

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**STATES' TRADING SUPERVISORY BOARD**

**GENERAL PILOTAGE – RETIREMENT AGE OF GENERAL PILOTS**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled “General Pilotage – Retirement Age of General Pilots” (dated 25 July, 2019), they are of the opinion:-

1. To approve the preparation of an amendment to the Pilotage Ordinance, 1967 to remove the requirement that a general pilot retire as such on reaching the age of 65, and to provide that a general pilot's pilotage licence shall continue to be valid for so long as he or she holds a valid Seafarer's Medical Report and Certificate.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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GENERAL PILOTAGE - RETIREMENT AGE OF GENERAL PILOTS

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

25 July, 2019

**1. Executive Summary**

- 1.1 The current Pilotage legislation contained in the Pilotage Ordinance, 1967 concerning the retirement age for General Pilots sets the retirement age at 65.
- 1.2 The existing Ordinance takes no account of physical fitness, ability and competence with regard to retirement. This situation could lead to the premature end to a General Pilot's career on reaching 65 even though he/she may be still perfectly able to execute the role.
- 1.3 The current legislation is in conflict with the spirit of the "Longer Working Lives" Policy Letter from the Committee for Employment and Social Security, debated in The States of Deliberation on 7<sup>th</sup> February 2018.
- 1.4 It is proposed that the Pilotage Ordinance 1967 should be amended to provide instead that General Pilots are permitted to remain in that post provided they hold a valid Seafarers Medical Report and Certificate (ML5).
- 1.5 A ML5 certificate held by someone below the age of 65 will expire after 5 years of issue or on the holder's 65th birthday (whichever is soonest). ML5 certificates held by a person over the age of 65 will require annual renewal. ML5 certificates can be issued by any registered General Practitioner.

1.6 Medical fitness is a clear requirement both within the Port Marine Safety Code and the International Maritime Organisation (IMO) resolution A960 (Recommendations on Training and Certification and Operational Procedures for Maritime Pilots). A Seafarers Medical Fitness Certificate (ENG1) and a valid Seafarers Medical Report (ML5) are both used by ports in the UK to determine medical fitness. The ENG1 may be adapted / supplemented at the discretion of the Competent Harbour Authority as there is no statutory requirement for the ENG1 to be applied to pilots. ENG1 certificates can only be issued by a Maritime and Coastguard Agency (MCA) approved doctor, however there are no MCA approved doctors on Guernsey. For this reason, it is proposed that a valid Seafarers Medical Report (ML5) will be used as the basis for determining medical fitness when considering whether General Pilots can be permitted to remain in post.

## **2. Consultation**

2.1 Guernsey Harbours has consulted with the current Master Pilot and General Pilots regarding this matter, all of who are in favour of the proposition.

## **3. Cost/resources**

3.1 These proposals would not lead to any increase in public expenditure, nor would they have any other significant impact on the public sector.

## **4. Compliance with Rule 4**

4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

4.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not to be put into effect.

4.3 In accordance with Rule 4(3), the Board has included Propositions which require no further public funding.

4.4 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the Propositions above have the unanimous support of the Board.

- 4.5 In accordance with Rule 4(5), the Propositions relate to the duties of the States' Trading Supervisory Board to ensure the efficient management, operation and maintenance of any States' unincorporated trading concerns and commercial interests which the States have resolved to include in the mandate of the Board, which includes Guernsey Harbours.
- 4.6 Also in accordance with Rule 4(5), the Board consulted the Master Pilot, General Pilots and States Harbourmaster.

Yours faithfully

P T R Ferbrache  
President

J C S F Smithies  
Vice-President

J Kuttelwascher  
Member

S J Falla MBE  
Non-States Member

J C Hollis  
Non-States Member