



Letter of Agreement

Pilotage Exemption Certificates

1. HARWICH HAVEN AUTHORITY has the powers to exempt certain ships officers from their requirements to take an authorised pilot. The use of these powers follows general principles:
 - 1.1. The standards for exemption certificates must not be more onerous than those required for an authorised pilot; but they should be equivalent.
 - 1.2. Exemption certificate holders and their employers are accountable to the issuing harbour authority for the proper use of any certificate.
 - 1.3. Harbour authorities should have formal written agreements with certificate holders and their employers to regulate the use of certificates.
 - 1.4. The requirements of a Pilotage Exemption Certificate (PEC) system are outlined in Sections 8 and 15 of the Pilotage Act 1987 as amended.

ELIGIBILITY FOR A PEC

2. HARWICH HAVEN AUTHORITY will grant a PEC to applicants who are a bona fide Deck Officer of a vessel. The arrangements whereby applicants may qualify, obtain and use a PEC are laid down in the HARWICH HAVEN AUTHORITY Pilotage Directions. The Pilotage Directions specify the type and size of vessels which are subject to compulsory pilotage and therefore, by definition, the vessels to which PEC's apply.
3. A PEC will only be issued and renewed providing the relevant Deck Officer provides proof of valid and appropriate certificates of competency and medical fitness. If either of these certificates expires, is revoked or in any way invalidated, the PEC will automatically be suspended until proof of validity is provided.

BONA FIDE DECK OFFICER

4. The Pilotage Act as amended by the Marine Navigation Act 2013 requires that PECs are granted only to a person who is a bona fide Deck Officer of a vessel as evidenced by the ship's articles and who must be a member of the normal complement of deck officers of that vessel.

AWARD OF CERTIFICATES

5. When an applicant's agent applies for a PEC, HARWICH HAVEN AUTHORITY will register the application and provide an application form outlining what the candidate is required to do before their application can be assessed.
6. Once the requirements have been determined, applicants who satisfy these requirements have a right to exemption whilst serving as a bona fide Deck Officer on the vessel for which they hold a certificate. HARWICH HAVEN AUTHORITY has a duty to issue PECs to appropriately qualified mariners and are not allowed to withhold one for reasons unconnected with an applicant's skill and experience, local knowledge and knowledge of English, except where there are exceptional navigational hazards.

RESPONSIBILITY OF HARWICH HAVEN AUTHORITY

7. HARWICH HAVEN AUTHORITY PECs are valid from the date they are issued and remain valid for 12 calendar months. Renewal is due on an annual basis and will depend upon HARWICH HAVEN AUTHORITY being satisfied with the conduct of the PEC holder. The PEC will only be renewed on confirmation that the holder's Certificate of Competency remains valid and on submission of a current medical certificate, evidence of the required revalidation passages and where applicable attendance at an annual renewal interview.
8. Individual PEC holders shall record trips to facilitate confirmation that the prescribed number of trips has been completed.
9. In instances where the renewal criteria have not been achieved HARWICH HAVEN AUTHORITY may require additional pilot assessment or re-examination depending on the circumstances.
10. The addition of a new area to a PEC will require the PEC holder to undertake the tripping and assessment requirements and examination for that area, depending on existing experience and areas currently held.
11. This Letter of Agreement shall be issued at yearly intervals, firstly on initially passing the PEC examination and then in line with the PEC renewal date.

TRAINING

12. HARWICH HAVEN AUTHORITY shall offer training in the form of a study pack and pre-examination consultation prior to examination if required. Applicants are required to visit and to be briefed on HARWICH HAVEN AUTHORITY'S VTS OPERATION.

SKILL, EXPERIENCE AND LOCAL KNOWLEDGE

13. The granting of a PEC is dependent upon HARWICH HAVEN AUTHORITY'S Harbour Master or his deputies being satisfied, by examination that the applicant's skill, experience and local knowledge is sufficient for him to pilot his ship safely within the area of the port to which the Authority's directions apply and for the area in which the PEC is for.

14. HARWICH HAVEN AUTHORITY may not make qualifying for a PEC more onerous than qualifying for an authorisation as a pilot but should be 'equivalent' bearing in mind that a PEC relates to a particular vessel or vessels, whereas a pilot's authorisation can cover a wide range of different vessel types and sizes and the whole Pilotage Area.
15. HARWICH HAVEN AUTHORITY is required by the Pilotage Act as amended by the Marine Navigation Act, to consider whether an applicant has a sufficient knowledge of English. This will be established during an oral examination and/or practical assessment.

ASSESSMENT OF SKILL

16. A mariner's level of skill is, in principle, confirmed by his Certificate of Competency. (It is therefore fundamental that a PEC applicant holds a valid Certificate of Competency, which entitles them to hold the position as Deck Officer in the ship(s) named in the application. PEC holders are deemed to hold a management position within the vessel and therefore the minimum level of Certificate of Competency is STCW II/2.
17. The Owner/Agent shall ensure that the applicant's Certificate of Competency is applicable to the type and size of ship being navigated.

ASSESSMENT OF EXPERIENCE

18. Experience of HARWICH HAVEN AUTHORITY's pilotage area is ensured by requiring PEC applicants to complete a number of training acts in the company of an authorised pilot or a holder of a PEC valid for the area concerned.
19. Following receipt of a written application and examination fee a bona fide Deck Officer of a vessel of substantially the same class as that to which the Certificate is to relate, shall perform not less than the required number of assessments for that class of vessel.
20. Where HARWICH HAVEN AUTHORITY is not satisfied that the necessary competence has been attained, such Deck Officer may be required to perform one or more further assessments to or from the port, accompanied by a Pilot or PEC holder.

ASSESSMENT OF LOCAL KNOWLEDGE

21. The level of local knowledge is assessed practically during the oral examination and assessment trips to ensure the level is sufficient for the applicant to pilot his vessel with safety throughout the area covered by the PEC.
22. PEC holders should adhere to the IMO Guidelines for voyage planning taking the following measures to ensure that they appreciate and reduce the risks to which they are exposed:
 - 22.1. Ensure that there is a systematic bridge organisation.
 - 22.2. Ensure that optimum and systematic use is made of all appropriate information that becomes available to the navigational staff.
 - 22.3. Ensure that their intentions are fully understood and acceptable to the vessel's navigational staff.
23. Prior to arrival/departure the PEC Holder will prepare a detailed port passage plan in accordance with the Guidelines and to the Master's requirements.

RESPONSIBILITY OF THE AUTHORITY – HARWICH HAVEN AUTHORITY’S OBLIGATIONS

24. HARWICH HAVEN AUTHORITY shall provide PEC applicants with a clear statement of its requirements for Exemption contained within the application pack. It includes relevant Pilotage Areas and other documentation necessary for safe navigation within the port and is available on application from the Harbour Master’s office.

PROCEDURE FOR EXAMINING APPLICANTS

25. HARWICH HAVEN AUTHORITY has established a procedure for examining applicants for a PEC. The procedure includes an oral examination and practical assessments as determined.
26. The examination will be conducted by HARWICH HAVEN AUTHORITY staff authorised by the Harbour Master.

ADDITIONAL VESSELS

27. The addition of vessels or change of vessel’s characteristics to a PEC will require the PEC holder to undertake pilot assessment depending on vessel types and class to satisfy competence for that class of vessel.

CONDITIONS GOVERNING THE USE OF A PEC

28. PEC holders and their employers by their signature to this Letter of Agreement, agree that whilst conducting pilotage, holders will comply with all appropriate international regulations, HHA Byelaws, General Directions, local Notices to Mariners and any instruction given by or on behalf of the Harbour Master. Also whilst conducting an act of pilotage, PEC holders shall have no other duties and prior to an act they shall be adequately rested and fit. In ensuring compliance with the Authority’s General Directions, PEC holders shall ensure that there will be adequate bridge manning and support for the PEC holder. That the holder will be provided with updating of knowledge capability and a record of passages under pilotage shall be recorded, maintained and presented if required. That all incidents shall be reported in writing as soon as practical after the incident and when instructed, the holder shall submit to an interview by the Harbour Master. That the holder will report any defective navigational aids to the Harbour Master together with any defects relating to their vessel.

AUTHORITY NOT TO GRANT A PEC

29. Under Section 8(3) of the Pilotage Act 1987 as amended, HARWICH HAVEN AUTHORITY may apply to the Secretary of State to be allowed not to grant Certificates, if HARWICH HAVEN AUTHORITY believes that exceptional navigational hazards exist within its Pilotage Area, such that safety considerations dictate that all vessels navigating within the Area must take an authorised Pilot.

SUSPENSION OR REVOCATION OF A PEC

30. Following a serious incident and pending formal investigation and disciplinary or legal proceedings that involves a vessel under the conduct of a PEC Holder then any such PEC shall be immediately suspended in order to minimise the risk of safety being further compromised.

31. HARWICH HAVEN AUTHORITY may revoke a PEC if it is shown that the holder has been guilty of incompetence or misconduct. Where there has been a lesser incident HARWICH HAVEN AUTHORITY may also suspend a PEC until an investigation has been carried out. Before so doing, prior written warning of the revocation/suspension will be given, as will the right to make representation.
32. Where an applicant does not include their tripping log with their PEC renewal papers, the PEC may be suspended until this supporting information is supplied.

To acknowledge receipt of Letter of Agreement, please sign and return this tear-off slip with your renewal form (PEC8).

Letter of Agreement Acknowledgement

..... For Employer (name)

..... For Employer (signature)

..... Date

..... PEC Holder (name)

..... PEC Holder (signature)

..... PEC Number (if known)

..... Date