

FINANCLAL DEPARTMENT.

(AKYAB PILOT RULES Under the British Myanmar Pilots Act, 1883)

NOTIFICATIONS.No.3

BRITISH MYANMAR GAZETTE, FEBRUARY 7TH,1885.

[Amendment : 18.06.1989]

No.3. - Under the provisions of sections 3, 5, 8, 10, 11, 16, and 18 of the British Myanmar Pilots Act, 1883, the Chief Commissioner makes the following rules for the licensing of pilots at the port of Akyab, for the regulation of the conduct of pilots licensed under the Act at the said port in all matters connected with the performance of their duties as such pilots, for the constitution of a special Court for the investigation of charges made against such pilots, and for carrying into effect the provisions of the Act with respect to the special Court:-

SECTION I.

OF THE LICENSING OF PILOTS.

THERE shall be three grades of pilots at the port of Akyab by whom the following duties may be undertaken respectively:-

by pilots of the 1st grade,-the piloting of vessels of any draft from town to sea and vice versa;

by pilots of the 2nd grade,-the piloting of vessels of a draft of 18 feet or under;

by special pilots,-the piloting of a particular vessel named in the license.

2. The number of licensed pilots other than special pilots shall not exceed five without the special sanction of the Commissioner in each case; and the number of probationary pilots shall not without the like sanction exceed one. The Commissioner may reduce the maximum number of licensed pilots, after consulting the Port Officer, when he considers that, by reason of the use of steam-launches, or by reason of any change in the character of the trade or of the river, the work can be done by a smaller number of pilots.
3. Applications for licenses shall be addressed to the Port Officer and shall be accompanied by a medical certificate of physical fitness, a master's or 1st mate's certificate of competency, and a certificate or certificates of intelligence, good conduct, and sobriety.
4. When a candidate's application is accepted, he shall be appointed a probationary pilot.

5. A probationary pilot shall be given every reasonable facility for acquainting him-self with the harbour and its approaches and the navigation thereof. On the expiry of three months he shall be required to submit to the Commissioner, through the Port Officer, a certificate of good conduct. If the Commissioner is not satisfied with the certificate, the candidate shall cease to be a probationary pilot. If satisfied with it, he shall instruct the Port. Officer to convene a committee to examine him, as to his fitness for a 2nd grade pilot's license.
6. Candidates for pilots' licenses shall be examined by a committee which shall be convened from time to time by the Port Officer under instructions from the Commissioner. The committee shall consist of the Port Officer as president and a master of a seagoing ship and a 1st grade pilot as members.
7. The examinations shall be conducted viva voce. The proceedings of the examining committee shall be recorded in the form given in Appendix A attached to these rules, and shall be submitted by the Port Officer to the Commissioner, who shall decide whether the candidate has passed or not.
8. To a candidate who has successfully passed the examination for a pilot's license of any grade the Commissioner shall grant a license of that grade, provided that a 2nd grade license shall only be granted when the number of licensed pilots other than special pilots is less than the maximum fixed in Rule 1.
9. A candidate for a 2nd grade pilot's license shall be examined in the following subjects:-
 - (i) General seamanship. The candidate shall be required to show a sufficient knowledge of seamanship to handle a steamer or sailing vessel of 18-feet draft and to pilot a sailing vessel of that draft from town to sea and vice versa.
 - (ii) The course of the channel, the distance and cross-bearings from buoy to buoy and to the principal objects on shore, and the bearings of the several channels and reaches with their respective names.
 - (iii) The general outline of the sands and the depth of water over the shoals and at various places in the harbour and its approaches.
 - (iv) The leading marks and their uses.
 - (v) The influence of the tides during the several phases of the moon and the sets of the ebb and flood in the different reaches and channels.
 - (vi) The regulations for preventing collisions at sea, and the port and pilot rules for the time being in force.
10. If the candidate is unsuccessful he shall be permitted to continue as probationary mate for one month, at the end of which time he shall be again required to present himself for examination. If he fails at the

second examination, it shall be at the discretion of the Commissioner either to permit him to present himself a third time for examination at the expiry of a further month or to remove him from his appointment as probationary mate. A candidate who fails at his third examination shall forfeit his appointment and shall not be eligible for re-employment as a probationary pilot.

11. When a pilot has held a 2nd grade license for twelve months, he may apply to the Commissioner, through the Port Officer, for an examination for a 1st grade license, and the Commissioner may thereupon cause a committee to be convened.
12. The subjects for the examination for the 1st grade license shall be similar to those for the 2nd grade license, but the examination shall be of a more difficult character and shall include the handling and piloting of vessels of any draft. In seamanship the candidate shall be examined in the art of “backing” and “filling ;” also as how to manœuvre with a steamer or sailing vessel placed in difficult positions with regard to wind, tide, & c. He shall be required to have a good knowledge of the tides at different seasons of the year and a thorough acquaintance with all rules and regulations, affecting pilots in force at the time of the examination.
13. The following fees shall be paid by candidates for examination before a committee is convened:-

				Rs.
For a 2nd grade pilot's examination	10
For a special pilot's examination or 1st grade	10

14. The licenses shall be in the forms prescribed in Appendix B attached to these rules.
15. To any person who on the 1st March 1885 holds a license to pilot vessels at Akyab, the Commissioner shall on his application grant, without examination or fee, a license under these rules for the grade or for the vessel for which a license is held by him.
16. Special pilots' licenses shall be granted only to commanders of vessels and shall entitle the holder to pilot the vessel which he commands, and no other, from town to sea and vice versa. Special pilots' examinations may be held from time to time under the orders of the Commissioner, and shall be of similar character and difficulty to those for ordinary pilots' licenses, a candidate for a special license for a vessel of 18-feet draft being required to pass an examination similar to that for a 2nd grade license, and

so on. It shall be at the discretion of the Commissioner either to admit or to refuse to admit for examination a candidate for a special license.

SECTION II.
OF THE CONDUCT AND DUTIES OF PILOTS.

(a) General.

17. All pilots shall be subject to the control of the Port Officer and shall obey all lawful orders issued by him.
18. Each pilot shall maintain at his own expense two good seaworthy boats capable of going out to a vessel in bad weather and to be approved by the Port Officer.
19. The Commissioner may at his discretion grant leave to any pilot who may apply for the same. The Port Officer may grant leave, in anticipation of the sanction of the Commissioner, to any pilot who produces a certificate from a competent Medical Officer of his inability to perform his duties.
20. A pilot who has obtained leave on medical certificate shall not be permitted to return to duty until he produces a medical certificate of his fitness to resume duty.
21. Pilots on return from leave shall report themselves to the Port Officer.
22. No pilot shall leave Akyab for the pilot-station without the permission of the Port Officer. Pilots leaving Akyab shall report their departure at the port office.
23. Pilots shall make themselves acquainted with the entries that from time to time may appear in the general order-books kept at the port office.
24. No pilot shall do any of the following acts:-
 - (i) be asleep when in pilotage charge of any vessel under weigh;
 - (ii) be drunk when in charge of the vessel;
 - (iii) refuse to take charge of a vessel when ordered to do so by competent authority, or improperly throw up charge of any vessel to which he has been posted;
 - (iv) be insubordinate or disrespectful to a superior officer;
 - (v) assault his superior officer when on duty;
 - (vi) seek or receive any gratuity from the master, owner, or agent of a vessel directly or indirectly, or demand or receive a higher rate of pilotage or demurrage fees than he is entitled to under the rules in force under section 61 of Act XII of 1875;
 - (vii) wilfully make a false report of the circumstances attending the grounding, collision, injury, or loss of any vessel, or the stores of any vessel, or on any point connected with his duties as a pilot;

- (viii) commit or connive at any fraud or offence against the laws relating to ports, customs, or excise;
- (ix) wilfully disobey any of the rules or orders for the time being in force regulating the duties and conduct of pilots.

25. In cases where the Commissioner cancels, suspends, or reduces the grade of any license, the pilot shall deliver up the license to the Port Officer.
26. A 1st grade pilot shall attend as member of a committee of examination or assessor to a Special Court of Enquiry when summoned by the Port Officer or the President of the Court.
27. If a pilot considers himself aggrieved by the conduct of the master of a vessel, he shall transmit his complaint in writing to the Port Officer.
28. Every pilot when in charge of a vessel shall hoist his flag in a conspicuous place. The pilot flags shall be four feet square, red and white, and shall bear the numbers of the respective pilots.
29. Pilots in charge of vessels under weigh shall strictly conform to all rules regulating the navigation of the port and its approaches.
30. Pilots in charge of vessels shall not move or keep such vessels under weight after dark or before daylight without a written request from the master to do so. Discretionary power to comply with such a request rests with the pilot, who shall be under the same responsibility as if he had the vessel under weigh during daylight, and he shall report the circumstances to the Port Officer.
31. A pilot in charge of any vessel under weigh in pilotage waters shall always see that the lead is used where and when required.
32. No pilot shall allow a vessel to which he has been posted, if over 18-feet draft, to be towed by a steamer not having a pilot on board unless the steamer is made fast alongside the vessel being towed or the commander has a special license.
33. Pilots of steam-tugs, when towing, shall be under the orders of the pilot in charge of the vessel towed in all matters regarding the navigation of the harbour and approaches.
34. Any pilot being detained on board a vessel out of the limits of the port by the desertion or misconduct of the seamen, or from any unforeseen casualty over which the master could have no control, shall be bound to remain with the vessel, without any extra remuneration, for the space of 24 hours, and thereafter if the prescribed fee of Rs. 16 daily is paid.
35. Every pilot, being ex-officio a preventive officer of customs, shall exercise the powers possessed by, and shall discharge the duties imposed on, such officers.

36. Should any attempt be made to remove goods from a vessel in the harbour save under section 70 of the Customs Act, the master should be warned by the pilot that he is liable to fine and that such goods are liable to confiscation under section 167, clauses 2, 5, 11, 28, and 31 of that Act. If notwithstanding such warning the removal of goods be persisted in, the fact shall be reported by the pilot to the Port Officer, and the vessel shall be detained until further orders.
37. Every pilot shall make himself acquainted with the rules in force for the time being regarding the importation and exportation of gunpowder, other explosives, and inflammable oils, and shall do not act contrary to such rules.
38. Any pilot who observes any alteration in the position or condition of the sands, channels, buoys, or beacons shall, immediately on arrival in town or at the station, report the same in writing to the Port Officer.
39. If a vessel loses an anchor or anchors, the pilot in charge shall, as soon as practicable, report the circumstance to the Port Officer. The report shall be attested by the master of the vessel. To enable the Port Officer to identify the lost articles, the report shall give the following particulars:-
- (a) locality of accident;
 - (b) bearings of any known fixed objects;
 - (c) description, weight, or quantity and distinctive marks.
40. Should a vessel in charge of a pilot ground, collide, with any vessel or buoy, or meet with any casualty while under his charge, the pilot shall transmit to the Port Officer as soon as possible a report, giving the following particulars of the occurrence:-
- (a) locality of accident;
 - (b) bearings of known fixed objects;
 - (c) vessel's draft of water;
 - (d) state of tide;
 - (e) time accident occurred;
 - (f) circumstances under which it happened;
 - (g) damage (if any) sustained;
 - (h) the time the vessel was aground;
 - (i) quantity of water the vessel made.

He shall request the master either to attest the report or to furnish a separate one. This rule applies to steam-tug pilots when they may have the vessels meeting with such casualties in tow.

(b) In respect of Inward Pilotage.

41. Pilots will proceed to sea when ordered by the Port Officer to ships in the offing. Any pilot becoming sick or unfit for duty is to immediately forward a sick certificate to the Port Officer.
42. During the south-west monsoon the Port Officer will weekly warn two of the licensed pilots in rotation to be on the look out for vessels making for the harbour, and in case of any vessel requiring the assistance of a pilot and not getting one, the circumstances shall be reported by the Port Officer to the Commissioner for his orders.
43. It being optional with a master of a vessel to take a pilot or not, no vessel at sea need be boarded unless a signal for a pilot be hoisted, in which case it is imperative for a pilot to proceed on board without delay.
44. A pilot having taken pilotage charge of an inward-bound vessel shall not leave such vessel until his duty is completed on anchoring the vessel in a safe position within port limits.
45. Pilots bringing vessels in for orders shall moor them in the recognized anchorages and in such positions as not to interfere with the navigation of the port.
46. Every pilot on taking pilotage charge of an inward-bound vessel shall deliver to the master thereof a copy of the port rules and take a receipt for the same, which receipt shall be filed at the port office.
47. A pilot on taking charge of an inward-bound vessel shall bring to the notice of the master the rules for the medical inspection of vessels entering the port issued by the Chief Commissioner under Notification No. 182 (General Department), dated the 5th June 1879, and shall ascertain whether the vessel has come from a port where plague, cholera, yellow-fever, or typhus was prevalent, and whether any case of such disease has occurred during the voyage. If any such case has occurred during the voyage, the pilot shall communicate the fact to the Port Officer and shall anchor the vessel in the quarantine-ground and there await further orders.
48. Pilots shall call the attention of masters of vessels to section 22 of the Indian Ports Act, 1875, and shall report any infringement thereof to the Port Officer.
49. Pilots shall submit to the Port Officer, as quickly as possible after arrival in town, certificates attested by the masters containing particulars of the inward draft of the vessels brought into port by them.

(c) In respect of Outward Pilotage.

50. Any licensed pilot who brings in a vessel from sea to within the limits of the port is entitled to have the pilotage of such vessel outward if he is available 24 hours previous to her departure.
51. In other cases the order in which pilots shall be appointed to outward-bound vessels shall be determined in the following manner:-
- (a) a register of pilots shall be maintained at the Port Office;
 - (b) pilots arriving in town shall report themselves at the port office, and their names shall be entered in the office register in the order in which they so report themselves;
 - (c) pilots shall be appointed to outward-bound vessels by the Port Officer in the order in which their names appear in the register; they shall take pilotage charge of vessels when so appointed and not otherwise.
52. Pilots on boarding outward-bound vessels shall see that the port-clearances are in order, and shall not take such vessels from the port if the clearances are not in order.
53. Should any attempt be made to put goods on board an outward-bound vessel after port-clearance has been obtained and the preventive officer had left, the pilot shall remonstrate and, if the attempt is persisted in, shall report the matter and detain the vessel for further orders.
54. The Pilot appointed to a vessel may decline to move her unless steam-power is applied sufficient in his opinion for safely towing her. If the master is unwilling to accept the pilot's decision, the matter shall be referred to the Port Officer, whose decision shall be final.
55. Pilots in charge of outward-bound vessels shall use their best exertions in getting them to sea, and shall take them outside with tableland bearing east.
56. Except as specially provided for, no pilot shall quit any outward-bound vessel to which he has been posted, before the completion of his duty, without the consent in writing of the master thereof.
57. Pilots shall before quitting outward-bound vessels obtain certificates for outward pilotage attested by the masters and shall submit the same to the Port Officer.

SECTION III.

OF THE SPECIAL COURT.

58. The functions of the Chief Commissioner under sections 6, 8, 10 (subsection 1), and 18 of the Act shall be exercised by the Commissioner of the Arakan Division.
59. The proceeding of the Special Court shall be conducted and recorded in the form given in Appendix C attached to these rules.

60. The assessors shall receive a fee of Rs. 32 each.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 APPENDIX A. PROCEEDINGS OF EXAMINATION COMMITTEE.

[ATTACH LIST 2] 02 APPENDIX B. FORM OF PILOT'S LICENSE.

[ATTACH LIST 3] 03 APPENDIX C.

[ATTACH LIST 4] 04 APPENDIX D. Rates of Pilotage at the Port of Akyab.