

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE PILOTAGE (AMENDMENT) ORDINANCE, 2020

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Pilotage (Amendment) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has 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.

EXPLANATORY MEMORANDUM

This Ordinance amends the Pilotage Ordinance, 1967 ("the 1967 Ordinance") to require pilots to produce medical certificates which comply with UK Merchant Shipping Notice 1886 (which deals with Seafarer's medical reports and certificates), and to remove the requirement for general pilots to retire when they reach the age of 65. That latter amendment provides for general pilots to elect to retire at 65, or to do so at a later age provided that they continue to hold a valid medical certificate which complies with the requirements of section 12 of the 1967 Ordinance.

The Pilotage (Amendment) Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 16th October, 2019^a, and in exercise of the powers conferred on them by section 1 of the Pilotage (Guernsey) Law, 1966^b and all other powers enabling them in that behalf, hereby order:-

Amendment of the Pilotage Ordinance.

1. (1) The Pilotage Ordinance, 1967^c is amended as follows.

(2) In section 12 renumber the text as subsection (1).

(3) For section 12(1)(b), substitute -

"(b) in the case of a general pilotage licence, the applicant produces a medical certificate that he is medically fit to carry out his duties as a pilot -

(i) signed by a medical practitioner who is approved under Annex B of

^a Article VII of Billet d'État No. XX of 2019.

^b Ordres en Conseil Vol. XX, p. 206; as amended by Vol. XXIX, p. 340; Vol. XXXI, p. 278; Order in Council No. XXI of 2001; Ordinance No. XXXIII of 2003; and No. IX of 2016.

^c Recueil d'Ordonnances Tome XV, p. 50; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XVIII, pp. 19, 24 and 143; Tome XX, pp. 158 and 161; Tome XXIII, p. 34; Tome XXIV, p. 1; Tome XXVI, p. 118; and Ordinance No. XXXIII of 2003; No. XII of 2012; No. IX of 2015; and No. IX of 2016.

Merchant Shipping Notice 1886, and

- (ii) issued in compliance with subsection (2) of this section."

(4) After section 12(1) insert -

"(2) The medical certificate referred to in subsection (1)(b) of this section shall only be issued -

- (a) where the medical practitioner, having regard to the medical fitness standards specified in Merchant Shipping Notice 1886, considers that the applicant is fit to perform the duties of a general pilot, and

- (b) in the same or equivalent form to an ML5 medical certificate specified in Merchant Shipping Notice 1886."

(5) For section 28, substitute -

"Retirement of general pilots.

28. (1) Subject to the provisions of subsection (2), a general pilot shall retire -

- (a) on attaining the age of sixty-five years, or

- (b) at any later age that he elects to retire, provided

that he continues to hold a valid medical certificate referred to in section 12.

(2) A pilotage licence shall cease to be valid on the retirement of a general pilot.

(3) As soon as may be after his pilotage licence ceases to be valid in pursuance of the provisions of subsection (2), a general pilot shall return it to the States Harbourmaster who shall cancel the pilotage licence and shall make an appropriate note against the entry relating thereto in the register of pilotage licences."

(6) In section 55(1), insert (in their correct alphabetical order) –

""**Merchant Shipping Notice 1886**" means the notice of that number issued by the MCA, as amended from time to time," and

""**the MCA**" means the Maritime and Coastal Agency of the United Kingdom,".

Citation.

2. This Ordinance may be cited as the Pilotage (Amendment) Ordinance, 2020.

Commencement.

3. This Ordinance shall come into force on the 6th May, 2020.