

CHAPTER 237

PILOTS

Ordinances Nos. 4 of 1899, 5 of 1928.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO PILOTS.

[20th October, 1899.]

Short title. 1. This Ordinance may be cited as the Pilots Ordinance.

Interpretation. 2. In this Ordinance, unless the context otherwise requires—

" Master Attendant " means the Master Attendant* of any port, and includes his deputies and assistants ;

" master " includes any person having for the time being the charge, command, or control of any vessel;

" pilot" means any person appointed under section 5 for the purposes of conducting vessels to or out of any port named in such appointment;

" port " means any port brought within the operation of this Ordinance under section 3;

" vessel " includes any ship or boat or any other description of vessel used in navigation of above 100 tons register.

Minister to declare ports brought into the operation of this Ordinance and to define their limits. 3. The Minister may, from time to time , by Order declare the ports which are to be brought within the operation of this Ordinance, and define the limits of such ports respectively.

Vessel not to move into, out of or within a port without a pilot except when authorized. 4. (1) It shall be unlawful to bring into, or move when within, or remove out of, any port any vessel without having a pilot on board, except in accordance with any general authority to do so granted by the Master Attendant and published in the

Gazette, or in accordance with the special authority of the Master Attendant or some officer empowered by him in that behalf communicated to the master of the vessel in writing or by a Government telegraph or signal station.

(2) If there shall be any contravention of this section, the master of the vessel concerned shall on conviction be liable to a fine not exceeding two hundred rupees for each offence.

5. (1) There shall be appointed from time to time fit, proper, and qualified persons to be pilots for the purpose of conducting vessels into or out of any port. Appointment of pilots

(2) All such pilots shall be under the control and subject to the orders of the Master Attendant of the port for which they may be appointed.

6. No pilot shall be in anywise bound to conduct any vessel to sea, neither shall any vessel proceed to sea, until the full amount of the outward pilotage of such vessel and the charges due on account of such vessel to the Master Attendant's department shall be first paid or secured to be paid to the satisfaction of such pilot and Master Attendant. Amount of outward pilotage to be paid in advance.

7. Every pilot in charge of any vessel in, or entering, or proceeding from any port, who shall remain on board any such vessel for a period exceeding forty-eight hours, either on account of stress of weather or under quarantine, shall be entitled to demand and receive over and above the Pilots in certain cases to demand payment over and above the amount of pilotage.

* All references to Master Attendant in this Ordinance shall be deemed to be a reference to the Ports Authority in the application of its provisions to any " specified port " within the meaning of section 2 of the Sri Lanka Ports Authority Act—See section 86 (3) thereof.

amount of pilotage charged under port rules made or to be made under the authority of section 3 of the Masters Attendant Ordinance the sum of five rupees for each and every day he shall so remain on board any vessel.

Penalty on pilot for misconduct.

8. Every pilot who shall refuse, neglect, or delay to take charge of any vessel when required to do so by the Master Attendant, unless upon good and sufficient cause to justify such refusal, neglect, or delay, and every pilot who shall quit any such vessel or decline the piloting thereof after he has taken charge thereof, or shall by drunkenness or otherwise render himself incapable of conducting any vessel, or do any injury to the same or to the tackle or furniture thereof, shall, in addition to his civil liability, be guilty of an offence, and be liable on conviction to a fine not exceeding two hundred rupees.

Penalty on person acting as pilot without authority.

9. It shall be lawful for any pilot within the limits of the port for which he is appointed to supersede in the charge of any vessel any person not appointed to act as a pilot within such limits, and every person assuming or continuing in the charge and conduct of any vessel, not being a pilot, or not being duly appointed to act as a pilot within the limits in which such vessel shall actually be, after any pilot duly appointed to act within such limits shall have offered to take charge of such vessel, shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees;

Provided always that, notwithstanding anything in this Ordinance contained, any person shall and may lawfully and without being subject to any penalty by this Ordinance imposed assume or continue in the charge or conduct of any vessel as a pilot where and so long as a pilot duly appointed shall not have offered to take charge of such vessel or made a signal for that purpose, or where and so long as such vessel shall be in distress, or under circumstances which shall have rendered it necessary for the master or person in charge of such vessel to avail himself of the best assistance which at the time could be procured.

10. The liability of a pilot for neglect or want of skill shall not exceed the sum of one thousand five hundred rupees, and in the event of his being entitled to fees on account of pilotage in respect of the voyage in which he was engaged when he became so liable, his liability shall not exceed the said sum and the amount payable to him as such fees.

Pilot's liability limited.

11. The Government or the owner or master of a ship shall not be answerable to any person whatsoever for any loss or damage occasioned by the fault or incapacity of any pilot acting in charge of that ship within the limits of any port brought under the operation of this Ordinance.

Non-liability of Government, owner, or master where pilot is employed.

12. If any pilot shall in any case fail or neglect to observe any lawful directions of the Master Attendant, or to do anything required by him by this Ordinance or by any port rule made or to be made under the authority of section 3 of the Masters Attendant Ordinance or shall do or omit to do anything contrary to the true and plain meaning of this Ordinance or of any such port rule, he shall be guilty of an offence, and be liable on conviction to a fine not exceeding two hundred rupees.

Penalty on pilot offending against Ordinance or port rule.

13. Nothing in this Ordinance contained shall extend to any vessel belonging to or in the service of the Republic, or to any vessel of war belonging to any foreign prince or State, nor affect any law relative to the customs, nor any order or direction which shall have been lawfully made or given in pursuance of the provisions of any such law.

Ordinance not to extend to vessels in the service of the Republic and to vessels of war belonging to any foreign state.

14. All offences against this Ordinance shall and they are hereby declared to be fully cognizable and punishable by Magistrates' Courts, and all sums becoming due by reason of any of the provisions thereof shall and they are hereby declared to be recoverable before Primary Courts, though such offences and sums should exceed the ordinary jurisdiction of those courts.

Offences against this Ordinance and debts due thereunder to be respectively punishable and recoverable in Magistrates' Courts and Primary Courts.