

Act No. 59 of 16 June 1989 relating to
the Pilotage Service
(The Pilotage Act)

1989
June
16
Nr. 59

Chapter I
General provisions

§1 (Purpose)

The purpose of this Act is to ensure that there is an efficient pilot service which can contribute to safeguarding sea traffic and thereby protect the environment, and help the Defence Forces to carry out their duties.

§2 (Scope)

This Act applies to Norwegian internal waters and Norwegian sea territory unless the contrary is laid down in this Act or follows from international law.

This Act applies to waterways as far upstream as they are navigable by vessels from the sea. The Ministry may determine what is meant by navigability by individual decision or by regulation.

The King will determine to what extent this Act applies to Svalbard. The King may also issue necessary amendments to the Act if local conditions on Svalbard so indicate.

The King may issue such amendments to the Act as are necessary in the event of contingency measures or war.

By individual decision or by regulation the Ministry may wholly or partly exempt from the scope of this Act short movements of ships within a harbour district.

§3 (Definitions)

For the purposes of this Act and Regulations issued pursuant to this Act, the following definitions apply:

1. Pilotage: guidance to vessels in navigating and manoeuvring.
2. Pilot: a person holding a pilot's licence issued pursuant to this Act.
3. State Pilot: a pilot appointed by the State.
4. Company pilot: a pilot appointed by a shipowner.

5. Pilotage readiness dues: dues payable for State pilotage readiness.

Pilotage Dues: dues payable for employment of a State pilot.

6: Compulsory pilotage: the obligation to use a pilot.

7: Vessel: any floating device that can be used as a means of transportation or conveyance, accommodation, production, or storage, including underwater vessels of any kind.

By individual decision or by regulation, the Ministry may in case of doubt determine how the definitions in this Section are to be understood.

Chapter II.

State organs and duties, and the organization of the State Pilotage Service

§4 (The National Coastal Administration)

The Ministry's duties according to the present Act shall be carried out through the National Coastal Administration, which includes the Coast Directorate, the Coastal District Offices, and subordinate organs having the Coast Directorate as their central authority. The King will lay down regulations for the National Coastal Administration relating to the Pilotage Service.

§5 (The authority of the State)

The Ministry is responsible for the organization, supervision and control of State pilotage. The Ministry also exercises control over other pilotage insofar as this follows from the present Act.

The Coast Directorate may delegate powers under this Act to the Coastal District Offices of the National Coastal Administration.

§6 (Advisory body to the Ministry)

The King may decide that a council be appointed to advise the Ministry on matters pertaining to pilots and pilotage. The King will lay down the terms of reference of the council, and appoint its chairman and members and personal deputies.

Chapter III.**Pilotage****§7 (Assignment and relief of pilots)**

The Coast Directorate will issue regulations on the assignment and relief of pilots.

§8 (Relation between the Master of a vessel and a pilot assigned by the State)

This Act entails no changes in the rules governing the responsibilities of the Master of a vessel or of the person in command in his stead.

The pilot is responsible for pilotage. The Master or the person in command in his stead may authorize the pilot to give orders on behalf of the vessel relating to its movement, navigation and manoeuvring.

§9 (Conduct of pilotage)

During pilotage the pilot shall, with the exception of brief, necessary absences, be present on the bridge or at the place from which pilotage may best be effected. During the brief, necessary absences of the pilot, one of the ship's officers must be present at the place from which the pilot is effecting pilotage.

§10 (Off-duty periods)

For safety reasons, the pilot shall be off pilotage duties for at least twelve hours in every twenty-four hour period. The Ministry will issue more detailed regulations, including the time from which the twenty-four hour period

shall be reckoned and to what extent travel and other duties shall be regarded as pilotage.

The provision in this Section does not apply to service on warships or other vessels under military command.

§11 (Food and quarters on board)

The Ministry will issue regulations on requirements as to State Pilots' food and quarters on board, including action to be taken if the requirements are not met.

§12 (Use of a pilot)

If a Master of a vessel or a shipowner finds it necessary to obtain guidance on navigation and manoeuvring from other persons than the ship's regular company, a State Pilot shall be employed. The first sentence does not apply to warships or other vessels under military command.

Vessels sailing exclusively on fixed schedules between Norwegian ports may instead of a State Pilot employ a company pilot. By regulation or specific decision, the Ministry may decide that other vessels may also employ company pilots.

If no State Pilot with a certificate for the waters in question can be assigned, another pilot who knows the waters may be assigned. In such cases the same dues are payable as for the use of a State Pilot with a certificate for those waters.

§13 (Compulsory pilotage)

The King may issue regulations concerning compulsory pilotage when this is considered necessary:

1. to prevent a vessel or its cargo from causing damage as a result of the vessel's navigation or manoeuvring, or
2. in the interests of national security.

A vessel may be ordered to use a State Pilot even if the vessel is already employing a company pilot.

Chapter IV.

Dues

§14 (Vessels obliged to pay dues)

With the exceptions which follow from this Act, vessels sailing in Norwegian waters inside the base lines shall pay pilotage readiness dues. The King may set other limits to the obligation to pay pilotage readiness dues within the base lines.

Vessels using State Pilots shall pay both pilotage readiness dues and pilotage dues. The liability to pay in accordance with this paragraph applies regardless of the waters in which the vessel is sailing.

§15 (Exemptions)

The following vessels are exempt from paying pilotage readiness dues when not employing a State Pilot:

- 1 Warships or other vessels under military command.
- 2 Other vessels as decided by the King.

The King may in special cases grant exemptions from the obligation to pay pilotage dues.

The Ministry may exempt vessels from dues incurred when seized.

§16 (Covering expenses)

Pilotage expenses shall as far as possible be distributed between State and other user groups according to the expenses incurred by each.

The dues shall as far as possible be distributed between the various types of vessels according to the expenses they incur.

§17 (Stipulation of dues)

The King will stipulate dues in accordance with guidelines laid down by the Storting. Discount schemes may be established.

§18 (Collection etc.)

The Ministry will issue more detailed regulations and make specific decisions on the issuing and checking of pilotage accounts, and on the collection of dues and to whom the dues shall be paid. Such regulations may also contain provisions concerning what information shall be given. The Ministry may decide that municipalities shall collect dues on behalf of the State or assist in their collection.

Should dues not be paid within the time stipulated, interest is to be paid according to the provisions of the Act relating to Interest on Overdue Payments.

Dues charged pursuant to this Act may be recovered by distraint from the person who owned the vessel when the dues were incurred.

Chapter V**Miscellaneous provisions****§19 (Recruitment, training and qualifications)**

A person under the age of 38 when the deadline for applications expires, who has passed the examinations and possesses the certificates required by the Ministry, may be taken on as a pilot trainee. The Ministry may grant exemption from the age limit if it is in the interests of the service.

For appointment as a State Pilot or company pilot, the person concerned must hold a pilot's certificate for the waters concerned or obtain a pilot's certificate for those waters within a given space of time.

The Ministry will issue regulations on the training of pilots, on the regulation of the number of pilots, including the conditions for obtaining, extending and retaining a pilot's certificate, and on the required knowledge of waters, state of health, vision, colour vision, hearing and sobriety, and on how fulfilment of the requirements is to be checked.

§20 (Open sea pilotage)

The Ministry may issue regulations governing the conditions for approval to serve as a pilot outside the territorial limits.

§21 (Service in connection with contingency measures or war)

In connection with contingency measures or war, company pilots are obliged to undertake the same service as State Pilots. The Ministry may issue directives governing the pilotage services in connection with contingency measures and war.

§22 (Criminal liability)

Fines will be imposed on anyone who wilfully or through negligence violates provisions issued in or in pursuance of Chapter III of this Act, or who is accessory thereto.

If a punishable offence such as is referred to in the first paragraph has been committed by someone on behalf of a company or other association, or a foundation or public enterprise, except the State as such, fines may be imposed on the enterprise as such. When determining the penalty in accordance with this paragraph, particular importance shall be attached to whether the offence was committed for the purpose of promoting the interests of the enterprise, and whether the enterprise has benefited from the offence. Section 28 of the Penal Code does not apply to fines according to this paragraph.

These provisions shall apply unless the offence is subject to a more severe penalty.

§23 (Means of enforcement and security for dues)

If they have good reason to suspect violation of the provisions in Chapter III or evasion of the obligation to pay dues according to Chapter IV, officers of the Coastal Administration, or municipal officers if so decided by the Ministry, or in the specific case by the Directorate, may

order the vessel to stop and direct it to an anchorage or to proceed to a particular place for closer examination.

The Customs Administration shall report the arrival or clearance of vessels to the Coastal Administration.

At the request of the Coastal Administration, the Customs Administration shall not clear arriving or departing vessels which are liable for dues before the outstanding dues have been paid or sufficient security has been given.

§24 (Liability for damages)

In relation to Section 2-1 of the Liability in Tort Act, a State Pilot is considered to be in the service of the vessel during pilotage. Otherwise, this Act entails no changes in the current rules relating to compensation for damages.

Damage due to a pilot's error or omission on duty must be compensated by him according to the rules currently in force relating to compensation for damages, cf. Section 2-3 of the Liability in Tort Act.

Chapter VI

Entry into force, transitional provisions and amendments to other legislation

§25 (Entry into force)

This Act shall enter into force from the date stipulated by the King.

§26 (Transitional provisions)

Regulations and specific decisions issued by any authority pursuant to earlier legislation relating to the Pilotage Service and still in force when this Act enters into force shall remain in force insofar as they do not conflict with rules issued in or in pursuance of this Act.

The King may issue necessary transitional provisions in connection with the entry into force of this Act. Until otherwise decided by the King, Sections 22 and 24 of Act No. 2 of 9 April 1948, the Norwegian Pilotage Act, shall apply.

§27 (Amendments to other Acts)

From the date of entry into force of this Act, other Acts shall be amended as follows:

(1) Act No. 7 of 9 June 1903 relating to the public control of the seaworthiness of ships etc.

The third paragraph of Section 82 is repealed.

(2) Act No. 2 of 9 April 1948, the Norwegian Pilotage Act, is repealed.

(3) Act No. 51 of 8 June 1984 relating to harbours and fairways:

(3.1) Section 26 becomes the new Section 27 under Chapter VII Harbour planning.

(3.2) The new Section 26 becomes the last Section of Chapter VI, and shall read:

§ 26 (Dues to the State for the use of fairways and navigation aids)

The King may determine that vessels shall pay dues to the State to cover the State's expenses for the improvement of fairways, the running and maintenance of lighthouses, marks and other navigation aids, and icebreaking services. The King will stipulate the dues according to guidelines drawn up by the Storting. Discount schemes may be established.

The dues shall as far as possible be distributed between the various types of vessels in accordance with their use of facilities etc. as mentioned in the first paragraph.

The basis for the stipulation of dues on vessels shall be the same as for harbour dues pursuant to this Act. The provisions of Section 25 apply insofar as they are appropriate. The Ministry determines the areas in which the dues shall include the expenses of the icebreaking services.

The King may lay down regulations concerning the duty to provide information and to present ships' documents, and concerning the obligation of the municipalities to collect dues on behalf of the State.

(3.3) The second sentence of the third paragraph and the last paragraph of Part III are repealed.