vessel in a Compulsory Pilotage Area without a pilot on board;

“Exempt Master” is a master who has been issued with a Pilotage Exemption Certificate in respect to a certain Pilotage area;

“Each Move” as used in Schedule V of these Regulations, commences on an inbound move when the pilot boards a vessel at pilot station and pilots the vessel to either a berth alongside the dock or to an anchorage within the limits of the port, and commences on an outbound move from an anchorage or a berth alongside the dock to the pilot station. A move from the anchorage to berth or from berth to the anchorage is considered to be a separate move and will be charge at the rate stated in Schedule V of the Regulations

- (2) Where a provision of these Regulations requires a person to follow some course of conduct, take a prescribed action or refrain from taking a prohibited action, then the person so doing or omitting to so do, commits an offence and shall be liable upon conviction to a fine not exceeding the penalty prescribed at the end of that particular section.

3. Application

- (1) These Regulations shall apply to all ports in the Federated States of Micronesia, including those established under State legislation.
- (2) The limits of the Pilotage Areas to which these Regulations apply are set forth in Schedule I of these Regulations.
- (3) These Regulations shall apply to all ships entering, leaving, manoeuvring within or moving from one berth to another berth in, a port in the Federated States of Micronesia.
- (4) These Regulations in respect of pilotage qualifications shall apply to all pilots and exempt masters in all ports in the Federated States of Micronesia.

4. Establishment of Pilotage Areas

- (1) The Secretary may, by Regulation and after consultation with the State Port Authority, declare an area within or adjacent to a port to be a Pilotage Area.

- (2) The Pilotage Areas for the ports to which these Regulations apply are those contained in Schedule I.

5. Compulsory Pilotage Areas

- (1) The State Pilotage Authority may determine that pilotage is compulsory in the whole or in a specified part of a Pilotage Area.
- (2) The Secretary may, by Regulation and after consultation with the State Port Authority, declare and define a Compulsory Pilotage Area.
- (3) The Secretary may, by Regulation, declare the Pilot Station in respect of that Pilotage Area.

6. Vessels required to take a pilot on board

- (1) All ships entering, leaving, manoeuvring within or moving from one berth to another berth in a Compulsory Pilotage Area shall take on board a pilot.
- (2) Before a vessel enters a Compulsory Pilotage Area the master of the vessel shall:
 - (a) present the vessel at the Pilot Station specified in respect of that Compulsory Pilotage Area; and
 - (b) allow the pilot to take pilotage charge of the vessel.
- (3) A master of a vessel shall be penalized in the amount of \$20,000 for not complying with subsection (2).

7. Master to give notice of arrival

- (1) The master of a vessel requiring a pilot shall give notice to the appropriate Pilotage Authority of the vessel's Estimated Time of Arrival (ETA) at the Pilot Station not less than 72 hours in advance of that time; re-confirm the vessel's ETA not less than 24 hours prior to arrival; and confirm that ETA at the Pilot Station 4 hours prior to arrival.
- (2) Communication by VHF or dedicated channel shall be established as soon as possible to enable the master to confirm his ETA at the Pilot Station and to furnish relevant information regarding pilot boarding.
- (3) The ETA message to the Pilot Station shall include all information required by local pilotage authorities, including:
 - (a) ship's name, call sign and ship's agent;

- (b) ship's characteristics such as length, breadth, draught, air draught (if relevant), speed, number and power of thruster(s);
 - (c) ship's navigating equipment, such as compasses, radar, electronic aids to navigation and its status, noting any defects;
 - (d) date and time expected at the pilot boarding point; and
 - (e) other relevant requirements and information.
- (4) The master of an outbound vessel shall advise the appropriate Pilotage Authority at least 4 hours before the Estimated Time of Departure of the vessel.

8. Boarding Facilities for Pilots

A master of a vessel who is obliged or wishes to use the services of a pilot shall facilitate the boarding of the vessel by providing equipment and supervision that is:

- (a) consistent with the good practice of seamen and international safety norms; and
- (b) in accordance with the provisions of Regulation 17 of Chapter V of SOLAS. (Schedule II)

9. Exchange of Information

- (1) The master and pilot shall exchange information regarding navigational procedures, local conditions, the ship's characteristics, including the pilot's proposed passage plan.
- (2) If a standard form is used, it shall be simple, easy to understand without minimising the amount of possible verbal exchange.

10. Pilot Signals

- (1) The master of a vessel that requires a pilot shall, in accordance with the International Code of Signals, make the letter "G" by the most suitable method, having regard to the prevailing visibility.

- (2) The master of a vessel that is under the pilotage charge of a pilot shall exhibit the flag “H” of the International Code of Signals where it can best be seen.
- (3) The master of a vessel who is an exempt master shall fly the same signal as prescribed in subsection (2) when in a Compulsory Pilotage Area.

11. The Role of Pilot and Master

- (1) Subject to the authority of the master of a ship, the duty of a pilot is to safely pilot the ship.
- (2) The master of a ship is not relieved of his responsibility for the conduct and navigation of the ship by reason of the ship being in the charge of a pilot.

12. Pilot Not Personally Liable

A pilot shall not be personally liable in any civil proceedings for:

- (a) any damage done by him;
- (b) for any loss suffered as a result of any act done by him; or
- (c) for any failure to do anything required to be done by him;

while acting as a pilot, unless that act or omission arose from his gross negligence, wilful neglect or misconduct.

13. Owner and Master Liable For Damage

The owner and the master of a ship shall be jointly and severally liable in civil proceedings for any loss or damage caused by the ship, or as a result of any fault in the navigation of the ship, notwithstanding that a pilot was, or was required to be, on board the ship at the time that the loss or damage was caused.

14. Civil Liability for Loss or Damage

Neither the Government, Pilotage Authority nor any employee is liable in any civil proceedings for any damage done by, or any loss suffered as a result of, any act or omission on the part of a pilot under this Part while acting as pilot of a ship.

15. Exemptions

The provisions for compulsory usage of pilots in ports does not apply to the following classes of vessels:

- (a) warships and patrol boats;
- (b) commercial vessels commanded by an exempt master;
- (c) commercial and pleasure vessels of less than 300 gross tons.

16. Force Majeure

Where it is necessary for a vessel to be brought into, moved, or taken out of a pilotage area in an emergency situation where:

- (a) the vessel is in grave or imminent danger; or
- (b) the life of a person on board a vessel is in danger;
- (c) there is any immediate accepted peril of the sea;

then the action may be taken without a pilot being in pilotage charge of the vessel.

17. Dispensations

- (1) The Secretary may, when a pilot with the class of Certificate necessary to act as pilot of a vessel in a Compulsory Pilotage Area is not available, appoint a pilot with a lower class of Certificate to pilot the vessel for the time being.
- (2) Any pilot granted a dispensation to pilot a vessel which would normally require a pilot with a higher class of Certificate may pilot such vessels for a period not exceeding three months, unless extended by the Secretary.

18. Pilotage Certificates

- (1) The Principal Shipping Officer may issue four (4) classes of Pilotage Certificates.
- (2) The classes of Pilotage Certificates that may be issued and the classes of vessels for which each Certificate is valid are as follows:

Class I Pilot	Unlimited tonnage
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Class II Pilot	10,000 – 5,000 GT
Class III Pilot	5,000 – 1,000 GT
Class IV Pilot	1,000 – 300 GT

- (3) An application for a Pilotage Certificate, or for an endorsement on such a Certificate, or for a Pilotage Exemption Certificate, shall be made, in writing, to the Principal Shipping Officer, stating the Certificate applied for and showing the necessary pre-requisite training and/or experience.
- (4) An application made under sub-section (3) must be accompanied by:
- (a) original or certified copies of the necessary documents; and
 - (b) a medical certificate from a physician nominated to carry out medical examinations for seafarers under the STCW Regulations to certify that the applicant is in good general health, sufficient to enable him to carry out pilotage duties, and having the standards of sight and hearing equal to or exceeding those prescribed in Part VII of the STCW Regulations; and
 - (c) any prescribed fee; and
 - (d) any other information or documents as the Principal Shipping Officer finds necessary to satisfy himself that the application should be granted.
- (5) All candidates applying for a Pilotage Certificate for the first time must have the requisite Certificate of Competency issued by an appropriate maritime authority that is in full and complete compliance with the provisions of STCW-95, and/or training under a pilot holding the requisite Certificate, as set forth in Schedule III.
- (6) Experience at sea in command of a vessel of a certain size may be considered an alternative (in full or in part) to Training, if approved by the Principal Shipping Officer, as follows:
- (a) A person holding a Class 1 Unlimited Certificate of Competency with 3 years command experience, having had either:
 - (i) 3 months training with a Class I pilot and 20 trips in and out; or
 - (ii) as master of a vessel, have made at least 50 entries and departures in and out of the port and Pilotage Area.
may apply for a Class I Pilotage Certificate.
 - (b) A person holding a Class 1 Near-Coastal Certificate of Competency with 3 years command experience, having had either:

- (i) 3 months training with a Class I pilot and 20 trips in and out; or
 - (ii) as master of a vessel, have made at least 50 entries and departures in and out of the port and Pilotage Area.
may apply for a Class II Pilotage Certificate.
- (c) A person holding a Class 2 Unlimited Certificate of Competency with 3 years command experience, having had either:
 - (i) 3 months training with a Class I pilot and 20 trips in and out; or
 - (ii) as master of a vessel, have made at least 50 entries and departures in and out of the port and Pilotage Area.
may apply for a Class II Pilotage Certificate.
- (d) A person holding a Class 2 Near-Coastal Certificate of Competency with 3 years command experience, having had either:
 - (i) 3 months training with a Class II pilot and 20 trips in and out; or
 - (ii) as master of a vessel, have made at least 50 entries and departures in and out of the port and Pilotage Area.
may apply for a Class III Pilotage Certificate.
- (e) A person holding a Watchkeeping Unlimited Certificate of Competency, having had 6 months training with a Class II pilot and 50 trips in and out
may apply for a Class III Pilotage Certificate.
- (f) A person holding a Master Class 3 Certificate of Competency, having had either:
 - (i) 18 months Probationary Period under a pilot; or
 - (ii) as master of a vessel, have made at least 50 entries and departures in and out of the port and Pilotage Area;
 may apply for a Class IV Pilotage Certificate.
(See Schedule III.)
- (7) Candidates holding a Pilotage Certificate may apply for a higher class Certificate with the appropriate service and on satisfactory completion of an assessment as follows:
 - (a) Candidates holding a Class III Restricted Pilotage Certificate may apply for a Class II Limited Pilotage Certificate after 12 months approved service and making 10 trips under the supervision of a Class II Pilot on vessels of greater than 5,000 GT, and may be

granted a Class II Certificate on the successful completion of a competency-based assessment comprising of an oral examination and a practical demonstration of competence.

- (b) Candidates holding a Class II Limited Pilotage Certificate may apply for a Class I Unlimited Pilotage Certificate after 12 months approved service and making 10 trips under the supervision of a Class I Pilot on vessels of greater than 10,000 GT, and may be granted a Class I Certificate on the successful completion of a competency-based assessment comprising of an oral examination and a practical demonstration of competence.
- (8) On the satisfactory submission of the application, the verification of the supporting documentation, the verification of the training and/or experience; and on the satisfactory completion of the assessment, the Principal Shipping Officer may award the candidate the Pilotage Certificate applied for on the form prescribed in Schedule VI.
- (9) The assessment of a candidate for a Pilotage Certificate for the first time will consist of a written examination, an oral examination, and a practical assessment carried out by a Class I pilot. In the assessment of a candidate for a higher level of Pilot Certificate, the written examination may be dispensed with, if in the opinion of the Principal Shipping Officer, it is not necessary.
- (10) The Pilotage Certificate must contain:
 - (a) the full name of the pilot;
 - (b) the pilotage area for which the holder is licensed;
 - (c) the class of Certificate, as specified in sub-section (2);
 - (d) the date the Certificate was issued and its expiry date, if any;
 - (e) any conditions subject to which the Certificate was issued;
 - (f) any subsequent endorsements in respect of other pilotage areas.
- (11) The Syllabus for a Pilotage Certificate (Schedule IV) shall be the same for all candidates for all levels of Pilotage Certificate, the difference being the degree of difficulty of the questions, written and oral, and the practical examination, which will increase with the higher level of Certificate. All entry-level pilots will be expected to have a high level of knowledge and a high level of competence and the award of any class of Certificate is based on proven competence.

19. Revalidation

- (1) Every pilot holding a Pilotage Certificate issued under these Regulations shall, in order to qualify as a licensed pilot, be required at intervals of not exceeding five years:
 - (a) to meet the standards of medical fitness prescribed in Part VII of the STCW Regulations; and
 - (b) establish continued professional competence in accordance with those standards prescribed by the Principal Shipping Officer, similar to those required under the STCW Regulations for Certificates of Competency.
- (2) Where the pilot seeking revalidation of a Pilotage Certificate produces evidence to the Principal Shipping Officer that he:
 - (a) is medically fit to properly carry out the duties of a pilot;
 - (b) has continued competence as a pilot for the class of Certificate and Pilotage Area for which he is qualified; and
 - (c) has paid the requisite fee;

then the Principal Shipping Officer may revalidate the pilot's Certificate for a period not exceeding five years.

20. Lapsing of Pilotage Certificates

- (1) A Pilotage Certificate ceases to be valid in respect of the Pilotage Area for which it was valid if the holder of the Certificate does not carry out the duties of a pilot on a vessels in that area for a period of 12 months or more.
- (2) Where a Pilotage Certificate has lapsed and ceased to be valid in respect of the Pilotage Area for which it was valid it may be revalidated by the Principal Shipping Officer in respect of that area, if the applicant:
 - (a) makes an application for revalidation; and
 - (b) accompanies the holder of a Class I Certificate while piloting a vessel within that Pilotage Area on 5 trips in and out;
- (3) If
 - (a) the Class I pilot recommends in writing that the applicant can satisfactorily carry out the duties of a pilot in the Pilotage Area, stating his reasons and his assessment; and
 - (b) if the applicant meets any additional requirements, such as a medical check-up, that the Principal Shipping Officer might reasonably require in order to satisfy himself that the applicant can satisfactorily carry out

the duties of a pilot in that Pilotage Area then the Principal Shipping Officer may revalidate the Certificate.

21. Exemption Certificates

- (1) The Principal Shipping Officer may issue two (2) classes of Pilotage Exemption Certificates.
- (2) The classes of Pilotage Certificates that may be issued, the classes of vessels for which each Certificate is valid, and the number of trips (in and out) as master with a pilot in pilotage control in order to qualify for a Pilotage Exemption Certificate are as follows:

Overseas Ship	< 10,000 GT	20 trips (in and out)
Local Registered Ship	< 2,500 GT	30 trips (in and out)

- (3) An application for a Pilotage Exemption Certificate, or for an endorsement on such a Certificate shall be made, in writing, to the Principal Shipping Officer, requesting a Pilotage Exemption Certificate and showing the necessary experience as master with a pilot in pilotage charge for that Pilotage Area.
- (4) An application made under sub-section (3) must be accompanied by:
 - (a) original or certified copies of the necessary documents including
 - (i) Certificates of Competency, Unlimited Master Class 2 or higher for an Overseas Ship, or
 - (ii) Master Class 3 for Local Registered Ship, and testimonials of the pilots who provided pilotage services when the applicant was master; and
 - (b) a medical certificate from a physician nominated to carry out medical examinations for seafarers under the STCW Regulations to certify that the applicant is in good general health, sufficient to enable him to carry out pilotage duties, and having the standards of sight and hearing equal to or exceeding those prescribed in Part VII of the STCW Regulations; and
 - (c) any prescribed fee; and
 - (d) any other information or documents as the Principal Shipping Officer finds necessary to satisfy himself that the application should be granted.
- (5) On the satisfactory submission of the application, the verification of the authenticity of the Certificates of Competency, the verification of number of

trips in and out made with a pilot; and on the satisfactory completion of an assessment of the competence of the applicant with respect to piloting within that Pilotage Area, the Principal Shipping Officer may award the applicant the Pilotage Exemption Certificate on the form prescribed in Schedule VII.

22. Misconduct by a Pilot

- (1) A pilot holding a Certificate issued under these Regulations shall not:
- (a) perform an act, which causes, or is likely to cause
 - (i) the loss or destruction of or serious damage to a vessel; or
 - (ii) the death of or serious injury to a person on board a vessel; or
 - (b) fails to do anything required to be done by him to preserve
 - (i) a vessel from loss, destruction or serious damage; or
 - (ii) any person on board a vessel from death or serious injury; in a manner which amounts to wilful breach or neglect of duty or when he is under the influence of alcohol or drugs.
Penalty: a fine not exceeding \$500,000.
- (2) A pilot holding a Certificate issued under these Regulations shall not:
- (a) engage in any corrupt practices involving the vessel, its master, crew or passengers or involving their money, goods or chattels;
 - (b) allow his Certificate to be used by any other person;
 - (c) act as a pilot when he knows his Certificate is suspended, expired or otherwise invalid;
 - (d) act as a pilot while under the influence of alcohol or drugs;
 - (e) do anything on board the vessel that would enhance the expenses of the pilotage for his own gain or that of any other person or organisation;
 - (f) refuse or wilfully delay, without reasonable cause, to pilot the vessel on being requested to do so by the master, owner or agent;
 - (g) quit a vessel he is piloting without reasonable cause before the service for which he was engaged has been performed and without the consent of the master.

Penalty: a fine not exceeding \$500,000.

23. Preliminary Investigation into a Pilotage Incident

- (1) When there has been an incident involving a vessel, which was in the pilotage charge of a licensed pilot, the Secretary may cause a Preliminary Investigation to be carried out and appoint the persons to conduct it.
- (2) Where, in the opinion of the Secretary, the Preliminary Investigation reveals a situation where there has been a violation of these Regulations or the Act, the Secretary may cause an Inquiry be held into the matter, under section 25.
- (3) The person or persons conducting the Preliminary Investigation, and where it is relevant to their inquiries:
 - (a) go aboard any vessel;
 - (b) enter any wharf or installation within the Pilotage Area;
 - (c) require any person to answer questions relating to the subject of the Inquiry;
 - (d) require the production of any document or certificate.
- (4) A person shall not
 - (a) hinder any person carrying out a Preliminary Investigation under this section;
 - (b) fail to answer truthfully any question put to him by a person carrying out or assisting in the Preliminary Investigation, except where the questioning breaches the person's rights at law;
 - (c) fail to produce a document or certificate he has in his possession or under his control to a person carrying out or assisting in the Preliminary Investigation.

Penalty: a fine not exceeding \$5,000.

24. Suspension of a Pilotage Certificate

- (1) Where the Secretary is of the opinion that a pilot
 - (a) is unfit to discharge his duties as a pilot because of incompetence, incapacity, insobriety or misconduct or for any other reason; or
 - (b) had been seriously negligent in the discharge of his duties as a pilot;he may cause an Inquiry to be held into the matter.

- (2) Where the Secretary causes an Inquiry to be held, he may, if he thinks fit, suspend the Pilotage Certificate of the pilot, pending the outcome of the Inquiry.

25. Inquiries

- (1) Where the Secretary causes an Inquiry to be held, he shall appoint a person, suitably qualified
 - (a) by the holding of, or having held, judicial office; or
 - (b) by experience as an attorney or trial counsellor; to hold the Inquiry.
- (2) The person so appointed shall conduct the Inquiry with the assistance of one or two assessors of nautical and pilotage experience from a list of well-qualified mariners recommended by the Principal Shipping Officer and appointed by the Secretary.
- (3) While the person appointed to conduct the Inquiry shall establish the procedures he thinks will best serve the purpose of the Inquiry, he shall also take into account the need to give adequate notice to the pilot of the place, day and hour and the nature of the of the Inquiry;
- (4) The pilot, in respect of whom the Inquiry is being held, shall have the right to:
 - (i) attend all aspects of the Inquiry;
 - (ii) be represented by counsel;
 - (iii) be sworn and give evidence;
 - (iv) call witnesses;
 - (v) examine, cross-examine and re-examine all witness within the customary rules of evidence;
 - (vi) take all proper exceptions to the admissibility of evidence; and
 - (vii) at the conclusion of the Inquiry, or at any other proper time, address the Inquiry.
- (5) When the Inquiry has been completed, the person appointed by the Secretary to conduct the Inquiry shall make a written report as to his findings and conclusion to the Secretary.
- (6) Where, having received the report, the Secretary believes that there was evidence of misconduct or serious negligence on the part of a pilot, he may

- (a) cancel the Pilotage Certificate of the pilot in respect of whom the Inquiry was held; or
 - (b) suspend the Certificate for such period as he considers appropriate and shall inform the pilot accordingly.
- (7) Where a Pilotage Certificate is
- (a) cancelled; or
 - (b) suspended for a period of 6 months or more; the Certificate holder may appeal against the decision pursuant to the Administrative Procedure Act, Title 17 of the FSM Code.

26. Pilotage Charges and Fees

- (1) Pilotage charges and fees shall be those contained in Schedule V of these Regulations.
- (2) Charges may include:
 - (a) a minimum pilotage fee;
 - (b) a pilotage fee based on tonnage;
 - (c) travel, accommodation costs and standby time;
 - (d) delay or waiting time.

27. Pilot Not To Be Taken To Sea

- (1) Except in circumstances of unavoidable necessity, neither the owner nor master of a vessel shall take a pilot, acting in the course of his duties, to sea, beyond the Pilotage Area

Penalty: that prescribed in section 719 of the Act.

- (2) If a pilot is taken to sea
 - (a) in circumstances other than unavoidable necessity; or
 - (b) without his consent;
the Secretary shall assess the damages suffered by the pilot as a result of the action and the amount to be assessed shall be deemed as pilot charges, and such amount may be sued for in a court of competent jurisdiction or may become a maritime lien against the ship.

28. Unqualified Person Not To Act as Pilot or Exempt Master

- (1) A person, not being a licensed pilot, shall not
 - (a) hold himself out to be a licensed pilot; or
 - (b) be in pilotage charge of a vessel in respect of which a licensed pilot is required to be on board.

Penalty: that prescribed in section 712 of the Act.

- (2) A person, not being an exempt master, shall not
 - (a) hold himself out to be an exempt master; or
 - (b) be in pilotage charge of a vessel in respect of which an exempt master or a licensed pilot is required to be on board.

Penalty: a fine not exceeding \$500,000.

- (3) An owner shall not knowingly allow his vessel to be in the pilotage care of a person who is not a licensed pilot or an exempt master for the Pilotage Area in which a licensed pilot is required to be on board.

Penalty: a fine not exceeding \$500,000.

29. Penalties

- (1) A pilot who
 - (a) makes a false declaration in order to obtain a Pilotage Certificate or an endorsement issued under these Regulations;
 - (b) obtains or uses forged documents or obtains documents by fraud for the purpose of obtaining a Pilotage Certificate or a Pilotage Exemption Certificate;
 - (c) issues false documents or forges a document to facilitate the issue of a Pilotage Certificate or a Pilotage Exemption Certificate; commits an offence and is liable upon conviction to a fine not exceeding \$5,000.
- (2) Every person who contravenes any provision of these Regulations, or does some thing that is prohibited by these Regulations, or fails to do some thing prescribed by these Regulations, for which no penalty is provided elsewhere,

commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000.

30. Transitional Provisions

- (1) Pilots who do not hold Pilotage Certificates issued under these Regulations, but who have, in the opinion of the Principal Shipping Officer, been successfully performing pilotage duties in the various ports and pilotage areas may, after appropriate assessment to assure their continued proficiency as a pilot, be awarded a Pilotage Certificate of the appropriate class for the appropriate Pilotage Area(s).
- (2) The assessment of continued proficiency and the Pilotage Certificate that the incumbent pilot will be issued shall include the class of Certificate of Competency held, the number of years of experience in a particular Pilotage Area and the outcome of the oral and practical assessments.

Pilotage Areas and Location of Pilot Stations

The Pilotage Areas and Pilot Station are as follows:

Kosrae

Pilotage Areas

From: Latitude 5° 21' 30" North, Longitude 162° 55' 45" East
To: Latitude 5° 21' 30" North, Longitude 162° 57' 45" East
To: Latitude 5° 20' 30" North, Longitude 162° 55' 45" East
To: Latitude 5° 20' 30" North, Longitude 162° 56' 30" East
To: Latitude 5° 20' 45" North, Longitude 162° 57' 45" East

Pilot Station

Center Latitude 5° 21' 00" North, Longitude 162° 56' 00" East
Radius 0.1 nautical mile or 160 meters

Pohnpei

Pilotage Areas

From: Point 1: Latitude 6° 58' 39" North, Longitude 158° 12' 09" East
To: Point 2: Latitude 6° 58' 24" North, Longitude 158° 47' 42" East

From: Point 3: Latitude 6° 59' 10" North, Longitude 158° 10' 42" East
To: Point 4: Latitude 6° 59' 10" North, Longitude 158° 09' 50" East
To: Point 5: Latitude 7° 01' 14" North, Longitude 158° 09' 12" East
To: Point 6: Latitude 7° 01' 42" North, Longitude 158° 10' 23" East
To: Point 7: Latitude 6° 59' 31" North, Longitude 158° 12' 10" East

Pilot Station

Center Latitude 7° 00' 37" North, Longitude 158° 10' 18" East
Radius 0.1 nautical mile or 160 meters

Yap

Pilotage Areas

From: Latitude 9° 29' 32" North, Longitude 138° 09' 18" East
To: Latitude 9° 32' 02" North, Longitude 138° 08' 09" East
To: Latitude 9° 31' 32" North, Longitude 138° 07' 32" East
From: Latitude 9° 29' 26" North, Longitude 138° 09' 12" East
To: Latitude 9° 29' 00" North, Longitude 138° 07' 40" East
To: Latitude 9° 30' 08" North, Longitude 138° 07' 21" East

Pilot Station

Center Latitude 9° 28' 31" North, Longitude 138° 09' 12" East
Radius 0.1 nautical mile or 160 meters

Chuuk

Pilotage Areas

From: Latitude 7° 06' 30" North, Longitude 151° 56' 30" East
To: Latitude 7° 15' 00" North, Longitude 152° 04' 00" East
To: Latitude 7° 20' 00" North, Longitude 152° 03' 30" East
To: Latitude 7° 30' 00" North, Longitude 152° 02' 00" East
To: Latitude 7° 35' 00" North, Longitude 152° 00' 00" East
To: Latitude 7° 40' 00" North, Longitude 152° 56' 00" East
To: Latitude 7° 43' 00" North, Longitude 151° 50' 00" East
To: Latitude 7° 43' 30" North, Longitude 151° 45' 00" East
To: Latitude 7° 42' 00" North, Longitude 151° 40' 00" East
To: Latitude 7° 40' 00" North, Longitude 151° 38' 00" East
To: Latitude 7° 36' 30" North, Longitude 151° 38' 00" East
To: Latitude 7° 30' 00" North, Longitude 151° 33' 00" East
To: Latitude 7° 27' 30" North, Longitude 151° 30' 00" East
To: Latitude 7° 25' 00" North, Longitude 151° 24' 00" East
To: Latitude 7° 17' 00" North, Longitude 151° 24' 00" East
To: Latitude 7° 15' 00" North, Longitude 151° 30' 00" East
To: Latitude 7° 15' 00" North, Longitude 151° 33' 00" East
To: Latitude 7° 10' 00" North, Longitude 151° 38' 00" East
To: Latitude 7° 10' 00" North, Longitude 151° 47' 30" East

Pilot Station

Center Latitude 7° 30' 00" North, Longitude 152° 00' 00" East
Radius 0.1 nautical mile or 160 meters

Special Pilot Station

Center Latitude 7° 31' 18" North, Longitude 151° 56' 30" East
Radius 0.5 nautical mile or 800 meters

Schedule II

Pilot Transfer Arrangements – SOLAS Chapter V, Regulation 17

1. Application

- (a) Ships engaged on voyages in the course of which pilots are likely to be employed shall be provided with pilot transfer arrangements.
- (b) Equipment and arrangements for pilot transfer which are installed on or after 1 January 1994 shall comply with the requirements of this Regulation (SOLAS Chapter V, Regulation 17) and due regard shall be paid to the standards adopted by the Organization.
- (c) Equipment and arrangements for pilot transfer which are provided on ships before 1 January 1994 shall at least comply with the requirements of regulation 17 in force prior to that date and due regard shall be paid to the standards adopted by the Organization prior to that date.
- (d) Equipment and arrangements which are replaced after 1 January 1994 shall, in so far as is reasonable and practicable, comply with the requirements of this regulation.

2. General

- (1) All arrangements used for pilot transfer shall efficiently fulfil their purposes of enabling pilots to embark and disembark safely. The appliances shall be kept clean, properly maintained and stowed and shall be regularly inspected to ensure that they are safe to use. They shall be used solely for the embarkation and disembarkation of personnel.
- (2) The rigging of the pilot transfer arrangements and the embarkation and disembarkation of a pilot shall be supervised by a responsible officer having means of communication with the navigation bridge who shall also arrange for the escort of the pilot by a safe route to and from the navigation bridge. Personnel engaged in rigging and operating any mechanical equipment shall be instructed in the safe procedures to be adopted and the equipment shall be tested prior to use.

3. Transfer Arrangements

- (1) Arrangements shall be provided to enable the pilot to embark and disembark safely on either side of the ship.

- (2) In all ships where the distance from the sea level to the point of access to, or egress from, the ship exceeds 9m, and when it is intended to embark and disembark pilots by means of the accommodation ladder, or by means of mechanical pilot hoists or other equally safe and convenient means in conjunction with a pilot ladder, the ship shall carry such equipment on each side, unless the equipment is capable of being transferred for use on either side.
- (3) Safe and convenient access to, and egress from, the ship shall be provided by either:
- (a) a pilot ladder requiring a climb of not less than 1.5 m and not more than 9 m above the surface of the waters so positioned and secured that:
 - (b) it is clear of any possible discharges from the ship;
 - (c) it is within the parallel body length of the ship and, as far as is practicable, within the mid-ship half-length of the ship;
 - (d) each step rests firmly against the ship's side; where constructional features, such as rubbing bans, would prevent the implementation of this provision, special arrangements shall, to the satisfaction of the Administration, be made to ensure that persons are able to embark and disembark safely;
 - (e) the single length of pilot ladder is capable of reaching the water from the point of access to, or egress from, the ship and due allowance is made for all conditions of loading and trim of the ship, and for an adverse list of 15°; the securing strong points, shackles and securing ropes shall be at least as strong as the side ropes;
- (2) an accommodation ladder in conjunction with the pilot ladder, or other equally safe and convenient means, whenever the distance from the surface of the water to the point of access to the ship is more than 9m. The accommodation ladder shall be sited leading aft. When in use, the lower end of the accommodation ladder shall rest firmly against the ship's side within the parallel body length of the ship and, as far as practicable, within the mid-ship half length and clear of all discharges; or
- (3) a mechanical pilot hoist so located that it is within the parallel body length of the ship and, as far as is practicable, within the mid-ship half length of the ship and clear of all discharges.

4. Access To The Ship's Deck

Means shall be provided to ensure safe, convenient and unobstructed passage for any person embarking on, or disembarking from, the ship

between the head of the pilot ladder, or of any accommodation ladder or other appliance, and the ship's deck. Where such passage by means of:

- (a) a gateway in the rails or bulwark, adequate handholds shall be provided;
- (b) a bulwark ladder, two handhold stanchions rigidly secure to the ship's structure at or near their bases and at higher points shall be fitted. The bulwark ladder shall be securely attached to the ship to prevent overturning.

5. Shiplide Doors

Shiplide doors used for pilot transfer shall not open outwards.

6. Mechanical Pilot Hoists

- (a) The mechanical pilot hoist and its ancillary equipment shall be of a type approved by the Administration. The pilot hoist shall be designed to operate as a moving ladder to lift and lower one person on the side of the ship, or as a platform to lift and lower one or more persons on the side of the ship. It shall be of such design and construction as to ensure that the pilot can be embarked and disembarked in a safe manner, including a safe access from the hoist to the deck and vice versa. Such access shall be gained directly by a platform securely guarded by handrails.
- (b) Efficient hand gear shall be provided to lower or recover the person or persons carried, and kept ready for use in the event of a power failure.
- (c) The hoist shall be securely attached to the structure of the ship. Attachment shall not be solely by means of the ship's side rails. Proper and strong attachment points shall be provided for hoists of the portable type on each side of the ship.
- (d) If belting is fitted in the way of the hoist position, such belting shall be cut back sufficiently to allow the hoist to operate against the ship's side.
- (e) A pilot ladder shall be rigged adjacent to the hoist and available for immediate use so that access to it is available from the hoist at any point of its travel. The pilot ladder shall be capable of reaching the sea level from its own point of access to the ship.

- (f) The position on the ship's side where the hoist will be lowered shall be indicated.
- (g) An adequate protected stowage position shall be provided for the portable hoist. In very cold weather, to avoid the danger of ice formation, the portable hoist shall not be rigged until its use is imminent.

7. Associated Equipment

- (a) The following associated equipment shall be kept at hand ready for immediate use when persons are being transferred:
 - (i) two man-ropes of not less than 28mm diameter properly secured to the ship if required by the pilot;
 - (ii) a lifebuoy equipped with a self-igniting light;
 - (iii) a heaving line.
- (b) When required by paragraph (d), stanchions and bulwark ladders shall be provided.

8. Lighting

Adequate lighting shall be provided to illuminate the transfer arrangements outside, the position on deck where a person embarks or disembarks and the controls of the mechanical pilot hoist.

Qualifying Service

STCW Certificate of Competency	Training	Experience	Assessment	Class of Certificate
Class 1 Unlimited 3 years command	3 months training with Class I Pilot* on 20 trips in or out	Master of vessel over 10,000 GT > 50 trips in or out	Written Oral Practical	Class I Pilot
Class 1 Near-Coastal 3 years command, or Class 2 Unlimited 1 year command	3 months training with Class I Pilot* on 20 trips in or out	Master of vessel over 5,000 GT > 50 trips in or out	Written Oral Practical	Class II Pilot
Class 2. Near-Coastal 3 years command, or Watchkeeper Unlimited	12 months training with Class II Pilot on 50 trips in or out	Master of vessel over 1,000 GT > 50 trips in or out	Written Oral Practical	Class III Pilot
Master Class 3	18 months Probationary period with a Class II Pilot for 50 trips in or out	Not Applicable	Written Oral Practical	Class IV Pilot

*A Class II Pilot may be substituted with the approval of the Secretary.

Syllabus for Pilotage Certificates

This Pilotage Syllabus is the same for all candidates for all levels of Pilotage Certificate. The difference is that the degree of difficulty of the questions, written and oral, and the practical examination will increase with the higher level of certification. All entry-level pilots will be expected to have a high level of knowledge and a high level of competence. The award of any Class of Certificate is based on proven competence.

On the basis of the syllabus, each applicant for a Pilotage Certificate should be able to demonstrate competence and necessary knowledge of the following:

1. Limits of each local pilotage area;
2. International Regulations for Preventing Collisions at Sea, and such other national and local navigational safety and marine pollution prevention rules that may apply in the pilotage area;
3. The system of buoyage used in the pilotage areas;
4. Characteristics of lights (including their arcs of visibility, range and fog signals), racons, radio beacons and other electronic aids used in the area;
5. Names, positions and characteristics of lights, buoys, beacons, structures, and other marks in the area;
6. Names and characteristics of the channels, shoals, reefs, passages, headlands and points in the area;
7. Any bridges or similar obstructions, together with limitations (such as air draught);
8. Depths of water throughout the area including the effect of tidal range and effects;
9. General set, rate, rise and fall, duration of tides (including the effect of tidal streams, set and drift, effect of rise and fall, prevailing winds, the effect of windage and similar factors);
10. Proper courses and distances in the area;
11. Anchorages in the area, and nature of the ground and holding power;

12. Shiphandling for piloting, anchoring, docking and undocking, manoeuvring with and without tugs, and emergency situations. (This should go past mere knowledge and a candidate should be able to show proficiency in all facets in all parts of the pilotage areas);
13. Communications, proper operation, correct procedures and availability of navigational information;
14. System of navigational warning broadcasts in the area and the type of information likely to be included;
15. Any traffic separation schemes, vessel traffic services and similar vessel management systems in the area;
16. Bridge equipment and shipborne navigational aids;
17. Use of radar and other electronic devices, their capabilities and limitations as navigation and collision avoidance aids;
18. Manoeuvring behaviour of the types of ships expected to be piloted and the limitations imposed by particular propulsion and steering systems;
19. Factors affecting ship performance such as wind, current, tide, channel configuration, water depth, bottom, bank effect, and ship interaction, including squat;
20. Use and limitation of tugs;
21. The use of the English language as a standard to enable the pilot to express himself clearly in his communications and to understand others to whom English is not their first language;
22. The IMO Standard Marine Navigational Vocabulary;
23. Master-Pilot Relationship and operational procedures;
24. Pollution prevention;
25. Contingency plans for the area;
26. Any other knowledge considered necessary.

Pilotage Charges and Fees

(1) Charges for Pilotage

Charge for each move, per gross ton	\$0.12
Charge for transporting pilot to pilot station or to a vessel	\$100.00
Shifting ship within the Harbour or Within the Anchorage	\$100.00
Minimum charge for each move (irrespective of tonnage or length)	\$300.00
Delay rate per hour or part thereof	\$50.00

Tug and barge shall be the cumulative tonnage

The following equivalents are to be used for vessels not measured for tonnage.

Length	15m	24m	35m	45m
Equivalent gross tonnage	20	150	300	500

(2) Fees for Pilotage Certificates etc. are as follows:

Application for a Pilotage Certificate	\$250.00
Application for a Pilotage Exemption Certificate	\$100.00
Examination fee	\$50.00
Application for endorsement for further Pilotage Area on Pilotage Certificate	\$250.00
Revalidation	\$250.00



Division of Marine Transportation
Department of Transportation, Communications & Infrastructure
The Government of the Federated States of Micronesia

Certificate of pilotage competency

The undersigned do hereby certify that have been found competent in accordance with the requirements of Chapter 7 of the National Maritime Act, 1997 and Section 18 of the Pilotage Regulation prescribed thereunder to serve as within for the following classes of vessels, with the following limitation only.

This certificate is valid for a period of five (5) years from the date of issue.

Issued this day of 200. at Palikir, Pohnpei.

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Principal Shipping Officer



Schedule VII

No.

Division of Marine Transportation
Department of Transportation, Communications & Infrastructure
The Government of the Federated States of Micronesia

Pilotage exemption certificate

The undersigned do hereby certify that has been found competent in accordance with the requirements of Chapter of the National Maritime Act, 1997 and Section 21 of the Pilotage Regulations as prescribed thereunder to serve as for the following classes of vessels, within the following harbour(s) and limitations only:

This certificate is valid for a period of five years from the date of issue.

Issued this day 200 . . at Palikir, Pohnpei.

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Principal Shipping Office

APPROVALS

Pursuant to the authority vested in me as Secretary of Transportation, Communications and Infrastructure by sections 103, 702 and 707 of Title 19 of the Code of the Federated States of Micronesia, I hereby issue and promulgate these Pilotage Regulations. These Regulations shall become effective upon approval by

the President and compliance with Title 17 of the Code of the Federated States of Micronesia.

Date: 08-16-02

/s/ Akillino H. Susaia
Akillino H. Susaia
Secretary of Transportation, Communications
& Infrastructure

These Pilots' Qualifications Regulations have been reviewed by the Department of Justice and found to be in proper legal form.

Date: 08-16-02

/s/ Paul E. McIlrath
Paul E. McIlrath
Secretary of Justice

I approve the adoption of these Regulations.

Date: 08/20/02

for Redley Killion
Leo A. Falcam
President

EFFECTIVE DATE

The President having approved these Regulations and the requirements of Title 17, section 102 of the Code of the Federated States of Micronesia now having been satisfied, I hereby declare that the foregoing Pilotage Regulations became effective on **25 September 2002**.

/s/ Akillino H. Susaia
Akillino H. Susaia, Secretary
Transportation, Communications & Infrastructure