

# PILOTAGE EXEMPTION SCHEME

## COMPULSORY PILOTAGE

Clydeport Operations Limited (Clydeport) is the Competent Harbour Authority with an area of responsibility as set out in Clyde Port Authority Order Confirmation Act (1969). Clydeport has designated Compulsory Pilotage for certain Vessels navigating within the port. Details are set out in *Pilotage Directions* (Clydeport Notice to Mariners No 2) and available on the website, [www.peelports.com](http://www.peelports.com).

Masters and Deck Officers of vessels that frequently transit the area may gain sufficient knowledge and experience of navigation in the port that they are able to satisfy Clydeport they can safely be exempted from the Compulsory Pilotage requirement.

Clydeport promotes EC Directive on Pilotage Exemption Certificate (PEC) provision and offers a Pilotage Exemption Scheme for the benefit of ship owners/operators, shipping and trade.

## EXEMPTION FROM COMPULSORY PILOTAGE PROVISIONS

Clydeport may exercise powers to exempt certain ship's Masters and Deck Officers from the requirement to take a Clydeport Authorised Pilot when navigating within the port. Due diligence is exercised by Clydeport to designate exemption only to Holders of a valid PEC.

- a. Clydeport's standards for PECs will not be more onerous than those required for an authorised pilot but do ensure the PEC holder is determined competent, with due regard to the difficulties and dangers of navigation in the port.
- b. Both PEC holders and their employer are accountable to the issuing Harbour Authority for the proper use of any PEC. The Harbour Authority requires a formal written agreement with PEC holders and their employers. The *Letter of Agreement* sets out responsibilities of each party and facilitates regulation and proper use of PECs.
- c. The requirements of a PEC system conform to that as outlined in Sections 8 and 15 of the Pilotage Act 1987.
- d. Where the use of tugs to berth or sail is compulsory or required, provided the job can be done without making the tugs fast an authorised pilot will not be compulsory. Where it is necessary to use tugs lines made fast to a ship, it is compulsory that a Clydeport authorised pilot is boarded for the job.

## ELIGIBILITY FOR A PEC

A PEC may be available to a suitably qualified and currently serving Master or Deck Officer on vessels trading regularly to or within the port.

## APPLICATION FOR A PEC

A PEC *Application Form* must be fully completed by the Applicant and delivered to Clydeport with full supporting documentation. Partially completed Forms will not be accepted. Supporting documentation required is:

- Valid and in date CoC (Certificate of Competency)
- Valid and in date Medical Certificate
- Application Form (Annex 1)

- Application Trip Log (Annex 2)

Failure to submit the above documents may result in a delay to the application process. The original CoC and medical certificate must be available for inspection by the examining pilot during the examination or check trip.

### **Qualifying Trips**

Candidates must complete a minimum number of qualifying trips prior to examination. A qualifying trip is defined as an Act of Pilotage both Inbound + Outbound (one Qualifying Trip is equal to two Acts of Pilotage). Requirements for a PEC are:

- a) Not less than 6 qualifying trips (i.e. 12 Acts of Pilotage) of which at least 4 must be undertaken in daylight and at least 2 must be undertaken in darkness.
- b) Qualifying trips include voyages to or from the port, from or to a place outside the port OR between designated berths within the port.
- c) Trips are completed within a period of 12 months immediately preceding the application.
- d) During each trip the applicant has been on watch on the bridge of such vessel.
- e) For each declared qualifying trip, the applicant has undertaken the functions of conning the vessel, under supervision of a Clydeport authorised pilot OR a holder of a valid PEC.
- f) Full details of each trip must be provided. Applications declaring “multiple trips” between given dates will be rejected.

The *Qualifying Trip Log Form* must be used by the candidate/PEC holder. This requires the agent/owner to countersign to the effect that the PEC Candidate had responsibility for pilotage of the vessel throughout the qualifying trip.

### **EXAMINATION FOR A PEC**

The granting of a PEC requires compulsory examination, which will be undertaken by a Clydeport authorised pilot.

The candidate is required to demonstrate to the satisfaction of Clydeport, a suitable level of knowledge, experience, skill and command of the English language.

- Skill, local knowledge and command of the English language are assessed during the check trip and examination;
- Experience is assessed including through reference to the prescribed qualifying trips prior to examination and the employer’s verification of on-board familiarisation and training.

The attached *Checklist* summarises the criteria Clydeport applies when assessing candidates for PEC. Examination includes oral, written and practical elements and may be undertaken over more than one session. Candidates are normally required to visit the Marine Department at Greenock Ocean Terminal where a written examination and briefing on Clydeport LPS will be provided. Applications for vessels over 125m LOA will require the candidate to undertake a berthing simulation exercise.

The level of local knowledge and ship handling ability will be assessed practically during the check trip. The level must be sufficient for the applicant to pilot their vessel safely throughout the area covered by the PEC. PEC candidates will have their Passage Plan/Bridge Book checked by the Clydeport authorised pilot, during the check trip and/or examination.

During the practical examination, the PEC applicant will be required to demonstrate their ability to berth/un-berth the vessel safely. Alternatively, the PEC may be granted, but it will be endorsed "ON PASSAGE ONLY".

For applications for PEC including the area of the Dockyard Port (C7 + C8), QHM Clyde may assign a representative to attend examinations. Also, a DYP specific written examination must be completed by the applicant.

The examining pilot will report the result to Clydeport SMMO who will determine, based on the report of the examiner, whether a candidate is successful and issued with a PEC. Clydeport has a duty to not unnecessarily withhold a PEC from an appropriately qualified Master or Deck Officer.

Should an applicant fail to meet the required level of knowledge and practical ability, a PEC will not be issued and the applicant will be notified of the period of time before they can re-apply and will be provided with a copy of the examining pilot's recommendations for further study.

### **CONDITIONS FOR ISSUE OF A PEC**

Prior to issue of a PEC, Clydeport requires completion of a *Letter of Agreement* signed by the PEC holder, their employer and the Senior Manager Marine Operations (Clydeport). This document sets out conditions on which a PEC is valid and terms of the *Letter of Agreement* are enforceable for a period of 3 years, renewable thereafter.

### **CERTIFICATE**

Clydeport will advise a PEC number and issue a PEC to a successful candidate as soon as practicable, following completion of examination. PEC is valid immediately the PEC Number is advised by Clydeport and is current for a period not exceeding 36 months, subject to annual revalidation.

### **REVALIDATION**

Revalidation of all PECs issued during the calendar year is mandatory. Submission to Clydeport of all revalidation documentation must be completed by the 30<sup>th</sup> of November. Supporting evidence is required, satisfactory to demonstrate that:

- a) the PEC holder has operated (qualifying trips) sufficiently in each of the applicable port areas during the currency of expiring PEC (see notes on P7); and
- b) the IMO Certificate of Competency and ENG 1 remain valid; and
- c) Check trips are completed as required, to maintain validity of a PEC. The requirement and frequency will be determined by SMMO. A minimum requirement for check trips is one every 2½ to 3 years. A check trip will be mandatory following an incident or where SMMO has cause for concern. Clydeport authorised pilots will carry out check trips as directed.

### **AMENDMENT TO A PEC**

Amendment to a PEC may be agreed by Clydeport following a request by the PEC holder or their employer, either to remove areas in which the holder has not worked a satisfactory time during the previous PEC period or to include additional area(s) and/or vessel(s), subject to satisfactory examination.

### **CANCELLATION OF A PEC:**

Unless a fully completed re-application is received by Clydeport on/before 30<sup>th</sup> November in each year, the PEC will be deemed cancelled with effect from 31<sup>st</sup> December in that year. Clydeport, otherwise will give written notice of intention to cancel or suspend a PEC, stating the reasons for which it proposes to act.

The PEC holder is required to report to Clydeport as soon as possible any Marine Casualty or Marine Incident (as defined by MGN564(M+F)) involving a vessel within the port and whilst under his charge, including any near miss or dangerous occurrences. A full written report is required. Failure to report may result in immediate cancellation of the PEC. Reports should be submitted using the *Marine Incident Form Clyde* which is available in the Publications and Forms section of the Peel Ports website <https://www.peelports.com/marine-information?port=clydeport>

Suspension of a PEC is permitted under the Pilotage Act section 8 (6). Such action by Clydeport may be taken if the PEC holder fails to demonstrate ongoing the required level of competence or if there is evidence of misconduct affecting his capability to pilot the ship or any other ship specified on the PEC. Failure to include annual qualifying trip record with the PEC revalidation papers will result in the PEC being suspended or cancelled.

Appeals against suspension or cancellation will require review by SMMO. Appeal outcome may specify corrective action including a full re-examination. Reasons for cancellation after appeal will be expressed in writing to the applicant and advised to the PEC Review Committee.

### SCHEDULE OF CHARGES

(effective from 1<sup>st</sup> April 2019)

All prices in GBP

Full Application for PEC <i>(includes Examination but excludes Check Trips by Clydeport Pilot)</i>	£1,000
Re-examination	£500
Check Trip	£500
Annual Revalidation of PEC	£250
Alterations (eg add area/vessel) <i>(includes Examination but excludes Check Trip by Clydeport Pilot)</i>	£150
Administration Fee <i>(copy or replacement certificate)</i>	£50

### PEC Privacy Notice

At Peel Ports we are committed to respecting your privacy.

Peel Ports is made up of different legal entities, details of which can be found on the Peel Ports website at <https://www.peelports.com/legal-info>. Clydeport and Peel Ports Group Limited group of companies (Peel Ports) are "data controllers". This means that we are responsible for deciding how we hold and use personal information about you. We have appointed a Group Data Protection Officer (contact details below), who is responsible for overseeing questions in relation to this PEC Privacy Notice. Our general Privacy Notice is available at [www.peelports.com/privacy-notice](http://www.peelports.com/privacy-notice) or on request. This notice is specifically in relation to the Pilotage Exemption Scheme offered by Clydeport.

## Personal data we collect and why

When applying and during the validity period for your PEC, personal identification data will be collected by Clydeport. We will collect:

- Full name;
- Date of birth;
- Evidence of current medical fitness ENG1 or equivalent; and
- Valid IMO Certificate of Competency;
- Application Form(s);
- Records of examination/assessments of competency;
- Revalidation requests;
- Information relating to any Incident whilst within the port; and
- Records relating to trips.

The legal basis for processing this information is that it is in the Clydeport's legitimate interest to know the identity and competency of individuals applying to or navigating vessels within its jurisdiction without the requirement to use a Clydeport authorised pilot. It is also necessary for compliance with a legal obligation to which Clydeport is subject.

Your medical fitness data, as a special category of sensitive personal data will be processed on the basis that it is our legitimate interest to ensure the competency of individuals navigating vessels within its jurisdiction without a requirement to use a Clydeport authorised pilot furthermore it is in the substantial public interest to do so, given that the processing of the data for the PEC is necessary for the safety of navigation and preservation of life within the port.

Moreover and alternatively, the PEC is a voluntary process and in applying for a PEC, you are providing explicit consent to Clydeport (and/or any other members of Peel Ports) holding the above personal data and using it for the specific purposes identified.

## How do we protect your personal data?

The Company will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with our general privacy notice set out at [www.peelports.com/privacy-notice](http://www.peelports.com/privacy-notice).

The data you provide will be stored in a secure database or if held in hard copy in a secure environment and will only be used for the purpose of enabling you to operate in the port under a PEC and/or record any incidents pertaining to you doing so and to maintain a record of who has been in receipt of a valid PEC.

Clydeport has put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where the Company is legally required to do so. Your personal data is stored in hard copy and electronic records, which are maintained by Clydeport. We will not export your data outside of the EEA unless required to do so as per the next section of this notice.

## Who do we share your personal data with?

In some circumstances we may share your personal data with the parties set out below:

- Companies within Peel Ports Group that act as joint controllers or processors and are based in the European Economic Area in order to provide IT, administration and support services.
- Third parties (including service providers and professional advisers acting as processors who provide administration and support services).

Clydeport will share your personal information with third parties where required by law or where we have another legitimate interest in doing so. We require third parties to respect the security of your data and to treat it in accordance with the law. We do not allow our employees or these third parties to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

There are certain other exceptional circumstances in which we may disclose your information to third parties. This would be where we believe that the disclosure is:

- required by law, or in order to comply with judicial proceedings, court orders or legal or regulatory proceedings;
- Necessary to protect the safety of our employees, our property or the public
- Necessary for the prevention or detection of crime, including in connection with our investigations, and exchanging information with other companies or organisations for the purposes of complying with our legal obligations regarding safety and security at the port.

### **How long do we keep your personal data?**

Clydeport holds your personal data for duration that you hold the PEC. If your PEC expires or is cancelled, we will retain your data for a period of 36 months to enable you to re-apply for a PEC. Unless one of the situations exists below, following expiration of your PEC you have a right to request that we immediately delete your personal data save for a record as to who has been in receipt of a validly granted PEC in the port and any movements. If you are unsuccessful in your application for a PEC, we may record your application for a PEC and the reason that a PEC was not granted. We only retain this for so long as is necessary for the reasons for processing as stated above.

We may retain your data for longer where we have cancelled your PEC due to concerns over competency or misconduct and where such behaviour would have an impact on our decision to grant any future PEC. Where you have been involved in an incident we will retain your data for so long as such incident is outstanding/under investigation.

### **What rights do you have in respect of your personal data?**

You have the right to request access to, and transfer, rectification or erasure of, your personal data. You may object to the processing of your personal data or request a restriction to the way it is processed. You also have the right to lodge a complaint with a supervisory authority.

If you wish to exercise the above rights, please contact us. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Who to contact if you have questions**

If you have any questions about this privacy notice or how we handle your personal data, please contact our Group Data Protection Officer (DPO), who is based at Maritime Centre, Port of Liverpool, Liverpool, L21 1LA and can be contacted by email at [GroupDataProtectionOfficer@peelports.com](mailto:GroupDataProtectionOfficer@peelports.com) or in writing to:

Caroline Marrison Gill  
Group Data Protection Officer  
Peel Ports Group Limited  
Maritime Centre  
Port of Liverpool  
L21 1LA

If you have a complaint in connection with the way we have processed your personal data you have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. See [www.ico.org.uk](http://www.ico.org.uk).

### **Copy documents**

All PEC applications, examination reports, revalidation requests and Letters of Agreement are held by Clydeport Marine Department. Additional copy PEC will be made available upon request and with payment of the required administration fee.

## Appendices

### A - CHECKLIST - CLYDEPORT PEC CRITERIA

#### Candidate

- Valid IMO Certificate of Competency
- Evidence of current medical fitness, ENG1 or equivalent
- Vessel Details: (Name, Type, LoA, GRT)

#### Application Process

- Communication from Applicant
- Registration of Candidate
- Qualifying Trips (Inwards/outwards & daytime/night time)
- Practical Assessment (Check Trip)
- Familiarisation Visits / Estuary Radio (Pilotage Simulator)
- Oral Examination / PC Rembrandt
- Report to SMMO
- Decision of SMMO
- Communication to Applicant

### B - Examination syllabus

#### Seamanship

- Thorough understanding of own vessel handling characteristics
- Knowledge of squat and interaction
- Ability to prepare, implement and provide an adequate Port Passage Plan
- Knowledge of Pilotage Act 1987 (As amended by the Marine Navigation Act 2013)
- Knowledge of Port Marine Safety Code including Standards for Marine Pilots
- Bridge Resource Management
- Bridge Engine Changeover

#### Local Knowledge

- Port Regulations and Speed limits
- Local Notices to Mariners
- Communications – VHF Working Channels
- Signals - sound/light/shape/traffic signals
- Reporting Points
- Channels/Distances/Depths
- Local Port traffic Routeing (including Naval + Leisure) traffic patterns
- Navigation marks and aids
- Contingency Plans/Abort positions
- Restricted visibility procedures
- Coastal features
- Prevailing Wind and berthing limits
- Tidal streams, Tidal limitations/constraints
- Berths/wharves/jetties
- Anchorages and no anchoring areas
- Prohibited areas/submarine cables, pipelines etc.
- Emergency plans, Oil Spill Contingency Plans
- Other port activities – Recreational areas



### **C - Conditions for exemption from Compulsory Pilotage**

- Valid PEC holder
- The PEC holder shall have no other duties during the Pilotage.
- Prior to an Act of Pilotage the PEC holder shall be adequately rested and fit.
- At all times there will be adequate bridge team support for the PEC holder.
- The PEC holder will be provided with updating of knowledge capability
- A record of Qualifying Trips shall be recorded, maintained and presented if required.
- All Incidents are reported in writing as soon as practical and the PEC holder shall submit to an interview by the SMMO.
- The PEC holder will report any defective navigational aids together with any defects relating to their vessel to Estuary Radio.
- The PEC holder must not allow commercial pressures to influence any manoeuvring or Safety Decisions.
- During the practical examination the PEC applicant will be required to demonstrate their ability to berth/un-berth Vessel safely at the berth(s). If not the PEC will be endorsed "FOR USE ON PASSAGE ONLY". PEC - Period of validity

### **D - Guidance for Check Trip Assessment**

The level of local knowledge is assessed practically during the Oral examination and/or Check trip. The level is sufficient for the applicant to pilot their vessel safely throughout the area covered by the PEC.

PEC candidates shall have their Passage Plan/Bridge Book examined by the authorised pilot during the "Check trip" or Examination.

PEC holders should adhere to the IMO Guidelines for voyage planning taking the following measures to ensure that they appreciate and reduce the risks to which they are exposed:

- a. Ensure that there is a systematic bridge organisation.
- b. Ensure that optimum and systematic use is made of all appropriate information that becomes available to the navigational staff.
- c. Ensure that their intentions are fully understood and acceptable to the vessel's navigational staff.

Prior to departure the PEC holder will prepare the detailed Port Passage Plan in accordance with the Guidelines and to the Master's requirements.

## E - Pilotage Exemption – Area Codes

### Ferry Services within Clydeport

LICENCE CODE	ZONE
F1	Gourock – Dunoon
F2	Wemyss Bay – Rothesay
F2-E	As above, extended to include Gourock
F3	Ardrossan
F3-E	As above, extended to include Gourock
<b>F4 – Small Vessels (less than 56 metres LOA)</b>	
F4 - a	Colintraive – Rhubodach
F4 - b	Largs – Cumbrae
F4 - c	Portavadie – Tarbert
F4 - d	Claonaig – Loch Ranza
F4 - e	F4 – c and F4 – d combined
<b>F5 – Small Vessels (less than 25 metres LOA)</b>	
F5	No1 Buoy to west side of Albert Bridge
F6	Specified Routes - Ferry

### Other Commercial Vessels

LICENCE CODE	ZONE	COMMENTS
C1	Entire district of compulsory pilotage	
C2	Outer Pilotage Area <sup>1</sup>	To a named berth/place
C3	Inner Pilotage Area	To a named berth/place
C4	Hunterston (over 80m)	
C5	Sandbank (over 75m)	
C6	Outer sea lochs & Kyles of Bute	
C7	Dockyard Port of Gareloch	See Notes
C8	Dockyard Port of Loch Long	See Notes

#### Notes:

For the annual revalidation of a PEC, 6 qualifying trips (i.e. 12 Acts of Pilotage) are required for each area in order for these areas to remain valid. Where the owner/agent requests revalidation for all areas on the PEC, and the required number of qualifying trips has not been achieved in each area, the application will be reviewed by the PEC Review Committee. The Committee will agree the revalidation requirements appropriate for the case and issue a decision within 7 working days.

Area C2 will also cover area C3 for a vessel proceeding to Greenock Ocean Terminal (GOT), i.e. the candidate is examined from Cumbrae to GOT.

Areas C7 + C8; Compulsory Pilotage requirements of QHM may be applicable and reference to General Directions promulgated by Queen's Harbour Master is required.