

## Minute

### Development and Infrastructure Committee

Tuesday, 6 June 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Kristopher D Leask, W Leslie Manson, Raymond S Peace, James W Stockan, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

### Also Present:

Councillor James Moar, who had been invited for Item 4.

### Clerk

- Hazel Flett, Service Manager (Governance).

### In Attendance

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Sweyn Johnston, Head of Enterprise and Economic Growth.
- Roddy Mackay, Head of Planning and Community Protection.
- Lorna Richardson, Head of Neighbourhood Services.
- Stuart Allison, Service Manager (Enterprise).
- David Custer, Service Manager (Engineering) (for Items 1 to 5).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Karen Bevilacqua, Solicitor.

### Observing

- Kirsty Groundwater, Team Leader (Communications) (for Items 1 and 2).

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor David Dawson.

## **1. Disclosure of Exempt Information**

The Committee noted the proposal that the public be excluded from the meeting for consideration of Annex B of Item 6, as the business to be discussed involved the potential disclosure of exempt information of the class described in the relevant paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

## **2. Performance Monitoring – Enterprise and Sustainable Regeneration**

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, the Committee:

Scrutinised:

**2.1.** The performance of Enterprise and Sustainable Regeneration for the period 1 October 2022 to 31 March 2023, as set out in sections 3 and 4 and Annexes 1 and 2 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

The Committee resolved to **recommend to the Council:**

**2.2.** That, as this was the last performance monitoring report on the Development and Infrastructure Service Plan 2019 to 2022, the following actions, which had not been progressed to completion, be considered for inclusion in the Enterprise and Sustainable Regeneration Directorate Delivery Plan:

- 04 – Regional Marine Planning and Crown Estates Pilot Governance – continue to prioritise resources and engage with Marine Scotland and Crown Estate to establish Regional Partnership and pilot.
- 10a – Improve Accessibility to all Transport Services – continue to pursue funding opportunities where possible.
- 10b – Improve Accessibility to all Transport Services – ensure all contracted services have accessibility provision.
- 11b – New Business and Growth in Current Marine Activities – review staff and resource capacity and develop business case for increasing these where necessary to delivery strategic objectives.
- 13 – Port Master Plan – finalise Port Masterplan, identify funding sources and deliver.
- 15 – Airfields Plan and Infrastructure Improvements – retain and where necessary secure additional funding for continuous infrastructure programme including water rescue capability.
- 24 – Delivery of the North Isles Landscape Partnership Project – delivery of the projects outlined in the North Isles Landscape Conservation Plan.

## **3. Performance Monitoring – Neighbourhood Services and Infrastructure**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, the Committee:

Scrutinised:

**3.1.** The performance of Neighbourhood Services and Infrastructure for the reporting period 1 October 2022 to 31 March 2023, as set out in sections 3 to 5 and Annexes 1, 2 and 3 of the report by the Corporate Director for Neighbourhood Services and Infrastructure.

The Committee resolved to **recommend to the Council:**

**3.2.** That the following actions, that had been progressed to completion, be closed:

- 19a – Ensure viable land supply for development, including addressing constraints to housing in Kirkwall – complete surface water management plan.
- 19b – Ensure viable land supply for development, including addressing constraints to housing in Kirkwall – engage with Scottish Water, Scottish Government and development industry to ensure fair distribution of resource to deliver the strategic objectives.

**3.3.** That, as this was the last performance monitoring report on the Development and Infrastructure Service Plan 2019 to 2022, the following actions, which had not been progressed to completion, be considered for inclusion in the Neighbourhood Services and Infrastructure Directorate Delivery Plan:

- 03 – Local Development Plan, Open Space Strategy and Supplementary Guidance – prioritise resources on core work, with resultant reduction in non-statutory areas. Settlement Statements for Orkney's towns, villages and rural settlements.
- 05b – Environmental Services – engage with Empowering Communities work.
- 05c – Environmental Services – explore Circular Economy/community-based options as part of continuous service review.
- 05d – Environmental Services – seek recognition of Islands issues in the implementation of Scottish Government landfill ban on biodegradable materials, and deposit return scheme.
- 14a – Capital Programme Management – complete Member Seminar engagement.
- 14b – Capital Programme Management – revised Capital Programme.
- 17b – Sustainable Quarry Services – continued investment in replacement plant in line with rolling Business Plan.
- 21a – Orkney Outdoor Access Strategy Action Plan and Active Travel Programme – implementation of the actions contained in the Strategy Action Plan.
- 21b – Orkney Outdoor Access Strategy Action Plan and Active Travel Programme – programme of works/projects to retain and enhance existing network.

#### **4. Churchill Barrier No 1 – Road Pavement Reconstruction**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Neighbourhood Services, the Committee:

Noted:

**4.1.** That concerns over the deterioration of the road surface at Churchill Barrier No 1 had been raised by members of the public and residents of the linked south isles over a number of years.

**4.2.** That defects, in the form of longitudinal cracking and surface undulations, had been observed over recent years and various investigations undertaken to establish a cause for those.

**4.3.** That, in 2019 and, as a result of concerns regarding the safety of motorists, particularly motorcyclists travelling over Churchill Barrier No 1, an advisory 40mph speed limit was introduced for all traffic.

**4.4.** That immediate priority works had been identified, including repairs to the worst areas of surface cracking and undulations on Churchill Barrier No 1, at an estimated cost of £35,000, which were planned to be undertaken in the current financial year, being funded from the Roads Revenue Maintenance Programme.

**4.5.** The Stage 1 Capital Project Appraisal in respect of proposed road pavement reconstruction at Churchill Barrier No 1, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which recommended that Do Something Options 2 and 3 be progressed to a detailed Stage 2 Capital Project Appraisal.

**4.6.** That, should the project be approved for progression through the Capital Project Appraisal process, a sum of £45,000 was required to develop the Stage 2 Capital Project Appraisal, which could be met from the budgetary provision, previously agreed by the Capital Programme and Asset Management Sub-group in November 2021.

The Committee resolved to **recommend to the Council:**

**4.7.** That, as an exception to the Capital Project Appraisal process, in order to address longstanding road safety concerns, the Corporate Director for Neighbourhood Services and Infrastructure should submit, to the Policy and Resources Committee, a Stage 2 Capital Project Appraisal in respect of proposed road pavement reconstruction at Churchill Barrier No 1.

## **5. Harbour Authority Sub-committee**

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 23 May 2023, copies of which had been circulated, the Committee:

Resolved:

**5.1.** On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 23 May 2023 as a true record.

The Committee resolved to **recommend to the Council**:

**5.2.** That the recommendation at paragraph 1.6 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 23 May 2023, attached as Appendix 1 to this Minute, be approved.

## **6. Economic Development Grants**

### **Budget Outturn Statement and Delegated Approvals**

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Service Manager (Enterprise), the Committee:

Noted:

**6.1.** That, during financial year 2022/23, new spending commitments of £255,075 were approved which, relative to the revised Economic Development Grants budget of £306,300 including the capability to over-commit by 5%, resulted in an uncommitted allocation of the available budget by £51,225, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

**6.2.** That the level of outstanding spending commitments held in the Economic Development Grants Fund, as at 31 March 2023, decreased by £197,694 to £768,387.

**6.3.** Grant approvals made in the period 1 April 2022 to 31 March 2023, totalling £255,075, including grants approved under delegated schemes for the same period, totalling £131,405, as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

## **7. Conclusion of Meeting**

At 10:55 the Chair declared the meeting concluded.

Signed: David Dawson.

## Minute

### Harbour Authority Sub-committee

Tuesday, 23 May 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Ivan A Taylor and Heather N Woodbridge.

### Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- James Buck, Head of Marine Services, Transportation and Harbour Master.
- David Sawkins, Deputy Harbour Master: Strategy and Support.
- Shonagh Merriman, Service Manager (Corporate Finance).
- Karen Bevilacqua, Solicitor.

### Observing

- Kirsty Groundwater, Team Manager (Communications).

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor David Dawson.

## 1. Pilotage Directions

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Transportation and Harbour Master, the Sub-committee:

Noted:

- 1.1. That, in terms of the Pilotage Act 1987, the Harbour Authority had authority to create and issue Pilotage Directions.

**1.2.** That it was good practice to regularly review and, if necessary, update Pilotage Directions, with the last published amendment of Orkney Pilotage Directions being authorised in 2016.

**1.3.** That, on 27 October 2020, the Harbour Authority Sub-committee recommended that the Executive Director of Development and Infrastructure should review the Orkney Pilotage Direction 1988 and Amendments, carry out consultation with stakeholders, and thereafter submit a report, to a meeting of the Harbour Authority Sub-committee in early 2021, detailing the outcome of the consultation and presenting the final version of the Orkney Pilotage Direction for consideration.

**1.4.** That a full series of consultations with both pilots and the wider marine community had been conducted, which included publication of the Amendment in the local newspaper from 23 March to 13 April 2023, with no comments or objections being raised.

**1.5.** The revised version of the Pilotage Directions for the Orkney Islands Council Competent Harbour Authority, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

The Sub-committee resolved to **recommend to the Council:**

**1.6.** That the Pilotage Directions for the Orkney Islands Council Competent Harbour Authority, attached as Appendix 1 to this Minute, be approved, to come into effect on 1 July 2023.

## **2. Port Marine Safety Code**

### **Annual Compliance Audit Report**

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Transportation and Harbour Master, the Sub-committee:

Noted:

**2.1.** That the Designated Person, David Foster, Marico Marine, undertook an audit of compliance with the Port Marine Safety Code, as part of his annual visit on 9 and 10 November 2022.

**2.2.** That, as part of the Port Marine Safety Code compliance audit, an assessment was made of progress with recommendations arising from the audit.

**2.3.** The Port Marine Safety Code compliance audit report, produced by the Designated Person, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, which had raised four new actions, together with those arising from previous audits, which had been implemented and acted upon.

**2.4.** The Action Plan, attached as Appendix 2 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, associated with the Port Marine Safety Code compliance audit, which had been updated to reflect progress made as at May 2023.

The Sub-committee scrutinised:

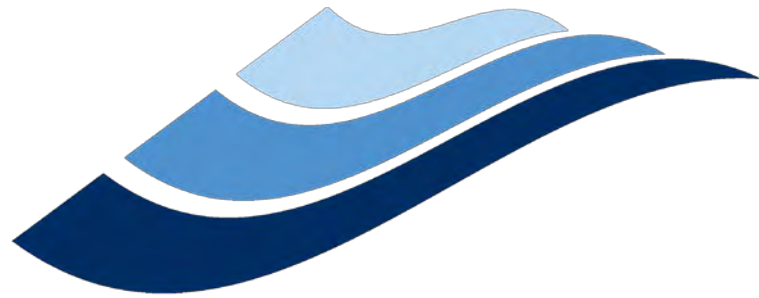
**2.5.** The Port Marine Safety Code compliance audit report and associated Action Plan, attached as Appendices 1 and 2 respectively to the report by the Corporate Director for Enterprise and Sustainable Regeneration, and obtained assurance that action had been taken or agreed where necessary.

### **3. Conclusion of Meeting**

At 10:20 the Chair declared the meeting concluded.

Signed: David Dawson.





ORKNEY ISLANDS COUNCIL  
**Harbour Authority**

**Pilotage Directions  
for the  
Orkney Islands Council Competent Harbour  
Authority**

**As of 01 July 2023**

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## 1.0 Authorisation

1.1 The Orkney Islands Council Harbour Authority (as defined by the Orkney County Council Act 1974 and amendments) is the Competent Harbour Authority (CHA) for the purposes of the making of this direction under Sections 2 and 7 of the Pilotage Act 1987 (As amended by the Marine Navigation Act 2013, sections 2, 3 & 4).

1.2 These directions are published by Orkney Islands Council Harbour Authority.

## 2.0 Area of Jurisdiction

2.1 For the purposes of this Pilotage Direction the areas of jurisdiction as defined by the Harbour Limits described in the Orkney County Council Act 1974 and amendments shall apply.

## 3.0 Application

3.1 This direction shall apply to:

- 3.1.1 all vessels passenger vessels over 65 metres overall length<sup>1</sup>,
- 3.1.2 all other vessels over 80 metres overall length,
- 3.1.3 all vessels of over 300GT carrying persistent oils or pollutants in bulk<sup>2</sup>,
- 3.1.4 all tugs and tows<sup>3</sup> over 65 m in length.

3.2 The following exceptions shall apply:

- 3.2.1. British and foreign warships.

## 4.0 Compulsory Pilotage Area

4.1 Within the Harbour Limits Pilotage shall be compulsory for all ships to which this direction applies, subject to the exceptions defined in Section 3, in the following areas:

- 4.1.1. Scapa Flow.
- 4.1.2. Kirkwall.

## 5.0 Safety of Navigation

5.1 Notwithstanding any other pilotage direction, the CHA may compel any vessel to take a Pilot if it is deemed to be a potential hazard to safe navigation, for example:

- 5.1.1. Vessels with dangerous or hazardous cargo onboard.

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<sup>1</sup> For the purposes of this Pilotage Direction a vessel is defined as every description of watercraft, including non-displacement craft, WIG craft and seaplanes, used or capable of being as a means of transportation on water

<sup>2</sup> Persistent oils being designated as Heavy Fuel Oil and crude oil. Pollutants being any substance defined as a pollutant under MARPOL Regulations.

<sup>3</sup> Length of tow is to be measured from the bow of the towing vessel to the stern of the towed craft/object.

5.1.2. When the Vessels' main propulsion or steering systems are not fully operational.

5.1.3. When the Vessel is in distress or taking on water.

5.1.4. When the Vessel does not have serviceable navigation aids or communication equipment necessary for safe navigation within the CHA's area of jurisdiction.

5.1.5. When the vessel has a reported defect, the nature of which may necessitate the use of a Pilot.

## 6.0 Suspension of Pilotage

6.1 The Harbour Master or Duty Harbour Master may, in consultation with the authorised Pilot, suspend pilotage or authorise an alternative embarkation point under circumstances where it is not possible to embark or disembark a Pilot at the prescribed position for reasons of weather or defect.

6.2. A decision to suspend pilotage must only be made when it is manifestly obvious that the risks of not bringing a ship into port/allowing it to depart are greater than the risks of doing so without an authorised Pilot.

6.3. Where pilotage has been suspended, all other support, including VTS information should be provided where possible.

6.4. Pilotage may be suspended for vessels holding position under Dynamic Positioning systems (Class 2 and above) provided the vessel has been placed in such a position in the first instance under the direction of an authorised Pilot.

## 7.0 Constituent Parts

7.1 The following Schedules and Annexes form the constituent parts of this Direction:

7.1.1 [Schedule 1](#) – Pilot Stations and Notifications.

7.1.2 [Schedule 2](#) – Pilot Authorisation and Training.

7.1.3 [Schedule 3](#) – Pilotage Exemption Certificates.

## 8.0 Cancellation

8.1 The Pilotage Direction made by the Orkney Islands Council Harbour Authority and dated the 01 October 2016 is cancelled with effect from 01 January 2019.

**J E BUCK**  
**Harbour Master**  
**Orkney Islands Council Harbour Authority**

**Dated: 01 July 2023**

## Pilot Stations and Notifications - Schedule 1

### 1.0 Estimated Time of Arrival

1.1 Vessels bound for the Orkney Islands Council Harbour Authority Pilotage Areas requiring the service of a Pilot shall give at least 24 hours notification or on departure from the last port or operating area if closer than 24 hours sailing time. The Estimated Time of Arrival (ETA) notification shall be sent either direct to the Harbour Authority or through the vessels appointed agent, along with the maximum draught and the nature of any defects.

1.2 An update on the vessel's ETA should be sent directly to the Harbour Authority Vessel Traffic Service (VTS) via VHF Radio Channel 11 not later than 2 hours before arrival at the Pilot boarding station.

1.3 A final confirmation of ETA should be given via VHF Radio Channel 11 not later than 1 hour prior to arrival at the Pilot station.

1.4 On completion of the 2 hour update vessels should maintain a listening watch on VHF Radio Channel 11 in case of changes to the ETA required by the port or for any other relevant information.

### 2.0 Estimated Time of Departure

2.1 Vessels departing from the Harbour Area which require the services of a Pilot must give at least 2 hours' notice of their estimated time of departure (ETD). The ETD should be sent directly to Orkney VTS via VHF Radio Channel 11.

### 3.0 Additional Movements Requiring a Pilot

3.1 Vessels requiring to shift within the Harbour Authority areas which require the services of a Pilot must give at least 2 hours' notice of their estimated time of movement (ETM). The request should be sent directly to Orkney VTS via VHF Radio Channel 11.

### 4.0 Deployment of Pilot Launches

4.1 The Pilot Launch provided by the CHA will only put to sea when their services are required. Orkney Islands Council Harbour Authority does not provide any cruising or anchored Pilot vessel. It is therefore essential that the advance notice of any intention to use the service of a Pilot is given to the Harbour Authority.

### 5.0 Failure to Provide Notice of Intent

5.1 Vessels who fail to provide an ETA, ETD or berth shift time may be delayed due to a lack of Pilot availability. In such an event, these vessels will be prioritised after any existing booked movements.

5.2 Vessels who fail to make their designated ETA, ETD or shift time by 20 minutes may be delayed due to a lack of Pilot availability. In such an event, these vessels will be prioritised after any existing booked movements.

5.3 Vessels who fail to provide sufficient notice as laid out above may be delayed due to lack of availability of a Pilot. In this case the vessel movements will be prioritised in order, at a time 2 hours from the initial request.

## 6.0 Pilot Boarding Positions

6.1 The following Pilot embarkation and disembarkation positions exist for the Orkney Island Harbour Authority Areas:

6.1.1. Scapa Flow – South Entrance:

6.1.1.1. Embarkation and Disembarkation

6.1.1.1.1 West - 58 45.7N 003 07.83W

6.1.1.1.2. East - 58 45.82N 003 01.73W

6.1.1.2. Additional disembarkation position - 58 50.0N 003 03.3W

6.1.2. Stromness and Hoy Mouth:

6.1.2.1. Embarkation and Disembarkation - 58 56.6N 003 21.8W

6.1.3. Kirkwall:

6.1.3.1. Embarkation and Disembarkation - 59 00.42N 002 48.83W

6.1.3.2. Additional disembarkation position - 59 00.8N 002 53.15W

6.2. The embarkation points for Scapa Flow are knowingly inside the pilotage CHA area in order to ensure the embarkation is possible in poor weather. Pilots will embark before the designated embarkation point if conditions allow.

6.3. For laden VLCCs, Pilots must embark before entry or committing to entry to the CHA area. Arrangements must therefore be made for the Pilot to embark at the previous port of call or on passage or in relative shelter before entry to the Pentland Firth where wind, sea or tide conditions would not allow for embarkation within the Pentland Firth area.

6.4. Embarkation and disembarkation to/from offshore platforms or similar vessels, will only be allowed via man basket whilst the offshore platforms or similar vessel is at anchor or holding position via a Dynamic Positioning system within the Scapa Flow anchorage.

## 7.0 Pilot Embarkation/Disembarkation

7.1 To Seaward:

7.1.1 Pilots will board and disembark from the Pilot Launch.

7.1.2 Masters are responsible for providing an adequate lee for the manoeuvre in consultation with the Coxswain of the Pilot Launch.

7.1.3 Masters of vessels are responsible for providing suitable, safe Pilot embarkation/disembarkation points equipped with adequate, suitable, tested and in code equipment for use in the operation. The International Convention for Safety of Life at Sea (SOLAS 2004) Chapter V Reg. 23 and Annex 21 of International Maritime Organisation (IMO) resolution A889 (21) (1999) provide the standards required.

7.1.4 It is the right of every Pilot to refuse to embark or disembark from a vessel if he considers it unsafe to do so. Such a decision may be based on:

7.1.4.1 The prevailing circumstances and conditions.

7.1.4.2 The position of the Pilot embarkation/disembarkation point.

7.1.4.3 The standard and construction of the Pilot embarkation/ disembarkation point.

7.1.4.4 The provision and standard of equipment provided by the vessel.

7.1.5 It is the right of every Coxswain of the Pilot Launch to refuse to embark or disembark a Pilot from a vessel if he considers it unsafe to do so. Such a decision may be based on:

7.1.5.1 The prevailing circumstances and conditions.

7.1.5.2 The position of the Pilot embarkation/disembarkation point.

7.1.5.3 The lack of provision of a suitable lee to conduct the transfer.

## 7.2 Harbour Berths

7.2.1 Pilots may board shore side via gangway, or seaward side by Pilot ladder. This is at the Pilot's discretion.

## 8.0 Pilot Cancellation

8.1 Booked pilotage acts may be cancelled without cost up to 2 hours prior to a pre-booked pilotage movement.

8.2 Pilotage acts cancelled within 2 hours of the booked move will be charged as per the Published Schedule of Charges.



## Pilot Authorisation and Training - Schedule 2

### 1.0 Pilot Authorisation

1.1 Pilots are authorised by the CHA with the formal agreement of the Orkney Island Council Harbour Authority Pilotage Examination Body.

1.2 To be considered for authorisation a candidate must hold a Master Unlimited in accordance with the STCW Convention regulation II/2 with a minimum of two years command experience.

1.3 Authorisation of a Pilot is subject to successful completion of the Orkney Islands Council Harbour Authority Pilot training programme in conjunction with an oral examination.

1.4 In principal, authorisation of a Pilot will be for all vessels for the whole of the CHA pilotage areas pier and harbours. However, the Orkney Islands Council Harbour Authority may issue restrictions or caveats as deemed appropriate.

1.5 Authorisation may be restricted, at the discretion of the Harbour Master, in consultation with the Pilotage Examination Body. Such restrictions may be in the form of limits on:

- 1.4.1 Class of Pilot
- 1.4.2. Area of operations,
- 1.4.3 The vessel type,
- 1.4.4 The vessel length,
- 1.4.5 The vessel beam,
- 1.4.6 The vessel draught,
- 1.4.7 The vessel tonnage,
- 1.4.8 A combination of all of the above.

### 2.0 Classes of Pilot

2.1 Authorised Pilots will be categorised in one of two classes as follows:

- 2.1.1. Class 1 – are authorised to Pilot vessel of any tonnage, type or size.
- 2.1.2. Class 2 – are authorised to Pilot vessels up to a length overall not exceeding 125 metres, with a draft of no more than 8m and where there is no plan to utilise towage for berthing.

### 3.0 Pilot Training

3.1 Trainee Pilots will undertake a training programme designed to familiarise themselves with the nature of the ports and the types of vessels that use it, across a broad spectrum of conditions.

3.2. Training will be designed to progress a trainee through Class 2 to culminate in a Class 1 authorisation. Training to each level will be not less than six months in duration and should routinely not exceed twelve months.

3.3. The training period may be extended or reduced depending on an individual candidate's ability. The overarching priority is to ensure a Pilot has enough experience and exposure to the full range of conditions and vessel types that will be encountered in their day to day Pilotage Duties.

3.4. Training will be conducted on all parts of the Pilotage, including, but not limited to:

3.4.1 Embarkation and Disembarkation

3.4.2 Sea Survival Skills

3.4.3 Radio Telephony

3.4.4 Passage Planning

3.4.5 Hydrography of the CHA Areas

3.4.6 Hydrology and tidal flow of the CHA Areas

3.4.7 Harbour Berths, including types and restrictions

3.4.8 Predominant Vessel types, including manoeuvrability, control and propulsion systems

3.4.9 Ship handling

3.4.10 Tug operations

3.4.11 Berthing and Mooring

3.4.12 Charting

3.4.13 Meteorology, including prevailing conditions

3.5. Training will be provided in the form of one to one theoretical tuition, e-learning, practical evolutions and with the aid of simulators.

3.6. Trainee Pilots will be assessed through both continual practical assessments, as well as formal oral examination.

3.7. A Class 1 Pilot will ensure the Trainee Pilot is given feedback after every assessment.

3.8. A Class 1 Pilot is to update the Pilotage Examination Body (PEB) on a Trainee Pilot's progress on a monthly basis.

#### **4.0 Pilotage Examination Body**

4.1 The Competent Harbour Authority PEB consists of the following members:

4.1.1 Harbour Master.

4.1.2 Class 1 Pilot.

4.1.3 Deputy Harbour Master - Operations – Responsible for Pilotage Management.

4.2 Orkney Islands Council Harbour Authority are the arbiter of Pilotage standards within the Harbours of the Orkney Islands and retains the powers to issue, deny, suspend or revoke a Pilot's Licence, under the Pilotage Act Section 3 (5) & Section 3 of the Marine Navigation Act 2013.

#### **5.0 Pilotage Licence Issue**

5.1 On completion of the trainee period, or as deemed suitable by a Class 1 Pilot, a Trainee Pilot will formally apply for their licence to the Orkney Islands Council Harbour Authority.

5.3 The Trainee Pilot will undertake and be required to pass a formal oral examination with the PEB covering all aspects of pilotage within the Competent Harbour Authority areas.

5.4 The PEB will convene and review the progress and examination results of the Trainee Pilot prior to making a formal recommendation to the Orkney Islands Council Harbour Authority. The recommendation may be, but is not limited to:

5.4.1 Issue of a Pilotage Licence of the appropriate class valid for all vessels for the whole of the CHA pilotage areas.

5.4.2 Issue of a Pilotage Licence of the appropriate class but restricted in accordance with Paragraph 1.4 of this schedule.

5.4.3 Recommendation for a further period of Trainee Training.

5.4.4 Denial of Pilotage Licence.

5.5 Orkney Islands Council Harbour Authority will consider the application and recommendation of the PEB and may:

5.5.1 Issue of a Pilotage Licence of the appropriate class valid for all vessels for the whole of the CHA pilotage areas.

5.5.2 Issue of a Pilotage Licence of the appropriate class but restricted in accordance with Paragraph 1.4 of this schedule.

5.5.3 Recommendation for a further period of Trainee Training.

5.5.4 Denial of Pilotage Licence.

## 6.0 Pilot Continuation Training

6.1 Once licenced, Pilots will be required to continue a formal continuation training programme.

6.2 The training programme is to ensure currency and competence is maintained across the variety of conditions and users encountered in the port as well as ensuring compliance with Health and Safety legislation. Training will consist of practical, theoretical and simulation sessions as deemed appropriate. Additional training will also be undertaken for new equipment used in the act of Pilotage and the embarkation/disembarkation of Pilots from vessels. It shall also be undertaken in response to lessons identified, both from within the port, and highlighted as best practice within the wider marine industry.

6.3 The training programme will include a formal pilotage act assessment once every 12 months, by another Class 1 Pilot.

6.4 It is incumbent on individual Pilots to maintain a minimum ENG1 and maintain their professional accreditation.

## 7.0 Pilot Licence Revalidation

7.1 The PEB will convene to revalidate a Pilot's licence every 5 years.

7.2 Revalidation will take the following form:

7.2.1 A review of the documented formal pilotage act assessments and any incidents involving the Pilot in the preceding 5 years prior to making a formal recommendation to the Orkney Islands Council Harbour Authority. The recommendation may be, but is not limited to:

7.2.1.1 Revalidation of a Pilotage Licence valid for all vessels for the whole of the CHA pilotage areas, both compulsory and voluntary.

7.2.1.2 Revalidation of a Pilotage Licence but restricted in accordance with Paragraph 1.4 of this schedule.

7.2.1.3 Suspension of a Pilotage Licence, for further assessment.

7.2.1.4 Revoke a Pilotage Licence.

7.2.2 Orkney Islands Council Harbour Authority will consider the recommendation of the PEB and may:

7.2.2.1 Revalidate the Pilotage Licence for all vessels for the whole of the CHA pilotage areas, both compulsory and voluntary.

7.2.2.2 Revalidate the Pilotage Licence but restricted in accordance with Paragraph 1.4 of this schedule.

7.2.2.3 Suspend the Pilotage Licence, for further assessment.

7.2.2.4 Revoke the Pilotage Licence.

## 8.1 Appeals

8.1 The Pilotage Act 1987 provides a right for a Pilot to make representation in the event of a suspension or revocation of a Licence.

## Pilotage Exemption Certificates - Schedule 3

### 1.0 Pilotage Exemption Certificate

1.1 The Master or a certified Deck Officer, of a Compulsory Pilotage Vessel, trading to and from the Orkney Island Council Harbour Authority area may be granted a Pilotage Exemption Certificate (PEC) by the CHA, providing that the 'Criteria of Qualification' can be satisfied.

1.2. Pilotage Exemption Certificates will be split into 3 parts, namely:

1.2.1. Part 1a - The specific area of operation which will be:

1.2.1.1. Scapa Flow – For pilotage in and through the flow.

1.2.1.2. Kirkwall – For its approaches.

1.2.2. Part 1b - The specific Harbours or Piers for which the applicant wishes to be able to berth.

1.2.3. Part 2 – The specific named vessels for which the applicant is approved.

### 2.0 Criteria of Qualification

2.1 The 'Criteria of Qualification' are designed to ensure that the applicant for a Pilotage Exemption Certificate has the knowledge, skills, training and experience to safely navigate their vessel across a broad spectrum of conditions encountered in the Harbour Areas.

2.2 The criteria are:

2.2.1 Documented evidence that the applicant holds the relevant, validated, Certificate of Competency or Certificate of Equivalent Competency for the vessel that the application is for.

2.2.2 Documented evidence that the applicant has a valid medical certificate.

2.2.3 An effective working knowledge of the English language, with particular emphasis on Standard Maritime Communication Phrases.

### 3.0 Pilotage Notification and Charges

3.1 There is a legal duty for the Master of a vessel to take a Pilot if required by Pilotage Directions issued by the CHA unless the vessel is to be piloted by the holder of a valid Pilotage Exemption Certificate. Before entering or leaving the CHA area, the Master must give a Pilotage Notification stating that a Pilot is required or that a Pilotage Exemption Certificate holder will be undertaking the Pilotage and identifying that Pilotage Exemption Certificate holder with the relevant Pilotage Exemption Certificate Reference Number.

3.2 Any vessel under pilotage in Orkney Island Council Harbour Authority Pilotage Area, where the pilotage is undertaken by a Pilotage Exemption Certificate holder, will be subject to a reasonable charge for each act of pilotage undertaken as detailed in the Schedule of Charges.

### 4.0 Certificate Application

4.1 Application forms to request a Pilotage Exemption Certificate are available from the Harbour Authority and the website. Completed application forms should be submitted to the Harbour Authority.

4.2 The application must clearly identify the individual applicant, the vessel or vessels for which the Certificate is to be held and the area or areas for which it is to be valid.

4.3 Vessels and area classifications, along with the number of qualifying pilotage acts, are detailed in Annex 1.

4.4 On receipt of an application, an application pack will be sent out along with a copy of the process and a copy of the examination syllabus.

4.5 The latest charges associated with the administration, examination and renewal charges will be reviewed annually.

## 5.0 Process

5.1 The intention of the PEC process is to ensure the Port Authority that the applicant has sufficient theoretical knowledge, practical experience and exposure to the full range of conditions to safely navigate within the CHA Areas.

5.2 The process to be followed by any applicant for a PEC is:

5.2.1 On receipt of a completed application form the name and vessel of the applicant will be noted and logged as 'Probationary'.

5.2.2 Orkney Island Council Harbour Authority Pilots will be informed of the application.

5.2.3 The applicant may begin logging qualifying acts of pilotage for the area or areas applied for.

5.2.4 Completion of a course of practical pilotage as laid out in Annex 1, at least 25% should be undertaken in the hours of darkness.

5.2.5 Completion of a successful assessment by an authorised Pilot. The assessment may be combined with the twelfth inbound and outbound trip as laid out in Annex 1.

5.2.6. On completing the required number of acts of pilotage for the area or areas applied for in the Pilotage Exemption Certificate, the applicant will be required to attend and successfully pass an oral examination on the Areas and Harbours requested.

5.2.7. The applicant will make a formal written application for award of the Pilotage Exemption Certificate.

## 6.0 Standards and Assessment

6.1 Pilotage Exemption Certificate holders will be required to meet the same examination and practical assessment standards as required for an authorised Pilot for that vessel and area of operation.

6.2 The oral examinations are designed to ensure an applicant has a sound level of knowledge of the following areas:

6.2.1 GMDSS Knowledge

6.2.2 Passage Planning

6.2.3 Hydrography of the Port

6.2.4 Port Berths, including types and restrictions

6.2.5 Ship handling

6.2.6 Berthing and Mooring

6.2.7 Charting

#### 6.2.8 Meteorology, including prevailing conditions

6.3 All qualifying acts of pilotage must be recorded, witnessed by the applicant and counter signed by the accompanying Authorised Pilot or qualified Pilotage Exemption Certificate holder for the vessel for which the application has been made. As a minimum, the following information should be recorded for each pilotage act:

6.3.1 Date and time of day.

6.3.2 Duration.

6.3.3 Locations from and to.

6.3.4 Vessel details, including draught, machinery state and lading.

6.3.5 Prevailing weather and wind conditions.

6.3.6 The state of tide.

6.4 The applicant must be present on the Navigation Bridge for the duration of a Pilotage Exemption Certificate qualification or assessment act of pilotage.

6.5 The applicant must have understudied the Pilot or current PEC holder and had effective responsibility for the conduct of the vessel under supervision.

6.6 During a qualification or assessment act of pilotage, the embarked Pilot or qualified Pilotage Exemption Certificate holder retains full responsibility for the conduct of the vessel for the duration of the pilotage.

6.7 On completion of each qualifying or assessment act of pilotage, the embarked Pilot will provide an immediate verbal debrief to the applicant. They will also provide a short written debrief on the act of pilotage, within 48 hours of the act being undertaken, providing copies to the Harbour Authority Office.

6.8 After the minimum number of qualifying acts, as laid in Paragraph 2.2.4., any consistent deficiencies or negative aspects raised in such reports will be considered by the Pilotage Examination Committee and may result in either:

6.8.1 The applicant being required to undertake additional acts of pilotage to prove capability or;

6.8.2 The application for a PEC being denied.

## 7.0 Pilotage Examination Committee

7.1 The Competent Harbour Authority Pilotage Examination Body (PEB) consists of the following members:

7.1.1 Harbour Master.

7.1.2 A Class 1 Pilot.

7.1.3 Deputy Harbour Master - Operations – Responsible for Pilotage Management.

7.2 Orkney Islands Council Harbour Authority are the arbiter of Pilotage standards within the Harbours of the Orkney Islands and retain the powers to issue, deny, suspend or revoke a Pilotage Exemption Certificate, under the Pilotage Act Section 3 (5) & Section 3 of the Marine Navigation Act 2013.

## 8.0 Certificate Issue

8.1 On successful completion of the Pilotage Exemption Certificate applicant's oral examination, an applicant will formally apply for their Pilotage Exemption Certificate to the Orkney Islands Council Harbour Authority.

8.2 The PEC will convene and review both the tripping reports and examination results of the applicant prior to making a recommendation to the Orkney Islands Council Harbour Authority. The possible recommendations are:

- 8.2.1 Issue of a Pilotage Exemption Certificate as requested.
- 8.2.2 Recommendation for a further period of Probationary assessment.
- 8.2.3 Denial of the requested Pilotage Exemption Certificate.

8.3 Orkney Islands Council Harbour Authority will consider the application and recommendation of the Pilotage Exemption Certificate and may:

- 8.3.1 Issue a Pilotage Exemption Certificate as requested.
- 8.3.2 Require a further period of Probationary assessment.
- 8.3.3 Deny the issue of a Pilotage Exemption Certificate.

8.4 A Pilotage Exemption Certificate will:

- 8.4.1 be valid for 12 months from date of issue.
- 8.4.2 Be uniquely numbered and identified to a single individual.
- 8.4.3 Be annotated with the name of the vessel or vessels it relates to.
- 8.4.4 Be annotated with the specific harbours/areas of operation.
- 8.4.5 Be non-transferable.

8.5 On issue, both the Pilotage Exemption Certificate holder and their employer will be required to sign a User's Letter of Agreement which details the terms of use of the Pilotage Exemption Certificate.

8.6 A Pilotage Exemption Certificate holder will be required to strictly conform to all local Pilotage requirements and applicable extant legislation.

## 9.0 Certificate Amendments

9.1 A formal request to amend a Pilotage Exemption Certificate should be submitted in writing to the Harbour Office.

9.2 The application must clearly identify the individual applicant, the unique number of the Pilotage Exemption Certificate, the vessel or vessels and/or Harbour for which the amendments are required.

9.3 Where an additional area or Harbour are requested, then the applicant will have to undertake the required acts of pilotage as laid out in Annex 1 for the additional vessel/area to demonstrate competency. The applicant will require an oral examination for the new area.



9.4 The Harbour Authority reserves the right to amend the above requirements to those it deems fit and proper to ensure the safe navigation of vessels within the CHA area, dependent on the applicant, requested amendments or prevailing circumstances and conditions.

## 10.0 Certificate Renewal

10.1 Holders will be required to renew their Pilotage Exemption Certificate annually.

10.2 Renewal will take the following form:

10.2.1 A formal application for renewal must be made in writing to the Harbour Office.

10.2.2 Documented evidence that the applicants, Certificate of Competency for the vessel remains valid.

10.2.3 Documented evidence that the applicants medical certificate remains valid.

10.2.4 Having completed the required acts of pilotage as detailed at Annex 1.

10.2.5 Payment confirmed.

10.3 If no application for renewal is received by the renewal date, the Pilotage Exemption Certificate will automatically be cancelled at midnight on the renewal date.

10.4 If a Pilotage Exemption Certificate has been cancelled, through failure to renew, then a Pilot must be embarked for all compulsory moves.

## 11.0 Insufficient Acts of Pilotage

11.1 Where a Pilotage Exemption Certificate holder has not achieved the required acts of pilotage to renew a Pilotage Exemption Certificate in accordance with Section 10 of this schedule, then a Pilotage Exemption Certificate will automatically be cancelled at 23:59 (local time) on the renewal date.

11.2 If a Pilotage Exemption Certificate has been cancelled, through insufficient acts of pilotage, then a Pilot must be embarked for all compulsory moves.

11.3 Where a Pilotage Exemption Certificate has been cancelled, through insufficient acts of pilotage, and the holder wishes to regain their Pilotage Exemption Certificate they will have to undertake the full revalidation procedure as detailed in Section 12. In such a case the revalidation must commence and be completed within 3 months of the renewal date or a new, full application will be required.

## 12.0 PEC Revalidation

12.1 Pilotage Exemption Certificate holders will be required to revalidate their Pilotage Exemption Certificate every 5 years from date of issue.

12.2 Revalidation will take the following form:

12.2.1 A formal practical assessment of an inward and outward trip carried out by a licenced Pilot.

12.2.2 The Harbour Master, or his deputy, will review the formal practical assessment of an applicant prior to revalidating a pilotage exemption certificate.

12.2.2 Should the Harbour Master, or his deputy, have any concerns or if the applicant has been involved in any navigational incident in the preceding 5 years then the PEB will convene and review the application before making a recommendation to the Orkney Islands Council Harbour Authority. The possible recommendations are:

12.2.2.1 Revalidation of the Pilotage Exemption Certificate.

12.2.2.2 Suspension of a Pilotage Exemption Certificate, awaiting further assessment.

12.2.2.3 Revoke a Pilotage Exemption Certificate.

12.2.3 Orkney Islands Council Harbour Authority will consider the application and recommendation of the Pilotage Exemption Certificate and may:

12.2.3.1 Revalidate the Pilotage Exemption Certificate.

12.2.3.2 Suspend the Pilotage Exemption Certificate, awaiting further assessment.

12.2.3.3 Revoke the Pilotage Exemption Certificate.

### 13.0 Certificate Revocation or Suspension

13.1 The CHA has the right to suspend or revoke a Pilotage Exemption Certificate if:

13.1.1 it is no longer satisfied that the holder has the necessary skills, experience and local knowledge necessary to safely pilot a vessel within the CHA Area.

13.1.2 it is shown that the holder provided false information in the application for the issue of the Pilotage Exemption Certificate.

13.1.3 it is shown that the holder has been guilty of professional misconduct, or in respect of any marine casualty which may have occurred, whilst they were conducting the pilotage of a vessel within any part of the CHA's pilotage area.

13.1.4 it is shown that the holder has breached the Ports drug and alcohol policy whilst they were conducting the pilotage of a vessel within any part of the CHA's pilotage area.

13.1.5 it is no longer satisfied that the holder is medically fit, loses, or fails to meet the ENG 1 medical standard, and is therefore unfit to safely pilot a vessel within its CHA's Area.

13.1.6 it is shown that the Pilotage Exemption Certificate holder was not piloting the vessel for an act of pilotage for which the CHA had been notified that the holder would be the person in control of pilotage of the vessel.

13.2 The decision to revoke or suspend a Pilotage Exemption Certificate, outside of a formal Revalidation, will be undertaken by the Pilotage Examining Body.

13.3 The process for suspension or revocation of a Pilotage Exemption Certificate is detailed below:

13.3.1 The Pilotage Exemption Certificate holder will receive formal notification that the CHA is considering taking action to suspend or revoke a Pilotage Exemption Certificate.

13.3.2 The Pilotage Exemption Certificate holder will be summoned to appear before the Pilotage Examining Body, where they will be able to make a representation and have the opportunity to answer any complaint or charge made against them.

13.3.3 The Pilotage Examining Body will consider the case and issue one of the following rulings:

13.3.3.1 Take no action. The Pilotage Exemption Certificate remains as originally issued.

13.3.3.2 Issue a formal written warning to the individual, but the Pilotage Exemption Certificate remains as originally issued.

13.3.3.3 Suspend the Pilotage Exemption Certificate.

13.3.3.4 Revoke the Pilotage Exemption Certificate.

13.4 A formal warning will last for the duration of the current Pilotage Exemption Certificate.

13.5 Three formal warnings will incur the automatic Suspension of a Pilotage Exemption Certificate.

13.6 Suspension of a Pilotage Exemption Certificate will be for a period of 28 days, or for the next 8 acts of pilotage where the individual would be expected to have conducted the pilotage as a Pilotage Exemption Certificate, whichever is the longer. The period of suspension will commence from the date of issue of the letter of suspension.

13.7 Two suspensions of licence will incur the automatic revocation of a Pilotage Exemption Certificate.

## 14.0 Appeals

14.1 The Pilotage Act 1987 provides a right for a Pilotage Exemption Certificate holder to make representation in the event of a suspension or revocation of a Certificate.

## 15.0 Safety of Navigation

15.1 A Pilotage Exemption Certificate holder may be compelled to take a Pilot, if for any reason, it is deemed by the Port Authority or Master that their vessel may be a potential hazard to safe navigation within the CHA Area. Examples are:

15.1.1 Vessels carrying dangerous goods or polluting cargoes that have any defects or deficiencies, either of machinery or personnel that may be prejudicial to safe navigation. e.g. loss of a radar, reduced manning through sickness.

15.1.2 A vessel with main engine or steering difficulties.

15.1.3 A vessel in distress.

15.1.4 A vessel requiring to use a tug.

15.2 In any such case the Master is required to notify the port at least 2 hours prior to the vessel's arrival, declaring any defects.

## 16.0 Reporting Navigational Changes

16.1 It is the duty of Pilotage Exemption Certificate holders to notify the Harbour Authority, when they observe during an act of pilotage, any alterations in:

16.1.1 water depths.

16.1.2 the position of navigable channels.

16.1.3 the position and characteristics of harbour marks and lights.

16.1.4 or that any sea marks of the National Lighthouse Authority are out of place, do not conform or show their proper distinctive character.

16.2 Such a report can be made immediately via VHF and/or as soon as practicable in writing to the Harbour Authority.

### **17.0 Reporting Collisions, Groundings and Close Quarter Situations**

17.1 It is the duty of a Pilotage Exemption Certificate holder to notify the Port and Maritime and Coastguard Agency (MCA) immediately, when a vessel piloted by the Pilotage Exemption Certificate holder has:

17.1.1 touched the ground.

17.1.2 been in collision with any other vessel, fixed or floating object.

17.1.3 been in a close quarters situation with any other vessel, fixed or floating object.

17.2 As soon as practicable after the incident, the Pilotage Exemption Certificate Holder shall provide a written report on the occurrence to the Harbour Authority and the MCA/MAIB within 24 hours of the incident.

17.3 Should an incident occur, the Pilotage Exemption Certificate holder will have their Certificate suspended until completion of the relevant incident investigation.

### **18.0 Reporting Concerns**

18.1 In accordance with the Port's Marine Safety Management System, PEC holders are required to report to the CHA any concerns they may have regarding the safety of navigation within the Pilotage Area. MCA Marine Guidance Note MGN 289 (as amended) (M+F) Annex A – Reporting Requirements gives detailed guidance.

## Annex 1

### Vessel and Area Classifications

#### 1.0 Areas

The harbour shall be split up into the following areas:

##### 1.1 Scapa Flow Harbour Area

Defined in the Orkney County Council Act 1974 as the area bounded in the west by a line from Out Taings, Hoy to Breckness, Mainland and in the south by a line from Brough Ness, South Ronaldsay to the southern-most tip of Swona and thence to Brims Ness, Hoy.

This area also encompasses the following piers and harbours: -

- Stromness Harbour, including Copland's Dock;
- Scapa Pier;
- Houton Ro-Ro Terminal;
- Graemsay Pier;
- Hoy, Lyness Piers and Terminal;
- Burray Pier;
- Hoy Moaness Pier;
- Flotta Sutherland Pier;
- Flotta Gibraltar Pier and Ro-Ro Terminal;
- St Mary's, Holm Pier;
- Longhope Pier;
- South Ronaldsay, Burwick Pier.

##### 1.2 Kirkwall Harbour (or The Wide Firth and Shapinsay Sound Harbour Area)

Defined in the Orkney County Council Act 1974 as the area bounded to the south by a straight line between Harpy Taing on Mainland and Strombery on Shapinsay and to the east by a straight line between Hackness on Shapinsay to Rerwick Head on Mainland.

This area also encompasses the following harbours and piers:

- Kirkwall Harbour;
- Hatston Pier and Terminal;
- Shapinsay Balfour Pier and Terminal;

#### 2.0 Additional Harbour/Area

If a PEC holder wants an additional harbour/area, they need to apply for an additional PEC for the specific harbour or area as per section 3.0 below.

#### 3.0 Vessels.

Certificates will be issued for each ship.

Where it has been determined by the Competent Harbour Authority that vessels are 'substantially the same class' and of near identical bridge, mechanical and handling characteristics, the Competent Harbour Authority may include those vessels on the same certificate. Otherwise, separate assessments will be required.

#### 4.0 Qualifying Trips for nominated area/harbour/vessel.

For initial grant of a PEC for the nominated area the applicant must, under the supervision of an authorised Pilot or PEC holder, complete a minimum 12 movements from the CHA limits to a berth within the nominated harbour and a minimum of 12 movements from a berth within a nominated harbour to the CHA limits. These acts must be recorded as stated in Schedule 3 Section 6.3.

For adding an additional Harbour, the PEC holder must, under supervision, complete a minimum 12 movements from the CHA limits to a berth within the additional nominated harbour and minimum of 12 movements from a berth within a nominated harbour to the harbour limits. These acts must be recorded as stated in Schedule 3 Section 6.3.

For adding an additional vessel, the PEC holder must, under supervision, complete a minimum 12 movements from the harbour limits to a berth within the nominated harbour and minimum of 12 movements from a berth within a nominated harbour to the harbour limits. These acts must be recorded as stated in Schedule 3 Section 6.3.