

BELIZE:

**BELIZE PORT AUTHORITY (PILOTAGE) REGULATIONS, 2023
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BELIZE:

STATUTORY INSTRUMENT

No. 51 of 2023

Regulations made by the Authority with the Approval of the Minister responsible for Ports in exercise of the powers conferred upon him by section 74(1)(h) of the Belize Port Authority Act, Chapter 233 of the Substantive Laws of Belize, Revised Edition 2020, and all other powers thereunto it enabling.

(Gazetted, 2023).

PART I

Preliminary

1. These Regulations may be cited as the

Citation.

**BELIZE PORT AUTHORITY (PILOTAGE)
REGULATIONS, 2023**

2. In these Regulations-

Interpretation.

“Act” means the Belize Port Authority Act;

CAP. 233.

“approved accelerated pilot training program” means a course of study in the nautical sciences delivered by a recognized organization over a period of not less than eighteen months using a syllabus approved by the, Authority;

“company” has the meaning assigned to it under the Belize Companies Act;

“licence” means a pilot licence issued under Regulation 9;

“near miss” means any situation which occurs poses a risk of collision, grounding, allision, capsizing of a vessel and includes any injuries that may be incurred by any person involved in the situation;

“night-time” means the period between sunset and sunrise;
“owner” includes master, agent or consignee; and

“recognized organization” means a Belizean registered company with the appropriate expertise and approved by the commissioner to deliver nautical science training.

PART II

Licensing of Pilots

Application for
a certificate of
competency.

3.-(1) A person may apply to the Authority for the grant of a certificate of competency, who—

- (a) is a citizen of Belize or a national of a Member State of CARICOM;
- (b) is not less than twenty-five years of age and not more than sixty-five years of age;
- (c) has undergone an apprenticeship under one or more licenced pilots, for a period of eighteen months, or for periods amounting in the aggregate, of not less than five years;
- (d) has attended an approved accelerated pilot training program;
- (e) provides proof of payment to the Port Authority office, of a none refundable fee of two thousand dollars; and
- (f) submits a medical certificate signed by a government medical officer, declaring the

applicant to be physically and medically fit to perform the duties of a pilot.

(2) An application under this regulation may be in relation to a specific port in Belize.

(3) The period set out in regulation (1)(c) shall be reduced to eighteen months where the applicant is a national of CARICOM and possesses a valid pilot license issued by a Member State of CARICOM.

(4) The Authority shall be satisfied that the scope of the applicant's apprenticeship and the approved accelerated pilot training program, are adequate for the applicant to competently pilot a ship within the port or ports for which he was examined.

(5) The Authority may approve or refuse an application under sub-regulation (1), and where the application is refused the Authority shall give reasons for the refusal, in writing, within five days of the decision to refuse.

(6) Where an application under sub-regulation (1) is approved, the Authority shall inform the applicant, in writing, within five days of the decision and issue the licence within seven days of the date of the approval.

(7) A certificate of competency shall be in the Form set out as Form A in the Schedule and—

- (a) list the port for which the pilot is competent to provide pilotage service; and
- (b) be signed by all five members of the Examination Committee.

(8) Where the Authority grant a certificate of competency to any person the Authority shall cause a notice of the certificate

to be published in the *Gazette*, as soon as practicable after the grant.

(9) A person who is grant a certificate of competency shall not offer services as a licenced pilot unless the person is the holder of a pilot licence issued by the Authority, under these Regulations.

(10) A person who falsely claims to be the holder of a valid pilot license from a CARICOM Member State, commits an offence and is liable on summary conviction to a fine of five hundred dollars or to a term of imprisonment of three months or to both such fine and term of imprisonment.

Apprenticeship.

4. Where a pilot intends to take a person as his apprentice, the pilot shall notify the Authority in writing, of the intention, and include all relevant information pertaining to the intended apprentice.

Training Log.

5.—(1) Where the Authority offers no objections to a notice under regulation 4, that pilot may begin the apprenticeship and shall keep and maintain a pilot training log for each apprentice, detailing the training and the sea time delivered to and accumulated by the apprentice.

(2) The pilot training log, under sub-regulation (1), shall be in a form approved by the Authority and a copy of the log submitted to the Authority within one week from the end of every quarter for review and sign off on the training delivered to the apprentice.

(3) Where the Authority objects to an intended apprenticeship, the Authority shall inform the pilot of his objection, in writing, within five days of receipt of the notice.

(4) A person who fails to comply with the requirements under sub-regulation(2), commits an offence.

6. A recognized organization shall, at least three weeks prior to the commencement of an accelerated pilot training program, notify the Authority of-

Accelerated
training
program.

- (a) the start date of its training program;
- (b) the number of persons registered for the program;
- (c) the name, address, nationality, age and qualifications of the persons registered for the program; and
- (d) any other information pertaining to each trainee, as the Authority may require..

7.-(1) The Board shall, appoint five persons to form an Examination Committee to examine applicants for certificates of competency, in accordance with regulation 9.

Examination
Committee.

(2) The Ports Commissioner shall be a member of the Examination Committee.

(3) Three of the persons appointed under sub-regulation (1), shall constitute a quorum.

(4) The Examination Committee may at any examination, request the assistance of any master mariner or licenced pilot.

8.-(1) No person shall be eligible for the grant of a certificate of competency under these Regulations unless the person satisfies the Examination Committee of his knowledge of-

Eligibility for
for the grant of
a certificate of
competency.

- (a) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs);
- (b) charts and their use;

- (c) fixing the position of a vessel by compass bearings;
- (d) the variation and deviation of a compass and the application of same to compass courses and bearings;
- (e) the depth of water within each port, tides, off-lying shoals, reefs, the width of channels and other details relating to the regular navigational routes in the waters of Belize;
- (f) the courses and distances between nautical points within Belize;
- (g) the complete management of a vessel including the anchoring, mooring and unmooring and berthing of a vessel;
- (h) all recognised anchorages in the harbours of Belize;
- (i) the marks on and the use of the hand lead line;
- (j) hurricanes in the Gulf of Mexico and the Caribbean and weather conditions in Belize;
- (k) the laws governing pilotage in Belize;
- (l) the International Code of Signals;
- (m) bridge resource management;
- (n) MARPOL and marine spill response;
- (o) the ISPS Code;
- (p) crisis management;

- (q) ship handling, loading and stability;
- (r) tug use in ports;
- (s) aids to navigation;
- (t) boarding arrangements for pilots;
- (u) knowledge of a specific port in Belize, where applicable; or
- (v) any other matter which the Examination Committee may consider necessary.

(2) The Examination Committee shall submit a recommendation to the Authority indicating whether the Examination Committee is satisfied that the person is eligible for the grant of the certificate of competency.

9.-(1) A person who is granted a certificate of competency by the Authority under regulation 3(1)(f), may apply to the Authority to be issued a pilot licence.

Pilot licence.

(2) An application under sub-regulation(1), shall be in the Form set out as Form B in the Schedule, and include a non-refundable application fee of two thousand five hundred dollars.

(3) A pilot licence shall remain in force until the end of the calendar year in which it is issued, provided that, where an order suspending a pilot licence is made, under regulation 10, the licence to which the order relates, shall cease to have effect during the term of the suspension.

(4) A pilot licence shall be renewable annually upon an application for renewal made to the Authority, and include –

- (a) a medical certificate giving particulars as required under regulation 3(1)(f); and

(b) a non-refundable application fee of five thousand dollars.

(5) The Authority may refuse an application under this regulation, and where the application is refused, the Authority shall give reasons for the refusal, in writing, within seven days of the decision to refuse, and notify the Minister of the refusal, in writing.

(6) The Authority shall keep and maintain a list of licenced pilots, which shall be exhibited in a conspicuous place at the office of the Authority.

Grounds for
suspension of
Pilot license.

10.-(1) A pilot licence may be suspended by the Authority, where—

- (a) the Authority reasonably believes that a pilot is incapable of discharging his duties as a pilot;
- (b) a pilot is declared to be medically unfit by a medical practitioner;
- (c) a pilot refuses to comply with an order by the Authority under regulation 24; or
- (d) a pilot commits more than one offence in any licence period.

(2) Where a licence is suspended, the Authority shall give reasons for the suspension, in writing, within seven days of the decision to suspend the pilot licence, and notify the Minister of the suspension, in writing.

Grounds for
revocation of
Pilot license.

11.-(1) The Authority may revoke a pilot licence where –

- (a) the licence is suspended on more than one occasion; or

- (b) a recommendation to revoke the licence is made by the Minister under regulation 12(5).

(2) Where a licence is revoked, the Authority shall cause a notice of the revocation to be published in the Gazette, as soon as practicable after the revocation.

12.—(1) A person who is aggrieved by a decision of the Authority under these Regulations, may appeal to the Minister, in writing and provide any relevant documents containing the evidence upon which the person seeks to rely, within one month of the date of the decision.

Appeals to the Minister.

(2) Where an appeal is made to the Minister under this regulation, the Minister shall cause an inquiry into the matter to be commenced within three weeks of the date of the appeal, in order to determine the matter.

(3) Where, after an inquiry it is determined that—

- (a) there was no reasonable grounds for the refusal to renew the licence;
- (b) there was no reasonable grounds for the suspension of the licence; or
- (c) there was no reasonable grounds for the revocation of the licence;

the Minister may reverse the decision and order that the licence be renewed or the suspension or the revocation be cancelled, as the case may be.

(4) The Minister shall submit a notice of its findings to the appellant, within one week of his decision of the Authority, and where the decision is made to reverse the decision, the licence shall be renewed or reinstated, as the case may be, within one week of the notice.

(5) Where, where the decision is made to approve the decision of the Authority, the Minister may recommend to the Authority that the licence be revoked.

PART III

Fees for Pilotage

Tariff
Regulations to
apply.

13. The fees payable in respect of the pilotage of all vessels shall be as set out in the Belize Port Authority (Tariff) Regulations, 1980.

Authority to
fix fees.

14. The fees in respect of any pilotage not included in the Port Authority (Tariff) Regulations, 1980, shall be approved by the Authority.

Fees for vessels
in tow.

15. Where pilotage service is provided to any vessel which is towing another vessel, in addition to the fees for the vessel which is being piloted, the following fees shall apply—

CAP. 233.

(a) in respect of each vessel being towed on which there is no pilot, a fee equivalent to one-quarter of the appropriate fee specified in the Belize Port Authority (Tariff) Regulations, 1980 in respect of that vessel; and

(b) in respect of a vessel being towed on which there is a pilot, a fee equivalent to one-half of the appropriate fee specified in respect of that vessel.

Disputes about
tonnage.

16.—(1) In the event of any dispute as to the tonnage of a vessel, the dispute shall be determined by the Authority, whose decision shall be final.

(2) A pilot who has been engaged for inward or outward pilotage of a vessel in a port other than Belize City or for any movements within the pilotage limits of Belize other

than in the Belize Harbour or between English Caye and Belize City shall be reimbursed by the owner, master, agent or consignee of the vessel for any reasonable transportation and subsistence expenses incurred by the pilot in connection with the pilotage for which he was engaged.

(3) Notwithstanding sub-regulation (1), no pilot shall be entitled to be reimbursed any transportation expenses if a suitable means of transportation is offered to him by the owner, master, agent or consignee of the vessel in respect of which his services were engaged.

(4) For the purposes of sub-regulations (1) and (2), the decision of the Authority as to whether the payments for transportation and for subsistence are reasonable or whether the means of transportation offered to a pilot is a suitable means of transportation shall be conclusive.

PART IV

Pilot Stations

17.-(1) For the purpose of these Regulations, English Caye and Goff's Caye situated at the entrance to the ship's channel of the Belize City Harbour, and Harvest Caye situated approximately four nautical miles south of Placencia shall be deemed to be pilot stations.

Pilot stations.

(2) Pilots shall board incoming vessels-

- (a) immediately outside the hundred meter curve or approximately three point two nautical miles to the east of Goff's and English Caye Banks; or
- (b) immediately outside the ten meter curve south south-east of the northern tip or approximately one point two nautical miles east of Harvest Caye.

(3) Pilots shall alight outgoing vessels–

- (a) immediately outside the hundred meter curve east of Goff's and English Caye Banks or approximately three point two miles to the east of the said Cayes; or
- (b) immediately outside the ten meter curve south south-east of the northern tip of Harvest Caye or approximately one point two nautical miles east of Harvest Caye.

(4) A pilot may, with the consent of the master of the vessel which he is piloting, either board or alight such vessel at any other place.

Use of Inner Channel.

18. Where the master of a vessel wishes to use the Inner Channel, the owner, master, agent or consignee of that vessel shall first request approval from the Authority and where approval is granted ensure that a pilot with a valid license endorsed for the Inner Channel is onboard during the transit.

PART V

Service and Conduct of Pilots

Employer of pilots.

19.–(1) A person who employs a pilot shall–

- (a) not employ the pilot for more than fifteen hours in a twenty-four hour period; and
- (b) keep and maintain a duty roster for pilots, specifying the dates and hours during which a pilot is employed.

(2) The duty roster under sub-regulation (1)(b), shall, be kept for a minimum of two years from the date of the last entry, and be presented to the Authority immediately upon request.

(3) A person who knowingly makes a false entry in a duty roster commits an offence.

(4) An employer who fails to comply with the requirements under sub-regulation (1), commits an offence.

20.-(1) A pilot shall produce his pilot licence, as soon as practicable, to the Authority, whenever required to do so.

Authority may
summon pilot.

(2) A pilot shall answer any questions put to him by the Authority, about the performance of his duties, and the state of any port, and approaches thereto, whenever required to attend the office of the Authority for questioning.

(3) A pilot who-

- (a) fails to produce his pilot licence to the Authority, when required to do so;
- (b) fails to attend the office of the Authority, within the time period stipulated by the Authority when required to do so;
- (c) refuses to answer any question put to him by the Authority; or
- (d) is untruthful in answering any question put to him by the Authority,

commits an offence and is liable on summary conviction to a fine of five hundred dollars or to a term of imprisonment of three months or to both such fine and term of imprisonment.

21.-(1) A pilot shall, be obligated to deliver training as an apprentice to a person enrolled in the accelerated pilot program, as required by the Authority, in writing, for a period of eighteen months, or for periods amounting in the aggregate, of not less than five years

Obligation to
train.

(2) A pilot who fails to comply with this regulation commits an offence.

Clearance
requirement.

22. A pilot shall not move a ship from its anchorage or berth for the purpose of proceeding on an outward voyage, unless the master of the ship submits proof to the pilot of the clearance for the ship by the office Port Authority.

Pilot to
exercise care.

23. A pilot shall, at all times—

- (a) use reasonable thought and diligence to conduct the vessel under his care, so as to avoid damage or injury to the vessel or any other vessel; and
- (b) conduct himself with sobriety and respect towards the master, and officer of the vessel which he is piloting.

Drug testing.

24.—(1) The Authority may at any time, in writing, order a pilot to submit to a drug test, within the time period stated in the order.

(2) Where a vessel under pilotage is involved in an accident or a near miss, the Authority may order the pilot concerned to submit to a drug test, as soon as practicable after the accident or near miss.

(3) A pilot who refuses to comply with an order under sub-regulation (1) or (2), commits an offence, and in addition to any other penalty prescribed under these Regulations, may be liable to have his pilot licence suspended.

Pilot to report
certain events.

25.—(1) A pilot shall immediately report the following to the Authority—

- (a) a near miss;
- (b) a trip and fall incident where any person has sustained injuries; or

- (c) any pilot boarding arrangements which do not comply with those required by any law or their employer.

(2) A pilot who fails to comply with this regulation commits an offence

26. A pilot shall comply with—

Pilot to comply relevant laws.

- (a) the Act, any other applicable laws; and
- (b) any orders or directions which may be given to him by the Authority with respect to placing, mooring and moving vessels in his charge.

27.—(1) No pilot who has attained the age of sixty-five years of age shall be eligible to have his pilot licence renewed.

Attaining age 65.

(2) Notwithstanding sub-regulation (1), the Authority may renew the licence of a pilot up to the age of seventy years, if that pilot passes a medical examination conducted by a medical practitioner.

28.—(1) A pilot offering for service while afloat during the daylight hours, shall carry a rectangular flag that is at least two feet in height and three feet in length, which shall be of two colours, the upper horizontal half white and the lower horizontal half red, which flag shall be placed on a mast, sprit or staff, so as to ensure that it is clearly visible from all points on the horizon.

Display of pilot flag.

(2) A pilot who fails to comply with this regulation commits an offence.

29.—(1) Every pilot offering for service during the night-time shall cause to be exhibited, from the vessel in which he is travelling, a white light which may be either carried at the masthead or shown or exhibited at short intervals.

Display of pilot lights.

(2) A craft or boat under sub-regulation (1) shall cause to be exhibited, a green light shall on the starboard side, and a red light on the port side of the craft or boat.

(3) The master of any vessel requiring the services of a pilot when approaching a pilot station, or whilst in the Port of Belize City, shall cause to be exhibited, such signals as may be prescribed by international agreements and contained in the International Code of Signals.

(4) A pilot who fails to comply with this regulation commits an offence.

Vessel to show appropriate signals.

30.—(1) It shall be the duty of a pilot on taking pilotage charge of any vessel to cause to be displayed from the masthead of that vessel, a flag or other signal which may be specified in the International Code of Signals to signify that the vessel is equipped with a pilot:

(2) A person who fails to comply with this regulation commits an offence.

(3) A person who in any way, prevents the pilot from complying with sub-regulation (1), commits an offence.

PART VI

General

Limiting of licenses.

31.—(1) The Authority may at any time and for any period it determines necessary, discontinue the issuing of licences if it appears to the Authority that there is a sufficient number of pilots to meet the requirements of shipping.

(2) The power conferred on the Authority under sub-regulation (1), shall not be exercised unless a notice of the intention to exercise that power is published in four consecutive issues of the *Gazette*.

(3) As soon as the Authority considers it desirable to resume the issuing of pilot licences, it shall cause a notice to that effect to be published in the *Gazette*, and thereafter resume issuing pilot licences.

32. A pilot who observes—

Pilot to report observed changes.

- (a) an alteration to the charted depth of water at a port or anywhere along the coast;
- (b) the displacement of any buoy or of any irregularity in connection with any light, mark, or other navigational aid;
- (c) the presence of any floating object dangerous to navigation; or
- (d) any other matter affecting the safety of navigation,

shall immediately report same to the Authority.

33. A person who commits an offence under these Regulations, for which no penalty is provided is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of three months or to both such fine and term of imprisonment.

General penalty.

34. The Pilotage Regulations, 1965 shall stand repealed. Regulations subject to negative resolution.

Repeal.

35. These Regulations shall be subject to negative resolution.

Regulations subject to negative resolution.

36. These Regulations shall come into force on the day of, 2023.

Commencement.

SCHEDULE
[Regulation 10]

FORM A

CERTIFICATE OF COMPETENCY UNDER THE PILOTAGE
REGULATIONS

THIS IS TO CERTIFY that Ms./Mr.
of has been carefully and
personally examined by us, whose names are hereunto subscribed,
members of the Board of Examiners, regarding his skill and ability in
the navigation of sailing vessels and steamers, and his knowledge of the
ports of Belize, and of the channels leading thereto, and of the rocks,
shoals and dangers therein, and he is possessed of sufficient nautical
skill to be put in pilotage charge of vessels and steamers of the largest
size and greatest draught of water entering any of the ports of Belize,
and that in our belief he is a person of good character and of sober
habits.

Given under our hand at this
..... day of 20.....

.....
.....
.....

Board of Examiners

FORM B

[Regulation 13]

LICENCE TO QUALIFIED PILOT

THIS IS TO CERTIFY that Ms./Mr. of is licensed as a pilot for conducting all sailing vessels and steamers of the largest size and greatest draught of water entering or navigating within the limits of the waters of Belize.

This licence expires on the 31st day of December 20...., unless suspended or revoked prior to the aforesaid date under the provisions of the Pilotage Regulations.

Dated this day of 20..... Harbour Master

MADE by the Authority with the Approval of the Minister responsible for Ports, this day of , 2023.

Mr. LLOYD JONES (Chairman Belize Port Authority)

APPROVED by the Minister responsible for Ports, this day of , 2023.

Handwritten signature of Michel Chebat

(HON. MICHEL CHEBAT) Minister of Public Utilities and Logistics (Minister responsible for Ports)

