

ORDINANCE No. 31 OF 1905.

A D. 1905. AN ORDINANCE to abolish Compulsory Pilotage in the Colony and to make other provisions in lieu thereof.

[30th December, 1905.]

BE it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Pilotage Ordinance, 1905.

Interpretation of terms.

2. In this Ordinance, unless the context otherwise requires:—
“ Harbour Master ” means the Harbour Master of the Harbour of Georgetown;

“ Pilot ” means any person licensed as a Pilot under this Ordinance;

“ Master ” as applied to a vessel, includes any person for the time being having the charge or command thereof;

“ The Regulations ” means the Regulations contained in the Schedule to this Ordinance, and any Regulations made under section 8 of this Ordinance and for the time being in force.

Abolition of Compulsory Pilotage.

Pilotage not to be compulsory.

3. From and after the commencement of this Ordinance, it shall not be necessary for the master of any vessel arriving off any River or Harbour of the Colony to take a Pilot on board such vessel, but every such vessel may enter any such River or Harbour without a Pilot.

Pilotage.

Licensing of Pilots.

4. The Harbour Master shall in accordance with the Regulations licence fit and proper persons to be Pilots.

5. Every person who for hire or reward acts or attempts to act as a Pilot without being duly licensed under the provisions of this Ordinance and without holding a licence for the time being in force, shall be liable to a penalty not exceeding two hundred dollars: Provided that nothing in this section shall prevent any person from rendering assistance to a vessel in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time, until duly relieved by a Pilot.

Penalty on person acting as Pilot without a licence.

6. Subject to the provisions of this Ordinance and of the Regulations, every Pilot shall be bound to render his services as a Pilot to the master of every vessel who may require them upon payment of the fees for the time being prescribed by the Regulations.

Duty of Pilots to act as such when required.

7. Every Pilot, while acting in that capacity, shall be provided with his licence and shall produce the same to any person by whom he may be employed, or to whom he may tender his services as a Pilot, when required to do so.

Production by Pilot of licence when required.

8.—(1) The Governor and Court of Policy may make Regulations for all or any of the following matters:—

Making of Regulations.

- (a) The approval and licensing of Pilot Boats;
- (b) For determining the description of Pilot flags and directions for their use;
- (c) Fixing the terms and conditions of granting licences to Pilots;
- (d) Determining the qualifications to be required from persons applying for licences as Pilots whether in respect of their age, skill, time of service, character, or otherwise;
- (e) For fixing the fee to be paid by persons applying to be examined for licences as Pilots;
- (f) The government of Pilots, prescribing their duties, and the ensuring their good conduct and their constant attendance to and effectual performance of their duties, whether at sea or on shore;
- (g) Determining the manner in which application shall be made for the services of Pilots and as to Pilots going to and returning from vessels;
- (h) For fixing the fees payable to Pilots; and
- (i) The carrying out generally of the purposes of this Ordinance.

(2) There may be annexed to the breach of any such Regulation a penalty not exceeding one hundred dollars.

(3) Until the Governor and Court of Policy make Regulations under this Section, the Regulations in the Schedule to this Ordinance shall be in force, and shall be deemed to be Regulations made under this section.

Schedule.

Offences by Pilots and Others.

9.—(1) If any Pilot commits any of the following offences,—

Various offences by Pilot.

- (a) Keeps himself or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or himself sells, or is interested in selling in manner aforesaid any spirituous liquor, wine, tobacco, cigars, tea, opium, ganje, charas, majoon, or bhang; or

- (b) Commits any fraud or other offence against the revenues of Customs or Excise or the laws relating thereto; or
- (c) Is in any way directly or indirectly concerned in any corrupt practices relating to vessels, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their property; or
- (d) Lends his licence to any person; or
- (e) Acts as pilot whilst suspended; or
- (f) Acts as pilot whilst in a state of intoxication; or
- (g) Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any vessel upon the signal for a Pilot being made by such vessel, or upon being required to do so by the Harbour Master or his Deputy, or by the Master of any Light-Vessel; or
- (h) Unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any vessel; or
- (i) Refuses, on the request of the master, to conduct any vessel of which he has the charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the vessel; or
- (j) Quits any vessel of which he has the charge before the service for which he was employed has been performed,

he shall in addition to any liability for damages at the suit of any person aggrieved which he may incur, be liable to a penalty not exceeding two hundred and fifty dollars, and the Harbour Master may suspend or revoke his licence.

(2) Every person who procures, abets, or connives at the commission of any offence mentioned in this section shall likewise, in addition to any such liability for damages as aforesaid, be liable to a penalty not exceeding two hundred and fifty dollars.

10. If any Pilot, when in charge of any vessel, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness,—

- (1) Does any act tending to the immediate loss, destruction, or serious damage of such vessel, or tending immediately to endanger the life or limb of any person on board such vessel; or
- (2) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from loss, destruction, or serious damage, or for preserving any person belonging to or on board such vessel from danger to life or limb,

he shall be guilty of a misdemeanour.

11. If any vessel or boat, not having a Pilot on board, displays a flag so nearly resembling a Pilot flag as to be likely to deceive, there shall be incurred for every such offence a penalty not exceeding one hundred dollars; and such penalty shall be recoverable from the owner or from the master of such vessel or boat, unless, in the latter case, such owner or master proves that there was no intent to deceive.

Surveys.

12. The Harbour Master or such person as he may direct, shall, once in every six months survey, sound, and examine the beacons, banks, and channels of the Rivers Demerara, Essequibo and

Punishment of Pilot for breach of duty tending to loss of vessel.

Penalty on ordinary boat displaying Pilot flag.

Making of surveys and soundings.

Berbice, respectively, and on and off the Bars of the Rivers Demerara and Berbice.

Lighthouses and Light-Ships.

13.—(1) The Lighthouse in the City of Georgetown and every other Lighthouse at any time hereafter erected, and every Light-Vessel moored off the coasts of the Colony and all Buoys and Beacons shall be under the charge and superintendence of the Harbour Master, unless otherwise directed by the Governor.

Lighthouses.

(2) The Harbour Master shall appoint some fit and proper person to be the keeper of every Lighthouse.

14. Answering and other signals shall be established, if practicable, between the Light-Vessel outside of the Bar of the River Demerara and the Lighthouse in Georgetown; and such signals shall be posted up on board the Light-Vessel, at the Lighthouse, and at the Harbour Master's Office in Georgetown.

Signals between Light-Vessel and Lighthouse in Georgetown.

15.—(1) Every Light-Vessel shall be in charge of a Master, and shall be furnished with a crew.

Manning and use as depot of Light-Vessels.

(2) Every Light-Vessel outside a Bar shall be used as a *dépôt* for Pilots, that is, for supplying Pilots to inward-bound vessels and for relieving outward-bound vessels of their Pilots.

(3) In all cases, when practicable, inward-bound vessels shall take their Pilots from the Light-Vessels outside the Bar, and outward-bound vessels shall send their Pilots to such Light-Vessel.

16. The Master of every Light-Vessel outside a Bar shall keep a Log Book, in which he shall note all transactions day by day as they occur, as well as the state of the wind and weather, and such other matters as the Harbour Master may direct, and he shall furnish the Harbour Master every month with a correct copy of the Log Book signed by him.

Keeping of Log Book for Light-Vessels.

Legal Proceedings.

17. All pilotage fees payable under this Ordinance or the Regulations may be recovered under the Summary Jurisdiction Ordinances: Provided that it shall be lawful for the defendant to set-off against the amount of any fees so claimed, any claim or demand he may have against the Pilot claiming such fees⁽¹⁾.

Recovery of pilotage fee.

18. All offences against this Ordinance or the Regulations may be prosecuted under the Summary Jurisdiction Ordinances⁽¹⁾.

Procedure for punishment of offences.

19. Nothing in this Ordinance or in the Regulations shall affect the liability of any person to be punished under any other statute, but so that a person is not punished twice for the same offence.

Saving of other liability.

20. All fines and penalties imposed for offences under this Ordinance or the Regulations shall be paid to the Receiver General for the use of the Colony.

Fines to be paid into general revenue.

¹ See Ordinances Nos. 12 and 13 of 1893 under "Courts."

Colony not liable for default of Pilot.

21. The Government of the Colony of British Guiana shall not be liable for any damage occasioned through the fault of any Pilot, Harbour Master, or Deputy Harbour Master.

Miscellaneous.

Repeal of Ordinances No. 17 of 1900, and No. 16 of 1903.

22. The Fees on Shipping Ordinance, 1900, and the Pilotage Ordinance, 1903, are hereby repealed: Provided that every person who at the commencement of this Ordinance held a warrant of appointment as a Pilot under the Pilotage Ordinance, 1903, shall be deemed to be a Pilot licensed under this Ordinance.

Commencement.

23. This Ordinance shall come into operation on the first day of January, 1906.

THE SCHEDULE

THE PILOTAGE REGULATIONS, 1905.

Section 8.

Short title.

1. These Regulations may be cited as the Pilotage Regulations, 1905.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“ Board ” means the Examining Board, hereinafter constituted;

“ Licence ” means a licence as a Pilot under the Pilotage Ordinance, 1905.

Licensing of Pilots.

Examining Board for Pilots.

3. There shall be an Examining Board consisting of the Harbour Master, and two Master Mariners appointed by the Governor, who shall examine all applicants for licences, as to their fitness to act as Pilots, and each member of the Board shall receive such remuneration out of the fees paid by applicants for licences as the Governor shall determine.

Holding of examinations.

4. The Board shall hold examinations from time to time as often as they shall think fit.

Fee for examination.

5. Every applicant for a licence shall apply to the Harbour Master and shall pay a fee of five dollars before being examined by the Board.

Qualifications for Pilots.

6. Every applicant for a licence—

(1) Must be over twenty-one years of age;

(2) Must have been for the space of five years at least actually engaged and employed as a sea-faring man, and during a portion of that time have been employed in square rigged vessels;

(3) Must be able to read and write;

(4) Must produce certificates satisfactory to the Board of good moral character and sobriety; and

(5) Must satisfy the Board that he—

(a) possesses a thorough knowledge of the rule of the road at sea;

(b) thoroughly understands the management of both steamers and sailing vessels in a tide-way;

(c) knows the set and flow of the tides in the Demerara, Essequibo, and Berbice Rivers;

(d) possesses a thorough knowledge of the Lights, Buoys, and Beacons in the said Rivers, together with the depths and soundings;

(e) knows the courses and distances from the Demerara Lightship to Georgetown;

(f) is able to navigate a sailing vessel from Georgetown, to and up the Essequibo River as far as Palmas Point; and

(g) understands the mooring, and unmooring of steamers and sailing vessels in the said Rivers and along wharves.

Every person who complies with all the requirements of this Regulation shall be entitled to be licensed as a Pilot.

Notice of Pilots' licences granted.

7. Notice shall be published in the *Gazette* of every licence issued, and the Harbour Master shall keep a list of all Pilots, with their addresses, exhibited in a conspicuous place in his Office.

Pilotage Fees.

8. The fees payable to Pilots for services rendered by them shall be as follows:—				Fees payable for pilotage.
(1) For the pilotage of Vessels from or to the Port of Georgetown to or from the Lightship:—				Demerara River.
For each vessel of the draught of	10 feet or under	\$ 8 00	
"	"	" 11 " and above 10 feet	9 00
"	"	" 12 " " "	11 " " "	11 00
"	"	" 13 " " "	12 " " "	13 00
"	"	" 14 " " "	13 " " "	15 00
"	"	" 15 " " "	14 " " "	16 00
"	"	" 16 " " "	15 " " "	18 00
"	"	" 17 " " "	16 " " "	20 00
"	"	" 18 " " "	17 " " "	25 00
"	"	" 19 " " "	18 " " "	28 00
"	"	" 20 " " "	19 " " "	32 00
"	"	" 21 " " "	20 " " "	35 00
(2) For moving any vessel from one part of the Harbour of Georgetown to another part				\$3 00
(3) For the pilotage of Vessels from Georgetown to the Essequibo River or from the Essequibo River to sea:—				Essequibo River.
For each vessel of the draught of	10 feet or under	\$16 00	
"	"	" 11 " and above 10 feet	17 00
"	"	" 12 " " "	11 " " "	18 00
"	"	" 13 " " "	12 " " "	21 00
"	"	" 14 " " "	13 " " "	25 00
"	"	" 15 " " "	14 " " "	28 00
"	"	" 16 " " "	15 " " "	30 00
"	"	" 17 " " "	16 " " "	33 00
"	"	" 18 " " "	17 " " "	35 00
"	"	" 19 " " "	18 " " "	42 00
"	"	" 20 " " "	19 " " "	50 00
(4) For moving vessels from one part of the Essequibo River to another:—				Moving Vessels in Essequibo River.
For a distance of 10 miles and under	\$10 and $\frac{1}{2}$ the fee for pilotage from Georgetown to the Essequibo River.	
"	30 " and over 10 miles	... 10 and $\frac{1}{2}$ " " "	" " "	
"	over 30 " " "	... 10 and $\frac{2}{3}$ " " "	" " "	
(5) For the pilotage of vessels to or from the Port of New Amsterdam:—				Berbice River.
For each vessel of the draught of	8 feet or under	\$ 8 00	
"	"	" 9 " and above 8 feet	8 00
"	"	" 10 " " "	9 " " "	12 00
"	"	" 11 " " "	10 " " "	16 00
"	"	" 12 " " "	11 " " "	18 00
"	"	" 13 " " "	12 " " "	23 00
"	"	" 14 " " "	13 " " "	28 00
"	"	" above 14 feet	32 00
(6) Nothing in this Regulation shall be construed to prevent any person from making any special arrangement with any Pilot as to the remuneration to be paid to such Pilot for services rendered by him, but in the absence of any such special arrangement the fees prescribed by this Regulation shall be payable.				Special arrangements as to pilotage.
9. Should any Vessel not leave at the time appointed for so doing, a fee of \$3 00 shall be payable to the Pilot for each day the vessel is detained after the day so appointed, in addition to the fees for pilotage.				Fees payable for detention of Pilots.
10. In case of any dispute as to the correct draught of water of a vessel, it shall be referred to the Harbour Master, whose decision shall be final, and who shall be paid a fee of \$2 40 by the party against whom he decides.				Settlement of disputes as to pilotage fees.
11. In ascertaining the draught of water of any vessel, six inches and upwards beyond any of the number of feet indicated on such Vessel shall be reckoned as one foot.				Reckoning draught of Vessels.

Pilotage of Vessels.

12. No Pilot, except when he is at the Lightship, shall be bound to render his services as a Pilot unless he has received at least twenty-four hours' notice.

Notice to Pilots.

Pilots to be taken from Lightship when Vessel arrives in colony.

13. When the master of a vessel arrives in the Colony without having previously engaged a Pilot, and requires one, he shall make the usual Pilot signal before reaching the Lightship, and should no Pilots be on the Lightship at the time, the master of the Lightship shall signal for a Pilot to the shore, and the Pilot signal shall be hoisted at the Flagstaff.

Use of Lightship by Pilots.

14. Pilots will be allowed to use the Lightship when going out to or returning from vessels, but must provide their own food, and whilst on board shall be under the control of the master.

Passage to Lightship in tender.

15. Pilots shall be allowed a free passage to and from the Lightship in the Pilot tender, whenever the tender goes out to or returns from the Lightship.

Pilots may use Lightship's boat.

16. Pilots shall be allowed to use the Lightship's boat when going to or returning from vessels on payment of 48 cents to the master of the Lightship. Pilots on outward bound vessels requiring the use of the boat shall signal for the same before arriving at the Lightship.

Pilot longest at Lightship to have first turn.

17. When a vessel arrives off the Lightship and signals for a Pilot, the Pilot who has been longest at the Lightship shall be entitled to the pilotage of such vessel, unless the master of such vessel has previously engaged the services of some particular Pilot.

Pilotage flag to be displayed.

18. Every boat engaged in pilotage shall by day display in a conspicuous manner from the masthead, or if a row boat, from a flagstaff in the bows, a red and white horizontal flag, with the red uppermost, of a size not less than six feet long by three feet wide.

Pilots for Berbice to be taken from Lightship.

19. Vessels requiring Pilots for New Amsterdam shall obtain them from the Demerara Lightship.

Conduct of Pilots.

Duty of Pilot to use care.

20. Every Pilot shall use his utmost care and diligence to conduct any vessel under his charge without damage or injury to itself or any other vessel, and he shall cause the sounding lead to be kept constantly going while any vessel of which he is in charge is under way.

Sobriety.

21. Every Pilot shall conduct himself with strict sobriety and with due respect towards the masters and officers of vessels.

Pilot to obey Harbour Regulations.

22.—(1) Every Pilot shall pay strict attention to all the Harbour Regulations of any harbour, and shall obey all orders and directions which may be given him by the Harbour Master thereof, with respect to placing, mooring and moving vessels within such harbour.

(2) No Pilot shall move any vessel in any harbour unless permission has first been obtained from the Harbour Master thereof for that purpose: Provided that this provision shall not apply to the case of a vessel proceeding direct to sea.

Pilot to pay unnecessary expense caused by him.

23. If any Pilot put a vessel to any unnecessary expense by damage, and if the same is proved to the satisfaction of the Harbour Master, he shall be liable to pay the same, not exceeding however the sum of fifty dollars.

Miscellaneous.

Penalty on fraudulently altering marks on Vessel.

24. Any person who fraudulently alters or defaces the marks indicating the draught of water on the stem or stern-post of any vessel shall be liable to a penalty not exceeding one hundred dollars.

Carrying away Pilot to sea.

25. If any vessel carries away a Pilot beyond the limits within which vessels are piloted, there shall be paid to such Pilot a sum not exceeding one hundred dollars, and such sum shall be recoverable from the owner or master of such vessel, or from the consignee or agent thereof as pilotage fees, in addition to the fees payable under Regulation 8.

Who liable to pay pilotage fees.

26. The following persons shall be liable to pay the pilotage fees payable to any Pilot in respect of any vessel:—The owner or master of the vessel, or such consignees or agent thereof as have paid, or have made themselves liable to pay any other charge on account of such vessel at the port of her arrival or discharge, as to pilotage inwards, and at the port from which she clears out, as to pilotage outwards.