

WELLINGTON HARBOUR BOARD BYLAWS 1985

(Revised 1993)

The Wellington Harbour Board under and in pursuance of the powers vested in it by the Harbours Act 1950 and all other laws and powers it enabling, makes and passes for and within the limits of the harbour of Wellington and all land under its control the following Bylaws:

PART 1

Interpretation

1.1 Definitions

In these Bylaws unless the context otherwise requires:

“Act” means the Harbours Act 1950 and its amendments.

“Board” means the Wellington Harbour Board.

“Direction” means a direction given in writing, orally, by a notice or sign of the Board, telex or other means of communication and any such direction may be of particular or general nature.

“Harbour” means the harbour of Wellington with its limits as defined by the Warrant under the hand of the Governor-General dated the 17th day of January 1985 and gazetted in the New Zealand Gazette dated the 14th February 1985, No. 24, page 524, or as defined by any subsequent like Warrant.

“Harbourmaster” means the Harbourmaster for the time being appointed by the Board and includes any acting harbourmaster, pilot or other person deputed by or acting under the direction of the harbourmaster.

“Master” means the person, not being a pilot, having command or charge of any ship.

“Pilot” means a person appointed by the Board as a pilot for the harbour.

“Pilotage District” means the pilotage district as defined by the Warrant under the had of the Governor-General dated the 19th May 1958, and gazetted in the New Zealand Gazette dated the 29th May 1958, No. 33, page 700, or as defined by any subsequent Warrant.

“Pilotage Exemption Certificate” means a pilotage exemption certificate granted by the Board under the provisions of the Act.

“Schedule “ means a schedule to the Bylaws.

“Ship “ means a ship, boat, launch or any other description of ship used or designed to be used in navigation or in any way kept or used as a hulk or store ship or for any other purpose.

1.2 Singular and Plural

Words importing the singular number include the plural number and words importing the plural number include the singular number.

1.3 Headings

The headings of the Bylaws and parts of Bylaws shall be for the purpose of reference, shall not affect the interpretation of the Bylaws and shall not be deemed

PART 3
Pilots and Pilotage

3.1 Compulsory pilotage

Pilotage is compulsory for ships of more than 500 tons gross in all that part of the pilotage district described in Item 2 of the First Schedule and the Master of each ship shall, when the ship is being navigated in such part of the pilotage district employ a pilot for the ship, unless the Master holds a Pilotage Exemption Certificate.

3.2 Optional pilotage

Pilotage is optional in the remainder of the pilotage district namely in all that part of the pilotage district other than the part described in Item 2 of the First Schedule.

3.3 Application for pilot

The master, owner or agent of any ship requiring a pilot to conduct his ship to sea must make an application to the Harbourmaster a reasonable time before the intended time of sailing.

3.4 Assistance to pilot

The master of every ship entering, departing from, or within the harbour shall, by every means in his power consistent with the safety of his ship, assist every pilot and duly authorised public officer in boarding or leaving the ship; and no person on board the ship shall interfere with or obstruct any such pilot or officer whilst carrying out his duties.

3.5 Pilotage by leading

The leading of ships by or signalling to ships from a pilot boat under the conduct of a pilot shall be pilotage which may be requested by a master as service for his ship if-

- (a) by reason of adverse sea or weather conditions or otherwise the pilot available to pilot the ship decides that he is not or will not be able with safety to board or disembark from the ship requesting his services; or
- (b) the number of ships requesting the services of a pilot exceeds the number of pilots available.

3.6 Prohibition against employment of an unauthorised pilot

No master shall employ any person as a pilot other than a duly appointed pilot.

3.7 Prohibition against unauthorised pilotage

No person other than a duly appointed pilot shall act as a pilot within the harbour.

3.8 Pilot to obey directions

A pilot shall at all times obey the lawful directions of the Harbourmaster, shall be stationed at such place as the Harbourmaster may direct and no pilot shall absent himself from his station without permission from the Harbourmaster.

3.9 Pilot to assist

A pilot shall by every means in his power, aid and assist any ship in distress.

3.10 Pilot's appointment

A pilot shall carry his appointment with him, and shall produce it to a master on demand.

3.11 Complaints relating to pilots

Any complaint about a pilot shall be made in writing to the Harbourmaster.

3.12 Suspension or revocation of pilot

Without limiting the powers of the Board, the Board may suspend or revoke the appointment of a pilot upon the grounds that the pilot commits-

- (a) any of the offences specified in Section 227, 228, or 229 of the Act; or
- (b) a breach of the Bylaws.

3.13 Pilotage Exemption Certificate**A. *Standard Pilotage Exemption Certificate***

A Standard Pilotage Exemption Certificate may be issued in respect of ships not exceeding:

- (a) 145 metres registered length as defined by the Shipping and Seamen Act 1952;
or
- (b) 8,000 gross tons as defined by the Shipping and Seamen Act 1952.

B. *Extended Pilotage Exemption Certificate*

An Extended Pilotage Certificate may be issued in respect of ships not exceeding:

- (a) 205 metres registered length as defined by the Shipping and Seamen Act 1952;
or
- (b) 25,000 gross tons as defined by the Shipping and Seamen Act 1952.

Subject to:

- (a) A master carrying out a minimum of four pilotages (in and out) during a twelve month period with at least one pilotage during the hours of darkness and on a vessel exceeding the standard Pilotage Exemption Certificate Limit, and within a period of at least 5 months since the previous visit.
- (b) The limits specified in the Certificate.

3.14 Extent of pilotage exemption

Notwithstanding anything in the Bylaws a pilotage exemption certificate shall not extend to-

- (a) a ship designed for the bulk carriage of oil, gas or chemical cargoes unless the Board has made an application to the Minister of Transport for exemption and the Minister has granted such exemption; or
- (b) a ship berthing at or departing from the Seaview Wharf.

3.15 Issue of pilotage exemption certificate

A person who holds a certificate of competency as a master or skipper (being a certificate of competency granted under the Shipping and Seaman Act 1952 or declared pursuant to Section 18 of that Act have the same force as a certificate so granted) may apply in writing to the Board to be examined as to his competence to pilot ships in respect of which pursuant to these Bylaws a pilotage exemption certificate may be used. Before being examined the applicant shall-

- @> within two year preceding the date of examination
 - (i) have served as master with a pilot on board; or
 - (ii) have served as a first mate under a master holding a pilotage exemption certificate; or

- (iii) have served as a first mate with a pilot on board, on three voyages outwards and three voyages inwards at the Port of Wellington,
- (b) pay the examination fee as specified in Item 2 of the Second Schedule; and
- (c) forward with the application for a pilotage exemption certificate, a certificate from a registered medical practitioner as to good medical health and fitness for duty of the applicant, which certificate shall only be valid if dated within 60 day of the application. Evidence of having undergone suitable eyesight test must be similarly presented.

The applicant shall be examined by the Harbourmaster or some other person or persons appointed by the Board for that purpose. The examination shall include matters specified in Regulation 59(2) of the General Harbour (Nautical and Miscellaneous) Regulations 1968. The examiner shall notify the applicant in writing of the result of the examination. If the examiner finds the applicant competent, the Board shall issue a pilotage exemption certificate to the applicant. The pilotage exemption certificate shall be as nearly as practicable to the form set out in Item 1 of the Third Schedule.

3.16 Expiration of pilotage exemption certificate

A pilotage exemption certificate which may otherwise be valid shall expire 12 months from the date of issue thereof unless the holder presents within one month prior to the expiration of each of the said periods of 12 months information that his health and eyesight are of the required standard.

3.17 Suspension or revocation of pilotage exemption certificate

In the event of the holder of a pilotage exemption certificate committing a breach of any rule of navigation or Bylaw of the Board or causing any danger-

- (a) the Harbourmaster may, if he considers it in the interests of safety, by notice in writing suspend the pilotage exemption certificate; or
- (b) The Board may after giving the holder of the pilotage exemption certificate notice in writing of the matter complained of and a reasonable opportunity of being heard, revoke the issue of the pilotage exemption certificate.

FIRST SCHEDULE

| | | |
|-------------|-------------------------------|--|
| Item | Bylaw | |
| 2 | 3.1 Compulsory Pilotage | All that part of the pilotage district which is within and bounded by a line drawn from the centre point of the Rear Leading Light situated on the Hope Shoal in the harbour of Wellington such centre point being 700,351.14 metres north and 307,313.44 metres east (Mount Cook Trig in the City of Wellington – 1949 Datum 700,000 metres north, 300,000 metres east) and running from such centre point on a bearing 270° to the landward boundary of the pilotage district, thence along the said boundary of the pilotage district to the Korokoro Stream, thence along the said boundary of the pilotage district to a point on the such boundary where a line drawn on a bearing 90° from the said centre point of the Rear Leading Light meets the said boundary and thence to the starting point, namely the centre point of the said Rear Leading Light, such line being shown in red on the plan marked M.D. 16305 deposited in the office of the Ministry of Transport, Wellington. |

SECOND SCHEDULE

| | | |
|-------------|----------------------------|----------------|
| Item | Bylaw | \$80.00 |
| 2 | 3.15 Examination Fee | |

THIRD SCHEDULE

**Wellington Harbour Board
Pilotage Exemption Certificate**

| | | |
|-------------|--------------|---|
| Item | Bylaw | |
| 1 | 3.15 | THIS CERTIFICATE authorises and allows <i>(full name)</i> subject to the Harbours Act 1950 and the Bylaws of the Board to pilot ships: <ul style="list-style-type: none"> (i) not exceeding 145 metres register length as defined by the Shipping and Seamen Act 1952 or 8,000 gross tons as defined by the Shipping and Seamen Act 1952; (ii) not being a ship designed for the bulk carriage of oil, gas or chemical cargoes (unless exemption has been granted by the Minister of Transport) of which he is master within the pilotage district of the harbour of Wellington as if he were a duly authorised pilot for the harbour of Wellington. <p>DATE OF ISSUE: The day of 19 .</p> <p style="text-align: right;">Secretary</p> <p style="text-align: center;">Wellington Harbour Board</p> |

THE attention of the holder of this certificate is directed to:

1. Section 2 15(6) of the Harbours Act 1950 – power to cancel after harbour works or other changes.
2. Section 2 15(7) of the Harbours Act 1950 – automatic expiration if during any continuous period of one year (reckoned from the date hereof) you have not on at least two occasions, exercised your authority to pilot a ship pursuant to this certificate.
3. Bylaw 3.14 – Notwithstanding anything in the Bylaws a pilotage exemption certificate shall not extend to:
 - (a) a ship designed for the bulk carriage of oil, gas or chemical cargoes unless the Board has made an application to the Minister of Transport for exemption and the Minister has granted such exemption; or
 - (b) a ship berthing at or departing Seaview Wharf.
4. Bylaw 3.16 – the pilotage exemption certificate will expire at the end of 12 months from the date of issue unless the holder presents within one month prior to the expiration of each of the said 12 months information as to the health and eyesight to the Board's satisfaction.
5. Bylaw 3.17 – power of the Harbourmaster to suspend and the Board to revoke the issue of this certificate.

Secretary
Wellington Harbour Board

Wellington Harbour Board

Extended Pilotage Exemption Certificate

Item 2 Bylaw 3.15 THIS CERTIFICATE authorises and allows *(full name)* subject to the Harbours Act 1950 and the Bylaws of the Board to pilot ships:

- (i) not exceeding 145 metres register length as defined by the Shipping and Seamen Act 1952 or 8,000 gross tons as defined by the Shipping and Seamen Act 1952;
- (ii) not being a ship designed for the bulk carriage of oil, gas or chemical cargoes (unless exemption has been granted by the Minister of Transport) of which he is master within the pilotage district of the harbour of Wellington as if he were a duly authorised pilot for the harbour of Wellington.
- (iii) in respect of an extended pilotage exemption certificate specify the conditions under bylaw 3.13 that apply.

DATE OF ISSUE: The day of 1 9

Secretary

Wellington Harbour Board

THE attention of the holder of this certificate is directed to:

1. Section 2 15(6) of the Harbours Act 1950 – power to cancel after harbour works or other changes.
2. Section 215(7) of the Harbours Act 1950 – automatic expiration if during any continuous period of one year (reckoned from the date hereof) you have not on at least two occasions, exercised your authority to pilot a ship pursuant to this certificate.
3. Bylaw 3.14 – Notwithstanding anything in the Bylaws a pilotage exemption certificate shall not extend to:
 - (a) a ship designed for the bulk carriage of oil, gas or chemical cargoes unless the Board has made an application to the Minister of Transport for exemption and the Minister has granted such exemption; or
 - (b) a ship berthing at or departing Seaview Wharf.
4. Bylaw 3.16 – the pilotage exemption certificate will expire at the end of 12 months from the date of issue unless the holder presents within one month prior to the expiration of each of the said 12 months information as to the health and eyesight to the Board's satisfaction.

Secretary

Wellington Harbour Board