

Translation. Only the Faroese version has legal validity.

Harbour Pilotage Act
Parliamentary Act No 21 of 16 March 2012,
as amended by Parliamentary Act No 143 of 18 December 2013

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No. 21

16 March 2012

(The pilotage Act)

In accordance with the resolution of the Faroese Parliament the Prime Minister of the Faroese Government ratifies and announces this Parliamentary Act:

**Chapter 1
Purpose and definitions**

Purpose

Section 1. The purpose of this Parliamentary Act is to improve safety at sea and protect the environment by imposing compulsory pilotage when sailing into and out of Faroese ports.

Definitions

Section 2. In this Parliamentary Act and in rules under this Parliamentary Act, the following definitions shall apply:

- a) **“Compulsory pilotage”:** The ships mentioned in section 7 and whose officers of the watch do not hold a pilotage exemption certificate may not sail into or out of Faroese ports without taking a pilot.
- b) **”Pilotage”:** A person holding a valid pilot certificate according to this Parliamentary Act who advises the officer of the watch about navigation, voyage and manoeuvring. The advice may be provided on board the ship or from a pilot boat.
- c) **”Pilot”:** A person who holds a valid pilot certificate according to this Parliamentary Act
- d) **”Pilot certificate”** A certificate issued according to this Parliamentary Act certifying that a certain named person is authorised to carry out pilotage activities according to this Parliamentary Act.

e) **“Pilotage exemption certificate”** A certificate issued according to this Parliamentary Act certifying that a certain person may navigate a certain ship or type of ship into and out of Faroese ports without taking a pilot.

f) **“Pilot station”**: The municipality which is responsible for carrying out piloting when sailing into and out of Faroese port.

Chapter 2 Compulsory pilotage

Compulsory pilotage, etc.

Section 3. Compulsory pilotage applies when sailing into and out of Faroese ports.

Subsection 2. The Minister lays down more detailed regulations on the pilot activities, including pilotage position, obligation to report, organisation of the pilotage, on deadlines for requesting pilots, etc.

Pilot stations

Section 4. The municipalities are obliged to ensure that vessels which are subject to compulsory pilotage according to this Parliamentary Act, cf. section 7 subsection 1 and ships which submit order for pilots, are piloted when sailing into or out of port in the municipality in question.

Subsection 2. The municipalities may conclude agreements with private services to carry out the pilotage according to subsection 1.

Section 5. The Minister lays down more detailed regulations on the obligation to write an insurance on pilots, as well as rules on internal inspection and the obligation to provide information to the Minister, including on how the information should be forwarded, cf. section 14 subsection 1.

Section 6. Pilot boats shall comply with the Faroese Maritime Authority’s requirements to pilot boats.

Ships subject to compulsory pilotage

Subsection 7. According to section 3 subsection 1 the following ships are subject to compulsory pilotage:

- 1) ships 500 GT or above,
- 2) oil, gas and chemical tankers irrespective of size
- 3) ships irrespective of size loaded with dangerous goods according to the IMDG Code
- 4) ships carrying:
 - a) dirty cargo tanks that have not been rendered safe by means of inert air,
 - b) more than 1,000 ton of bunker oil, or
 - c) highly radioactive material

Subsection 2. However, compulsory pilotage according to subsection 1 shall not apply to:

- 1) Faroese fishing vessels,
- 2) ships which are used for fishery inspection in Faroese waters,
- 3) warships,
- 4) state-owned ships,
- 5) ships of the Faroese inter-island transport line (Strandfaraskip Landsins)
- 6) ships where a pilotage exemption has been issued to the officer of the watch according to section 12.

Subsection 3. The Minister lays down more detailed regulations in accordance with international definitions what is to be understood as oil, chemicals, gas, highly radioactive material and dangerous goods, etc., cf. subsection 1.

Chapter 3 Pilots

Pilot certificate

Section 8. Only a person who holds a valid pilot certificate issued according to this Parliamentary Act has the right to execute pilotage and use the term pilot.

Subsection 2. A pilot may only carry out pilotage into and out of ports to the extent covered by the pilotage certificate and as per agreement with the municipality in question.

Qualification requirements

Section 9. On application the Minister issues pilot certificate to the pilots.

Subsection 2. The applicant will receive a pilot certificate if he:

- 1) has obtained a certificate of competency as master according to the Parliamentary Act on manning of ships,
- 2) has sailed as master or chief mate for a period
- 3) is acquainted with the area in question,
- 4) has completed the practical and the theoretical test for pilots,
- 5) is associated with a pilot station cf. section 4.

Subsection 3. The Minister lays down more detailed regulations with respect to subsection 2 and on any supplementary requirements, incl. time limits and renewal of the pilot certificate.

Subsection 4. The holder of a valid pilot certificate shall return the certificate to the Minister when/if the holder no longer meets the requirements for executing pilotage in accordance with this Parliamentary Act.

Other obligations than piloting

Section 10. Pilots shall inform ships about conditions of importance to safety of navigation, the environment or other social conditions.

Subsection 2. Pilots shall notify the relevant authorities about any conditions observed of

importance to safety of navigation, the environment or other social conditions.

Subsection 3. The Minister lays down more detailed regulations on the obligations in accordance with subsections 1 and 2.

Working environment during pilotage

Section 11. The Minister may lay down more detailed regulations concerning working environment and hours of rest for pilots incl. control measures.

Chapter 4 Pilotage exemption

Pilotage exemption certificate

Section 12. Officer of the watch with extensive knowledge to the compulsory pilotage area, the ship and the type of ship may apply for a pilotage exemption certificate, which permits the holder to navigate the ship without taking pilot on board, although the obligation to take pilot in the area applies and the ship is subject to compulsory pilotage.

Subsection 2. The Minister lays down regulations on acquisition of a pilot exemption certificate, time limits and renewal of the pilotage exemption certificate, etc. Furthermore the Minister may lay down that certain types of ships may not navigate without pilot on board even if the officer of the watch holds a pilotage exemption certificate.

Subsection 3. The holder of a valid pilotage exemption certificate is obliged to return the pilotage exemption certificate to the Minister when the holder no longer meets the requirements for holding a pilotage exemption certificate.

Chapter 5 Pilotage fee, etc.

Section 13. In consultation with the municipalities, the Minister lays down regulations on pilotage fee. Such regulations may stipulate fees for the pilot's waiting time, subsistence allowance and travelling expenses. Furthermore the regulation may stipulate fees in case the pilot attends the place without commencing the pilotage.

Subsection 2. The pilotage fee is stipulated on basis of the ship's size and the duration of the pilotage.

Subsection 3. The fees according to section 1 shall contribute to finance the municipalities expenses of the service.

Chapter 6 Inspection, withdrawal, etc.

Inspection

Section 14. The Minister shall inspect the pilots and pilotage activities. The Minister lays down more detailed regulations on the carrying out of the inspection.

Subsection 2. The Minister keeps a register of the approved pilots, cf. sections 8 and 9. The Minister lays down more detailed regulations on the conditions for being registered in the register, including which kind of information shall be included in the register.

Subsection 3. Pilots will be deleted from the register if the pilot certificate has expired or has been withdrawn, cf. section 17.

Section 15. For employees, who in their employment inspect the pilots and pilot services, it shall be prohibited to participate in pilot services or to have a particular personal or financial interest in pilot services, including being member of the board or of the management of the company which carries out pilotage service in accordance with section 4 subsection 2.

Fees

Section 16. The Minister lays down more detailed regulations on the rates of fees for inspection, test, the issue and renewal of pilot certificates and pilotage exemption certificates, etc.

Withdrawal

Section 17. The Minister may withdraw a pilot certificate and pilot exemption certificate if the conditions for acquiring a pilot certificate or pilot exemption certificate are no longer met.

Subsection 2. The Minister may withdraw a pilot certificate and a pilot exemption certificate if:

- 1) the holder of the certificate has committed serious contraventions of the conditions for the pilot certificate, i.a. the pilot exemption certificate, or of the provisions in or according to this Parliamentary Act, or
- 2) there are otherwise conditions making it inadvisable that the certificate holder continues to pilot or navigate ships into and out of Faroese ports.

Subsection 3. The holder may request that the decision on withdrawal according to subsection 1 and 2 shall be brought before the courts. The certificate holder's request for the decisions to be brought before the courts shall be received by the Minister no later than four weeks after the certificate holder has been informed about the decision. The Minister shall bring the case before the courts in accordance with the civil Administration of Justice Act.

Subsection 4. Request for legal proceedings shall not have a discontinuing effect, but the court may decide by order that the person concerned may pilot or navigate without pilot during the consideration of the case.

Complaint

Section 18. If the Minister delegates his powers according to this Parliamentary Act to another authority to administrate, the Minister may stipulate rules on complaints, including that decisions taken by the authority may not be complained to the Minister but to the Trade

and Industry Appeals Committee and that certain decisions cannot be appealed to any other administrative authority.

Chapter 7

Penalty

Section 19. Violation of section 4 subsection 1, section 7 subsection 1, section 8, section 9 subsection 4, section 12 subsection 3 or section 15 shall be punishable by a fine.

Subsection 2. Both the master of the ship and the shipowner shall be punished if a certified pilot is not used as stipulated in section 4 subsection 1.

Subsection 3. The penalty may be increased to a prison sentence of up to one year if it is found that the violation is committed intentionally or as a result of gross negligence and if the same violation is repeated.

Subsection 4. Rules issued under the provisions in section 5, section 9 subsection 3, section 10 subsection 3, section 11, section 12 subsection 2 and section 14 subsection 1 may be punishable by a fine. Likewise, it may be stipulated that the penalty may be increased to simple detention or to a prison sentence of up to one year according to the same circumstances as mentioned in subsection 3.

Subsection 5. Legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese Penal Code.

Subsection 6. A municipality which has or ought to have knowledge about a ship arriving into port without using a pilot shall be punishable by a fine.

Subsection 7. The legal proceedings will be treated by the police. The legal proceedings in the Administration of Justice Act chapters on impound and on investigation do also apply to the same extent as issues being treated by the Public Prosecutor.

Chapter 8

Entry into force and transitional provisions

Section 20. This Parliamentary Act shall enter into force on 1 January 2013. At the same time Act No 131 of 17 April 1916 on pilotage, as last amended by Act No 155 of 14 April 1920, shall be repealed.

Subsection 2. Persons with master mariner's competence, who execute pilotage for the municipalities at the time that this Parliamentary Act comes into force and, shall still be entitled to carry out pilotage until 1 January 2014 when the requirements for competencies, pilot certificates, etc., according to this Parliamentary Act shall be met. These persons shall be provisionally registered in the pilot register according to section 14 subsection 2 during the transitional period.

*Subsection 3.*¹⁾ Persons covered by subsection 2 who in addition to the master mariner's competence also have obtained certificate of competency as master on fishing vessels, shall

meet the requirements stipulated in subsection 2, however, with exception from the requirements in section 9 subsection 2, No 1 and 2.

Tórshavn, 16 March 2012

Kaj Leo Holm Johannesen
Prime Minister of the Faroe Islands

¹⁾ Amended in Parliamentary Act No 143 of 18 December 2013, section 2 amended as follows: “This Parliamentary Act takes effect 1 January 2014.”