

PILOTS.**Ordinance No. 6 of 1902.***As amended by No. 7 of 1904.*

[11th December, 1902.]

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Definitions

1. In this Ordinance :—

“ Pilot ” means a pilot holding a valid licence.

“ Valid Licence ” means a licence granted to a pilot under this Ordinance, which licence is in force and not cancelled, suspended or vacated.

“ Vessel ” means a sea-going ship but does not include a vessel of war or a vessel usually plying in the Colonial waters.

“ Stanley Harbour ” shall mean the land-locked water lying to the west and south-west of a line drawn from Cape Pembroke to William Point.

PART I.**THE LICENSING OF PILOTS.****Government pilot, appointment of.**

2. The Governor may from time to time appoint a fit and proper person to be Government pilot and may, subject to the provisions of this Ordinance, from time to time, license any person whom he may deem qualified to be a pilot, and define the locality for which the licence is applicable. The officer appointed as Government pilot shall be deemed to be a pilot holding a valid licence within the meaning of this Ordinance, and shall receive such salary as may be approved by the Secretary of State.

Application or licence.

3. Every application for a pilot's licence shall be made to the Colonial Secretary, and the applicant

shall state therein the names of two persons willing to be his sureties and shall transmit therewith the sum of two guineas, which fee shall be paid to the two persons appointed by the Governor to examine the applicant in terms of Section 4 of this Ordinance.

4. No person shall be licensed as a pilot until he has been examined by two persons appointed for that purpose by the Governor, and the applicant has satisfied the Governor :—

Qualifications
required.

(1) That he is upwards of twenty-one years of age.

(2) That he has for two years at least served in the coasting trade of this Colony, or as a pilot or is otherwise specially qualified.

(3) That he has a sufficient knowledge of the channels, tides, soundings and secure anchorages and the bearings and distances of the several shoals, rocks, bars and points of land proper to be observed in connection with the locality for which the licence is sought.

(4) That he has sufficient knowledge of the rules of the road for ships and the lights required to be carried by them and of the regulations relating thereto.

(5) That he is of good character and temperate habits and of sufficient skill and ability to act as a pilot.

(6) That he can read and write with reasonable ease and accuracy, that he can readily distinguish colours and that he is otherwise mentally and physically competent to discharge the duties of a pilot.

5. Subject to any alteration to be made by the Governor in Council, the following provisions shall apply to the licensing of pilots :—

Regulations as
to pilots'
licences.

(1) The name of every pilot licensed and the limits within which he is licensed to act shall be published in the *Gazette*.

(2) Every pilot shall, on his appointment, execute a bond for fifty pounds, conditioned for the due observance on his part of the provisions of this Ordinance and the rules made hereunder, and such bond shall be free from stamp duty and from every other charge except the actual expense of preparing the same.

(3) A licence granted to a pilot shall continue in force for one year from the date of issue, and may be renewed from year to year or for any less period, by endorsement under the hand of the Colonial Secretary.

Pilot's liability limited.

6. A pilot appointed by the Governor who has executed a bond under this Ordinance shall not be liable for neglect or want of skill beyond the penalty of the bond, and the amount payable to him on account of pilotage in respect of the vessel in which he was engaged when he became so liable.

Power to revoke and suspend licences.

7. The Governor may revoke or suspend the licence of any pilot appointed by him, in such manner, and at such time, as he may think fit.

PART II.

THE DUTIES OF PILOTS.

Pilot flag.

8. A pilot approaching an inward bound ship between sunrise and sunset shall fly at the masthead the international pilot flag (the upper horizontal half white and the lower horizontal half red) at least three feet square.

Pilot's light.

9. A pilot approaching an inward bound ship after sunset and before sunrise shall hoist at the masthead a white light in a globular lantern, of not less than eight inches in diameter, and so constructed as to show a clear uniform light visible all round at a distance of at least a mile.

Anchoring ships.

10. It shall be the duty of every pilot in charge of an inward bound ship to anchor such ship in such

(anchorage as the master shall require in Port William, and to remain on board for such reasonable time as such master shall require.

11. Every pilot when acting in that capacity shall be provided with his licence, and shall produce the same to every person by whom he is employed, or to whom he offers his services as a pilot.

Pilot to produce licence.

12. (1) Every pilot, when required to do so by the Governor, shall produce or deliver up his licence to the Colonial Secretary.

Production and return of licence.

(2) On the death of any pilot, the person into whose hands his licence comes shall without delay transmit it to the Colonial Secretary.

(3) If any pilot or other person fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

PART III.

THE RIGHTS OF PILOTS.

13. Every pilot, other than the Government pilot, shall be entitled to receive from the Treasury on account of any vessel piloted by him three quarters of the rates paid into the Treasury in respect of such pilotage.

Pilot's dues.

14. (1) Whenever an outward bound ship shall be obliged to anchor before she gets to sea or an inward bound ship before arriving at her destined anchorage, and if such ship is thereby detained for more than twenty-four hours the pilot shall be entitled in the sum of twelve shillings for every day or part of a day during such detention.

Pilot's dues in case of detention.

(2) If a pilot be recalled to any ship the cost of bringing him off and landing him, and a fee of one pound for every day or part of a day that he shall be on board shall be paid to him.

15. A pilot who shall, at the request of the master, owner, consignee or agent of an outward

Pilot's dues in case of delay.

bound ship, attend for the purpose of piloting such ship to sea, shall, if such ship shall not proceed to sea within three hours after the time appointed for the sailing of such ship, be entitled to receive the sum of twelve shillings for every day or part of a day such pilot shall remain in attendance on such ship until she is under weigh.

Pilot's dues if taken out of his locality.

16. A pilot who shall be carried to sea in any ship against his will shall while on board such ship be supplied by the master at the ship's expense with suitable provisions and accommodation, and in addition to the pilotage due to him shall be entitled to receive from the master or owner of such ship wages at the rate of ten pounds a month during the enforced absence of such pilot from and until his return to the Colony by the quickest route, and the reasonable expenses of his return to the Colony from the place at which he shall be landed from such ship.

Second pilot.

17. The master or agent shall not discharge the pilot who shall have taken charge of a vessel and accept the services of another pilot without the consent of the pilot first in charge, except in cases of emergency, and in the event of a second pilot being employed the pilotage shall be divided.

PART IV.

PILOTAGE DUES.

Pilotage dues.

18. There shall be paid to the Harbour Master on account of every vessel anchoring in Stanley Harbour, whether a pilot be employed or not, the sum of sixty shillings if such vessel draws ten feet or less of water, and six shillings per foot or part of a foot if such vessel draws more than ten feet for inward pilotage; and, whether a pilot be employed or not, there shall be paid one half of the foregoing rates for outward pilotage.

Master, etc., of ship liable.

19. The master, owner, and consignee of a ship and the agent reporting, entering or clearing such

ship shall be jointly and severally liable for any emoluments payable by such ship under this Ordinance, and any such consignee or agent may retain out of any moneys received on account of such ship or her owner all amounts which he has paid or is or may be liable to pay under this Ordinance.

PART V.

UNQUALIFIED PERSONS ACTING AS PILOTS.

20. Any person other than a pilot who shall pilot, or offer or attempt to pilot any ship, not then being in danger or distress and in want of a pilot, shall not be entitled to be paid for his services.

Person other than pilot not entitled to be paid for his services.

21. Any person other than a pilot who shall have taken charge as pilot of a ship then being in danger or distress shall resign the charge of such ship to the first pilot who comes on board and offers his services, and in such case the pilotage shall be divided equally between them, but if no pilot comes on board the person who took charge as pilot shall, if he pilot such ship to a safe anchorage, be entitled to all the emoluments to which a pilot would have been entitled under similar circumstances.

Person other than pilot to resign charge to pilot.

Payment for services in case of danger or distress.

22. If any person for the purpose of making himself appear to be a pilot uses a licence which he is not entitled to use, he shall for each offence be liable to a fine not exceeding fifty pounds.

Penalty on fraudulent use of licence.

23. (1) If any person assumes or continues in charge of a ship after a pilot has offered to take charge of the ship he shall for each offence be liable to a fine not exceeding fifty pounds.

Penalties as to employment of unqualified pilot.

(2) If a master of a ship knowingly employs or continues to employ an unqualified person after a pilot has offered to take charge of the ship, or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

PART VI.

OFFENCES BY PILOTS.

Inquiry into
charges against
pilots.

24. The Governor may at any time direct an inquiry to be held by a Magistrate into any charge of incompetency or misconduct on the part of a pilot, and if the Court find that such pilot is incompetent or has been guilty of any gross act of misconduct the Court may cancel or suspend his licence.

Penalty for
acting as pilot
during sus-
pension of
licence.

25. Any person whose pilot licence has been cancelled, or who during the suspension of such licence shall act as a pilot shall not be entitled to any pilotage, and shall be liable to a penalty not exceeding fifty pounds for every occasion on which he so acts.

Penalty for
leaving ship.

26. If without the permission of the master, or except as herein provided, the pilot of an outward bound ship leaves her before she is at sea, or the pilot of an inward bound ship leaves her before she arrives at her destined anchorage, he shall not be entitled to pilotage, and shall be liable to a penalty not exceeding ten pounds.

Defaults of
pilots.

27. Any pilot who does any of the following acts shall be liable to a penalty not exceeding twenty pounds.

(a) Refuses or wilfully delays to go off to or to take charge of any ship upon the usual signal for a pilot being made by such ship, and upon being required so to do by the Harbour Master.

(b) When not actually engaged in his capacity as pilot, refuses or wilfully delays to go to or take charge of any outward bound ship upon being required so to do by the Harbour Master.

(c) Does not if practicable board a ship in distress signalling for a pilot.

(d) Fails to permit the master of any ship he is piloting to inspect and peruse his licence.

(e) Wilfully fails when able to do so to warn a ship running into danger.

(f) Hoists or displays any flag or signal for the purpose of obtaining any undue advantage over any other pilot.

(g) Causes a ship of which he is in charge to run aground, or to strike on any rock, or to cause injury to any other ship.

(h) Destroys, damages or injures any ship of which he is in charge, or the tackle or furniture thereof or the goods laden therein.

(i) Leads or pilots a ship into danger.

(j) Through negligence or carelessness causes a ship of which he is in charge to run into or against any buoy or beacon fixed for the purpose of facilitating pilotage.

(k) Anchors any ship so that her moorings foul the moorings of another ship.

(l) Wilfully or improperly obstructs the passage of any ship.

(m) Makes any false statement or wilful misrepresentation to obtain the charge of a ship.

28. If any pilot, when in charge of a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either—

Penalty on pilot
endangering
ship, life or
limb.

(a) Does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship : or

(b) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb :

that pilot shall in respect of each offence be guilty of a misdemeanour, and shall also be liable to suspension or dismissal by the Governor.

offences of
pilots.

29. (1) If a pilot—

(a) Himself keeps, or is interested in keeping by any agent, servant or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, beer or other intoxicating liquors or tobacco.

(b) Commits any fraud or offence against the revenues of Customs or against the Excise or the laws relating thereto.

(c) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels.

(d) Lends his licence.

(e) Acts as pilot when in a state of intoxication.

(f) Employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable or other store, matter or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person.

(g) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship.

(h) Refuses, when requested by the master, to conduct the ship of which he has charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship,

that pilot shall for each offence, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(2) If any person procures, aids, abets or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(3) If a pilot commits an offence under this section, or procures, aids, abets or connives at the commission of any such offence, he shall, in addition to his liability to a fine, be liable to suspension or dismissal by the Governor.

PART VII.

MISCELLANEOUS.

30. The Governor may at any time direct an inquiry to be held by the Magistrate and one assessor for the purpose of ascertaining whether any pilot has become incapacitated by mental or bodily infirmity or by habits of intemperance from efficiently performing his duties as a pilot, and there shall be paid to such assessor a fee of one guinea for his services.

Inquiries into charges against pilots with assessors.

31. The Governor in Council may from time to time make rules with reference to pilots and pilotage not inconsistent with the provisions of this Ordinance, and fix the rates of pilotage to be charged for pilotage services outside Stanley Harbour.

Power to make rules.

32. This Ordinance may be extended by the Governor in Council to any port hereafter defined and declared a harbour by the Governor in Council.

Ordinance may be extended to other ports.

33. The Government shall not be responsible for any loss or damage occasioned by the act of any pilot.

Government not responsible for acts of pilot.

34. No owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise: and nothing in this Ordinance shall exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property on the ground either of such ship being in the charge of a licensed pilot, or such loss or damage being occasioned by the act or default of a licensed pilot, or on any other ground.

Employment of pilot not compulsory.

No owner to be free from liability by reason of employing a licensed pilot.

Holders of valid
licences to
continue to be
pilots.

35. Notwithstanding anything contained in this Ordinance, all persons who, at the time of the coming into operation hereof, hold valid licences as pilots shall lawfully continue to be pilots as if appointed under this Ordinance.

Short title.

36. This Ordinance may be cited as "The Pilot Ordinance, 1902."

MARRIAGE.

Ordinance No. 8 of 1902.

[31st December, 1902.]

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. In this Ordinance—

Definitions

"Registrar-General" shall mean the person holding that office under the Registration Ordinance, No. 12 of 1853.

"Minor" shall mean a person who is under the age of twenty-one years and who is not a widower or a widow.

"Minister" shall mean a minister registered under this Ordinance as a minister for celebrating marriages.

Registrars how
appointed.

2. The Registrar-General may appoint in writing under his hand such Registrars as he may deem necessary for the purposes of this Ordinance, and all appointments so made by the Registrar-General shall be subject to the approval of the Governor and shall be during pleasure only.

Valid
marriages.

3. Every marriage which by the law of England would be valid, and every marriage celebrated in this Colony prior to the passing of this Ordinance by any minister of religion or by a Registrar shall be deemed