

10 - POLICY ON THE CONDUCT OF A VESSEL WITHIN A COMPULSORY PILOTAGE AREA

1. Objectives of the Policy

This Policy defines the responsibilities of masters, pilots and the LPA relating to the conduct of a vessel and when a master may take over the conduct of a vessel from a licensed pilot or a pilotage certificate holder and related reporting requirements.

2. Background

Under the *Pilotage Act* no individual is permitted to have the conduct of a ship within a compulsory pilotage area unless they are a licensed pilot or certificate holder for that compulsory pilotage area.

The master of a ship may assume the conduct of a ship only if the master believes on reasonable grounds that the actions of a pilot or certificate holder are in any way endangering the safety of ship.

For the purpose of fulfilling its mandate under the *Act* to operate and administer, in the interests of safety of navigation, an efficient pilotage service, the LPA assesses the conditions and circumstances leading to the taking over of the vessel's conduct by a master.

3. Policy statements and requirements

- 3.1 The *Act* stipulates that the conduct of a ship in a compulsory pilotage area must be by a licensed pilot, or a pilotage certificate holder for that area, unless a waiver was issued or an exemption order has been granted by the Minister.
- 3.2 The pilot or certificate holder must have the conduct of the vessel at all time including during the transit, docking or undocking manoeuvres or entry into the seaway.
- 3.3 This does not prevent the master or officer of a ship from operating the controls of the ship during docking and undocking manoeuvres, provided that this is performed under the active conduct of the pilot and following the instructions of the latter.
- 3.4 A licensed pilot or pilotage certificate holder having the conduct of a vessel is responsible to the master for the safe navigation of the vessel.
- 3.5 The *Act* provides that where a master of a ship has reasonable grounds to believe that the actions of a licensed pilot or a pilotage certificate holder having the conduct of the ship are in any way endangering the ship, the master may, for the safety of the ship, take over the conduct of the ship.



- 3.6 When a master takes over the conduct of vessel from a licensed pilot or a pilotage certificate holder, the master of the ship shall, within three days, submit a written report to the Minister of Transport setting out the reasons for the taking over of conduct as prescribed in section 38.02 (2) of the Act.
- 3.7 The LPA requests that a copy of this report also be sent to the Authority, for the purpose of conducting an analysis consistent with its mandate under the Act.
- 3.8 The licensed pilot or the pilotage certificate holder who has had the conduct of the vessel taken over is also requested to inform the LPA of the situation as soon as possible.
- 3.9 In the event that the conduct takeover also constitutes a marine incident or accident within the meaning of Section 38 of the *Laurentian Pilotage Authority Regulations*, the licensed pilot or pilotage certificate holder must immediately report to the LPA the full details of the occurrence in accordance with the said regulations.
- 3.10 An LPA representative may also follow up to request additional information from the master, the licensed pilot or pilotage certificate holder, that may be relevant in assessing the situation.

4. References

This policy is an update to the notice to industry on the Conduct of a Vessel published in August 2014.

5. Responsibility/Additional information

- 5.1 This Policy has been approved and issued under the authority of the Chief Executive Officer.
- 5.2 The Executive Director, Marine Safety and Efficiency is in charge of the development, implementation, maintenance and ongoing improvement of the Policy.
- 5.3 Any comments or requests for information concerning this Policy and its application should be referred to the following person:

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6. **Related documents**
7. **Date of publication: 2021-04-23**