

PORT OF CORK COMPANY

PILOTAGE BYE-LAWS

Final
Made and approved by the Port of Cork Company 28/3/2011

PORT OF CORK COMPANY

PILOTAGE BYE-LAWS

The Port of Cork Company, in pursuance of its powers under Section 71 of the Harbours Act, 1996 to 2009, hereby makes these Bye-laws.

LIMITS OF THE PORT OF CORK COMPANY PILOTAGE DISTRICT

"The Port of Cork Company Pilotage District," hereinafter referred to as "the Pilotage District", is defined in the Harbours Act, 1996 to 2009, and the limits of the Pilotage District as set out in Part II of the Third Schedule are as follows: -

- (a) the outward limits consisting of the waters within an imaginary arc with radius of 9.65 Kilometres drawn seawards from Roches Point;
- (b) the inward limits commencing at the Eamonn de Valera Bridge and Michael Collins Bridge in the City of Cork.

INTERPRETATION

1. The following words and expressions in these Bye-laws shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction, that is to say:-

"The Company" shall mean the Port of Cork Company.

"Chief Executive" shall mean the Chief Executive for the time being of the Company.

"Harbour Master" shall mean the Harbour Master for the time being of the Port, and

shall include the Deputy Harbour Master while acting within his authority as such Deputy.

"Pilot" shall mean a person holding a licence granted by the Company to pilot vessels in the Pilotage District.

"Master," in relation to a ship, means the person having command or charge of the ship, but does not include a Pilot.

"The Port" shall mean the port, harbour and river of Cork, within the present limits thereof, and all the quays, piers and landing places therein and includes all places therein within the jurisdiction of the Company.

"Fairway" shall mean the space within the Port for the time being reserved as a highway for vessels in motion.

"Vessel" includes any ship, boat, lighter, barge, hulk, hydrofoil, hovercraft, air cushion vehicle, raft, pontoon, or other craft whether mechanically propelled or otherwise.

"Passenger Vessel" shall mean a vessel certified to carry twelve or more passengers.

"Collision Regulations" mean the International Regulations for Preventing Collisions at Sea.

"Tonnage" shall mean Gross Tonnage, where a vessel does not have a Gross Tonnage; the displacement tonnage shall be deemed to be the gross tonnage.

"Warping" shall mean moving a vessel, with or without the assistance of that vessel's main engines, by means of ropes attached to the shore or to another vessel, which is attached to the shore.

"LOA" shall mean the length overall of a vessel.

"P.E.C" shall mean a "Pilotage Exemption Certificate"

The Port of Cork Company's current Schedule of Pilotage Charges shall mean such charges as may be determined by the Port of Cork Company from time to time.

Any words importing the masculine gender shall, unless the contrary intention appears, also import the feminine

VESSELS EXEMPTED FROM COMPULSORY PILOTAGE.

2. Refer to Appendix A, attached.

3. **COMPULSORY PILOTAGE**

Pilotage is compulsory within the Pilotage District as follows:

- (i) for all vessels within the limits of the "Compulsory Pilotage Area", defined as follows:-

"that portion of the Pilotage District which lies above an imaginary line drawn from the clock tower Cobh (51° 50.99N 08° 17.42W) to Buoy No 20 thence to the Spit Lighthouse thence to the east extreme point of Fort Mitchell and from the south side of Fort Mitchell to the Martello Tower at Ringaskiddy including the whole of the River Lee."
- (ii) for all vessels with an LOA greater than 130 metres within that portion of the Pilotage District which lies within an imaginary arc of radius 2.5 NM drawn seawards from Roches Point.
- (iii) Every vessel (other than an exempted vessel) while navigating in the pilotage district in which pilotage is compulsory for the purpose of entering, leaving, or making use of the port, shall be either
 - (a) Under the pilotage of a Licensed Pilot of the Company.
 - (b) under the pilotage of a master or chief mate possessing a P.E.C for the district, who is bona fide acting as master or chief mate of the vessel.
- (iv) A ship in the compulsory portion of the Pilotage District may be warped for the purpose of changing moorings to another part of the same quay, or from any quay to any other quay without employing a Licensed Pilot, provided that the vessel does not cross from one side of the River Lee to the other.

4.

PILOTS LICENCES

A person (other than a Pilot licensed by the Company at the date of the coming into operation of these Bye-laws) shall not be licensed as a Pilot, unless and until he satisfies the following conditions:-

- (a) that he is a national of a Member State of the European Communities (within the meaning of the European Communities Act, 1972),
- (b) that, when on duty, and not carrying out pilot duties the Pilot is available for duty within 15 minutes.
- (c) that he has satisfied the Company that he possesses the qualifications detailed in Bye-law No 5 of these Bye-laws.

5.

QUALIFICATION OF CANDIDATES

A candidate for a Pilot's Licence :-

- (a) must hold a valid minimum qualification of Certificate of Competency as Master/Chief Officer (500 to 3000 GT, no area limitations) as outlined in the STCW 95 reg. 11/2
- (b) must be of sober habits and good character.
- (c) must produce a Medical Certificate from an approved medical examiner affirming that the candidate meets the requirements as set out in Appendix B of these byelaws or a medical certificate from a Medical Practitioner approved by the Company that complies with the requirements set out in Appendix B.
- (d) must furnish satisfactory proof that he has not less than eight years' relevant experience at sea and has acted as Master or Chief Officer of a vessel for at least six months.

6.

EXAMINATION OF CANDIDATES

Every candidate for a pilot's licence must;

- (a) Furnish proof that he has completed the requirements as laid out in the Pilot Training Schedule as set out in Appendix C
- (b) present himself for examination before the Harbour Master or other Examiner or Examiners one of whom shall be a senior serving pilot appointed by the Company and must satisfy him or them that he can give a correct, and seamanlike description of the harbour, docks, wharves and piers of the Pilotage District; the rise and set of the tides, the depths and character of soundings, the anchorages, the distances and courses between the several places, the banks, rocks, shoals and other dangers, and the land marks, beacons, perches, buoys and lights within or in any manner connected with the Pilotage District. He must also satisfy the Examiner that he has a competent knowledge of the handling of all classes of ships, how to bring them to anchor and keep them clear of their anchor in a tideway, to moor and unmoor, and how to handle a ship in any circumstances. He must have a satisfactory knowledge of the various types of tugs operating in the port and their limitations. Be familiar with the different types of steering and propulsion systems on ships. He must be experienced in the operation of up-to-date aids to navigation e.g. VHF, Radar, AIS, Electronic charts and G.P.S etc. He must also have a competent knowledge of the Collision Regulations, the Bye-laws and regulations of the Company, and the International Code of Signals.
- (c) The candidate will be examined on the procedures and equipment functions for Port operations.

7.

DURATION AND RENEWAL OF LICENCES

- (a) A Pilot's Licence shall be issued under the Common Seal of the Company and shall not continue in force beyond the 31st October next, following the date of issue or renewal. A licence already in force at the date of coming into operation of these Bye-laws shall continue in force to the 31st October next, but subject always to the right of revocation or suspension, conferred on the Company by the Harbours Act, 1996 to 2009, and these Bye-laws. A licence may be renewed annually if the Company considers the holder still competent to fulfil his duties as a Pilot.
- (b) The Company may, subject to Section 73 of the Harbours Act, 1996 to 2009, suspend, revoke or refuse to renew a Pilot's Licence.
- (c) Every Pilot who is the holder of a Pilot's Licence referred to in Section 58(4) of the Harbours Act 1996 to 2009 shall retire on the next renewal date following the date on which he shall attain the age of sixty-five years.
- (d) A licensed pilot shall at all times maintain and revalidate his/her certificate of competency.

FEES FOR LICENCES

8. Every person presenting himself for examination for a Pilot's Licence, prior to every such examination, shall pay a fee as per the Company's current Schedule of Pilotage Charges.
9. Every person on obtaining a Pilot's Licence and on each renewal thereof shall pay to the Company such fees as per the Company's current Schedule of Pilotage Charges.
10. Any Pilot losing or mislaying his licence shall forthwith notify the fact to the Harbour Master stating the circumstances under which the licence was lost, and the Company may issue a duplicate licence to such Pilot on payment of a fee as per the Company's current Schedule of Pilotage Charges.
11. Every Pilot on being licensed and every Pilot already licensed shall give a bond, in writing, for the amount of €2,500 to the satisfaction of the Company, with the view to limitation of his liability for neglect or want of skill to this amount, as provided for in Section 70 of the Harbours Act, 1996 to 2009.

CLASSES OF PILOTS

12. Refer to Appendix C, attached

DUTIES OF PILOTS

13. Every pilot will be supplied with approved flotation equipment and a personnel locator beacon (PLB), every pilot when boarding and disembarking from vessels and the pilot boat and while on board the pilot boat shall wear such equipment.
14. Pilots will be supplied with uniform clothing, and where practicable every Pilot when on duty shall wear such uniform.
15. Every Pilot shall observe these Bye-laws and shall obey all lawful orders given by the Company, the Harbour Master, or the Deputy Harbour Master and shall observe and act in accordance with all Bye-laws in force in relation to the Port of Cork.
16. Every Pilot shall be under the direct control of the Harbour Master or the Deputy Harbour Master acting under the directions of the Company and apart from the actual piloting of vessels, every Pilot shall in so far as not inconsistent with these Bye-laws or any rules formulated by the Company in consultation with the pilots, carry out all directions of the Harbour Master or the Deputy Harbour Master.
17. Every Pilot shall conduct himself in a courteous and professional manner at all times.
18. A Pilot shall not pilot any outward-bound vessel beyond the limits of the Pilotage District.
19. A Pilot shall not absent himself from duty without the permission of the Harbour Master or the Deputy Harbour Master.
20. Every Pilot shall use his utmost skill and diligence to conduct every vessel which he may be piloting without damage to his own or any other vessel, duly observing the Collision Regulations, and the Company's Bye-laws. He shall not, except in exceptional circumstances, lay the vessel aground without a written order from the Owner or Master. He shall not leave the vessel until the pilotage service is completed
21. Every Pilot, if any accident has happened to or been caused by any vessel of which he was pilot shall,
 - (i) immediately inform Port Operations
 - (ii) without delay, report the facts, in writing to the Harbour Master or Deputy Harbour Master. All such reports shall be treated as confidential by the Company.

22. Whenever a Pilot observes any alteration in any of the banks or channels, or that any of the buoys or beacons have been driven away, broken down, damaged or out of place, or any circumstance affecting the safety of navigation, he shall forthwith inform Port Operations, who in turn will advise the Harbour Master
23. Every Pilot when on duty shall carry with him, identification as supplied by the Company.
24. Every Pilot on boarding a vessel shall report himself to the Master or person in charge of the vessel and produce identification if demanded.
25. Every Pilot, before boarding a vessel shall acquaint himself with the latest traffic and navigational information for the Port. On boarding a vessel, he shall demand particulars of her draft and state of readiness of engines and navigational aids. The Pilot/Master Exchange Card must be completed and signed by both the Pilot and Master. The pilot must satisfy himself that the draft is safe for the vessel to proceed and lay at any designated berth. Any deficiencies, which impact on the safe navigation of the vessel, must be reported to the Harbour Master or the Deputy Harbour Master.
26. Every Pilot on completion of a pilotage service shall tender for signature to the Master of the vessel, a Pilot's Report Card (Pilot/Master Exchange Card being the same), and shall deliver the same to the Company's Office at Cobh, or such other place as the Company may from time to time direct. A Pilot shall deliver his Pilot's Report Card not later than the day following the day on which the service is performed unless, for some serious reason, he is unable to do so.
27. In the case of a disagreement or dispute between the master of a vessel and the pilot on board, a pilot shall refer such disagreement to the Harbour Master or the Deputy Harbour Master who shall advise the course of action to be taken.
28. Every Pilot shall take particular care that Masters of vessels under their charge do not cause any oil, oily water mix or any garbage to be discharged into the waters of The Port. Should any discharges come to the pilot's attention, he shall report the same to Port Operations as soon as possible.
29. Every pilot when in charge of a vessel shall, instruct the Master of the vessel to maintain a radio listening watch on the port working channel, VHF Channel 12.

30. (a) A Pilot absent from duty through illness shall submit within 72 hours of the commencement of such absence, a medical certificate to the Company, and thereafter such further medical certificates as the Company may require. The Company reserves the right to refer a pilot for a medical examination.
- (b) The Company may make regulations governing Pilots, absent from duty through illness, provided that no allowances shall be payable to a Pilot who may be rendered unfit for duty owing to his own misconduct.
31. The holder of a Pilot's Licence, shall not add to or in any way alter such licence, or make or alter any endorsement thereon, or at any time lend such licence, or authorise any person to act thereunder.

PILOTAGE EXEMPTION CERTIFICATES

32. Refer to Appendix D, attached

PILOT ACCOUNT

33. Refer to Appendix E, attached

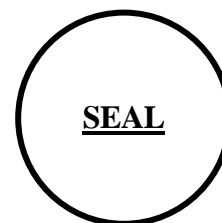
PENALTIES

A person who contravenes these Bye-laws shall be guilty of an offence and be liable to the penalties set out in Section 6 of the Harbours Act, 1996 to 2009.

PRESENT when the COMMON SEAL of the PORT OF CORK COMPANY was hereto affixed this

CHIEF EXECUTIVE

B. KEATING



SECRETARY

D. P. CROWLEY

The foregoing Bye-Laws are hereby confirmed by the Board of Directors of the Port of Cork Company.

CHAIRMAN

D O'MAHONY

Dated this

APPENDIX A – PORT OF CORK PILOTAGE BYELAWS

2. VESSELS EXEMPTED FROM COMPULSORY PILOTAGE.

- 2 (A)
- (i) Vessels owned by the state.
 - (ii) Pleasure craft, Work vessels and Sail Training vessels less than 50 metres LOA
 - (iii) Fishing Vessels
 - (iv) Passenger vessels plying as such exclusively within the Pilotage District, provided that the Company is satisfied that the Master has the necessary local knowledge
 - (v) Vessels of less than fifty tons Gross Tonnage (GT).
 - (vi) Vessels, the property of the Lighthouse Authority responsible for the care and maintenance of lighthouses in the state, so engaged.
 - (vii) Vessels, the property of or engaged by the Company.
- (B) Tugs, dredgers, sludge vessels, barges, and other similar craft may be exempt from compulsory pilotage if the Company, after examination, is satisfied that the Master has the necessary local knowledge.
- (C) Notwithstanding the above the Harbour Master may, at his sole discretion, direct the Master of an exempted vessel to engage the services of a licenced pilot if, in the opinion of the Harbour Master, such service is required for safety and/or navigational purposes

APPENDIX B –PORT OF CORK PILOTAGE BYELAWS

5. Qualification of Candidates

5 (c) Medical Fitness of Pilots.

Reference, Section 58A Harbours Act 1996 to 2009, as amended in the Merchant Shipping Act 2010

- (1) It is the duty of a company, as a result of medical examination, to assess whether the physical health of a person who is –
 - (a) Employed or applies to be employed by the company on its staff as a pilot, or
 - (b) An applicant for the grant or renewal of, or the holder of, a pilot's licence to perform acts of pilotage,

Within its pilotage district is such as to enable the person to perform satisfactory the duties of a pilot. The company in this regard must satisfy itself that the medical fitness of the person, particularly regarding eyesight, hearing and physical fitness, meets the standards required for certification of masters and officers in charge of a navigational watch under the International Convention on Standards of Training Certification and Watchkeeping for Seafarers 1978 done at London on 7 July 1978 and such other requirements as the company thinks appropriate.

(2) A person employed as a pilot or the holder of pilot's licence must, for the purposes of assessment under subsection (1) by the company in whose pilotage district he or she acts as a pilot, undergo medical examination at intervals specified by the company but not later than in each period of 2 years.

(3) Where a company considers that the physical health of a person it employs, or who has applied to be employed, as a pilot or an applicant for the grant or renewal of, or the holder of, a pilot's license, within its pilotage district is not sufficient to enable the person to satisfactory perform the duties of a pilot, the company may suspend or cease the employment, or refuse the application for employment, of the person as a pilot, or refuse the application for a pilot's license or suspend or revoke the holder's pilot's license, as the case may be.

(4) Where a company suspends the employment of a person as a pilot the suspension ceases to have effect when the person is able to satisfy the company concerned of his or her physical fitness to satisfactory perform the duties of a pilot.

APPENDIX C - PORT OF CORK PILOTAGE BYELAWS

12. Pilot Grade (Class) and Training

Classes of Pilots

Pilots are divided into three classes, these are:-

- (a) Class 1 Pilots Who are licensed to pilot any vessel.

- (b) Class 2 Pilots Who are licensed to pilot vessels up to 190 metres LOA (excluding passenger vessels and pure car carriers with an LOA greater than 130 metres and excluding vessels with an LOA greater than 140 metres in that portion of the Pilotage District landward of an imaginary line drawn from Carrigrennan Point in a south-westerly direction) for twelve months after the first issue of his licence as a Class 2 Pilot and thereafter up to 200 metres LOA for a further twelve months.

- (c) Class 3 Pilots Who are licensed to pilot vessels of up to 130 metres LOA.

- (i) A Class 3 pilot shall not pilot any vessel greater than 130 metres LOA for at least 12 months after the issue of his licence.

Prior to his application to the Company for classification as a Class 2 pilot, a Class 3 pilot must accompany a senior pilot for at least 20 trips (half of which must be darkness) on vessels over 130 metres LOA. He must also have partaken in at least five berthing/unberthing operations on board each class of tug operating in the port.

- (ii) A Class 2 pilot shall not pilot vessels over 190 metres LOA until he has served as a Class 2 pilot for at least 12 months and he shall not pilot any vessel over 200 metres LOA until he has served as a Class 2 pilot for a further twelve months.

After completion of two years as a Class 2 Pilot, a Pilot

may apply to the Company for classification as a Class 1 Pilot. Prior to his application, he must accompany a senior pilot for at least 30 trips (half of which must be in darkness) on vessels over 200 metres LOA. He must also have taken part in at least 5 berthing/unberthing operations involving such vessels. The Company may, on the recommendation of the Harbour Master, accede to the application.

If a pilot fails to be classified as a Class 2 pilot at the end of an eighteen month period following the first issue of his licence as a Class 3 pilot, his licence may be revoked.

If a pilot fails to be classified as a Class 1 pilot at the end of a thirty six month period following the first issue of his licence as a Class 2 pilot, his licence may be revoked.

Notwithstanding the restrictions contained in paragraphs (i) and (ii) above the Harbour Master may, at his discretion and, having regard to:

(a) the circumstances and, the specification of any vessel and in consultation with the licensed pilots, authorise a Class 2 or Class 3 pilot to pilot a vessel with an LOA greater than that specified in his licence. Provided always, that the Harbour Master shall not authorise any such pilot to pilot a vessel in excess of 20 metres over and above the stated maximum length of his current licence.

Pilot Training*

Trainee Pilots are required to accompany licensed Pilots on at least one hundred trips of which at least fifty must be during the hours of darkness.

Upon the completion of these trips, the trainee pilot will be subject to examination by the Harbour Masters and a senior Pilot.

Upon successful completion of the above examination, the Pilots licence will be issued at the next meeting of the Board. Once this licence has been issued the newly licensed Pilot must perform twelve Pilotage movements accompanied by another licensed Pilot.

Upon successfully completing the training period and a licence issued as Class 2 or Class 1, the first three Pilotage movements on vessels that are appropriate to the class, must be carried out with a Class 1 Pilot present.

During training, the trainee pilot will be paid at a rate of 40% of a Class I Pilot. Upon successful examination, the Pilot will commence receiving a salary for that of a Class III Pilot (i.e. 80% of a Class I Pilot).

Notes regarding training;

Of the required 100 trips;

- Each berth currently in use in the port, should be visited at least 4 times (2/2 day/night)
- Trainees should attempt to accompany Pilots on vessels with an LOA > 135m, using tugs in Tivoli/Cork, on at least 3 occasions
- No training trips are allowed with Class 3 Pilots
- Trainees are to do 5 trips on each type of tug in the port at as varied berths as possible
- Trainees must spend a minimum of 12 hours engaged in Port Operations duties.

Class 3 to 2

20 trips 10/10 day/night

- Each berth should be visited at least twice

- No more than 25% of trips are to be done on pure car carriers or passenger vessels
- Before completion of 1st year as Class 2 a further 10 trips on pure car carriers or passenger vessels are required

Class 2 to 1

- As per bye laws, but each berth being visited at least twice.

** Note:- Training logs are to be completed accordingly. See training schedule 1 for most recent training stipulations.*

It is encouraged that as many licensed Pilots as possible (except Class III Pilots as mentioned above) are accompanied during the training period from trainee to Class I. This is in order to get as much varied experience and opinions as possible.

Simulation

Pilots who are upgrading from Class III to II and from Class II to I will undergo simulator training for a period of three days under the supervision of a senior Pilot.

Refresher training for Pilots will be done in five year intervals. This will consist of two days per watch.

Schedule 1

Training of Pilots

Training Logs

Cork Pilots - Training Log

Signature/Initials of Licensed Pilot accompanied.

Berth	1st Day Visit	2nd Day Visit	1st Night Visit	2nd Night Visit	Additional	Additional	Total
Whitegate No. 1							
Whitegate No. 2							
Cobh DWQ*							
Ringaskiddy Ro/Ro 1&2							
Ringaskiddy DWB							
Passage West							
Marino Point							
Tivoli Nat. Oil							
Tivoli Ro/Ro							
Tivoli East Crane							
Tivoli West Crane							
Tivoli Lisheen Berth							
Fords Wharf							
South Deepwater Quay							
South Jetties							
Albert Quay*							
N.C.H.Q*							
Horgans Wharf							
Cork Dockyard*							
Haulbowline*							
Inner Anchorage*							

ADM Jetty*							

*Due to these berths not being used so often, a reduction in the number of visits required will be allowed.

The above training details the minimum of 100 trips required. Additional trips should be recorded on a separate sheet.

Cork Pilots - Training Log

Class III to II

Signature/Initials of Licensed Pilot accompanied.

Berth	1 st Day Visit	2 nd Day Visit	1 st Night Visit	2 nd Night Visit	Additional	Additional	Total
Whitegate No. 1							
Cobh DWQ*							
Ringaskiddy DWB							
Passage West*							

*Due to these berths not being used so often, a reduction in the number of visits required to these berths, will be allowed.

The above training details the minimum required. Additional trips, if any, should be recorded on a separate sheet.

2nd year of Class II

Berth	1 st Day Visit	2 nd Day Visit	1 st Night Visit	2 nd Night Visit	Additional	Additional	Total
Cobh DWQ							

Ringaskiddy DWB							

Cork Pilots - Training Log

Class II to I

Signature/Initials of Licensed Pilot accompanied.

Berth	1st Day Visit	2nd Day Visit	1st Night Visit	2nd Night Visit	Additional	Additional	Total
Whitegate No. 1							
Cobh DWQ*							
Ringaskiddy DWB							

*Due to this berth not being used so often, a reduction in the number of visits required to this berth, will be allowed.

The above training details the minimum required. Additional trips, if any, should be recorded on a separate sheet.

Cork Pilot Training Log

Re-Grading trips with a Class 1 Pilot

DATE	VESSEL	BERTH	DAY/NIGHT	CLASS1 PILOT

APPENDIX D – PORT OF CORK PILOTAGE BYELAWS

32. PILOTAGE EXEMPTION CERTIFICATES (P.E.C)

- (1.) A Pilotage Exemption Certificate (P.E.C) shall contain the name of the holder of the Certificate, the name of the owner of the vessel, the name, net and gross tonnage and LOA of the vessel of which the holder is Master or Chief Mate, and the name of any other vessel belonging to the same owner and of substantially the same class of which he may be appointed the Master or Chief Mate, the date of granting and renewal of the certificate, and the area of the Pilotage District to which the Certificate relates.
- (2.) A Pilotage Exemption Certificate shall not be granted to a Master or Chief Mate of a tanker carrying hazardous cargoes in bulk whether loaded or light.
 - (i) For the purposes of this Bye-law hazardous cargoes in bulk shall be deemed to include Petroleum Classes I, II, and III (as defined in Section 20 of the Dangerous Substances Act 1972 or any Statutory amendments thereof), Liquid Petroleum Gas, Ammonia, and any other hazardous cargo carried in bulk listed in Appendix II to Annex II of Marpol 73/78.
 - (ii) Due to traffic management issues and navigational constraints that exist for that portion of the Pilotage District up-river of an imaginary line drawn from Marino Point to Horse Head, a P.E.C will not be granted for any vessel with an LOA (length over all) greater than 130 metres.
- (3.) The Company may, on application being made to it, grant a P.E.C to a bona fide Master or Chief Mate acting as the person in charge of any ship that has reason to operate within the harbour pilotage limits. Prior to granting a P.E.C,
 - (i) *“the person is the holder of a subsisting certificate of competency, issued pursuant to regulations made under section 3 of the Merchant Shipping (Certification of Seamen) Act 1979, in any of the following capacities:*
 - (a) *Master,*
 - (b) *Chief mate, or*
 - (c) *Officer in charge of a navigational watch*
 - (ii) *the holder of a subsisting document issued by another member state of the European Communities or the Kingdom of Norway or the Republic of Iceland, certifying a level of competency which corresponds to a certificate of competency to which subparagraph (i) relates,*

- (iii) *the person is the holder of a subsisting certificate of competency which-*
- *is a certificate to which the regulation I/2 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, done at London on 7th July 1978, relates, and*
 - *was issued to a master or deck officer by or under the authority of the government of any other state where such certificate is recognised by the State for the purposes of regulation I/10 of that convention by virtue of an order made under section 7 (as amended by section 28 of the Merchant Shipping Act 1992) of the Merchant Shipping Act 1947”*
- (iv) He must produce a birth certificate and a written assurance to the satisfaction of the Company, from the Owner of the vessel or vessels, that he is of sober habits and that he is of good conduct.
- (v) He must satisfy the Company that he has sufficient command of the English language.
- (vi) He must produce a medical certificate (from a medical practitioner approved by the Company) that he is of sound health and an eyesight certificate acceptable to the Company. The medical certificate must comply with the provisions set out in the Merchant Shipping (medical examinations) Regulations 2005 (S.I. 701 of 2005)
- (vii) He must pass an examination conducted by the Harbour Master and other such examiners appointed by the Company as provided for in Bye-law No.6 (b) for the examination of pilot candidates.

- (4) In addition to the above, a person applying for a P.E.C must accompany a licenced pilot or Pilotage Exemption Certificate holder while navigating within the port for a specified number of round voyages as Master or Chief Mate as follows:
- (i) In the case of an application for a P.E.C which encompasses the whole of the Pilotage District:
 - (a) For vessels with a LOA less than 60 metres, that he has made within the six months prior to such application six voyages inwards and six voyages outwards, of which not less than 50% must be in darkness.
 - (b) For vessels with an LOA less than 80 metres, that he has made within the six months prior to such application, nine voyages inwards and nine voyages outwards, of which not less than 50% must be in darkness.
 - (c) For vessels with a LOA greater than 80 metres and less than 130 metres, that he has made within the six months prior to such application, twelve voyages inwards and twelve voyages outwards, of which not less than 50% must be in darkness.
 - (ii) In the case of an application for a P.E.C, for that portion of the Pilotage District seaward of an imaginary line drawn from Carrigrennan Point in a southwesterly direction, he has made within the six months prior to such application six voyages inwards and six voyages outwards, at least 50% of which must be in darkness where the vessel normally expects to navigate in darkness.
 - (iii) When applying for a P.E.C the candidate must furnish a record of his voyages within the Pilotage District, a copy of the vessels articles and official log book entries will suffice as records.
- (5)
- (i) A Master or Chief Mate shall not be entitled to the renewal of his P.E.C without re-examination unless within the twelve months prior to his application for renewal he has made the same number of voyages inwards and outwards as required for the issue of his current P.E.C.
 - (ii) A P.E.C shall not be issued or renewed in cases where the applicant has attained the age of sixty five years.
 - (iii) The Company may, subject to Section 73 of the Harbours Act, 1996 to 2009, suspend, revoke or refuse to renew a P.E.C
 - (iv) Prior to renewal of a P.E.C, the holder must furnish a current medical certificate, issued by an approved doctor and shall comply with the provisions as

set out in S.I. 701 of 2005.

- (6) Every person applying for permission to present himself for examination for a P.E.C shall pay a fee as per the Port of Cork Company's current Schedule of Pilotage Charges.
- (7) Upon the issue or renewal of a P.E.C, fees as per the Port of Cork Company's current Schedule of Pilotage Charges shall be paid to the Company by the person to whom the P.E.C. is issued.
- (8) The owners of vessels whose Masters or Chief Mates hold P.E.Cs shall pay to the Company in respect of each such vessel navigating the part or parts of the Pilotage District in which Pilotage is compulsory for such vessel a sum representing 35% of the Pilotage Rates as per the Port of Cork Company's current Schedule of Pilotage Charges which would have been payable in respect of the Pilotage of such vessels if the Master or Chief Mate had not held a P.E.C.
- (9) The holder of a P.E.C shall, within four days of the expiry of each calendar month make to the Harbour Master a complete return on the form provided by the Company, of the occasions during the preceding month on which Pilotage Services have been rendered by him within the Pilotage District.
- (10) Every Master or Chief Mate to whom a P.E.C. shall have been granted shall, upon being required to do so by a notice signed by the Harbour Master, attend before the Company to answer any complaint or charge that may be made against him.
- (11) The holder of a P.E.C, if any accident or damage has happened to or been caused by a vessel in his charge, shall,
 - (i) immediately inform Port Operations
 - (ii) without delay, report the facts in writing to the Harbour Master.
- (12) Whenever the holder of a P.E.C observes any alteration in any of the banks or channels, or that any of the buoys or beacons have been driven away, broken down, damaged or out of place, or any circumstance affecting the safety of navigation, he shall forthwith inform Port Operations.
- (13) The holders of P.E.Cs shall strictly observe these Bye-laws, shall obey all lawful orders given by the Harbour Master or the Deputy Harbour Master, and shall observe and act in accordance with all Bye-laws in force in relation to the Port.
- (14) A Master or Chief Mate shall, when in charge of a vessel for which he holds a P.E.C shall exhibit from the vessel a flag of the usual dimensions, the upper horizontal half of which shall be white, and the lower horizontal half of which shall be red, in order to

show that the vessel is under the control of the holder of a P.E.C.

- (15) For the avoidance of doubt it is hereby declared that a *ship and the same ship with a tug or tugs attached* are not, in fact nor deemed to be by these byelaws, the same ship or class of ship for the purposes of a P.E.C granted pursuant to section 72 of the Harbours Act 1996 to 2009. A person applying for such a P.E.C in respect of a *ship with a tug or tugs attached* must satisfy the company that he has the skill, experience and local knowledge sufficient to enable him to pilot the ship with a tug or tugs attached in the company's pilotage district or such part or parts thereof as is, or are, to be specified in the P.E.C.
- (16) The Master of a ship may engage the services of a licensed Pilot notwithstanding that the ship has the benefit of a P.E.C and, when so engaged, the licensed pilot shall take charge of the pilotage of the ship and shall act in all respects as the pilot of the ship.

APPENDIX E – PORT OF CORK PILOTAGE BYELAWS

PILOT ACCOUNT

33. The Pilot Account shall be formed by:-
- (1) The income from all Pilotage rates and charges except charges for the services of a Pilot Boat, as per the Company's current Schedule of Pilotage Charges,
 - (2) Income under Bye-law No. 32, part 7. Appendix D
 - (3) Income from fines and any special pilotage services and other income of a purely Pilotage nature, except income in respect of a Pilot Boat, received by the Company.
34. The monies received under Bye-law No. 33 shall be disposed of in the following manner:-
- (1) In payment of an allowance (weekly or monthly) to each Pilot as the Company may from time to time decide, and such further allowances for special purposes as the Company may from time to time decide, regard being had in all cases to the Pilotage Revenue.
 - (2) In payment of a pension allowance to Pilots licenced after the 6th March 2006 to fund a defined contribution pension scheme from this benefit
 - (3) In payment of all administrative expenses of the Authority in connection with its pilotage service.
 - (4) In payment of such proportion of the cost of the Port Operation and Information Station as the Company, may from time to time charge.
 - (5) In providing Pilots with uniform clothing and equipment in accordance with these Bye-laws and regulations made by the Company from time to time.

- (6)
 - (a) In providing such amount as the Company may consider necessary for the payment of the premium on a Group Insurance Policy covering all Pilots to provide capital benefit in the case of accident and fixed weekly benefits in the event of absence through illness or accident.
 - (b) In providing such amount as the Company may consider necessary for the payment of a premium on a Group Voluntary Health Insurance, subject to a maximum of Plan B and the minimum number of units as recommended by the VHI from time to time for:
 - (i) Pilots licensed at the date of commencement of the Harbours Act, 1996 , the payment to be limited to the amount chargeable in respect of each pilot and wife of each Pilot, any excess of premium in respect of a Pilot's children to be borne by the Pilot concerned.
 - (ii) Pilots licensed for the first time after the commencement of the Harbours Act 1996 to 2009, the payment to be limited to one half of the individual pilot's own premium subject to a maximum of Plan B and the minimum number of units as a recommended by the V.H.I. from time to time.
- (7) In payment of a Pilot's authorised out-of-pocket expenses.
- (8) In payment of accident pay and such other benefits for which cover is provided in the Group Insurance Policy for Pilots.
- (9) In the case of pilots licensed at the date of commencement of the Harbours Act,1996 to 2009, in payment of medicines and medical accessories (excluding those payments which are recoverable elsewhere), as may from time to time be authorised by the Company, supplied to Pilots and their wives, and to their children who are under 16 years of age or who being over 16 years of age, are attending a full-time educational establishment, in accordance with the regulations made by the Company from time to time.
Pilots licenced for the first time after the commencement of the Harbour's Act, 1996,are excluded from this benefit and are responsible for their own medical expenses.

- (10) In the case of pilots licensed at the date of commencement of the Harbours Act, 1996 to 2009, in payment of medicines and medical accessories (excluding those payments which are recoverable elsewhere), as may from time to time be authorised by the Company, to those pilot pensioners and their wives, to widows of those Pilots and widows of those Pilot pensioners, provided:-
- (a) that such benefits shall terminate on a widow's re-marriage; and
 - (b) that no benefit shall be payable in respect of a widow whose marriage took place after her husband's retirement from the pilotage service.

Pilots licensed after the commencement of the Harbours Act, 1996 to 2009 are excluded from this benefit.

- (11) In making such contributions to the Pilots' Benefit Fund as the Company may determine from time to time.
- (12) In payment of other expenses including training, properly chargeable to the Pilot account.
35. The Pilots' Benefit Fund which has already been established and out of which payments of Superannuation, or other benefits may be made to Pilots, or their dependants shall be maintained by:-
- (a) Such contributions to the Pilots' Benefit Fund as the Company may from time to time determine as provided by Bye-law No. 34(10).
 - (b) Interest and dividends from monies invested for the Pilots' Benefit Fund.
 - (c) Donations, legacies and any other miscellaneous gifts or contributions.
36. (a) The Pilots' Benefit Fund shall be held and administered by the Company and shall be applied by the Company for the benefit of Pilots or their spouses or their children in accordance with the terms of the relevant Superannuation Schemes

of which the pilot is a member.

- (b) Monies to the credit of the Pilots' Benefit Fund may be invested in any security in which Trust Funds are, for the time being, by law authorised to be invested.
- 37.
- (a) The Company may grant such increases in such pensions payable under the non-contributory Superannuation Scheme, subject regulations made under the Pensions (Increase) Act, 1964 or subsequent Acts in respect of pensions granted by Port Companies established under the Harbours Act, 1996 to 2009.
 - (b) In the case of pensions specified in the Pilots' Contributory Co-Ordinated Superannuation Scheme, the Company may grant increases in accordance with the Scheme Rules.