

# **THE PILOTAGE AUTHORITY ACT, 2003**

A MARITIME LEGISLATION DRAFTING PROJECT  
SUBMITTED IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS FOR THE AWARD OF THE  
DEGREE OF MASTER OF LAWS (LL.M) AT THE  
I.M.O. INTERNATIONAL MARITIME LAW  
INSTITUTE (IMLI)

(MALTA)

APRIL – 2003

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## EXPLANATORY NOTE

Pilotage is knowledge of local circumstances within a coastal state. Its main objective is to ensure the safe movement of ships within the pilotage areas of the state and at the same time ensuring the protection of the marine environment. Pilotage areas may include coastal waters, rivers, ports, lakes, harbours or estuaries.

The term pilot describes a person other than the master or one of the crew of a ship who is taken on board especially for the purpose of conducting it through the areas mentioned above. This “pilot” is generally defined by the **U.K. Merchant Shipping Act 1894** as –

“any person not belonging to a ship who has conduct thereof”.

Therefore, the pilot is one who has special knowledge of conditions in the pilotage area and possesses a unique skill and know-how in handling a vessel through that area, knowledge which a master does not have. The effect of his service is that it prevents accidents which could seriously and adversely affect the efficiency and safety of navigation within the area.

In this regard the International Maritime Organisation has seen it fit to recommend that governments of states organize pilotage services. Thus pilotage is a statutory service regulated by the state for the safety of maritime traffic and the protection of the environment. As such the government is obliged to have in place proper legislation and services which will protect against the risk of maritime accidents occurring in its waters.

At the moment, Sierra Leone does not have a specific legislation on pilotage. Presently, pilotage is regulated by Part XV of the Ports Act 1964 (Act. No. 56) with a mere seven sections. The provisions under the Ports Act saved some of the provisions under the original Ports Act (cap 141) of the Laws of Sierra Leone, 1960 which is now out of date. The Ports Act defines a pilot, regulates the relationship between pilot and master, the pilot’s liability and further include a delegation of powers to the Ministry of Transport to regulate by way of decree other items concerning pilotage in Sierra Leone.

From the foregoing, the urgent need for a comprehensive legislation on pilotage in my country cannot be over emphasized. The law on pilotage needs to be upgraded in order to bring it in tandem with international standards.

In this regard a new legislation called the 'Pilotage Authority Act 2003' is hereby being proposed.

The main thrust of this legislation is the setting up of an Authority which will be a corporate body that can own its own assets, sue and be sued in its own name. As Sierra Leone is a small country, the Authority will be solely responsible for the administration of pilotage and safety of navigation through out the country, although it may delegate its functions to pilotage committees<sup>1</sup>.

Provision is made for a Board of the Authority<sup>2</sup> which will primarily be responsible for the management of the Authority. The Board has a wide representation of interested parties in pilotage and safety of navigation<sup>3</sup>, thus licensed pilots<sup>4</sup>, the Sierra Leone Maritime Authority<sup>5</sup>, the Sierra Leone Ports Authority<sup>6</sup> among others are all represented.

The minister responsible for transport and communications is given extensive powers in the control of pilotage. As the government is principally responsible for providing the safety of its citizens it is pertinent that its representative be given wide powers in the affairs of the Authority. Although the Minister has wide powers, he has little power of initiation such as in the appointment of certain members to the Board<sup>7</sup> and the payment of remuneration<sup>8</sup>, but his approval is needed on most decisions of the Board like for the taking of loans, annual plan, delimitation of pilotage districts etc.

The Act is divided into ten Parts.

Part I deals with Preliminaries. Part II establishes the Authority and its Board. It also provides for the tenure, remuneration and

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<sup>1</sup> Part IV.

<sup>2</sup> s. 4.

<sup>3</sup> s. 5.

<sup>4</sup> s. 4 (5) (a).

<sup>5</sup> s.4(5)(f)(iii).

<sup>6</sup> s.4(5)(f)(iv).

<sup>7</sup> s4(5)(a)-(e).

<sup>8</sup> s6.

proceedings of the Board. It further empowers the Authority to employ licensed pilots.

Part III deals with functions and powers of the Authority. Among its powers is that of providing training facilities for pilots<sup>9</sup>. Part IV establishes pilotage committees which shall perform some of the functions of the Authority in any pilotage district. Section 14 provides for the constitution of the Committees.

Part V is for the Planning and Financial Management of the Authority. The annual plan of operation for each year should be approved by the minister, and the financial year of the Authority is the same as that of the government. Section 17 (1)(a) provides for the payment into the 'Consolidated Fund' of fees which the Authority is not allowed to retain. The Consolidated Fund is the account where all payments made to the government of Sierra Leone are paid. And it is from this Fund that civil servants are paid.

Part VI deals with pilotage services and signals. Sections 23 and 24 provides for both ships engaged on pilotage duty and ships that require pilotage services to display certain flags and signals.

Part VII provides for licence and pilotage certificates. It further provides for their revocation or suspension<sup>10</sup> and section 32 provides for their duration and validity.

Part VIII provides for compulsory pilotage and creates exceptions to it<sup>11</sup>. This part also provides for limitation of liability on the part of the master/owner of a ship<sup>12</sup>, pilots<sup>13</sup>, Authority<sup>14</sup>.

Part IX deals with offences and penalties, while Part X deals with miscellaneous provisions. Section 43 empowers the Authority to make rules and regulations by statutory instrument.

If this proposed legislation is adopted, it will enhance the administration of pilotage services in Sierra Leone.

Floyd Alex P. Davies.

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<sup>9</sup> S12(2).

<sup>10</sup> s28.

<sup>11</sup> s34.

<sup>12</sup> s35.

<sup>13</sup> s36.

<sup>14</sup> s37.

# ACTS

## THE PILOTAGE AUTHORITY ACT, 2003

### ARRANGEMENT OF SECTIONS

Section

#### PART I-PRELIMINARY

1. Commencement.
2. Interpretation

#### PART II-ESTABLISHMENT OF AUTHORITY

3. Establishment of Authority.
4. Board of Authority.
5. Tenure of members.
6. Remuneration and expenses of members.
7. Proceedings of Board.
8. Secretary.
9. Employment of officers, servants and agents.
10. Public Officers Protection Act to apply to officers etc.

#### PART III – FUNCTIONS AND POWERS OF AUTHORITY

11. Functions.
12. Powers.

#### PART IV – PILOTAGE COMMITTEES

13. Authority to appoint pilotage committees.
14. Membership of pilotage committees.
15. Duties of pilotage committees.

## PART V - PLANNING AND FINANCIAL MANAGEMENT

16. Operational plans and budget.
17. Funds of Authority.
18. Borrowing powers of Authority.
19. Accounts and audit.
20. Financial Year of Authority.
21. Transfer of assets.

## PART VI – PILOTAGE SERVICES AND SIGNALS

22. Authority may establish pilotage districts.
23. Pilot flags and signals.
24. Ships requiring pilot service.
25. Pilot boats.

## PART VII - LICENCE AND CERTIFICATES

26. Issue of licence or pilotage certificate.
27. Grant of masters' and first mates' certificates.
28. Revocation or suspension of licences or pilotage certificate.
- 29 Appeal to Minister by pilot, master or first mate, against action of Authority.
- 30 Appeal to court by pilot against action of Authority.
- 31 Right of licensed pilot to supercede unlicensed persons.
- 32 Renewal of licence or pilotage certificate.

## PART VIII – COMPULSORY PILOTAGE

- 33 Compulsory pilotage.
- 34 Liability of owner or master for a vessel under pilotage.
- 35 Limitation of liability for pilots.
- 36 Liability of Authority for loss or damage to vessels or goods etc.

## PART IX – OFFENCES AND PENALTIES

- 37 Penalty in respect of ship entering compulsory pilotage district without pilot.
- 38 Penalty on pilot endangering a ship.
- 39 Penalty for illegal piloting.

## PART X - MISCELLANEOUS PROVISIONS

- 40 Minister's power of direction.
- 41 Saving of powers.
- 42 Rules and regulations.
- 43 Repeal and saving of Part XV of Act, no.56 of 1964.

Short title.

## **The Pilotage Authority Act, 2003**

### **An Act to Provide for the Establishment of a Corporation to be known as the Pilotage Authority for the Transfer to the Authority of the Pilotage Undertakings of the Government and for purposes connected therewith**

ENACTED by the President and Members of Parliament in this present Parliament assembled.

#### PART I - PRELIMINARY

**Commence-  
ment.**

1. This Act shall come into operation on a date to be fixed by the Minister by order in a statutory instrument.

**Interpretation.**

2. In this Act, unless the context otherwise requires –

“apprentice pilot” means a person who is training to become a licensed pilot;

“Authority” means the Pilotage Authority established by section 3;

“Authority pilot” means a pilot employed by the Authority;

“Board” means the Board referred to in subsection (3) of section 4;

“Chairman” means the Chairman of the Board referred to in subsection (3) of section 4;



“compulsory pilotage” means, in respect of a ship, the requirement that the ship be under the conduct of a licensed pilot or the holder of a pilotage certificate;

“compulsory pilotage area” means an area of water in which ships are subject to compulsory pilotage;

“excepted ship” has the meaning assigned to it by section 33;

“license” means a license issued by the Authority pursuant to section 26;

“licensed pilot” means a person who holds a valid licence;

“master” means, when used in relation to any ship, the person having command or charge of the ship for the time being, but does not include a pilot;

“Minister” means the Minister for the time being responsible for transport and communications;

“pilot” means a person not belonging to a ship who has conduct thereof;

“pilotage certificate” means a certificate issued by the Authority pursuant to section 26 to the master or first mate of a ship, entitling the person certificated to act in the place of a licensed pilot for that ship;

“pilotage committee” means a committee established pursuant to section 13;

“pilotage district” means a pilotage district established pursuant to section 22;

“port” means any place declared to be a port under section 11 of the Port Act 1964 as amended;

“Secretary” means the Secretary appointed under section 8;

“ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether mechanically propelled or otherwise or towed;

## PART II – ESTABLISHMENT OF AUTHORITY

### Establishment of Authority.

- 3.(1)** There is hereby established a body to be known as the Pilotage Authority.
  
- (2)** The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.
  
- (3)** The Authority shall have a common seal, the use of which shall be authenticated by the signatures of –
  - (a)** the Chairman or other member of the Authority authorized either generally or specially by the Authority in that behalf; and
  - (b)** the Secretary or some other person authorized by the Authority in that behalf.

**Board of  
Authority.**

**4. (1)** The governing body of the Authority shall be a Board which shall, subject to this Act, have the control and supervision of the Authority.

(2) Without prejudice to subsection (1), the Board shall be responsible for:-

- (a) securing the implementation of the functions of the Authority;
  - (b) the approval of policies for the proper management of the Authority; and
  - (c) the sound and proper financial management of the Authority.
- (3) The Board shall consist of a Chairman and not less than ten and not more than fifteen other members.
- (4) The Chairman shall be a person –
- (a) with a formal qualification and high standing in any of the professions recognized by the laws of Sierra Leone; or
  - (b) with a formal qualification and proven ability in business administration or management,

but no person shall be appointed Chairman if he has any financial interest, whether directly or indirectly, in any maritime business or undertaking.

- (5) The other members shall consist of persons appointed by the Minister from among the following persons, namely –
- (a) licensed pilots;
  - (b) persons appearing to the Minister to have wide practical experience in the management of ships;

- (c) persons appearing to the Minister to have wide practical experience in the administration of pilotage services;
- (d) persons appearing to the Minister to have wide practical experience in the management of docks or harbours;
- (e) other persons appearing to the Minister to have special knowledge or experience likely to be of value to the Authority in connection with the performance of its functions;
- (f) four persons being senior officials designated as representatives respectively by each of the following: -
  - (i) the Ministry responsible for transport and communications;
  - (ii) the Ministry of Finance;
  - (iii) the Sierra Leone Maritime Authority;
  - (iv) the Sierra Leone Ports Authority.

(6) The Chairman and the other members shall be citizens of Sierra Leone.

**Tenure of members.**

**5.(1)** The Chairman and the other members referred to in subsection (5) of section 4 shall hold office for a term not exceeding three years as may be stipulated in their letters of appointment and any such appointment may be renewed as and when necessary.

**(2)** On the death or vacation of office of the Chairman or members referred to in subsection (1), whether such vacation is by termination or otherwise, the Minister may appoint in like manner another person to serve for the unexpired term of the Chairman or that member, as the case may be.

**Remuneration and expenses of members.** 6. The Chairman and the other members of the Authority shall be paid such remuneration or allowances as the Minister shall determine and shall be reimbursed by the Authority, with the approval of the Minister responsible for finance, for expenses incurred in connection with the discharge of their functions.

**Proceedings of Board.** 7. (1) The Board shall hold its first meeting on such date and at such place as the Minister, after consultation with the Board, may determine; and thereafter, the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that the Board shall meet at least four times in a year.

- (2) The Chairman shall, at the request in writing of not less than eight members of the Authority, call an extraordinary meeting of the Authority at such time and place as he may determine.
- (3) The Chairman shall, preside at every meeting of the Authority and in his absence the members present shall elect one of their number to preside.
- (4) The quorum at a meeting of the Authority shall be nine.
- (5) All questions proposed at a meeting of the Authority shall be decided by a majority of the votes of the members present and voting and where the votes are equal the Chairman or the person presiding shall have a casting vote.
- (6) The Authority may at any time co-opt any person to act as an adviser at its meeting but that person shall not be entitled to vote on any matter for decision by the Authority.
- (7) Subject to this section, the Authority shall regulate the procedure at its meetings.

**Secretary.** 8.(1) There shall be an officer of the Authority to be known as the Secretary, who shall be appointed by the Authority.

- (2) The Secretary shall be responsible to the Authority for –
  - (a) the recording of minutes of meetings of the Authority; and
  - (b) performing such other duties imposed on him by this Act or as the Authority may direct.

**Employment of officers, servants and agents.**

**9.(1)** The Authority shall employ such officers, servants and agents as it may think necessary for the due discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

**(2)** The Authority shall have and be deemed always to have had-

- (a) power to employ pilots licensed by the Authority and, as assistants for such pilots, persons who are or are not pilots so licensed; and
- (b) power to make arrangements with ship owners and other persons under which payments are made to the Authority in respect of services of persons employed by the Authority by virtue of paragraph (a) above.

**Public officers protection Act to apply to officers, etc of Authority. Cap.172, Laws of Sierra Leone.**

**10.** Where any action, prosecution or other proceeding is commenced in respect of an act, neglect or default done or committed by any officer, servant or agent of the Authority in his capacity as its servant or agent, the provisions of the Public Officers Protection Act shall apply as though such officer, servant or agent were a public officer.

### PART III-FUNCTIONS AND POWERS OF AUTHORITY

- Functions.  
of Authority.**      **11.(1)** The Authority shall be the governing body with regard to the administration and enforcement of pilotage services in Sierra Leone.
- (2)** Without prejudice to the generality of subsection (1), the Authority shall be responsible, subject to this Act, to carry out the following functions-
- (a)** securing by means of pilotage the safety of navigation in ports of, and waters off the coasts of, Sierra Leone;
  - (b)** ensuring that efficient pilotage services are provided for those ports and waters and , in particular, that suitable equipment is provided in connection with those services;
  - (c)** ensuring that the terms of service of pilots providing those services are fair;
  - (d)** promoting standards, in the qualifications which entitle persons to apply for pilots' licenses and in the training of pilots, which are uniform for areas which the Authority considers are of the same kind;
  - (e)** to prescribe classes of pilotage certificates;
  - (f)** to prescribe the fees which shall be payable upon the grant or renewal of licenses;
  - (g)** to prescribe the ships or classes of ships that are subject to compulsory pilotage;
  - (h)** to make regulations relating to pilots and pilotage districts;
  - (i)** to keep a register, in a manner approved by the Minister, of licensed pilots and the holders of pilotage certificates; and
  - (j)** to do all such other things in relation to pilots as are necessary or expedient for carrying into effect the Authority's powers and duties conferred or imposed by or under this Act.

- Powers.**           **12.(1)** The Authority may, for its use, purchase, lease or otherwise acquire -
- (a)** land, buildings, wharves or other structures;
  - (b)** pilot boats;
  - (c)** radio and other communication equipment; and
  - (d)** such other equipment, supplies and services as may be necessary for the operation of an efficient and economical pilotage service.
- (2)** The Authority shall do all within its power to provide facilities for the training and enhancement of the knowledge and skills of pilots.

#### PART IV – PILOTAGE COMMITTEES

**Authority to appoint pilotage committee.**   **13.** The Authority may, by order establish a pilotage committee for a pilotage district, and in a pilotage district in which or in any part of which pilotage is compulsory, the Authority shall establish a pilotage committee for that district.

**Member-ship of pilotage committees.**   **14.(1)** The pilotage committee shall consist of –

- (a)** the harbour master of the port who shall head the committee; and
- (b)** not less than three and not more than five persons appointed by the Authority with the approval of the Minister.

**(2)** A member of a pilotage committee other than the harbour master may be appointed for a period not exceeding three years and may be re-appointed.

**(3)** A member of a pilotage committee other than the harbour master may at any time resign his office by writing under his hand addressed to the Authority.

**Duties of pilotage committees.**   **15.** A pilotage Committee shall –

- (a)** hold enquiries concerning the conduct of pilots in the discharge of their duties in the pilotage district;



- (b) license pilots for the pilotage district on behalf of the Authority;
- (c) hold examinations in connection with the licensing of pilots for the pilotage districts.

## PART V - PLANNING AND FINANCIAL MANAGEMENT

- Operational plans and budget.** **16.(1)** The basic planning framework of the Authority shall be the medium-term plan of between two and three years' to be adopted for their implementation together with a forecast of the effect on key aspects of the performance of the Authority.
- (2) The medium-term plan shall be elaborated into detailed operational annual plans supported by annual operating, cash and capital expenditure budgets.
  - (3) An annual plan of operation prepared and finalized by the Chairman shall be submitted, not later than three months before the beginning of the financial year of the Authority, for the approval of the Minister.
- Funds of Authority.** **17.** The operations of the Authority shall be financed by a fund consisting of—
- (a) such portion of the licensing and pilotage certificate fees as the Authority is allowed to retain before the payment of such fees into the Consolidated Fund ;
  - (b) any moneys appropriated from time to time by Parliament for the purpose of the Authority;
  - (c) any moneys accruing to the Authority in the course of its operations; and

- (d) any loans raised by the Authority with the approval of the Minister.

<b>Borrowing powers of Authority.</b>	<b>18.(1)</b> The Authority may borrow money required by it for carrying out its functions under this Act or any other law subject to the approval of the Minister as to the account, the sources of borrowing and the terms and conditions of the loan.
<b>Accounts and audit.</b>	<b>19.(1)</b> The Authority shall keep proper books of account and other records in relation to the business or activities of the Authority and shall prepare in respect of each financial year of the Authority a statement of accounts.
<b>Financial Year of Authority.</b>	<b>20.</b> The financial year of the Authority shall be the same as that of the Government
<b>Transfer of assets.</b>	<b>21.</b> There is hereby vested in the Authority such assets of the Ministry as the Minister may by order specify for the purposes of the functions of the Authority.

## PART VI – PILOTAGE SERVICES AND SIGNALS

<b>Authority may establish pilotage districts.</b>	<b>22.(1)</b> The Authority may, by statutory instrument establish pilotage districts in any port or territorial waters. <b>(2)</b> An order made under subsection (1) may – <b>(a)</b> provide that in any pilotage district or in any part of a pilotage district pilotage shall be compulsory; <b>(b)</b> define the limits of any pilotage district, distinguishing, when pilotage is compulsory in part of such district, the part of the district in which pilotage is compulsory. <b>(3)</b> An order under this section shall not take effect unless it has been submitted to the Minister and approved by him. <b>(4)</b> Until further provision is made by statutory instrument under this section-
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- (a) every ship of more than one hundred gross registered tonnage berthing or unberthing at the Queen Elizabeth II Quay at Freetown shall be in charge of an Authority pilot or a licensed pilot and shall be attended by one or more tugs as the Authority may, in its discretion, direct;
- (b) no ship about to berth alongside the Queen Elizabeth II Quay at Freetown on arrival shall proceed beyond an imaginary line bearing 150 degrees true to Farren Point without an Authority pilot or licensed pilot on board.

**Pilot flags and signals.**

**23.(1)** From sunrise to sunset, a ship engaged on pilotage duty shall carry a flag of large dimensions, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the master head, or on a sprit or staff or in some equally conspicuous situation.

(2) From sunset to sunrise, such ship shall show –

- (a) at or near the master head, two all-round lights in a vertical line, the upper being white and the lower red;
- (b) when underway, in addition side lights and stern light;
- (c) when at anchor in addition to the lights prescribed in sub-paragraph (a), the anchor light, lights or shape.

**Ships requiring pilot service.** **24.(1)** If a ship requires the services of a pilot, the master of that ship shall use or display the pilot signals.

**pilot service.**

(2) The signals referred to in subsection (1) are –

- (a) by day – International Code Signal “G”; and
- (b) by night – International Code Flash “G”.

**Pilot boats.** 25. All pilot boats regularly employed in the pilotage service of any pilotage district shall be approved and licensed by the Authority.

## PART VII - LICENCES AND CERTIFICATES

**Issue of licence or pilotage certificate.** 26.(1) Subject to the provisions of this Act, the Authority shall:

- (a) on receipt of an application in writing for a licence or pilotage certificate; and
- (b) on being satisfied that the applicant therefore is able to meet the qualifications prescribed by the Authority,

issue a licence or pilotage certificate to the applicant.

Provided that no pilotage certificate shall be issued to an applicant unless the Authority is satisfied that the applicant has a degree of skill and local knowledge of the waters of the compulsory pilotage area equivalent to that required of an applicant for a licence for that compulsory pilotage area.

(2) No license or pilotage certificate shall be issued to an applicant unless the applicant is

(a) a citizen of Sierra Leone; or

**Act No. 9 of 1986.**

(b) a person permanently resident in Sierra Leone within the meaning of the Immigration Act.

(3) The required fee shall be payable on the examination for a pilot's licence and on the grant, renewal or alteration of any such license.

In this subsection the "required fee" means the fee fixed by statutory instrument from time to time by the Minister.

**Grant of masters' and first mates' certificates.**      **27.**      The Authority may grant a pilotage certificate to any person who is bona fide the master or first mate of any ship if that person applies for such a certificate, and if, after examination, it is satisfied that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master or first mate within a particular district.

**Revocation or suspension of licenses or pilotage certificates.**      **28.**      The Authority shall have full power to revoke or suspend the licence or pilotage certificate of any person who shall be guilty of misconduct, or who shall prove incompetent properly to discharge his duties.

**Appeal to Minister by pilot, master or first mate against action of Authority.**      **29.** If a complaint is made to the Minister that the Authority have –

- (a) without reasonable cause refused or failed to examine any candidate for a pilot's license, or a master or first mate for a pilotage certificate, or to grant such a licence or certificate after examination; or
- (b) without reasonable cause refused or failed to renew a pilotage certificate, or, having obtained possession of any such certificate, refused or failed to return it; or
- (c) without reasonable cause suspended or revoked a pilotage certificate; or
- (d) in any other manner failed properly to perform their duties under this Act with respect to the matters above-mentioned in this section, or improperly exercised any of their powers under this Act with respect to those matters,

the Minister shall consider the complaint, and if he is of the opinion that the complaint is in any respect well founded, shall make such order as he thinks fit for the purpose of redressing the matter complained of, and the Authority shall give effect to any order so made by the Minister.

**Appeal to court by pilot against action of Authority.** **30.** A pilot may appeal to a court of competent jurisdiction against –  
(a) the suspension of his licence by the Authority,  
(b) the refusal or failure of the Authority to renew his licence,  
(c) the unauthorized withholding of his license by the Authority.

**Right of licensed pilot to supercede unlicensed persons.** **31.(1)** A pilot licensed for a district may supersede any pilot not so licensed who is employed to pilot a ship in the district.  
**(2)** Where a licensed pilot supersedes an unlicensed pilot the master of the ship shall pay to the latter an appropriate proportion of the pilotage charges payable in respect of the ship.

**Renewal of licence or pilotage certificate.** **32.(1)** A licence issued by the Authority shall be renewable after three years from its date of issue, for a prescribed fee to be determined from time to time by the Authority with the approval of the Minister.

**(2)** A pilotage certificate issued by the Authority shall be for one year which may be renewable for a fee to be prescribed from time to time by the Authority with the approval of the Minister.

#### PART VIII - COMPULSORY PILOTAGE

**Compulsory pilotage.** **33.(1)** Every ship, other than any excepted ship, while navigating in a pilotage district in which pilotage is compulsory, for the purpose of entering, leaving or making use of the port in such district shall be under the pilotage of –

- (a) an Authority pilot; or
- (b) a licensed pilot; or
- (c) a master or mate possessing a pilotage certificate for the district who is bona fide acting as master or mate of the ship.

**(2)** For the purposes of this section the following ships are excepted ships –

- (a) ships belonging to the Government of Sierra Leone;
- (b) ships owned or operated by the Authority;
- (c) ferries plying as such exclusively within the limits of a port;
- (d) ships not exceeding ten tons gross tonnage;
- (e) tugs, dredgers, barges, or similar vessels whose ordinary course of navigation does not extend beyond the limits of a port;
- (e) ships exempted from compulsory pilotage by regulations in force by virtue of this Act.

**Liability of owner or master for a ship under pilotage.**      **34.** Notwithstanding any other enactment, the owner or master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

**Limitation of liability for pilots.**      **35.** The liability of an authorized pilot for any loss or damage caused by any act or omission of his whilst acting as such a pilot shall not exceed Le 300,000 and the amount of the pilotage charges in respect of the voyage during which the liability arose.

**Liability of Authority for loss or damage to ships or goods, etc.**      **36.(1)** The Authority shall not be liable for any loss or damage caused by any act or omission of a pilot authorized by it by virtue only of that authorization.

(2) Where loss or damage is caused due to the act or omission of any pilot in the employ of the Authority to –

- (a) any ship or ships, or
- (b) any goods, merchandise or other things whatsoever on board any ship or ships; or
- (c) any other property or rights of any kind, whether on land or on water or whether fixed or movable,

the Authority shall not be liable to damages beyond the amount of Le 300,000 multiplied by the number of pilots holding licenses from the Authority at the date when the loss or damage occurs.

#### PART IX - OFFENCES AND PENALTIES

**Penalty in respect of ship entering compulsory pilotage district without pilot.** **37(1)** If any ship shall enter, leave or change her berth in any pilotage district in which pilotage has been made compulsory under this Act, not being in charge of a pilot authorized to pilot such ship, the pilotage dues which would have been paid if such pilot had been employed shall nevertheless be paid together with a penalty of Le500,000.

**(2)** The said dues and penalty shall be payable by the persons declared by this Act to be liable to pay the pilotage dues, and shall be recoverable before a court of competent jurisdiction.

**Penalty on pilot endangering a ship.** **38.** Any pilot who when in charge of a ship –

(a) by willful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship or tending immediately to endanger the life or limb of any person on board such ship; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction or serious damage, or preserving any person on board such ship from danger to life or limb;

shall be guilty of an offence and liable on conviction to a fine not exceeding Le2,000,000 or to imprisonment not exceeding two years or both such fine and imprisonment.

**Penalty for illegal piloting.** **39.(1)** Any person who holds himself out as a pilot authorized to pilot a ship in a pilotage district in which he is not authorized to pilot under this Act, shall be guilty of an offence and shall on summary conviction thereof be liable to a fine not exceeding Le500,000.



(2) Any person who pilots any ship in a pilotage district in which he is not so authorized to pilot shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding Le2,000,000 or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

#### PART X - MISCELANEOUS PROVISIONS

**Minister's  
power of  
direction.**

**40.** The Minister may in writing give directions of a universal policy nature to the Authority concerning its operation and the Authority shall comply with such directions.

**Saving of  
powers.  
Act No.30,  
2002.**

**41.** Nothing in this Act shall be deemed to derogate from the powers conferred upon any person under the Sierra Leone Maritime Administration Act or any Acts amending or replacing the same.

**Rules and  
Regulations.**

**42.** The Authority may by statutory instrument make such rules and regulations as it may consider necessary or expedient for giving effect to the provisions of this Act.

**Repeal  
and  
saving  
of Part  
XV of  
Act, No.  
56 of  
1964.**

**43.(1)** Subject to subsection (2), Part XV of the Ports Act, 1964, is hereby repealed.

**(2)** Notwithstanding subsection (1), any statutory instrument made thereunder or deemed to be made thereunder or in force immediately before the commencement of this Act shall, until altered, revoked or modified under this Act, continue in force as if made under the provisions of this Act, with such modifications as may be necessary having regard to the provisions of this Act.