

# Maritime Rules

## Part 90: Pilotage

MNZ Consolidation

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***Maritime Rules***

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## Part Objective

The objective of this Part is to—

- maintain the contribution of pilotage to the safety of navigation, the protection of the marine environment and the efficiency of seaborne commerce
- set minimum national standards while enabling port-specific risks to be addressed
- provide a licensing regime for pilots and pilotage-exempt masters within the maritime document provisions of the Maritime Transport Act 1994
- recognise and support industry best practice
- ensure that the provision of pilotage services is sustainable and responsive to future demands, changes in technology and best practice.

The authority for Part 90 is found in Section 36(1)(i), (o), (q), (tb), (u), (v) and (za)(v) of the Maritime Transport Act 1994.

Maritime rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

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## History of Part 90

Part 90 first came into force on 4 November 1999 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective Date</b>
Amendment 1	1 April 2003
Amendment 2	27 May 2004
Amendment 3	1 April 2010
Amendment 4	1 April 2011
Amendment 5	1 April 2011
Amendment 6	1 April 2014
Amendment 7	1 January 2015
Amendment 8	1 April 2015
Amendment 9	1 November 2016

### Summary of Amendments

#### **Amendment 1**

Maritime Rules (Part 90) Amendment      Replaced entire Part.

#### **Amendment 2**

Maritime Amendments Part 20-90      Schedule – Lyttelton limits

#### **Amendment 3**

Part 90 Amendment Rules 2010      90.3, 90.5(4)

#### **Amendment 4**

Part 90 Pilotage 2010      Replaced entire Part.

#### **Amendment 5**

Maritime Rules Various Amendments 2011      Schedule – Auckland

#### **Amendment 6**

Parts 20, 31, 32, 34 and 35: Consequential Amendments      90.41, 90.112, 90.113

#### **Amendment 7**

Maritime Rules Various Amendments 2014      Appendix 1

#### **Amendment 8**

Maritime Rules Various Amendments 2015      Appendix 1

#### **Amendment 8**

Maritime Rules Various Amendments 2016      90.24, 90.112, 90.113

All signed rules can be found on our website:

<http://www.maritimenz.govt.nz/Rules/List-of-all-rules/Part90-maritime-rule.asp>

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## Subpart A: General

### 90.1 Purpose

The objective of this Part is to—

- (a) maintain the contribution of pilotage to the safety of navigation, the protection of the marine environment and the efficiency of seaborne commerce;
- (b) set minimum national standards while enabling port-specific risks to be addressed;
- (c) provide a licensing regime for pilots and pilotage-exempt masters within the maritime document provisions of the Maritime Transport Act 1994;
- (d) recognise and support industry best practice; and
- (e) ensure that the provision of pilotage services is sustainable and responsive to future demands, changes in technology and best practice.

### 90.2 Application

- (1) This Part applies to all ships within New Zealand waters except warships.
- (2) For the purposes of this Part, a tug and tow<sup>1</sup> shall be treated as a single ship<sup>2</sup> having—
  - (i) a gross tonnage equal to the sum of the gross tonnages of the tug and tow<sup>3</sup>; and
  - (ii) a length being the combined length of the tug and tow, excluding the tow line.

### 90.3 Definitions and abbreviations

In this Part, unless the context otherwise requires—

**Act** means the Maritime Transport Act 1994:

**advice** means pilotage advice given by a pilot to the master of a ship navigating in a pilotage area:

**appropriate** means—

- (i) in relation to a pilot licence, of a grade appropriate to the size and type or category of ship, pilotage area and conditions to which the privileges of that licence apply;
- (b) in relation to a pilotage exemption certificate, appropriate to the size and type or category of ship (or to a specific ship or ships), pilotage area and conditions to which the privileges of that certificate apply:

**chemical tanker** means a ship constructed or adapted primarily for the carriage in bulk of any liquid product listed in Chapters 17 and 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (the IBC Code):

**current**, in respect of a certificate or licence, means that the document is valid, and that the document holder has satisfied all currency requirements for the exercise of the privileges of that document:

**first mate** means the deck officer next in rank to the master of a ship:

<sup>1</sup> For the purposes of this rule, a tug and tow includes a tow on a tow line as well as a tow lashed alongside the tug.

<sup>2</sup> Subject to Note 3, where a gross tonnage only is specified in the appendices for a pilotage area, the combined tonnage should be the determining criteria for pilotage. Where a length limit is specified (either on its own or in addition to a gross tonnage), the combined length should be used.

<sup>3</sup> Where either the tug or the tow is less than 24 metres in register length, it may not require a tonnage certificate in accordance with Maritime Rules Part 48. When using combined tonnage of tug and tow to determine the requirement for pilotage, only those vessels 24 metres and over need to be considered. Where the tow is not a ship, and there is no length limit specified, then the prior approval of the Harbourmaster should be obtained before a movement within a pilotage area is conducted.

**gas carrier** means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other products listed in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (the IGC Code):

**gross tonnage** means the gross tonnage of a ship determined under Maritime rule 48.6 or the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurements of Ships 1969, as the case may be:

**harbourmaster** means a person appointed by a regional council as a harbourmaster under section 650B of the Local Government Act 1974 within that council's region which includes a specified pilotage area or areas:

**IMO** means the International Maritime Organization:

**ISPS Code** means the International Ship and Port Facility Security Code:

**length** means length overall:

**length overall—**

- (a) means the length of a ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship; and
- (b) includes structures (such as bulbous bows, deckhouses and free flooding bait tanks and buoyancy tubing) that project beyond those terminal points; but
- (c) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units that project beyond those terminal points):

**master** means any person (except a pilot) having command or charge of any ship:

**mile** means nautical mile:

**oil tanker** means a ship carrying oil in bulk as cargo:

**pilot**, in relation to any ship, means any person, not being the master or a member of the crew of the ship, who has the conduct of the ship:

**pilotage** means the conduct of a ship by a pilot and **to pilot a ship** has a corresponding meaning:

**pilotage area** means an area listed in Appendix 1 or Appendix 2 as a pilotage area:

**Pilotage Exemption Certificate (PEC)** means a pilotage exemption certificate issued under section 41 of the Act in accordance with rule 90.62, and includes a renewed PEC issued in accordance with rule 90.69:

**pilot licence** means a pilot licence issued under Section 41 of the Act in accordance with rule 90.42 or 90.48 as applicable and includes a renewed licence issued in accordance with rule 90.49:

**register length**, in relation to any ship, means the length of the ship measured from the foreside of the head of the stem to the aft side of the head of the stern post or, in the case of a ship not having a stern post, to the foreside of the rudder stock; provided that, in the case of a ship not having a stern post or rudder stock, the after terminal point shall be taken to be the aftermost part of the transom or stern of the ship:

**STCW** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended.



## Subpart B: Pilotage requirements

### 90.21 Requirement to hold pilot licence or pilotage exemption certificate (PEC)

- (1) Except as provided for in this Part, no person may act as a pilot of a ship within any pilotage area unless that person holds a current, appropriate pilot licence.
- (2) Except as provided for in this Part, no person may navigate a ship within a pilotage area if that ship meets or exceeds the limits specified for that pilotage area<sup>4</sup>, unless—
  - (a) a pilot is carried who holds a current, appropriate pilot licence; or
  - (b) that person holds a current, appropriate PEC, and has the conduct of the ship.

### 90.22 Provision of pilotage services

No person or organisation may provide the services of a pilot for a ship in any pilotage area unless—

- (a) that pilot holds a current, appropriate pilot licence; and
- (b) that person or organisation has a proficiency plan approved by the Director in accordance with rule 90.103 to ensure that the proficiency of the pilots providing those services is maintained<sup>5</sup>.

### 90.23 Requirement to carry a pilot

- (1) Except as provided in subrules (3), (4) and (6), the master of an oil tanker, chemical tanker, or gas carrier must ensure that the ship, when navigating in any pilotage area either—
  - (a) carries a pilot who holds a current, appropriate pilot licence; or
  - (b) receives advice<sup>6</sup> from a pilot ashore or aboard another vessel, who holds a current appropriate pilot licence, in circumstances where the master has been informed by the pilot that<sup>7</sup>—
    - (i) the pilot is unable to transfer to or from the ship safely; and
    - (ii) in the opinion of the pilot, the movement of the ship within the pilotage area can be completed safely, with the pilot's advice.
- (2) Except as provided in subrule (6) and rule 90.24, the master of any ship, other than an oil tanker, chemical tanker or gas carrier, that meets or exceeds any limits specified for a pilotage area must ensure that the ship, when navigating in that pilotage area, either—
  - (a) carries a pilot who holds a current, appropriate pilot licence; or
  - (b) receives advice from a pilot ashore or aboard another vessel, who holds a current appropriate pilot licence, in circumstances where the master has been informed by the pilot that<sup>8</sup>—
    - (i) the pilot is unable to transfer to or from the ship safely; and
    - (ii) in the opinion of the pilot, the movement of the ship within the pilotage area can be completed safely, with the pilot's advice.
- (3) No exemption from this rule may be granted to a person under section 47 of the Act in respect of an oil tanker, unless—
  - (a) the primary operational function of that tanker is ship-to-ship bunkering within a pilotage area; and

<sup>4</sup> Compulsory pilotage areas are listed in Appendix 1. Refer to rule 90.122 regarding the possible future activation of additional compulsory pilotage areas listed in Appendix 2.

<sup>5</sup> A proficiency plan may be part of an approved structured training programme. See subrule 90.102(3).

<sup>6</sup> Advice in such circumstances may be given via radio communication or shore signal.

<sup>7</sup> This situation should be covered by the pilotage provider's Standard Operating Procedures (SOPs), which must specify the circumstances in which 'leading in' or 'leading out' of ships by a pilot is permitted, and when the harbourmaster should be consulted before proceeding. In some pilotage areas, leading in may be considered unsafe in any circumstances and will not be permitted.

<sup>8</sup> See Note 7 above.

- (b) that tanker is not capable of carrying more than 5,000 tonnes of oil in total (including cargo and its own fuel).
- (4) No exemption from this rule may be granted to a person under section 47 of the Act in respect of a chemical tanker, unless that tanker—
  - (a) operates only within the pilotage area; and
  - (b) is not capable of carrying more than 1,500 tonnes of cargo.
- (5) No exemption from this rule may be granted to a person under section 47 of the Act in respect of a gas carrier.
- (6) Subrules (1) and (2) do not apply where the ship is transiting between the perimeter of the pilotage area and a designated pilot boarding station or anchorage within that pilotage area<sup>9</sup> with the prior approval of a pilot<sup>10</sup>.

**90.24 Dispensation from requirement to carry a pilot**

Unless the master of a ship referred to in rule 90.23(2) is directed to carry a pilot by the harbourmaster or the Director under Section 60A(2) of the Act<sup>11</sup>, that master is not required to ensure the ship carries a pilot when navigating in any pilotage area if—

- (a) the master holds a current, appropriate PEC and has the conduct of the ship; or
- (b) the master and the first mate both hold a current, appropriate PEC and the first mate has the conduct of the ship<sup>12</sup>.

**90.25 Reporting of ship's defects**

In addition to any other legal requirements for reporting, where a ship has defective propulsion, manoeuvring or communications equipment, or any other condition which may adversely affect its operational capability, the master must—

- (a) where rule 90.23 applies, report the defect to and consult with the pilot before the ship is navigated within the pilotage area<sup>13</sup>; or
- (b) where rule 90.24 applies, report the defect to and consult with the harbourmaster before navigating the ship within the pilotage area<sup>14</sup>.

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<sup>9</sup> A designated pilot boarding station or anchorage at a location specified in the pilotage provider's or port operator's SOPs and identified on nautical charts.

<sup>10</sup> Such approvals must only be given in accordance with the pilotage provider's SOPs and may not be appropriate in all pilotage areas or circumstances. Where adopted, such arrangements must be agreed between the pilotage provider and the harbourmaster. Approvals may be relayed to a ship by an appropriately qualified person, other than a pilot, who is designated to do so in the accordance with those SOPs.

<sup>11</sup> Under section 60A(2), the Director may direct that a pilot be taken on board a ship, when satisfied, due to weather conditions or other circumstances, that this is in the interests of navigation safety or marine environmental protection. This power has been delegated to harbourmasters around the country.

<sup>12</sup> [Reserved]

<sup>13</sup> Such situations should be covered by the pilotage provider's SOPs, which should also specify those circumstances in which the harbourmaster should be consulted before proceeding.

<sup>14</sup> The harbourmaster should establish protocols for the pilotage area for the reporting of defects and consultation by PEC holders in such situations. For example, reporting may be to the local harbour control service initially who will contact the harbourmaster, and reporting of defects to the port operator or pilotage provider may be stipulated as well.

## Subpart C: Pilot licences

### 90.41 Application for pilot licence

- (1) An applicant for the issue of a pilot licence must make an application in accordance with section 35 of the Act, and—
  - (a) include the information requested on the form required by the Director; and
  - (b) either—
    - (i) hold a certificate as Master issued in accordance with rule 32.106 of Part 32; or
    - (ii) hold an equivalent certificate to that referred to in subparagraph (b)(i) recognised or accepted by the Director under the Act; or
    - (iii) provide evidence of experience, qualifications and competencies equivalent to those required in subparagraphs (b)(i) or (b)(ii), or otherwise relevant to pilotage, that are acceptable to the Director<sup>15</sup>; and
  - (c) hold a current certificate of medical fitness of category A or B issued under Part 34; and
  - (d) provide evidence, satisfactory to the Director, of having successfully completed a structured training programme, approved by the Director<sup>16</sup>, for the issue of a pilot licence for the pilotage area for which the licence is sought<sup>17</sup>.
- (2) Every application must be submitted to the Director, with payment of the fee prescribed by regulations made under the Act.

### 90.42 Issue of pilot licence

- (1) Subject to subrules (2) and (3), the Director must issue a pilot licence if satisfied that the applicant meets the requirements of section 41 of the Act.
- (2) The Director may issue a pilot licence for a period of no more than five years.
- (3) The Director must endorse a pilot licence issued in accordance with this rule or rule 90.48, or renewed in accordance with rule 90.49, with—
  - (a) the pilotage area<sup>18</sup> in which the holder may exercise the privileges of the licence;
  - (b) the grade of licence<sup>19</sup>, or size and type or category of ship as specified by the Director, in respect of which the holder may exercise the privileges of the licence;
  - (c) the recent experience requirements for the licence determined by the Director in accordance with rule 90.81; and
  - (d) any other conditions the Director considers appropriate in the interests of maritime safety.
- (4) In determining appropriate conditions in accordance with subrule (3)(d), the Director must have regard to any recommendations of the examination panel conducting the examination

<sup>15</sup> This provision permits the Director to consider candidates who have completed an alternative training scheme and obtained the necessary experience, qualifications and competence to train as a pilot in New Zealand. This will include consideration of candidates holding pilot qualifications issued by another administration. The Director will assess candidates against an accepted standard for competency of trainee marine pilots.

<sup>16</sup> See rule 90.103 regarding approval of structured training programmes.

<sup>17</sup> Successful completion of an approved structured training programme includes having been assessed as meeting the required standards in that programme and having passed the requisite examinations.

<sup>18</sup> A pilot licence will in most cases only be issued for a single pilotage area.

<sup>19</sup> Grade of licence means a pilot licence applicable to specified sizes and types or categories of ships, operating conditions and areas within a particular pilotage area. The grades of licence for a pilotage area will be described in the structured training programme for that area, approved by the Director under rule 90.103.

for the licence, and any risk assessment for the pilotage area<sup>20</sup> that the Director considers relevant.

**90.43 Privileges of pilot licence**

A current pilot licence entitles the holder to pilot ships of the size and type or category specified or in accordance with the grade of licence held, in the pilotage area specified by the Director, subject to the conditions endorsed on that licence.

**90.44 General requirements**

The holder of a pilot licence must maintain, in a format acceptable to the Director, a record of all pilotage that he or she has carried out within that pilotage area.

**90.45 Currency requirements**

- (1) The holder of a pilot licence must not exercise the privileges of that licence unless he or she—
  - (a) maintains a level of medical fitness of category A or B, in accordance with Part 34;
  - (b) continues to meet the recent experience requirements for the pilotage area endorsed on that licence; and
  - (c) has satisfactorily completed an annual assessment of proficiency in accordance with rule 90.108 within the previous 12 months.
- (2) Where the holder of a pilot licence has not met the requirements of subrules (1)(b) or (1)(c), he or she must, before exercising the privileges of that licence, demonstrate continued proficiency and competence in pilotage in accordance with rule 90.107(c).

**90.46 Regaining medical fitness**

The holder of a pilot licence who fails to meet the medical fitness conditions specified in rule 90.45(1)(a) must—

- (a) prior to performing any supervised or unsupervised pilotage, obtain a current certificate of medical fitness of category A or B, in accordance with Part 34; and
- (b) within one month of having obtained that current certificate of medical fitness, provide a copy of the certificate to the Director.

**90.47 Application for higher grade licence**

- (1) Every holder of a pilot licence may apply to the Director in accordance with subrule (2) for a higher grade of licence.
- (2) Every person making an application under subrule (1) must—
  - (a) hold a current pilot licence for the pilotage area for which the higher grade of licence is sought;
  - (b) provide the information requested on the form required by the Director;
  - (c) provide evidence satisfactory to the Director of having successfully completed the additional pilot training specified in the approved structured training programme for that pilotage area and grade of pilot licence sought; and
  - (d) submit the information required in paragraphs (b) and (c) to the Director, with payment of the fee prescribed by regulations made under the Act.

**90.48 Issue of higher grade licence<sup>21</sup>**

- (1) The Director must issue a higher grade of licence if satisfied that—
  - (a) the application has been made in accordance with section 35 of the Act; and
  - (b) the applicant meets the requirements of section 41 of the Act.

<sup>20</sup> A risk assessment dealing with navigation safety in the pilotage area or harbour, prepared by or on behalf of the Regional Council, the port operator or other parties.

<sup>21</sup> The Director will issue a new licence for the higher grade, replacing the existing licence.

- (2) The Director may issue a higher grade licence for no more than five years.

#### **90.49 Renewal of pilot licence**

The Director must renew a pilot licence if—

- (a) an application to renew the licence is made on the prescribed form in accordance with section 35 of the Act, with payment of the fee prescribed by regulations made under the Act, before the expiry of the existing licence;
- (b) in accordance with section 41 of the Act, the Director is satisfied that the applicant continues to meet the requirements in rules 90.41(1)(b) and 90.41(1)(c), for the issue of a pilot licence;
- (c) the applicant has, within the last five years, completed a programme of Continuing Professional Education (CPE) for pilots that meets the requirements of rule 90.115; and
- (d) the Director is satisfied that the applicant's existing pilot licence is current in accordance with rule 90.45.

### **Subpart D : Pilotage Exemption Certificates (PEC)**

#### **90.61 Application for PEC**

- (1) An applicant for the issue of a PEC must make an application in accordance with Section 35 of the Act and—
  - (a) include the information requested on the form required by the Director;
  - (b) hold either—
    - (i) a current New Zealand certificate of competency; or
    - (ii) a current certificate of competency recognised or accepted by the Director under the Act;

that permits that person to be the master of the ship or ships, or size and type or category of ships as applicable, for which the PEC is sought;
  - (c) hold a current certificate of medical fitness of category A or B issued in accordance with Part 34; and
  - (d) provide evidence satisfactory to the Director of having successfully completed a structured training programme, approved by the Director, for the issue of a PEC and its endorsement for the pilotage area and for the ship or ships, or size and type or category of ship, for which the PEC is sought<sup>22</sup>.
- (2) Every application must be submitted to the Director with payment of the fee prescribed by regulations made under the Act.

#### **90.62 Issue of PEC**

- (1) Subject to subrules (2) and (3), the Director must issue a PEC if satisfied that the applicant meets the requirements of section 41 of the Act.
- (2) The Director may issue a PEC for a period of no more than five years.
- (3) The Director must not issue a PEC in respect of a pilotage area for a ship or ships, or size and type or category of ship, which exceeds any maximum limits for a PEC that the Director may have specified for that pilotage area in accordance with rule 90.81(2).
- (4) The Director must endorse a PEC issued in accordance with this rule or renewed in accordance with rule 90.68, with—
  - (a) the pilotage area or areas in which the holder may exercise the privileges of the PEC;
  - (b) the name of the ship or ships, or size and type or category of ship as specified by the Director, in respect of which the holder may exercise the privileges of the PEC within that area;

<sup>22</sup> Successful completion of an approved structured training programme includes having been assessed as meeting the required standards in that programme and having passed the requisite examinations.

- (c) the recent experience requirements for the PEC for each relevant pilotage area as determined by the Director in accordance with rule 90.81; and
  - (d) any other conditions the Director considers appropriate in the interests of maritime safety.
- (5) In determining appropriate conditions in accordance with subrule (4)(d), the Director must have regard to any recommendations of the examination panel conducting the examination for the PEC, and any relevant risk assessment for the pilotage area.

**90.63 Privileges of PEC**

A current PEC entitles the holder to navigate a named ship or ships, or size and type or category of ship, as specified by the Director, in the pilotage areas specified, without a pilot, while being the master or first mate of that ship, subject to rule 90.24 and any conditions endorsed on the PEC.

**90.64 Restrictions on exercise of privileges of PEC**

The holder of a PEC must not exercise the privileges of that certificate in respect of any of the following:

- (a) a ship to which rule 90.23(1) applies; or
- (b) a ship directed to take a pilot by the harbourmaster or the Director<sup>23</sup>.

**90.65 General requirements**

- (1) The holder of a PEC must not exercise the privileges of that certificate in a particular pilotage area unless he or she has that pilotage area endorsed on that certificate in accordance with rule 90.62(4)(a).
- (2) The holder of a PEC must—
  - (a) maintain, in a format acceptable to the Director, a record of all ship movements that he or she has conducted as a PEC holder within that pilotage area;
  - (b) comply with all limitations placed on that holder's certificate of competency;
  - (c) prior to entering into or navigating within that pilotage area, contact the local harbour control<sup>24</sup>; and—
    - (i) advise their name, the name of the master<sup>25</sup> and the name of the ship;
    - (ii) report any defects to the harbourmaster as required by rule 90.25; and
  - (d) if required by the harbourmaster—
    - (i) give the number of their PEC; and
    - (ii) confirm that their PEC is current.

**90.66 Currency requirements**

- (1) The holder of a PEC must not exercise the privileges of that PEC in a pilotage area unless he or she—
  - (a) maintains a level of medical fitness of category A or B, in accordance with Part 34;
  - (b) continues to meet the recent experience requirements for that pilotage area endorsed on that PEC;
  - (c) has satisfactorily completed an annual assessment of proficiency for that pilotage area in accordance with rule 90.111 within the previous 12 months;

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<sup>23</sup> See Note 11.

<sup>24</sup> The local harbour control service (usually harbour radio) will vary from one pilotage area to another. Local protocols for reporting by PEC holders in accordance with subrules 90.65(c) and 90.65(d) should be established by the harbourmaster for each pilotage area. For example, contact by telephone or by email may be considered an acceptable alternative to radio communication in some locations or circumstances.

<sup>25</sup> Where the PEC holder having the conduct of the ship is the first mate, the master's name should also be given.

- (d) continues to hold a current certificate of competency in accordance with rule 90.61(1)(b) that permits the holder to be the master of the ship or ships, or size and type or category of ship endorsed on the PEC; and
  - (e) complies with all limitations placed on that certificate of competency.
- (2) Where the holder of a PEC has not met the requirements of subrules (1)(b) or (1)(c), he or she must, before exercising the privileges of that PEC, demonstrate continued proficiency and competence as a PEC holder for that pilotage area in accordance with rule 90.110(c).

**90.67 Regaining medical fitness**

The holder of a PEC who fails to meet the medical fitness conditions specified in rule 90.66(1)(a) must—

- (a) prior to exercising that PEC, obtain a certificate of medical fitness of category A or B, in accordance with Part 34; and
- (b) within one month of having obtained that certificate of medical fitness, provide a copy of the certificate to the Director.

**90.68 Endorsement for additional pilotage area or ship**

- (1) The Director must endorse an existing PEC with an additional pilotage area and ship or ships, or size and type or category of ship, if—
- (a) the holder applies for such an endorsement in accordance with subrule (2); and
  - (b) the Director is satisfied that—
    - (i) the application meets the requirements of subrule (2); and
    - (ii) it is not contrary to the interests of maritime safety.
- (2) An applicant for an endorsement in accordance with subrule (1) must—
- (a) include the information requested on the form required by the Director;
  - (b) provide evidence of having successfully completed an approved structured training programme approved by the Director for the purposes of an endorsement for that pilotage area and the ship or ships, or size and type or category of ship for which the endorsement is sought; and
  - (c) submit the information required in paragraphs (a) and (b) to the Director, with payment of the fee prescribed by regulations under the Act.

**90.69 Renewal of PEC**

The Director must renew a PEC if—

- (a) an application to renew the PEC is made on the prescribed form in accordance with section 35 of the Act, with payment of the fee prescribed by regulations made under the Act, before the expiry of the existing PEC;
- (b) in accordance with section 41 of the Act, the Director is satisfied that the applicant continues to meet the requirements in rules 90.61(1)(b) and 90.61(1)(c), for the issue of a PEC; and
- (c) the Director is satisfied that the applicant's existing PEC is current in accordance with rule 90.66.

**Subpart E: Recent experience requirements and maximum limits**

**90.81 Setting of minimum recent experience requirements for pilot licences and PECs, and maximum limits for PECs**

- (1) The Director must specify the minimum recent experience requirements for each pilotage area, including the minimum number of pilotages to be undertaken as a pilot, or movements conducted as a PEC holder, under specified operating conditions, within a defined period of time.

- (2) The Director may, in addition, specify a maximum gross tonnage, length or other limitation for ships, or categories of ships, in respect of which a PEC can be issued for a pilotage area.
- (3) In determining the recent experience requirements in subrule (1) or the maximum limits in subrule (2), the Director must—
  - (a) have regard to the specific operational and environmental conditions of the pilotage area, including the following matters, as applicable—
    - (i) the complexity of navigation;
    - (ii) the traffic density;
    - (iii) any factors which may aggravate the consequences of an accident, including the sensitivity of the environment, the density of adjacent populations and the proximity of significant commercial and recreational interests;
    - (iv) the size and type or category of ship, as applicable; and
    - (v) the location of berths; and
  - (b) seek the views of—
    - (i) any provider of pilotage services in the pilotage area;
    - (ii) the harbourmaster or Regional Council as appropriate;
    - (iii) the port operator<sup>26</sup>;
    - (iv) any other affected owner of significant port assets, as determined necessary by the Director; and
  - (c) have regard to any risk assessment relevant to navigation in the pilotage area or harbour.
- (4) The Director may approve training undertaken on a ship simulator by the holder of a pilot licence or a PEC, specific to the pilotage area, in partial fulfilment of the requirements of subrule (1), where the Director is satisfied that it is impractical otherwise to meet those minimum recent experience requirements<sup>27</sup>.
- (5) Any training undertaken in accordance with subrule (4) must be supervised by a person holding a current appropriate pilot licence or PEC, who is approved by the Director for the purpose of supervising such training as part of an approved proficiency plan.

**90.82 Notification of recent experience requirements for pilot licences and PECs and maximum limits for PECs**

The Director must, as soon as practicable, notify all recent experience requirements for pilot licences and PECs, and maximum limits for PECs specified by the Director in accordance with rules 90.81(1) and 90.81(2)<sup>28</sup>.

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<sup>26</sup> Port operator means the organisation with overall responsibility for port marine operations within the pilotage area and includes port companies as defined in the Port Companies Act 1988. Not all port operators may be port companies in terms of that Act.

<sup>27</sup> The use of a ship simulator in lieu of actual pilotages or passages aboard a ship should be described in the applicable proficiency plan, approved by the Director under rule 90.103, and will be at the Director's discretion. In making such a determination, the Director will take into consideration factors including the difficulty of the actual passage or movement through the pilotage area, the effectiveness of the simulator in creating a realistic environment for the holder of the pilot licence or PEC conducting the passage and the specific navigation tasks to be conducted on the simulator. Typically, the number of pilotages or passages required in a given period to meet the specified minimum recent experience requirements will be reduced by no more than 25% in recognition of simulator training.

<sup>28</sup> Requirements will be notified on the Maritime New Zealand website [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)



## Subpart F: Training, examinations and assessments

### 90.101 Structured training programme or proficiency plan must be approved<sup>29</sup>

- (1) No person or organisation may provide training for the purpose of obtaining a pilot licence or a PEC unless that person or organisation has a structured training programme approved in writing by the Director in accordance with rule 90.103.
- (2) No person or organisation may carry out assessments for the purposes of meeting the requirements of a pilot licence or a PEC in rules 90.45 or 90.66 unless—
  - (a) that person or organisation has a proficiency plan approved in writing by the Director in accordance with rule 90.103; and
  - (b) the person conducting the assessment complies with the requirements of rule 90.108 or 90.111 as applicable.

### 90.102 Application for approval of structured training programme or proficiency plan

- (1) A person seeking approval of a structured training programme or proficiency plan must include—
  - (a) the information requested on the form required by the Director;
  - (b) a copy of the structured training programme or proficiency plan, that complies with rules 90.106, 90.107, 90.109 or 90.110, as applicable; and
  - (c) confirmation that the harbourmaster, and, as applicable, the port operator, pilotage provider, and any other interested parties have been consulted in the preparation of the structured training programme or proficiency plan.
- (2) Every application for approval of a structured training programme or proficiency plan must be submitted to the Director, with payment of the fee prescribed by regulations made under the Act.
- (3) Where the provider of pilotage services also carries out the training of pilots, a proficiency plan as required under rule 90.101(2) may be part of an approved structured training programme for pilots.

### 90.103 Approval of structured training programme or proficiency plan

- (1) The Director may approve any structured training programme or proficiency plan if satisfied that—
  - (a) the structured training programme or proficiency plan meets the requirements of rules 90.106, 90.107, 90.109 or 90.110 as applicable, and is sufficient in content to achieve its stated purpose;
  - (b) the structured training programme or proficiency plan has been submitted to the harbourmaster, and, as applicable, the port operator, pilotage provider and other interested parties for comment; and
  - (c) it is in the interests of maritime safety to approve the structured training programme or proficiency plan.
- (2) Every approval given by the Director in accordance with this rule must—
  - (a) be in writing;
  - (b) specify the person or organisation for which the structured training programme or proficiency plan is approved; and
  - (c) specify the pilotage area or areas, and the grade of licence, or the size and type or category of ship, or name of ship or ships, for which the structured training programme or proficiency plan is approved.

<sup>29</sup> In most cases a structured training programme and proficiency plan can be combined into a single approval, but the rule makes provision for them to be developed and approved separately.

- (3) The Director may approve a structured training programme or proficiency plan for a period of no more than five years, and may amend or withdraw that approval as he or she considers appropriate, in the interests of maritime safety.
- (4) For the avoidance of doubt, any approval in writing issued by the Director under this rule is not a maritime document for the purposes of the Act.

**90.104 Conditions of approval of structured training programmes and proficiency plans**

- (1) It is a condition of every approval granted under rule 90.103 that—
  - (a) all training and assessments are carried out in accordance with the approved structured training programme or proficiency plan as applicable;
  - (b) copies of the approved training programme and proficiency plan are lodged with the harbourmaster, and where applicable, with the port operator and pilotage provider;
  - (c) all examinations for the issue of pilot licences and PECs are conducted in accordance with the procedures in the approved structured training programme;
  - (d) complete records of all training and examinations carried out under paragraph (c) are maintained for every person undertaking training in accordance with the structured training programme;
  - (e) all annual assessments required by rules 90.45 and 90.66 (currency requirements) and assessments for the purposes of verifying the continued proficiency and competence of holders of pilot licences or PECs are conducted in accordance with the procedures in the approved proficiency plan; and
  - (f) complete records of all assessments completed under paragraph (e) are maintained for every person assessed.
- (2) The holder of an approval must make available to the Director, upon his or her request, records required by subrules (1)(d) and (1)(f).

**90.105 Amendment to approved structured training programme or proficiency plan**

- (1) No person may amend, change or alter an approved structured training programme or proficiency plan, other than amendments of a minor nature<sup>30</sup>, unless that amendment, change or alteration has first been approved in writing by the Director in accordance with this rule.
- (2) Any proposed amendment, change or alteration must be submitted to the Director with—
  - (a) details of why the amendment, change or alteration is proposed;
  - (b) details of the effect the proposed amendment, change or alteration will have on the approved structured training programme or proficiency plan; and
  - (c) confirmation that the harbourmaster, and, as applicable, the port operator, pilotage provider and any other interested parties have been consulted on the proposed amendment, change or alteration.
- (3) Where a previously approved structured training programme or proficiency plan has been amended to cater for a particular individual or circumstances, and that programme differs materially from the previously approved one, a separate approval must be obtained from the Director<sup>31</sup>.

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<sup>30</sup> For example, changes to format, contact details or administrative arrangements, would be considered to be of a minor nature and not require approval. Changes to the grades of licences, or material changes to the number and nature of tasks to be completed as part of a structured training programme would require approval.

<sup>31</sup> A structured training programme may be tailored for a particular individual or circumstances to reflect, for example, relevant previous experience. In that case, the training programme for that individual will require a separate approval from the Director if it differs materially from a previously approved programme.

- (4) The Director may approve an amendment, change or alteration to a previously approved structured training programme or proficiency plan, if satisfied that it is in the interests of maritime safety to do so.

**90.106 Requirements for structured training programme for pilot licence**

- (1) A structured training programme for the issue of a pilot licence or the issue of a higher grade of licence must include—
- (a) a statement setting out the purpose and objectives of the structured training programme;
  - (b) a syllabus that incorporates the knowledge areas specified in subrule (2), specific to the pilotage area to which the structured training programme applies, and subrule (3);
  - (c) details of the process by which the trainee pilot will acquire the necessary knowledge of and proficiency in pilotage and navigation in the pilotage area to enable him or her to competently exercise the privileges of the pilot licence;
  - (d) details of the knowledge required to be obtained, the tasks to be performed and the standards required to be achieved to successfully complete the structured training programme;
  - (e) a description of the grades of licence applicable to the pilotage area, including the privileges of each grade of licence, to which the structured training programme applies;
  - (f) details of the processes to be followed when assessing a trainee's previous experience and knowledge, for the purposes of determining what modifications may be made to a previously approved structured training programme in respect of a particular trainee;
  - (g) details of the processes for assessment of the trainee's pilotage skills and knowledge during training to measure the trainee's development and progress; and
  - (h) subject to rule 90.112, details of the examination processes and procedures to be used, including the make up of examination panels, to verify that a trainee has acquired the requisite knowledge.
- (2) The knowledge areas incorporated into the syllabus required in subrule (1)(b) must include—
- (a) limits of local pilotage areas;
  - (b) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS) as amended, and also such other maritime and marine protection rules or bylaws that may apply to the area;
  - (c) systems of buoyage in the area;
  - (d) characteristics of the lights and their angles of visibility and the fog signals, racons and radio beacons and other electronic aids in use in the area;
  - (e) names and positions and characteristics of the light vessels, buoys, beacons, structures and other marks in the area;
  - (f) names and characteristics of the channels, shoals, headlands and points in the area;
  - (g) bridge and similar obstruction limitations including air draughts;
  - (h) depths of water throughout the pilotage area and adjacent waters, including tidal effects and similar factors;
  - (i) general set, rate, rise and duration of the tides and use of the tide tables and any real-time and current data systems, if available, for the area;
  - (j) proper courses and distances in the area including (as applicable) alteration points and parallel index distances;
  - (k) anchorages in the area;
  - (l) ship handling for piloting, anchoring, berthing and unberthing, manoeuvring with and without tugs, and emergency situations;
  - (m) communications and availability of navigational information;
  - (n) systems of radio navigational warning broadcasts in the area and type of information likely to be included in any such warning;

- (o) traffic separation schemes, vessel traffic services and similar vessel management systems in the area;
  - (p) bridge equipment and navigational aids;
  - (q) use of radar and other electronic devices; their limitations and capabilities as navigation and collision avoidance aids;
  - (r) manoeuvring behaviour of the types of ships expected to be piloted and the limitations imposed by particular propulsion and steering systems;
  - (s) factors affecting ship performance such as wind, current, tide, channel configuration, water depth, bottom, bank and ship interaction including squat;
  - (t) weather and environmental conditions of the area which may affect safe navigation;
  - (u) use and limitation of various types of tugs;
  - (v) English language to a standard adequate to enable the pilot to express communications clearly;
  - (w) IMO Standard Marine Communications Phrases (SMCP);
  - (x) IMO Code for the investigation of marine casualties and incidents;
  - (y) master-pilot relationship, pilot card, operational procedures;
  - (z) pollution prevention;
  - (aa) emergency and contingency plans for the area;
  - (bb) safe embarking and disembarking procedures;
  - (cc) any harbour safety management systems and risk assessments applicable to navigation in the pilotage area or harbour prepared by or on behalf of the regional council, the port operator or other relevant parties;
  - (dd) knowledge of any local bylaws or other regulations relevant to navigation in the pilotage area;
  - (ee) knowledge of the ISPS Code as it affects any port within the pilotage area;
  - (ff) knowledge of the port infrastructure;
  - (gg) any additional areas of knowledge relevant to pilot training, not included above, as recommended from time to time by the IMO; and
  - (hh) any other relevant knowledge in respect of the pilotage area to which the structured training programme applies.
- (3) The structured training programme must also include—
- (a) training in human factors and Bridge Resource Management (BRM); and
  - (b) training in dealing with unexpected or emergency situations during pilotage, including the exercising of emergency scenarios<sup>32</sup>.

**90.107 Requirements for proficiency plan for pilots**

A proficiency plan for the purposes of rule 90.101(2), must include—

- (a) a statement setting out the purpose and objectives of the plan;
- (b) processes and procedures for maintaining and demonstrating the ongoing proficiency and competence of holders of pilot licences, including—
  - (i) the minimum recent experience requirements to maintain the currency of the licence;
  - (ii) annual assessments;
  - (iii) peer reviews;
  - (iv) refresher training;
  - (v) programmes for CPE in accordance with rule 90.115; and

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<sup>32</sup> The exercising of emergency scenarios may include the testing of contingency plans and responses by pilots in a ship simulator or manned ship model.

- (c) processes and procedures to be followed to assess the proficiency and competence of the holder of a licence, and to confirm that the required standards have been met, prior to the holder exercising the privileges of that licence, where the requirements of rule 90.45(1)(b) and (c) have not been met but the pilot licence otherwise remains valid.

#### **90.108 Conduct of assessment for pilots**

- (1) An assessment conducted as part of an approved proficiency plan for the purposes of subrule 90.107(b)(ii) and 90.107(c) must—
  - (a) specify the pilotage tasks to be successfully completed by the holder of the pilot licence as part of that assessment; and
  - (b) be carried out by a person who is suitably qualified and experienced to assess those tasks, and who—
    - (i) holds a current pilot licence of the highest grade for that pilotage area; or
    - (ii) holds a current licence for that pilotage area at least one grade higher than the licence held by the pilot being assessed.
- (2) A person who carries out an assessment must record in writing the outcome of that assessment and whether, in their opinion, the licence holder has achieved the required standard as prescribed in the approved proficiency plan.

#### **90.109 Requirements for structured training programme for PEC**

- (1) A structured training programme for the issue of a PEC must include—
  - (a) a statement setting out the purpose and objectives of the structured training programme;
  - (b) the maximum size or other limitation on ships, or type and size or category of ship, for which a PEC can be issued for the pilotage area as may be determined by the Director in accordance with rule 90.81(2);
  - (c) a syllabus that incorporates the knowledge areas specified in subrule (2), specific to the pilotage area to which the structured training programme applies; and
  - (d) details of the process by which the trainee will acquire the necessary knowledge of, and proficiency in, navigation within the pilotage area to enable him or her to competently exercise the privileges of the PEC ;
  - (e) details of the knowledge required to be obtained, the tasks to be performed and the standards required to be achieved to successfully complete the structured training programme;
  - (f) details of the processes for assessment of the trainee's skill in navigating in, and knowledge of the pilotage area, at regular intervals during training to measure the trainee's development and progress; and
  - (g) subject to rule 90.113, details of the examination processes and procedures to be used, including the composition of examination panels, to verify that a trainee has acquired the requisite knowledge.
- (2) The knowledge areas to be incorporated into the syllabus required in subrule (1)(c) must include<sup>33</sup>—
  - (a) limits of local pilotage areas;
  - (b) systems of buoyage in the area;
  - (c) characteristics of the lights and their angles of visibility and the fog signals, racons and radio beacons and other electronic aids in use in the area;
  - (d) names and positions and characteristics of the light vessels, buoys, beacons, structures and other marks in the area;
  - (e) names and characteristics of the channels, shoals, headlands and points in the area;

<sup>33</sup> Where the exercise of the PEC is limited to certain berths or parts of the pilotage area, some of these items may not apply.

- (f) bridge and similar obstruction limitations including air draughts;
- (g) depths of water throughout the pilotage area and adjacent waters, including tidal effects and similar factors;
- (h) general set, rate, rise and duration of the tides and use of the tide tables and any real-time and current data systems, if available, for the area;
- (i) proper courses and distances in the area including (as applicable) alteration points and parallel index distances;
- (j) anchorages in the area;
- (k) ship handling for piloting, anchoring, berthing and unberthing, manoeuvring with and without tugs (as applicable)<sup>34</sup>, and emergency situations;
- (l) communications and availability of navigational information;
- (m) systems of radio navigational warning broadcasts in the area and type of information likely to be included in any such warning;
- (n) traffic separation schemes, vessel traffic services and similar vessel management systems in the area;
- (o) weather and environmental conditions of the area which may affect safe navigation;
- (p) use and limitation of various types of tugs;
- (q) pollution prevention;
- (r) emergency and contingency plans for the area;
- (s) any harbour safety management systems and risk assessments applicable to navigation in the pilotage area or harbour prepared by or on behalf of the regional council, the port operator or other relevant parties;
- (t) knowledge of any local bylaws or other regulations relevant to navigation in the pilotage area; and
- (u) any other relevant knowledge in respect of the pilotage area or areas for which the structured training programme applies.

**90.110 Requirements for proficiency plan for PEC holders**

A proficiency plan for the purposes of rule 90.101(2), must include, as applicable—

- (a) a statement setting out the purpose and objectives of the plan;
- (b) processes and procedures for maintaining and demonstrating the ongoing proficiency and competence of PEC holders with respect to the exercise of the privileges of the PEC, including—
  - (i) the minimum recent experience requirements to maintain the currency of the PEC;
  - (ii) annual assessments;
  - (iii) peer reviews;
  - (iv) refresher training; and
- (c) processes and procedures to be followed to assess the proficiency and competence of the holder of a PEC, and to confirm that the required standards have been met, prior to the holder exercising the privileges of that PEC, where the requirements of rule 90.66(1) have not been met but the PEC otherwise remains valid.

**90.111 Conduct of assessment for PEC holders**

- (1) An assessment conducted as part of an approved proficiency plan for PEC holders for the purposes of subrules 90.110(b)(ii) and 90.110(c), must—
  - (a) specify the navigation tasks to be successfully completed by the PEC holder; and

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<sup>34</sup> If the PEC is not endorsed for use of tugs, and a tug is to be used, it may be required that a pilot be taken. Requirements relating to the use of tugs by PEC holders should be established in the pilotage provider's or port operator's SOPs.

- (b) be carried out by a person who is suitably qualified and experienced to assess those tasks and who—
  - (i) holds a current pilot licence of a grade that would enable the holder to pilot the ship or ships, or size and type or category of ship endorsed on the PEC, in that pilotage area; or
  - (ii) is a current PEC holder identified in an approved proficiency plan for the purposes of conducting those assessments<sup>35</sup>; or
  - (iii) is approved by the Director as an appropriate person to conduct those assessments.
- (2) A person who carries out an assessment must record in writing the outcome of that assessment and whether, in their opinion, the PEC holder has achieved the required standard as prescribed in the approved proficiency plan.

#### **90.112 Conduct of examinations for issue of pilot licence**

- (1) The examination processes included in a structured training programme for the issue of a pilot licence or higher grade pilot licence must comply with the relevant provisions of rules 35.50 to 35.54 of Part 35<sup>36</sup>.
- (2) Examinations for the issue of a pilot licence for a pilotage area must include—
  - (a) a practical component, conducted by a person, approved by the harbourmaster for that purpose, who—
    - (i) holds a current pilot licence of the highest grade for that pilotage area;
    - (ii) who has not directly supervised the training of the examinee; and
  - (b) a written component in a formal examination setting including, as a minimum, a blank chart examination of that pilotage area; and
  - (c) oral questions conducted by a panel of at least three persons approved by the Director including—
    - (i) the harbourmaster<sup>37</sup>, or where the harbourmaster does not have a delegation under section 48 of the Act, another suitable delegate whom the Director may approve for this purpose;
    - (ii) one person holding a current pilot licence of the highest grade for that pilotage area; and
    - (iii) one person holding a current pilot licence or PEC for that pilotage area, or, where the persons referred to in (i) and (ii) can provide sufficient local pilotage knowledge, a suitably experienced person holding a current pilot licence for another pilotage area.
- (3) Where the requirements for an examiner in subrule (2)(a) cannot reasonably be met, the practical component may be conducted by a person who holds a current pilot licence of the highest grade for that pilotage area, providing that a separate practical evaluation of the examinee is conducted by another suitably qualified and experienced pilot, approved by the harbourmaster.

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<sup>35</sup> A ship operator may develop a proficiency plan for approval by the Director, which permits the annual assessments of PEC holders required under Rule 90.66(c), or assessments to meet the requirements of rule 90.110(b)(ii) and 90.110(c), to be carried out by suitably experienced and trained PEC holders (generally senior Masters) nominated for that purpose. Details are provided in the Advisory Circular to Part 90.

<sup>36</sup> These rules relate to assessment and examination procedures and include: procedural requirements for examinations (35.51), examination results (35.53) extra sea service or training (35.54) and conduct of examinations (35.52).

<sup>37</sup> The Harbourmaster must hold a delegation from the Director of powers under section 48 of the Maritime Transport Act 1994 in respect of the conduct of examinations and tests. Where the harbourmaster does not have this delegation, the Director may approve another suitable delegate to be part of the examination panel.

- (4) An examination for the issue of a higher grade pilot licence for a pilotage area must include, as a minimum—
  - (a) a practical component conducted in accordance with subrules (2)(a) or (3); and
  - (b) oral questions, conducted by a panel of at least two persons, including the Harbourmaster and one person holding a current pilot licence of the highest grade for that pilotage area.

**90.113 Conduct of examinations for issue of a PEC**

- (1) The examination processes included in a structured training programme for the issue of a PEC, or endorsement of an existing PEC for an additional pilotage area, must comply with the relevant provisions of rules 35.51 to 35.54 part of Part 35.
- (2) Examinations for the issue of a PEC or endorsement of an existing PEC for an additional pilotage area must include—
  - (a) a practical component, conducted by a person, approved by the harbourmaster for that purpose, who holds a current pilot licence for that pilotage area of a grade that would enable the holder to pilot the ship or ships, or size and type or category of ship for which the PEC or endorsement is sought;
  - (b) a written component in a formal examination setting, including as a minimum, a blank chart examination of the pilotage area for which the PEC is to be issued or endorsed; and
  - (c) oral questions, conducted by a panel of at least two persons approved by the Director including—
    - (i) the harbourmaster, or where the harbourmaster does not have a delegation under section 48 of the Act, another suitable delegate whom the Director may approve for this purpose; and
    - (ii) one person holding a current pilot licence of a grade sufficient to pilot the ship or ships, or size and type or category of ship, for that pilotage area.

**90.114 Examiners and assessors**

Where this Part requires persons who conduct assessments and examinations to hold a specified pilot licence or PEC, and persons meeting those requirements are not reasonably available to conduct those assessments or examinations, the Director may approve other suitably qualified and experienced persons as the Director considers appropriate to perform those functions.

**90.115 Continuing professional education (CPE) programmes for pilots**

- (1) CPE programmes for pilots as required in rule 90.49(c) must include—
  - (a) training to update pilots on developments in bridge and navigational technology;
  - (b) training in risk assessment and mitigation;
  - (c) training in any changes or developments to any laws or regulations in the maritime industry;
  - (d) refresher training in pilotage practices and procedures<sup>38</sup>, including the exercise of emergency scenarios;
  - (e) communications (including any cultural considerations); and
  - (f) briefings on any changes to relevant port or harbour safety management systems and risk assessments.
- (2) The CPE programme described in subrule (1) must be part of a structured training programme or proficiency plan approved by the Director.
- (3) Elements of the CPE programme may be provided by a training provider acceptable to the Director.

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<sup>38</sup> This refresher training should include training on ship simulators or manned models.



## Subpart G: Revocation and transitional and savings provisions

### 90.121 Revocation

Part 90 of the Maritime Rules which came into force on 1 April 2003, and any subsequent amendments to Part 90 made before 1 April 2011 are hereby revoked.

### 90.122 Activation of compulsory pilotage areas

The pilotage requirements prescribed in rules 90.23 and 90.24 will apply to—

- (a) all pilotage areas listed in Appendix 1 from 1 April 2011; and
- (b) the individual pilotage areas listed in Appendix 2, from dates that may be determined by the Director, where he or she considers the application of those pilotage requirements is necessary in the interests of maritime safety or marine protection.

### 90.123 Transitional and savings provisions

- (1) Subject to subrule (2), a pilot licence that—
  - (a) was issued in accordance with Part 90 before 1 April 2011; and
  - (b) was in force before 1 April 2011;
 shall be deemed to be a pilot licence issued in accordance with this Part.
- (2) A pilot licence deemed to be issued in accordance with this Part in subrule (1) will be valid until the earlier of—
  - (a) 1 April 2012; or
  - (b) the date of expiry of the licence; and
  - (c) be subject to—
    - (i) the general requirements under rule 90.44;
    - (ii) the currency requirements under rule 90.45(a); and
    - (iii) the recent experience requirements specified by the Director in accordance with rule 90.81(1).
- (3) The requirements of rule 90.49(c) will not apply to the first renewal of a pilot licence that is deemed to be issued in accordance with subrule (1).
- (4) The holder of a deemed pilot licence that is renewed on or before 1 April 2012 must complete a programme of CPE for pilots that meets the requirements of rule 90.115 no later than 1 April 2015.
- (5) Subject to subrule (6), a master's pilotage exemption<sup>39</sup> that—
  - (a) was issued in accordance with Part 90 before 1 April 2011; and
  - (b) was in force before 1 April 2011;
 shall be deemed to be a PEC issued in accordance with this Part.
- (6) A PEC deemed to be issued in accordance with this Part in subrule (5) will be valid until—
  - (a) 1 April 2013; and
  - (b) be subject to—
    - (i) the general requirements under rule 90.65;
    - (ii) the currency requirements under rule 90.66(a); and
    - (iii) the recent experience requirements specified by the Director in accordance with rule 90.81(1).
- (7) Except as provided for in subrule (8), an exemption from a requirement under Part 90 that was issued under section 47 of the Maritime Transport Act 1994 before 1 April 2011 shall—
  - (a) be deemed to be an exemption from the corresponding requirement under this Part; and

<sup>39</sup> Master's pilotage exemption is the corresponding term for a PEC used in the previous Part 90.

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- (b) remain in force until the earlier of—
  - (i) the date of expiry of the exemption, if applicable, or
  - (ii) the date that the exemption is withdrawn by the Director.
- (8) An exemption that was issued under section 47 of the Act from the requirement in rule 90.5(2) in force before 1 April 2011<sup>40</sup> shall be—
  - (a) deemed to be a PEC issued in accordance with this Part;
  - (b) be valid until 1 April 2013;
  - (c) be subject to—
    - (i) the general requirements under rule 90.65;
    - (ii) the currency requirements under rule 90.66(a); and
    - (iii) the recent experience requirements specified by the Director in accordance with rule 90.81(1).
- (9) A training course approved by the Director under rule 90.14 in force before 1 April 2011<sup>41</sup> will be deemed to be an approved structured training programme for the purposes of this Part until 1 April 2012.
- (10) The requirement under rule 90.22(b) (person or organisation providing pilotage to have a proficiency plan approved by the Director in accordance with rule 90.103) shall not apply until 1 April 2012.
- (11) The first annual assessments of proficiency required after 1 April 2011 under rules 90.45(1)(c) and 90.66(1)(c) must be satisfactorily completed no later than 1 April 2013.
- (12) The requirement under rule 90.1(2) shall not apply to tugs and tows until 1 April 2012.
- (13) For the purposes of Schedule 2 of the Shipping (Charges) Regulations 2000 (SR 2000/269), any reference to a master's pilotage exemption shall be deemed to be a reference to a PEC.

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<sup>40</sup> Rule 90.5(2) in the revoked Part 90.

<sup>41</sup> Rule 90.14 in the revoked Part 90.

## Appendix 1: Pilotage areas and limits

Pilotage area	Area description	Limits
Bay of Islands	All the waters within the harbour of the Bay of Islands, whose outward seaward limit is a line commencing at high-water mark at the eastern extremity of Tapeka Point, and proceeding in a direction 350 degrees true to high-water mark at the eastern extremity of Black Rocks; then proceeding in a direction 019 degrees true to high-water mark at the eastern extremity of Harakeke Island; then proceeding in a direction 271 degrees true to high-water mark on the mainland.	500 gross tonnage
Whangarei	All the waters comprised within the Harbour of Whangarei having their outward seaward limit a right line drawn in a direction 270 degrees true from Busby Head to the shore, and in addition, those waters enclosed within parallel lines drawn one mile on either side of a right centre line drawn in a direction 140 degrees true for a distance of 4.5 miles from Marsden Point inner leading beacon, the outward seaward limit being bound by a right line drawn in a direction 050/230 degrees true through the seaward extremity of the right centre line.	500 gross tonnage
Auckland	The area of tidal waters inside a straight line drawn from the northern extreme of the eastern head of the Tamaki River to the southern extreme of Park Point (Te Roreomaiaaea); then by the high water mark of ordinary spring tide to the northern extreme of the western entrance to Owhanake Bay; then by a straight line to the south-western most point of Rakino Island; then by a straight line from the northernmost point of Rakino Island to Shearer Rock, then by a straight line to the southernwest extreme of Tiritiri Matangi Island, then by a straight line to the southeastern extreme of Whangaparaoa Peninsula.	500 gross tonnage
Manukau	All waters bounded to seaward by the arc of a circle radius 4 miles centred on Paratutae Island (37°02.9'S, 174°30.6'E).	500 gross tonnage
Tauranga	The area comprising the Bay of Plenty Harbour bounded by an arc of a circle of radius 3 miles centred on North Rock and including all the commercial area of Tauranga Harbour.	250 gross tonnage
Gisborne	The area bounded seaward by the arc of a circle, radius 3 miles, centred on the southern end of Butlers wall (38°40.6'S, 178°01.2'E).	500 gross tonnage
Napier	The area comprising all port waters between latitudes 39°25'S and 39°29'S, to west of longitude 176°59'E.	500 gross tonnage or 40 metres length overall
Taharoa Terminal	The area bounded by the seaward arc of a circle radius 3 miles centred on the terminal pumping station (38°10.6'S, 174°42.4'E)	500 gross tonnage
Taranaki	The area bounded by the seaward arc of a circle radius 2.5 miles centred on Mount Moturoa (39°03.8'S, 174°01.7'E).	100 gross tonnage
Wellington	The area of enclosed water inside the harbour inside an arc of a circle of 3.85 miles radius and having its centre at a point on the outer rock in the Harbour of Wellington, such point being in position 41°20.96'S, 174°50.1' E.	500 gross tonnage
Nelson	The area bounded by the seaward arc of a circle, radius 3 miles, centred on Boulder Bank Old Lighthouse (41°15.3'S, 173°15.9'E).	40 metres length overall

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Pilotage area	Area description	Limits
Pelorus Sound / Te Hoiere, Admiralty Bay, and Te Aumiti / French Pass	All that area contained within Pelorus Sound / Te Hoiere having as its seaward boundary, in the north a straight line drawn in a direction 353 degrees true from high water mark at Alligator Head (40°58.1'S, 174°09.3'E) to high water mark at Sentinel Rock (40°53.9'S, 174°08.6'E) then in a direction 277 degrees true to high water mark at Bonne Point, Rangitoto kit e Tonga / D'Urville Island (40°51.6'S, 173°54.8'E) and in the south a straight line drawn in a direction 005 degrees true from high water mark at Okuri Point (40°58.4'S, 173°46.0'E) to high water mark at Sauvage Point, Rangitoto kit e Tonga / D'Urville Island (40°56.5'S, 173°46.2'E).	500 gross tonnage
Queen Charlotte Sound / Tōtaranui	All that area of water inside a line drawn from Cape Koamaru to Kemp Point at the seaward limit and north of a line from Dieffenbach Point in a direction 090 degrees true to the shore of Arapaoa Island at the western end of Tory Channel.	500 gross tonnage
Tory Channel / Kura Te Au	All that area of water within Tory Channel bound at the seaward limit by the arc of a circle, radius 3.5 miles, centred on West Head Light (41°12.8'S, 174°18.9'E) and south of a line from Dieffenbach Point in a direction 090 degrees true to the shore of Arapaoa Island at the western end of Tory Channel.	350 gross tonnage
Westport	The area within the Buller River and a circle centred on the signal station light on the west breakwater with a radius of 1.5 miles extending from Carters Beach at mean high water springs around to North Beach at mean high water springs.	100 gross tonnage or 3 metres draught
Lyttelton	The area having a seaward limit east of a line joining Awaroa / Godley Head and Adderley Head.	500 gross tonnage or 40 metres length overall
Timaru	The area within an arc of a circle radius 2.5 miles centred on a light exhibited from Eastern Extension Mole Spur Breakwater Head (44°23.2'S, 171°16.0'E).	500 gross tonnage or 40 metres length overall
Otago	The area where the seaward limit is a line drawn in a direction 020 degrees true for 3 miles from Heyward Point (45°45.5'S, 170°41.5'E), then in a direction 126 degrees true for 1.75 miles, and then in a direction 200 degrees true to Howletts Point on the West side of Tairaroa Head.	500 gross tonnage
Bluff	The area where the seaward limit is the arc of a circle, radius 2 miles, centred on Stirling Point (46°36.7'S, 168°21.6'E).	100 gross tonnage
Stewart Island / Rakiura	The area where the seaward limit is a line from Chew Tobacco Point, then to Kanetoetoe Island, then to Zero Rock, then to Gull Rock.	500 gross tonnage

## Fiordland pilotage areas

Pilotage area	Area description	Limits
Milford Sound / Piopiotahi	The area of the sea and tidal waters of Milford Sound south of a straight line drawn from Saint Anne Point in a direction 090 degrees true direction to the opposite shore, and including the wharf limits at Deep Water Basin.	500 gross tonnage
Poison Bay	Being all that area of the sea and tidal waters inside a straight line from Seabreeze Point in a direction 215 degrees true to the opposite shore.	500 gross tonnage
Sutherland Sound	Being all that area of the sea and tidal waters inside a straight line from Jagged Rock in a direction 060 degrees true to the opposite shore.	500 gross tonnage
Bligh Sound	Being all that area of the sea and tidal waters inside a straight line from Tommy Point to Chasland Head.	500 gross tonnage
George Sound	Being all that area of the sea and tidal waters inside a straight line from the west head at George Sound entrance in a direction 090 degree true to the opposite shore.	500 gross tonnage
Caswell Sound	Being all that area of the sea and tidal waters inside a straight line from McKerr Point in a direction 030 degrees true to the opposite shore.	500 gross tonnage
Charles Sound	Being all that area of the sea and tidal waters inside a straight line from Hawes Head in a direction 090 degrees true to the opposite shore.	500 gross tonnage
Nancy Sound	Being all that area of the sea and tidal waters inside a straight line from Burnett Point to Anxiety Point.	500 gross tonnage
Doubtful Sound / Patea and Thompson Sound	Being all that area of the sea and tidal waters inside a straight line from Febrero Point to Southwest Point on Secretary Island and from Colonial Head to Shanks Head.	500 gross tonnage
Dagg Sound	Being all that area of the sea and tidal waters inside a straight line from Castoff Point to Towing Head.	500 gross tonnage
Breaksea and Dusky Sounds	Being all that area of the sea and tidal waters inside a straight line from Rocky Point to North Point of Breaksea Island and from the West Point of Breaksea Island in a direction 180 degrees true to the opposite shore and from Five Finger Point to South Point.	500 gross tonnage
Chalky Inlet	Being all that are of the sea and tidal waters inside the arc of 6.5 miles radius centred on Surf Head.	500 gross tonnage
Preservation Inlet	Being all that area of the sea and tidal waters inside a straight line from Gulches Head to Lee Head and across Otago Reach at its narrowest width.	500 gross tonnage

## **Appendix 2: Pilotage areas for future activation**

Pilotage will not be compulsory in the areas listed in this Appendix until such time as may be determined by the Director in accordance with rule 90.122.

Pilotage area	Area description	Limits
Akaroa	The area of Akaroa Harbour North of a line drawn between Akaroa Head and Timutimu Head.	500 gross tonnage or 40 metres length overall
Whanganui	All waters encompassed in an arc of a circle radius 2.65 miles centred on North Mole Head light (39°57.0'S, 174°58.8'E).	500 gross tonnage
Greymouth	The seaward arc of a circle, radius 2 miles centred on the main harbour light (42°26.6'S, 171°11.5'E).	500 gross tonnage