

MARINE NAVIGATION ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Pilotage

Section 3: Pilotage Exemption certificates: suspension and revocation

14. **Section 3** extends the circumstances in which a competent harbour authority can, by written notice, suspend or revoke a pilotage exemption certificate. The authority may do this if:
 - a) an event occurs that gives it reason to believe that the holder of the certificate no longer meets the requirements for holding a certificate;
 - b) it thinks that the holder of the certificate has provided false information;
 - c) it thinks that the holder of the certificate has been guilty of professional misconduct while piloting the ship; or
 - d) the certificate has been misused in circumstances where an act of pilotage is undertaken by an unauthorised person.
15. As an example, the previous legislation would not have permitted the immediate suspension of the certificate of a pilot if he were found to be temporarily incapable of navigating a ship due to being under the influence of alcohol. Such misconduct would fall under paragraph (c) above.
16. In order to suspend or revoke a certificate an authority must give written notice. The maximum period of suspension is 28 days but that may be extended for a further 28 days if the authority is considering whether to revoke it. A revocation must state the reasons for the revocation in writing and the holder of the certificate must be allowed a reasonable period to make representations. The authority will have the discretion to pay compensation to any person who has suffered, or is likely to suffer, loss as a result of the suspension or revocation of a certificate.